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## MEMORANDUM

Date: May 25, 2017

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Linear Public Service, Transportation Routes, Placer County, APN 530-101-00, TRPA File Number ERSP2017-0394

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**Requested Action:** Hearings Officer action on the proposed project and a finding of no significant environmental effect.

**Staff Recommendation:** Staff recommends the Hearings Officer make the required findings (Attachment A) and approve the proposed project based on this staff summary and the evidence contained in the project record. The recommended conditions of approval are contained in the attached Draft Permit (see Attachment B).

**Project Description/Background:** The proposed project is for grading and paving within Placer County right-of-way in order to provide access to parcel 090-030-045 for development of a new single family dwelling (approved through Placer County permit TRP16-90087). The paved access will be approximately 120 feet long and 10 feet wide and will be built in accordance with all County and Fire Department standards. 1,244 square feet of land coverage will be transferred in for the project. An infiltration trench will be constructed on the south side of the paved access road, and will be sized to capture and infiltrate a 20 year/1 hour storm event.

**Site Description:** The project area is located within Placer County right-of-way, near the intersection of Cutthroat Avenue and Beaver Street. The project area is verified land capability Class 5, per Placer County file TRP15-90018.

**Issues/Concerns:** The project is located within Plan Area Statement 031- Brockway. Transportation Routes is a special use within this Plan Area Statement and therefore requires Hearings Officer review in accordance with Chapter 2 of the TRPA Code of Ordinances.

**Regional Plan Compliance:** The proposed project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, and there is support for all required findings in Chapters 4, 21, and 30 of the TRPA Code of Ordinances (see Attachments A for details).

**Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. TRPA staff has completed the "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Subsection 4.4.2 of the TRPA Code of Ordinances. All responses contained

on said checklist indicate compliance with the environmental threshold carrying capacities. Copies of the completed IEC and V(g) checklist will be made available at the Hearings Officer hearing and at TRPA.

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

- I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.
- II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.

Contact Information: If you have any questions, please contact Julie Roll, Associate Planner at [jroll@trpa.org](mailto:jroll@trpa.org) or (775) 589-5247.

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. Site Plan

Attachment A

Required Findings/Rationale



## Required Findings/Rationale

The following is a list of the required findings as set forth in Chapters 4, 21, and 33 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or 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 on the Initial Environmental Checklist and the Article V(g) Findings Checklist, there is sufficient evidence in the project file to make this finding. The proposed project is compatible with surrounding linear public facilities, is not growth inducing, and with the special permit conditions will meet all TRPA Codes and Ordinances.

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

TRPA staff has completed the “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 4, subsection 4.4 of the TRPA Code of Ordinances. All responses on said checklist indicate compliance with the environmental threshold carrying capacities. Also, no significant environmental impacts were identified on the Initial Environmental Checklist (IEC) prepared by the applicant. Staff has concluded that the project will not have a significant effect on the environment.

- (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 TRPA Compact, the project meets or exceeds such standards.

All potential effects are temporary and shall be mitigated through temporary and permanent Best Management Practices (BMPs). The applicant will meet or exceed all federal, state, or local water quality standards. Upon completion of construction, the project will have no impact upon water quality standards.

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.

The proposed project will provide the only means of access to the applicant’s vacant residential parcel (090-030-045), which has been approved for development by Placer County (permit TRP16-90087). Construction of the new single family residence will

result in additional daily vehicle trips, which will be mitigated with an Air Quality Mitigation Fee.

- (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.

Temporary BMPs will be installed to mitigate potential environmental impacts to water quality during the construction of the road surface and rock lined ditches. No long term impacts or inconveniences are anticipated during or after the construction of the project.

- (c) The project, to which the use pertains, will not change the character of the neighborhood, 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 project provides a necessary access route to a vacant residential property and will not have a negative effect on the neighborhood or community.

3. Chapter 30 – Land Coverage Findings:

- (a) The project complies with the required findings for additional public service facilities if required pursuant of Section 50.8

There is a demonstrated need for this project as it would provide access to a buildable vacant residential parcel. Placer County has reviewed and approved construction of a new single family residence on the vacant parcel. This project complies with all of TRPA Goals and Policies, the applicable Plan Area Statement, and TRPA Code.

- (b) There are no feasible alternatives that would reduce land coverage.

There is no feasible alternative that would reduce the land coverage for this project as there is no other means of access to the applicant's adjacent property which they desire to develop.

- (c) The project because of its unusual configuration or service requirement, requires special consideration.

Due to its unique configuration, the property which is in need of access over a public road right-of-way needs special consideration in meeting this requirement. Without this special consideration, the applicant would not be able to enjoy similar rights of use as other property owners in the area.

- (b) The facility primarily serves the needs of persons other than those who are, or will be residents of the lands in question, or the owners of the land in question.

This project proposes to make improvements to County right-of-way in order to access a private property.





Attachment B

Draft Permit



**DRAFT PERMIT**

PROJECT DESCRIPTION: Linear Public Service- Transportation Routes

PERMITTEE: Christopher Black

APN: 530-101-00 FILE: ERSP2017-0394

COUNTY/LOCATION: Placer County/ Cutthroat Avenue

Having made the findings required by Agency ordinances and rules, TRPA Hearing's Officer approved the project on June 1, 2017 subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on June 1, 2020 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 GRADING OR CONSTRUCTION OR SHALL COMMENCE UNTIL:**

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEES HAVE 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 MAY BE NECESSARY TO OBTAIN A COUNTY 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

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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 \_\_\_\_\_ Date \_\_\_\_\_

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(PERMIT CONTINUED ON NEXT PAGE)

**APN 530-101-00**  
**FILE NO. ERSP2017-0394**

Security Posted (1): Amount \$5,000 Posted \_\_\_\_\_ Type \_\_\_\_\_ Receipt No. \_\_\_\_\_

Security Administrative Fee (2): Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Off-Site Coverage Mitigation Fee (3): Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Notes:

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

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 and is eligible for a county building permit:

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

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***SPECIAL CONDITIONS***

- 1. This permit specifically authorizes the grading and paving of approximately 120 linear feet of Placer County right-of-way in order to provide access to parcel 090-030-045, which has been approved for construction of a new single family dwelling by Placer County (permit TRP16-90087). The grading/paving work shall take place entirely within the Placer County road right-of-way and will be constructed in accordance with County and Fire Service specifications. The applicant shall be responsible for transferring in 1,244 square feet of coverage for the completion of the paving work. This permit is for work within the Placer county right-of-way only and does not authorize any coverage or construction on parcel 090-030-045.
- 2. The Standard Conditions of Approval listed in Attachment Q 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 to include:
    - (1) Cross section for the paved area within the right-of-way
    - (2) Total cut/fill amounts
    - (3) Identification of construction equipment staging, material storage, and employee parking areas.

- B. The permittee shall transfer in 1,244 square feet of coverage into the Placer County right-of-way.
  - C. The security required under Standard Condition A.3 of Attachment R shall be \$5,000. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
  - D. The permittee shall submit three (3) sets of final construction drawings and site plans to TRPA for review and approval.
4. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction and demonstrating completion by Oct 15<sup>th</sup> of each construction season.
  5. Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate.
  6. All excess spoil material from excavation work shall be removed from the project area and disposed of at a site approved by TRPA.
  7. Dust control measures shall be in place during construction. Broadcast mulch shall not be permitted as a dust control measure within in 30 feet of structures.
  8. It is the permittee's responsibility to obtain authorization and maintain compliance with all applicable state, federal, and local regulations, at all times.
  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. 5

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.

10. This site shall be winterized in accordance with the provisions of Attachment Q by October 15<sup>th</sup> of each construction season.

END OF PERMIT

Attachment C

Site Plan





# Black Residence

Cuthroat Avenue  
 Kings Beach, CA  
 Placer County APN 090-030-045

Chris Black  
 Mickey LLC  
 1979 Cuthroat Drive  
 South Yuba, CA 95946  
 775.750.2518  
 toptherblack@yahoo.com



REVISION	DATE	DESCRIPTION
1	2016-06-21	DRIVE REALIGNMENT

JOB NUMBER	1422
FILE NUMBER	1422_A1K
ISSUE DATE	MAY 17, 2016
SUBJECT	PLAN CHECK
SCALE	1/8" = 1'-0" (UND)
TITLE	

## ENLARGED SITE PLAN & BMP CALCS

# A-01.2

THIS PLAN AND ALL INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF TGM ARCHITECT. NO PART OF THIS PLAN OR INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF TGM ARCHITECT.

ALLOWABLE LAND COVERAGE	
PER 110(2)(H)	72,500 SF
ALLOWABLE BASE LONG	5,446 SF
TOTAL	

  

PROPOSED LAND COVERAGE	
BUILDING	1,117 SF
DRIVEWAY	1,017 SF
DRIVEWAY	1,881 SF
TOTAL	5,446 SF

  

PERCENTAGE OF IMPERVIOUS SURFACE	
PERCENTAGE OF IMPERVIOUS SURFACE	1.24%

