

## MEMORANDUM

Date: March 28, 2013  
To: TRPA Hearings Officer  
From: TRPA Staff  
Subject: Subdivision of Existing Duplex Structure, 380 Alder Court Units A and B, Washoe County, Nevada, Assessor's Parcel Number (APN) 124-921-09 and 124-921-08, TRPA File Number SUBD2010-0767.

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

Staff Recommendation and 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 applicants are proposing to subdivide an existing duplex building in Incline Village 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 that has been approved and recorded by Washoe County, and can be approved by TRPA. Single Family Dwellings are a special use within Plan Area Statement 046, requiring TRPA Hearings Officer approval.

This subdivision was originally brought to the TRPA Hearings Officer on August 4, 2011. No action was taken and the meeting was continued at the request of the applicant's representative to revise the staff report and Draft Permit to reflect that each of the individual owners is accountable for permit compliance on their respective parcel only (George A. Connor APN 124-921-09 and Susan L. Connor APN 124-921-08).

Site Description: 380 Alder Court is approximately 0.2 acres located on the mountain side of Highway 28, 0.25 miles north of the intersection of Southwood Blvd. and Highway 28, in the downtown area of Incline Village, Nevada. The parcel is developed with a two-story duplex structure constructed in 1985. The flat lot has been verified as Land Capability Class 6, with 610 square feet of legally existing excess land coverage (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.

Issues: The project area does not currently have a Best Management Practices (BMP) Certificate of Completion and will need to be retrofitted as part of this approval. Section 39.2.3.F. requires BMP retrofit completion within one year of recordation of the map documenting the subdivision. The subdivision map was recorded by Washoe County on February 24, 2011; therefore the project area is already more than two years of out of compliance with this Code provision. As conditioned in the Draft Permit the Permittees are required to submit BMP retrofit plans with installation schedule no later October 15, 2013.

Each of the resultant parcels property owners will be required to complete their BMP requirements independently of the other. Separate BMP securities will be posted by the resultant property owners at the time of acknowledgment. Although the securities will be posted separately the total amount for the securities will equal 110 percent of the BMP costs for both parcels. Each resultant parcel will have their BMPs reviewed and securities released separately.

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 4 and 21 of the TRPA Code of Ordinances.

- 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 therefore staff therefore 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. 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.
  - Land Capability District: The project area has been verified as Land Capability Class 6 (File #LCAP2009-0301).
  - 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.
  - 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.

- 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 fee 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 X \$325.84/Residential Vehicle Trips = \$2,137.51 Air Quality Mitigation Fee

E. Findings:

Chapter 4.4 – 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 implement the Regional Plan with installation of water quality improvements. The subdivision is consistent with all applicable Goals and Policies, Plan Area Statement 046, the Code of Ordinances, 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 4, Section 4.4 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 21.2.2 – 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 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 residential 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.

Because the project will not change the nature, scale, density, and intensity from what currently exists and is compatible with the characteristic of the surrounding area, the residential character of the neighborhood will not be affected.

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

Attachment:

- A. Draft Permit



**APN 124-921-08 and 124-921-09  
FILE NO. SUBD2010-0767**

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

Security Posted (2): Amount \$ \_\_\_\_\_ Posted \_\_\_\_\_ Receipt No. \_\_\_\_\_ Type \_\_\_\_\_

Security Posted (2): Amount \$ \_\_\_\_\_ Posted \_\_\_\_\_ Receipt No. \_\_\_\_\_ Type \_\_\_\_\_

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

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

**Notes:**

- (1) See Special Condition 2. D, below.
- (2) Amount to be Determined. 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 as shown on the approved plans. No new development potential shall be created as a result of this subdivision.
  
- 2. Prior to permit acknowledgement the following conditions of approval must be satisfied.
  - A. The site plan shall be revised to include:
    - (1) The following revised land coverage calculations:  
Land Capability: Land Capability Class 6 (File #LCAP2009-0301).  
Total Existing Land Coverage: 3,252 square feet.  
APN 124-921-09 On-Site Coverage = 1,628 sq. ft.  
APN 124-921-08 On-Site Coverage = 1,624 sq. ft.  
Base Allowable Land Coverage: 2,642 sq. ft.

APN 124-921-09 Base Allowable Coverage = 1,323 sq. ft.  
APN 124-921-08 Base Allowable Coverage = 1,319 sq. ft.

- (2) Use shading or hatch patterns to identify all unauthorized coverage and permanent disturbance within the project area, pursuant to TRPA File #VBOC2007-0669. Include parking barriers to block off future vehicle encroachment, where necessary. Label said areas: "Unauthorized coverage to be restored and parking barriers (e.g., posts, split-rail fences, boulders greater than 3 feet diameter, or sufficiently sized vegetation) shall be installed to prevent vehicular access in unauthorized areas. Boulder parking barriers shall be clustered and staggered to mimic natural conditions."
  - (3) The Permittees shall submit permanent Best Management Plans (BMP) plan for the project area pursuant to Chapter 60, Section 60.4.4 of the TRPA Code. The individual owners of the affected parcels shall remove and restore all unauthorized coverage in accordance with the TRPA Handbook of Best Management Practices, and install approved BMPs on their respective parcels, no later than October 15, 2013.
- B. The permittee shall submit three (3) copies of the revised site plan and BMP plan to TRPA for review and approval.
  - C. The permittee shall provide three (3) copies of the recorded parcel map with a signature block for TRPA to document regional approval.
  - D. 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 DVTE  
Approved Single Family Dwelling Vehicle Trips = 20 DVTE  
 $20 - 13.44 = 6.56$  Additional Vehicle DVTE from the Change in Use  
 $6.56 \times \$325.84 = \$2,137.51$  Air Quality Mitigation Fee
  - E. The securities required shall be 110 percent of the cost of the approved BMPs for both parcels pursuant to Chapter 5, Section 5.9.2 of the TRPA Code. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. Separate securities may be posted (50 percent of BMP security per parcel) for each parcel, however the permit will not be acknowledged until all 110 percent of the approved BMP cost is posted. The securities required with this permit shall be returned when all the conditions of this permit are satisfied as evidenced by acknowledgement of this permit, and copies of BMP Certificates of Compliance

have been provided to TRPA. If two (2) securities are posted each resultant parcel shall be evaluated individually for BMP Compliance. If two (2) securities are posted, then a security administration fee will be required for each security. Following the resultant parcel being found to be in Compliance their separately posted BMP will be returned.

- F. 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 including the 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. To the maximum extent allowable by law, the Permittees agree 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 Permittees.

Included within the Permittees 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. Permittees 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 Permittees shall, at their expense, satisfy and discharge the same.

END OF PERMIT



**FINDING OF NO SIGNIFICANT EFFECT**

PROJECT DESCRIPTION: Subdivision of an Existing Residential Duplex Structure

APN: 124-921-08 and 124-921-09

FILE: SUBD2010-0767

PERMITTEES: Susan L. Connor and George A. Connor

COUNTY/LOCATION: Washoe/380 Alder Ct., Incline Village, Nevada

Staff Analysis: In accordance with Article VI of the Tahoe Regional Planning Agency Compact, as amended, and Section 4.4 of the TRPA Rules and Regulations of Practice and Procedure, the TRPA staff has reviewed the information submitted with the subject project. On the basis of this initial environmental evaluation, Agency staff has found that the subject project will not have a significant effect on the environment.

Determination: Based on the above-stated finding, the subject project is conditionally exempt from the requirement to prepare an Environmental Impact Statement. The conditions of this exemption are the conditions of permit approval.

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

\_\_\_\_\_  
Date