

MEMORANDUM

Date: July 28, 2011
To: TRPA Hearings Officer
From: TRPA Staff
Subject: Subdivision Of Duplex Structure, 380 Alder Court, Washoe County, Nevada, Assessor's Parcel Number (APN) 124-043-09, TRPA File Number SUBD2010-0767.

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

Staff Recommendation: Staff recommends that the Hearings Officer make the required findings and approve the proposed project.

Required Actions: Staff recommends that the Hearings Officer approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

- I. Approve the findings contained in this staff summary.
- II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA permit.

Project Description/Background: The applicant is proposing to subdivide an existing multi-family dwelling duplex structure into two (2) separate single family dwellings, each on their own resultant parcel. No construction is proposed. The subdivision is part of a court approved settlement agreement and can be approved by TRPA. The resultant onsite land use, Single Family Dwellings, is a special use within Plan Area Statement 046, requiring TRPA Hearings Officer approval.

Site Description: The 0.2 acre property is located at the end of the cul-de-sac at 380 Alder Court, Incline Village, Nevada. The parcel is developed with a three-story duplex structure constructed in 1985. The flat lot has been verified as Land Capability Class 6. The parcel is over-covered with 610 square feet of legal excess coverage and more than 1,200 square feet of unauthorized coverage and disturbance (TRPA File #LCAP2009-0301). There are several large healthy pine trees onsite. The surrounding residential neighborhood includes both multi-family

and single family dwellings of similar scale and density. Unauthorized off-pavement storage of vehicles and trailers is evident on Alder Court.

Issues/Concerns: Compliance with General Improvement District Ordinances is the only issue that arose during environmental review. The Incline Village General Improvement District will require separation of the water services and installation of a new water meter (IVGID Water Ordinance Article 7.01). Similar requirements to separate services will apply to sewer and trash service. The Draft Permit directs the permittee to consult with IVGID (and Washoe County) for compliance with their requirements.

Regional Plan Compliance: The proposed project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapters 6 and 18 of the TRPA Code of Ordinances.

Contact Information: If you have any questions, please contact Patrick Dobbs, Associate Planner, at pdobbs@trpa.org or (775) 589-5215.

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. Regional Plan Compliance Analysis

Required Findings/Rationale

Chapter 6.3 – Threshold-Related Findings:

- (1) 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.

The proposed subdivision will not increase development potential and will assist to implement the Regional Plan (i.e. water quality improvements) including all applicable Goals and Policies, Plan Area Statement 046, the Code and other TRPA plans and programs.

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

The basis for this finding is provided on the checklists entitled “TRPA Initial Environmental Checklist” and “Project Review Conformance Checklist and Article V(g) Findings,” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklists indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklists will be made available at the Hearings Officer public hearing and at TRPA.

- (3) 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 will meet applicable federal, state, and local standards for air and water quality.

Chapter 18.1 – Special Use Findings:

- (1) 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.

Subdividing the structure will not change affect the scale or intensity of the parcel. The change in use from a multi-family duplex into two single family dwellings (sfd) complies with the 1 unit per parcel sfd density standard of PAS

046. The resultant single family dwellings are appropriate and will maintain the existing character of the neighborhood.

- (2) 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.

The proposed subdivision will not be injurious or disturbing to the health, safety, enjoyment of property, and will not adversely affect the general welfare of the neighborhood or region.

- (3) 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.

Since the project will not change the nature, scale, density, and intensity from what currently exists, the character of the neighborhood will not be affected.

APN 124-043-09
FILE NO. SUBD2010-0767

Air Quality Mitigation Fee (1): Amount \$2,137.51 Posted _____ Receipt No. _____

Security Posted (2): Amount \$2,000.00 Posted _____ Receipt No. _____ Type _____

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

Notes:

- (1) See Special Condition 2. D., below.
- (2) See Special Condition 2. E., below.
- (3) \$152 if cash/check security posted, \$135 for any other security 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 subdivision of the existing residential duplex structure located on Assessor's Parcel Number 124-043-09. A new shared parcel line will divide the structure and lot as shown on the site plan submitted to TRPA on December 3, 2010. The subdivision results in a change in use from a two (2) unit multi-family dwelling duplex on a single parcel, into two (2) separate single family dwellings each on their own resultant parcel. This project does not create additional development potential and the project area will remain in compliance with density standards. No new coverage shall be created as a result of this project.
2. Prior to permit acknowledgement and MBLA recordation with Washoe County, the following conditions of approval must be satisfied.
 - A. The site plan shall be revised as follows:
 - (1) Shade existing areas of unauthorized coverage and block off to prevent future encroachment. Label said areas: "Unauthorized coverage to be restored and parking bollards (i.e. posts, split-rail fences, boulders greater than 3 feet diameter, shrubs, etc) shall be installed to prevent vehicular access to unpaved areas. Boulder parking barriers shall be clustered and staggered to mimic natural conditions."

- (2) Snow storage locations pursuant to Section 30.5.C of the TRPA Code.
 - (3) Revise land coverage tables to include:
 - (a) Base allowable coverage calculations for pre- and post- project parcel configurations.
 - (b) Legally existing excess coverage for pre- and post- project parcel configurations.
- B. A revegetation and Best Management Plan (BMP) plan shall be submitted for TRPA approval. This plan shall include at a minimum:
- (1) A description of the site including the soil type and existing vegetation;
 - (2) A list of appropriate plant species to be used at the site and a plan showing where they will be planted;
 - (3) The number and size of shrubs to be used, if any;
 - (4) A description of the extent and methods of irrigation, if any;
 - (5) Specifications for site preparation and installation of plant materials;
 - (6) Calculations demonstrating that the proposed infiltration trenches are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event.
 - (7) Specifications and schedule for onsite care, including amount and method of application of fertilizers pursuant to the BMP Handbook; and
 - (8) Specification for long term plant care and protection, including parking barriers.
- C. The permittee shall submit three (3) copies of the revised site plan and BMP plan to TRPA for review and approval.
- D. The permittee shall provide the final Mylar Parcel Map, or similar document which is to be recorded, and two paper copies of the parcel map, for the approved subdivision. The final parcel map shall contain a signature block for TRPA to document regional approval.
- E. The permittee shall submit a \$2,137.51 air quality mitigation fee for the change in use from two multiple family dwellings (duplex) into two single family dwellings. This fee was calculated as follows:

Existing Multi-Family Apartment Vehicle Trips = 13.44 Daily Vehicle Trip Ends
 Approved Single Family Dwelling Vehicle Trips = 20 Daily Vehicle Trip Ends

6.56 x \$325.84/Residential Vehicle Trips = \$2,137.51 Air Quality Mitigation Fee

- F. The security required shall be \$2,000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. See Special Condition #6 for security return requirements.
 - G. The permittee shall acknowledge this permit.
3. Please be aware that Washoe County and the Incline Village General Improvement District (IVGID) may have specific requirements related to this subdivision. Known issues include separation of existing services and utilities including water, sewer, and trash. It is the permittee's responsibility to contact these agencies to ensure this project is in compliance with their requirements.
 4. Completion of project area Best Management Practices (BMPs) shall be no later than one year after recordation of the parcel map.
 5. The permittee shall provide TRPA with the Assessor's Parcel Numbers for the newly created parcels once assigned.
 6. The security required with this permit shall be returned when all the conditions of this permit are satisfied as evidenced by acknowledgement of this permit, and a copy of the final recorded Parcel Map and copies of BMP Certificates of Compliance for both resultant parcels have been provided to TRPA.
 7. No new coverage shall be created as a result of this permit. This permit does not authorize the removal or banking of existing coverage. All changes to existing coverage will require a separate permit.
 8. 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 the 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

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 – Regional Plan Compliance Analysis

- A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential impacts of the project. No significant impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer meeting and at TRPA.
- B. **Plan Area Statement:** The parcel is located within Plan Area Statement 046 – Incline Village Residential. The Land Use Classification is Residential with a Management Strategy of Mitigation. The Plan Area is specially designated to receive multi-family dwelling transferred development rights. The Planning Statement encourages multi-residential dwelling development and maintaining the existing character of the neighborhood. Single Family Dwellings are a special use therefore requiring Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. Agency staff has reviewed Plan Area Statement 046 and has determined that the project, as conditioned in the attached permit, is consistent with the applicable planning statement, planning considerations, and special policies.
- C. **Land Coverage:** The subdivision complies with TRPA land coverage ordinances. The project area is currently over-covered and is not eligible for additional transferred coverage. To ensure that no additional development potential is created as a result of this subdivision neither of the resultant parcels will be able to transfer additional coverage to their respective parcels.
1. **Land Capability District:** The project area has been verified as Land Capability Class 6 (File #LCAP2009-0301).
 2. **Total Existing Land Coverage:** 3,252 square feet.
Post Subdivision Resultant Lot 1 On-Site Coverage = 1,628 sq. ft.
Post Subdivision Resultant Lot 2 On-Site Coverage = 1,624 sq. ft.
 3. **Base Allowable Land Coverage:** 2,642 sq. ft.
Post Subdivision Resultant Lot 1 Base Allowable Coverage = 1,323 sq. ft.
Post Subdivision Resultant Lot 2 Base Allowable Coverage = 1,319 sq. ft.
 4. **Proposed Land Coverage:** There are no changes to existing coverage other than its distribution amongst the resultant parcels.

- D. Transportation: The change in use from multi-family dwelling residential apartments to stand alone single family dwellings requires an air quality mitigation of \$2,137.51 for the additional vehicle trips. This fee was calculated as follows:

Existing Multi-Family Apartment Vehicle Trips = 13.44 Daily Vehicle Trip Ends
Approved Single Family Dwelling Vehicle Trips = 20 Daily Vehicle Trip Ends
 $20 - 13.44 = 6.56$ Additional Vehicle Trips Generated by the Change in Use
 $6.56 \times \$325.84/\text{Residential Vehicle Trips} = \$2,137.51$ Air Quality Mitigation Fee

There are no long term transportation impacts resulting from this project which will not have a significant or measurable impact on area traffic or to regional and sub-regional air quality.