TAHOE REGIONAL PLANNING AGENCY

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

STAFF REPORT

Date: September 20, 2018

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Dierking Single Family Dwelling Addition, 220 North Lake Drive, Washoe County, Nevada; Assessor's Parcel No: 123-161-01; TRPA File No: ERSP2018-0454

Proposed Action:
Hearings Officer action on the proposed project and related findings based on this staff summary and the draft permit (Attachment A).

Staff Recommendation:
Staff recommends the Hearings Officer make the required findings and approve the project subject to the special conditions in the draft permit.

Project Description:
The proposed project involves construction of a two-story addition to an existing single-family dwelling in Crystal Bay, Nevada, in conformance with TRPA regulations. The project includes a new entryway, new decks, and new exterior stairs. The project also includes the installation of water quality best management practices (BMPs) and the removal of an unauthorized stone patio on the south side of the residence. This project requires special use findings due to its location in a potential avalanche area.

Site Description:
The affected property is a 14,890 square foot lot that has an east-facing 14-percent slope. The affected property is located on a TRPA highway scenic travel route (State Route 28) and is partially visible from Lake Tahoe, but from a distance of more than 400 feet. The property is not located on the shore of Lake Tahoe. The property is well vegetated with pine and native shrubbery.

The affected property is located in TRPA Plan Area Statement (PAS) 034 - Crystal Bay, a residential PAS that allows single family dwellings as a special use due to potential avalanche danger in the area. Although this property has had prior TRPA actions, the required special use findings have not been made and the proposed project requires Hearings Officer review for this reason.

Issues:
The proposed project involves a special use determination and therefore requires Hearing Officer review in accordance with Chapter 2, Subsection 2.2.2.A.2.a of the TRPA Code. All other issues are discussed in the following staff analysis:

Staff Analysis:

A. Environmental Documentation: Single family dwellings are exempt from the requirement to prepare an environmental document. TRPA staff completed Article V(g) Findings in accordance with Chapter 4 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.

B. Plan Area Statement: The Land Use Classification of PAS 034 is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the planning statement, planning considerations, and special policies. The proposed single-family dwelling is a special use in PAS 034 due to potential avalanche hazard.

C. Land Coverage: The project area is 14,890 square feet. Allowable land coverage (Bailey Class 4) is 20-percent of the project area, or 2,978 square feet. In 2001, TRPA verified 3,677 square feet of existing on-site land coverage for the project area (TRPA File No. 20010863STD). Land coverage will be reduced by 66 square feet after installation of pervious land coverage in accordance with land coverage credits allowed in Subsection 30.4.6.D of the TRPA Code. This land coverage may be banked or applied toward the excess land coverage mitigation fee required in Chapter 30 of the Code. To qualify for pervious land coverage exemptions, the applicant shall be required to mitigate all excess land coverage on the property. New land coverage associated with the project is a result of land coverage credits applicable to this project and no land coverage relocation findings are necessary for this reason. The draft permit requires removal of an unauthorized patio constructed on the south side of the existing residence. Land coverage associated with this patio is not eligible for relocation or banking.

D. Height: The proposed height of the residence is 38-feet, 3-inches, inches, which is below the maximum allowed height of 39-feet, 6-inches based on a 14-percent slope across the building site and a 12:12 roof pitch.

Required Actions:
Staff recommends that the Hearings Officer take the following actions:

1. Approve the project, based on the staff summary, and record evidence, subject to the conditions contained in the attached Draft TRPA Permit (Attachment B).

Contact Information:
For questions regarding this project, please contact Tiffany Good, Senior Planner, at (775) 589-5283 or at tgood@trpa.org.

Attachments:
A. Required Findings
B. Draft Permit
C. Project Plans

Attachment A

Required Findings

Required Findings:

The following is a list of the required findings as set forth in Chapters 4, 21, 30 and 37 of the TRPA Code of Ordinances. Following each finding, agency staff has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – Required Findings:

   (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

   Based on the findings provided in Article V(g) Findings Checklist, there is sufficient evidence in the project file to make this finding. There is no evidence showing the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Scenic Quality, Public Service and Facilities, or Implementation sub-elements of the Regional Plan. The project, as conditioned, will not adversely affect the implementation of any applicable elements of the Regional Plan.

   (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

   TRPA staff has completed the Article V(g) findings in accordance with Section 4.4.2 of the TRPA Code of Ordinances. All responses indicate compliance with the environmental threshold carrying capacities.

   (c) Wherever federal, state, or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

   The project, as conditioned, will not have an adverse impact on applicable air and water quality standards for the Region.

2. Chapter 21 – Special Use Findings:

   (a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

   A single-family dwelling is an appropriate use of the subject parcel, and is consistent with the residential land use classification of PAS 034. The scale and intensity of the proposed project is comparable to existing development on surrounding parcels and will not result in impacts due to incorporation of articulated building facades and roof

planes, landscaping, and exterior colors that integrate with the surrounding natural environment. The project conforms to density standards of one unit per parcel and includes the installation of permanent water quality Best Management Practices.

(b) The project to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners.

A 1993 avalanche hazard study by Snowbridge Associates indicates that the project area is not within an avalanche area. However, consistent with TRPA past actions, the applicant shall be required to record a TRPA deed restriction to hold TRPA harmless for properties in potential avalanche areas as a condition of approval in the TRPA permit.

The applicant will install temporary and permanent Best Management Practices to protect the land, water, and air resources of the subject property and that of the surrounding property owners.

(c) The project, to which the use pertains, will not change the character of the neighborhood or detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed project involves an addition to an existing single-family dwelling. The project is consistent with the land uses, special policies and considerations in PAS 034 – Crystal Bay. The existing neighborhood is surrounded by other residential dwellings of similar size and height. For these reasons, the project will not change the character of the neighborhood in which it is located.

3. Chapter 37 - Additional Height Findings:

(a) When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline. For height greater than set forth in Table 37.4.1-1 for a 5:12 roof pitch, the additional height shall not decrease the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

The proposed height (38-feet, 3-inches above natural grade) is below the maximum height allowed in the TRPA Code. The affected single-family dwelling is downslope from a TRPA scenic highway and the addition, primarily on the back of the house facing away from the highway, will not cause the structure to extend above the forest canopy or ridgeline when viewed from a distance of 300 feet from any designated scenic viewpoint. The project is not within the shoreland area of Lake Tahoe and therefore not subject to the TRPA visual regulations applicable to shoreland structures, including, but not limited to visual magnitude.

(b) When outside a community plan, the additional height is consistent with the surrounding uses.

The proposed project is located outside of a community plan. Because of the steep slopes in the area and TRPA's way of measuring allowed height (e.g., from the low point of the structure to the highest roof ridge) the majority of the surrounding residential development building height is at or near the height of the proposed project, therefore the additional height is consistent with the surrounding uses.

(c) The maximum building height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof.

The maximum building height at any corner of two exterior walls is not greater than 90 percent of the maximum building height as measured on the plan set submitted with the project application.

Attachment B

Draft Permit

DRAFT PERMIT

PROJECT DESCRIPTION: Single Family Dwelling Addition APN: 123-161-01

PERMITTEE(S): John & Lisa Dierking FILE No. ERSP2018-0454

COUNTY/LOCATION: 220 Northlake Dr., Crystal Bay, Washoe County, NV

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on September 27, 2018, subject to the standard conditions of approval attached hereto (Attachment R).

This permit shall expire on September 27, 2021, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO *DEMOLITION,* TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

(1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
(2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
(3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
(4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

_____ _____

TRPA Executive Director/Designee Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s)_____ Date_____

PERMIT CONTINUED ON NEXT PAGE

APN 123-161-01
FILE NO. ERSP2018-0454

Excess Coverage Mitigation Fee (1): Amount $_____ Paid _____ Receipt No._____

Security Posted (2): Amount $_____ Type ___ Paid _____ Receipt No._____

Security Administrative Fee (3): Amount $_____ Paid _____ Receipt No._____

Notes:

(1) Amount to be determined. See Special Condition 3. C, below.
(2) Amount to be determined. See Special Condition 3. E, below.
(3) $152 if a cash security is posted, or $135 if a non-cash security is posted.

Required plans determined to be in conformance with approval: Date: _____

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date:

_____ _____

TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This permit specifically authorizes a two-story addition, with decks and attached garage, to an existing single family dwelling on 14-percent slope building site. In 2001, TRPA verified 3,677 square feet of existing on-site land coverage within the project area (TRPA File No. 20010863STD). Total allowable land coverage for the project is 2,978 square feet (20-percent) based on a lot size of 14,890 square feet in Land Capability Class 4 soil. Land coverage in the project area will be reduced by 66 square feet after installation of pervious land coverage in accordance with Subsection 30.4.6.D of the TRPA Code. This land coverage reduction may be banked or applied toward the excess land coverage mitigation fee described in Special Condition 3C, below. The proposed building modifications will be partially visible from Nevada State Route 28 (a TRPA scenic travel route) and visible from Lake Tahoe from a distance greater than 400 feet.

2. The Standard Conditions of Approval listed in Attachment R shall apply to this permit.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

   A. The site plan shall be revised as follows:

(1) The location of all proposed staging areas shall be indicated on the final site plan. Staging areas shall conform to the requirements of Section 36.12 and other applicable sections of the TRPA Code.

(2) The unauthorized retaining wall and stone patio on the south side of the house shall be illustrated on the final plans. In addition, a note shall be added to the final plans that states that the patio shall be removed and the affected areas shall be revegetated.

B. The site plan shall be revised to include the location of the buried drainpipe connected to the existing "drain inlet" (located midway along the driveway and illustrated on Sheet A1.0), and storm water infiltration device(s) for this drainage feature.

C. The affected property has approximately 633 square feet of existing excess coverage. To be eligible for the permeable paver or pervious deck coverage exemptions, the permittee must mitigate all of the excess coverage on this property by removing land coverage within Hydrologic Transfer Area 9 (Agate Bay), or by submitting an excess coverage mitigation fee equal to $18 per square foot of coverage. Onsite land coverage removal may be credited toward this fee or banked for future use. Please note that prior land coverage transfers to the project area (if any) may also be deducted from the amount of excess land coverage on the property. Evidence of these transfer(s) shall be presented to TRPA at the time of permit acknowledgement.

D. Provide details of the proposed pervious pavers (pervious coverage), including the manufacturer's instructions for installation and maintenance to ensure permeability. Note that the pervious coverage may not be placed directly onto a compacted surface, must have a base that has runoff retention capabilities, and must have redundant storm water runoff BMPs.

E. The security required under Standard Condition A.3 of Attachment R shall be 110% of the estimated cost of BMPs, but not less than $3,500. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

F. The project is located within Plan Area Statement No. 034 – Crystal Bay, which indicates that the project site may be subject to avalanches. For this reason, the permittee shall record a TRPA approved deed restriction to hold TRPA harmless from any and all liabilities.

a. The permittee shall provide TRPA with the latest recorded grant deed for the subject parcel. Upon submittal of the grant deed, TRPA will provide the deed restriction to be recorded against the parcel.

b. The permittee shall record the provided deed restriction with the Washoe County Recorder's Office.

c. A copy of the recorded deed restriction or the original recorded deed shall be provided to TRPA.

G. The final elevation drawings shall have notes indicating conformance to the following design standards for color, roofs, and fences:

(1) Color: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, and umber.

(2) Roofs: Roofs shall be composed of non-glare earthtone or woodtone materials that minimize reflectivity.

(3) Fences: Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.

4. The permittee is responsible for insuring that combustion appliances for the project, as built, shall conform to the requirements outlined in the TRPA Code of Ordinances, Subsection 65.1.4.

5. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

6. No trees shall be removed (other than those shown on the approved site plan) or trimmed for view enhancement purposes without prior TRPA written approval as per the conditions of the Landscape and Revegetation Plan. The trees on this parcel shall be considered as scenic mitigation and shall not be removed or trimmed for the purposes of view enhancement. Any such removal or trimming shall constitute a violation of project approval.

7. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

8. This site shall be winterized in accordance with the provisions of Attachment R by October 15th of each construction season.

9. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or

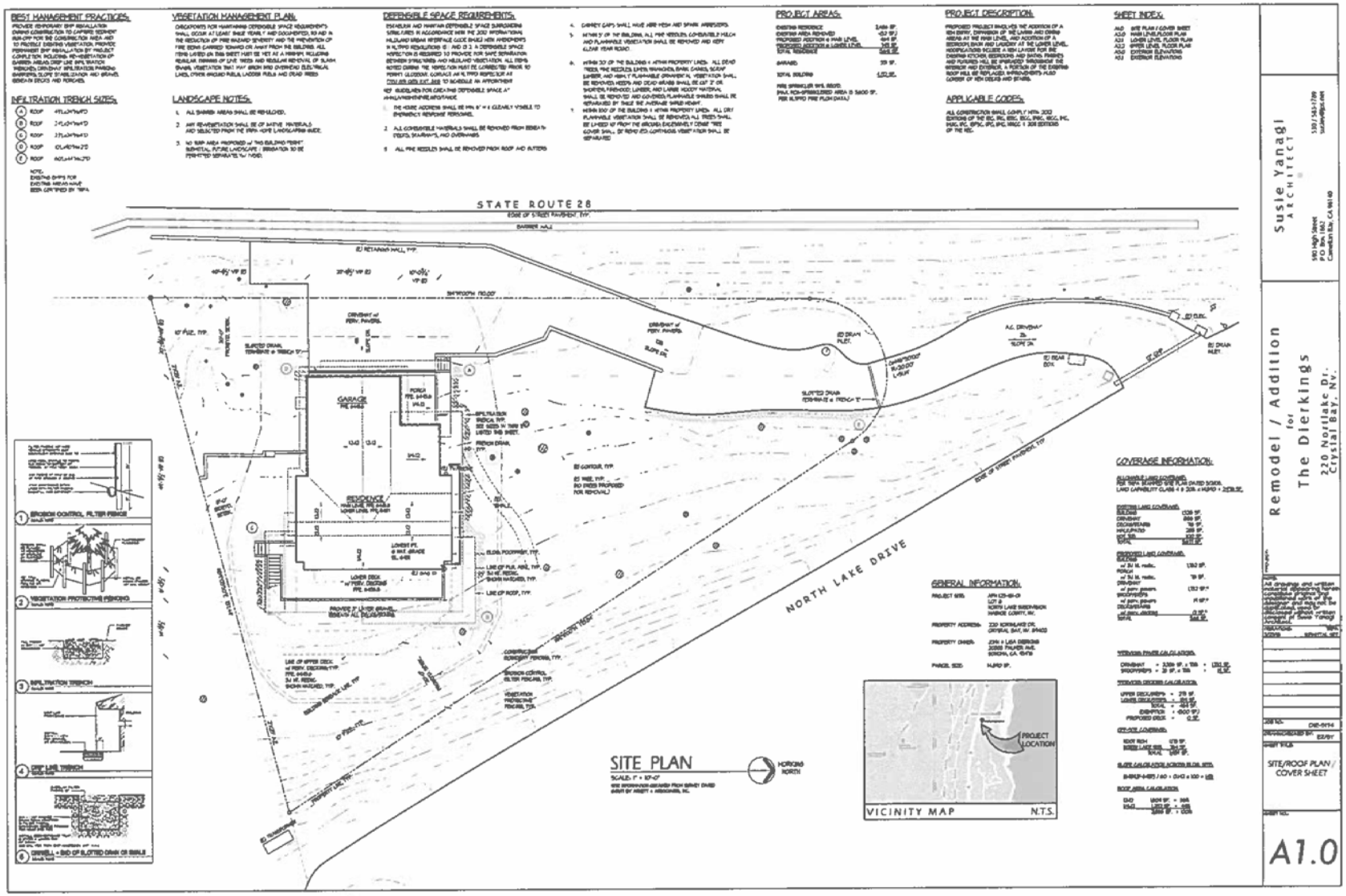
damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT

Attachment C

Project Plans


BEST MANAGEMENT PRACTICES:
VEGETATION MANAGEMENT PLAN:
DEFENSIBLE SPACE REQUIREMENTS:
PROJECT AREAS:
PROJECT DESCRIPTION:
SHEET INDEX:
INFILTRATION TRENCH SIZES:
LANDSCAPE NOTES:
APPLICABLE CODES:
STATE ROUTE 28
NORTH LAKE DRIVE
SITE PLAN
SCALE: 1" = 10'-0"
VICINITY MAP
N.T.S.
PROJECT LOCATION
COVERAGE INFORMATION:
GENERAL INFORMATION:
Susie Yanagi
ARCHITECT
Remodel / Addition
for
The Dierkings
220 Northlake Dr.
Crystal Bay, Nv.
SITE/ROOF PLAN/
COVER SHEET
A1.0