



Board of Adjustment Staff Report

Meeting Date: February 4, 2021

Agenda Item: 8F

SPECIAL USE PERMIT CASE NUMBER: WSUP20-0022 (449 Lakeshore Grading)

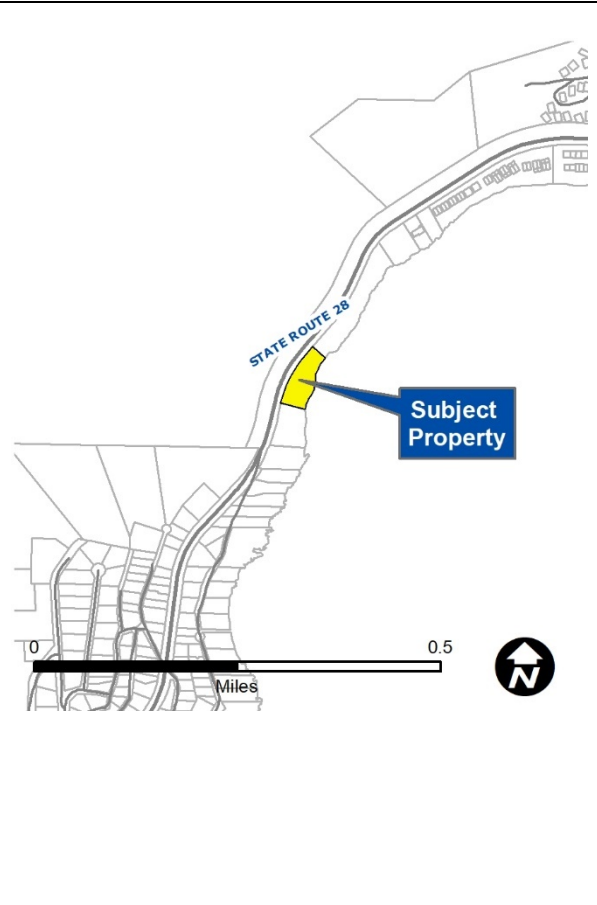
BRIEF SUMMARY OF REQUEST: To allow for a driveway to traverse a slope of thirty (30) percent or greater (steeper), and to vary grading standards.

STAFF PLANNER: Chris Bronczyk, Planner
775.328.3612
cbronczyk@washoecounty.us

CASE DESCRIPTION

For possible action, hearing, and discussion to approve a special use permit for major grading to allow for a driveway to traverse a slope of thirty (30) percent or greater; to construct a permanent earthen structure greater than 4.5 feet in height within the required front yard setback; to excavate 1,398 cubic yards on slopes greater than 15%; and grade 28,380 sf (0.65 acres) on a parcel less than six acres in size. The proposal is also requesting to vary WCC Section 110.438.45 (d) to allow retaining walls taller than and one-half (4.5) feet within the front yard setback.

Applicant/Property Owner:	Myers Family Trust
Location:	449 Lakeshore Blvd.
APN:	123-250-08
Parcel Size:	1.32 Acres
Master Plan:	Suburban Residential (SR)
Regulatory Zone:	Medium Density Suburban (MDS)
Area Plan:	Tahoe
Citizen Advisory Board:	Incline Village/Crystal Bay
Development Code:	Authorized in Article 438, Grading and Article 810, Special Use Permits
Commission District:	1 – Commissioner Hill



STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP20-0022 for the Myers Family Trust, having made all five findings in accordance with Washoe County Code Section 110.810.30:

(Motion with Findings on Page 9)

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Special Use Permit

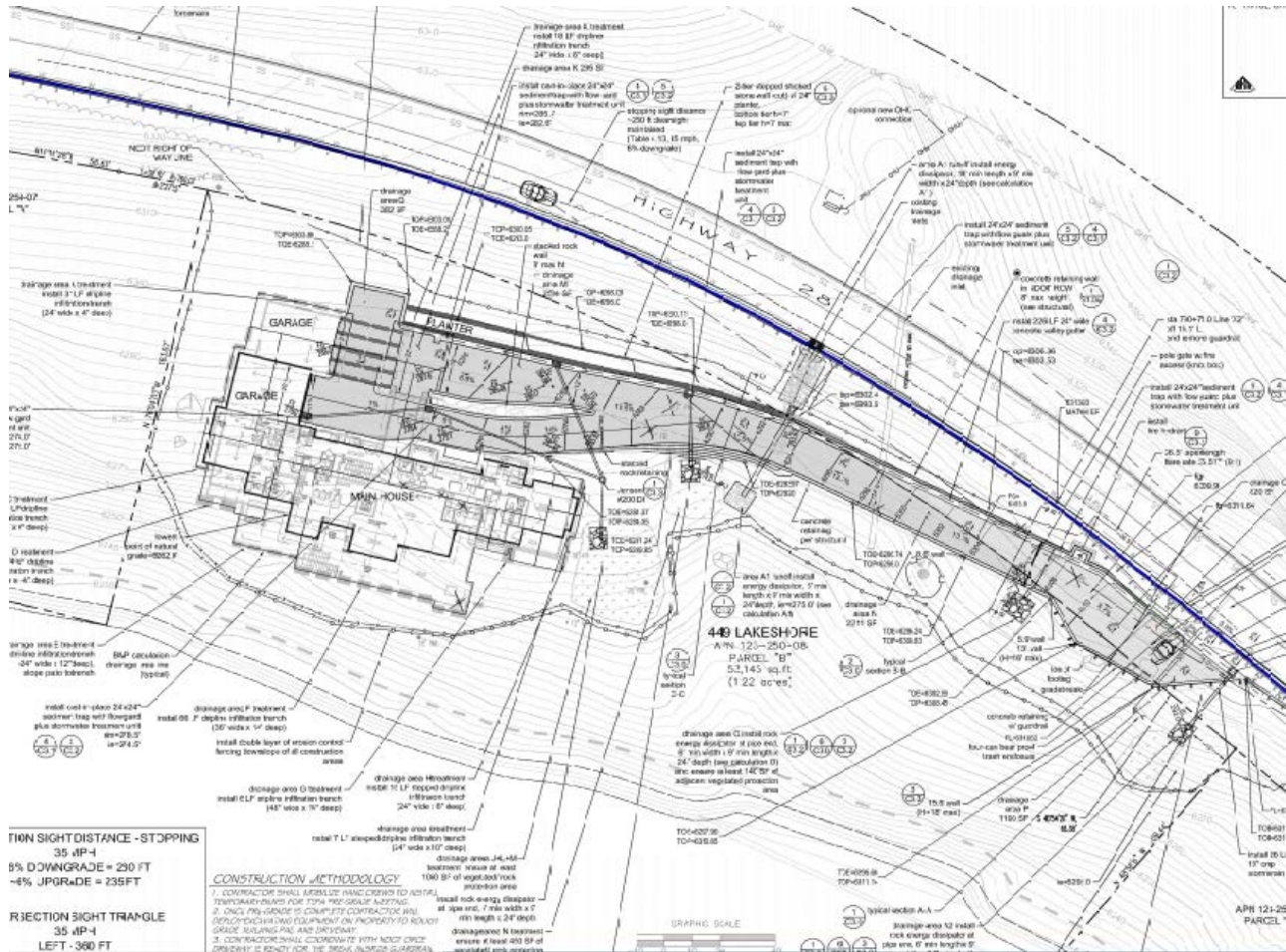
The purpose of a special use permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the special use permit, that approval is subject to conditions of approval. Conditions of approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e. a grading permit, a building permit, etc.)
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure
- Prior to the issuance of a business license or other permits/licenses
- Some conditions of approval are referred to as “operational conditions.” These conditions must be continually complied with for the life of the business or project.

The conditions of approval for Special Use Permit Case Number WSUP20-0022 are attached to this staff report and will be included with the action order, if approved.

The SUP ordinance allows variances to be granted in conjunction with the approval process per WCC 110.810.20(e). The applicant is seeking a variance of requirements. The Board of Adjustment will also be ruling on the following request.

Relevant Code	Relevant Code Variance(s) Requested
110.438.45 (d)	Within the front yard setback area of any parcel with a residential use or zoned for residential use, retaining walls are limited to a maximum height of four and one-half (4.5) feet



Site Plan

Project Evaluation

The applicant is proposing to construct a driveway traversing 30% or greater slopes, which triggers a major grading threshold which require a Special Use Permit (SUP) to the Board of Adjustment (BOA). In addition to the driveway, there are a number of other major grading thresholds that have been triggered as part of this application.

Code	Major Grading that requires an SUP
110.438.35 (2)(i)(A)	Grading of one-half (0.5) acre (21,780 sf) or more on parcels less than 6 acres in size.
110.438.35 (2)(ii)(A)	Excavation of one thousand (1,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site.
110.438.35 (3)	Any driveway or road that traverses any slope of thirty (30) percent or greater (steeper)
110.438.35 (4)	Grading to construct a permanent earthen structure greater than four and one-half (4.5) feet in height within the required front yard setback, or greater than six (6) feet in height on the remainder of the property. The height of an earthen structure is measured from existing grade at the time of permit issuance

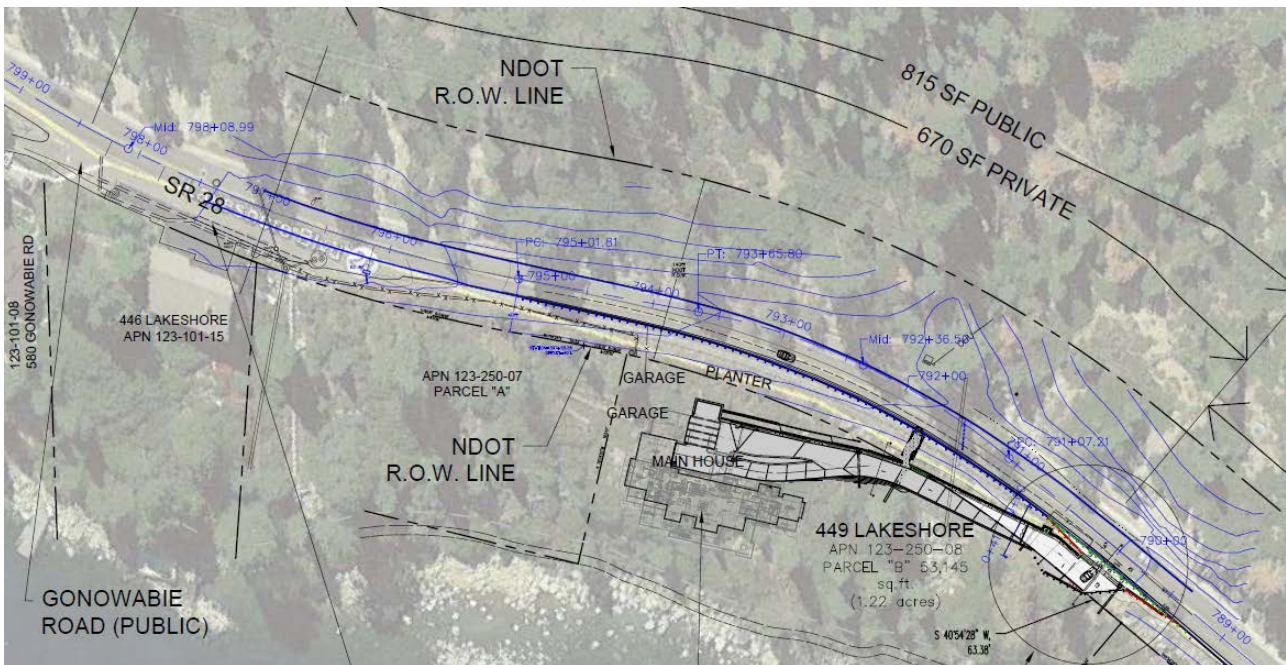
The subject parcel is designated as Medium Density Suburban (MDS) and is currently vacant. The proposed grading will occur on an area of approximately 28,380 square feet, with 1,398 cubic yards of cuts and 766 cubic yards of fill to facilitate the construction of a driveway for a new custom single-family residence which will be constructed on the south side of the parcel. Excess fill will be

exported. The driveway will connect to Lakeshore Blvd. (State Route 28) at the northern edge of the site. The driveway is proposed to be paved, 14 feet wide. The gate will be a Fire Department accessible gate. The proposed private driveway widens at the northern end to allow for vehicle turning movements, the intent is to accommodate a right-turn-in for cars entering the site from State Route 28. The widening also allows for the location of a bear proof trash enclosure required by TRPA. The gate is located in such a way to allow for stacking of up to 4 vehicles to ensure that back-ups do not occur along Lakeshore Blvd. The site contains numerous large shrubs, trees, and native vegetation.

The application is also asking to vary several standards of Article 438 as described in detail further in this staff report. Most of the graded area will be covered by impervious surfaces such as the paved driveway or the footprint of the proposed residence; however, grading will result in fill material resulting in the creation of a permanent earthen structure greater than 4½ feet in height within the front yard setback.

The parcel is a lakefront property, situated on steep slopes in Crystal Bay. Due to the parcel and proposed location of the residence being below the roadway, and the proposed driveway having to traverse the fill slopes associated with the roadway, the driveway is required to traverse slopes of greater than 30% natural grade. It is staff’s opinion that due to the constraints on this property, this special use permit is necessary to develop a residence on this property.

The grading will occur primarily for the construction of the driveway building pad and retaining walls. All development must adhere to TRPA land capability designations or Individual Parcel Evaluation System (IPES). The grading that takes place within the right-of-way, is regulated by Nevada Department of Transportation (NDOT); Washoe County does not have regulatory jurisdiction over these areas. The applicant indicates that the proposed application has been reviewed and approved by TRPA, the TRPA document can be found as Exhibit B.



Site Plan with NDOT Right of Way

The application states that a combination of walls and revegetation will be used to stabilize slopes disturbed from the driveway grading. This includes the use of rock walls, poured-in-place concrete walls, native vegetation, erosion mats, and formal landscaping. The application notes that the rocky walls will not exceed 6 feet in height. Walls taller than 6 feet will utilize poured-in-place concrete walls.

height of the concrete walls in the front yard setback are proposed to be approximately 15.5 feet.

The use of the walls will reduce the required grading and scarring of the proposed site. Due to the topography of the site, staff is in support of the two requested modifications. Additionally, without these modifications the site would be undevelopable.

Area Plan Evaluation

The subject parcel is located within the Tahoe Area Plan. The following are the pertinent policy(ies) from the Area Plan:

Relevant Area Plan Policies Reviewed

Policy	Brief Policy Description	Complies	Condition of Approval
T 2.1	Ensure that landscaping and revegetation are an integral part of each project design. Landscaping shall provide erosion control, enhance structures, and reduce wildfire hazards.	Yes	No
T 2.3	Encourage landscaping practices which promote minimal water and fertilizer requirements, and which compliment the natural environment.	Yes	No

Incline Village/Crystal Bay Citizen Advisory Board (IV/CB CAB)

The proposed project was presented by the applicant’s representative at the regularly scheduled Citizen Advisory Board meeting on January 4, 2021. The CAB expressed concerns related to traffic impact from construction, visual impacts, site suitability, NDOT and TRPA approvals, and the liability related to the construction of the driveway if it were to cause damage to State Route 28. The applicant has provided a CAB response letter which can be found as Exhibit C.

The CAB voted 3-2 to recommend approval to the Board of Adjustment. **Reviewing Agencies**

The following agencies/individuals received a copy of the project application for review and evaluation.

Agency	Sent to Review	Responded	Provided Conditions	Contact
Nevada Dept of Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Alex Wolfson – awolfson@dot.nv.gov
Washoe County Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Chris Bronczyk – cbronczyk@washoecounty.us
Washoe County Parks & Open Spaces	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sophia Kirschenman – skirschenman@washoecounty.us
Washoe County Water Rights	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vahid Behmaram - vbehmaram@washoecounty.us
Washoe County Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Leo Vesely – lvesely@washoecounty.us
Washoe County Sherriff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
WCHD – Air Quality	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Genine Rosa – grosa@washoecounty.us
WCHD – Environment Health	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	James English – Jenglish@washoecounty.us
WCHD – EMS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
RTC Washoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Washoe Storey Conservation District	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Jim Shaffer – 775.857.8500 ext. 131
Incline Village GID	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Nevada Tahoe Conservation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

District				
North Lake Tahoe FPD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jennifer Donohue – jdonohue@nltpd.net
Tahoe Regional Planning Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tahoe Transportation District	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

All conditions required by the contacted agencies can be found in Exhibit A, Conditions of Approval.

Staff Comment on Required Findings

WCC Section 110.810.30, Article 810, *Special Use Permits*, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan.

Staff Comment: The proposed grading and driveway, is consistent with the action programs, policies, standards, and maps of the Master Plan and Tahoe Area Plan.

2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.

Staff Comment: Adequate roadways, sanitation, water supply, drainage, and other necessary facilities and utilities will be provided to the site, as the grading is intended to create appropriate access and facilitate construction of a single-family residence.

3. Site Suitability. That the site is physically suitable single family residential, and for the intensity of such a development.

Staff Comment: The site is physically consistent with the Crystal Bay area of the Tahoe Basin. Slopes are steep, but if the requests are approved, the site would be suitable for grading and a single-family residence.

4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

Staff Comment: The issuance of this special use permit will not be significantly detrimental to the public health, safety or welfare, injurious to the property or improvement of the adjacent properties, or detrimental to the character of the surrounding area as this application complies with Article 438.

5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: Issuance of this permit will not have a detrimental effect on the location, purpose, or mission of a military installation.

Recommendation

After a thorough analysis and review, Special Use Permit Case Number WSUP20-0022 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP20-0022 for the Myers Family Trust, having made all five findings in accordance with Washoe County Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for single family residential, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Appeal Process

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

Applicant/Owner: Myers Family Trust
565 Country Club Drive
Incline Village, NV 89451

Representatives: Christy Corporation, Ltd
1000 Kiley Parkway
Sparks, NV 89436
Attn: Mike Railey



Conditions of Approval

Special Use Permit Case Number WSUP20-0022

The project approved under Special Use Permit Case Number WSUP20-0022 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on February 4, 2021. Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

Unless otherwise specified, all conditions related to the approval of this special use permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Building Division.

Compliance with the conditions of approval related to this special use permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the special use permit may result in the institution of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "conditions of approval" are referred to as "operational conditions." These conditions must be continually complied with for the life of the project or business.

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Building Division

1. The following conditions are requirements of Planning and Building, which shall be responsible for determining compliance with these conditions.

Contact Name – Chris Bronczyk; 775.328.3612; cbronczyk@washoecounty.us

- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this special use permit.**
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning and Building Division shall determine compliance with this condition.
- c. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.
- d. All grading shall be in accordance with Article 110.438 Grading Standards.
- e. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- f. Applicant shall restore and/or revegetate disturbed areas using TRPA's approved plant list.
- g. Failure to comply with the conditions of approval shall render this approval out of compliance with this special use permit and subject to revocation. Compliance with this condition shall be determined by Planning and Building.

Washoe County Engineering and Capital Projects

2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Leo Vesely, P.E., 775.328.2313, ivesely@washoecounty.us

- a. A complete set of construction improvement drawings, including an on-site grading plan/slope stabilization plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMPs) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
- b. If the disturbed area exceeds 1 acre, then the following items are required:
 - i. The applicant shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit and submit a copy to the Engineering Division prior to issuance of a grading or building permit.
 - ii. The applicant shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit.

- iii. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading revegetation bond shall be provided to the Engineering Division prior to approval of the grading or building permit.
- c. All grading and cut slopes and fill slopes shall be in accordance with Washoe County Code Article 438 Grading Standards.
- d. All retaining walls shall be designed by a licensed engineer and shall be permitted through the Building Department.
- e. All slopes shall be revegetated or mechanically stabilized. Seed mix shall be designed by a licensed landscape architect and mechanical stabilization, if any, shall be designed by a licensed civil or geotechnical engineer.

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

- f. A copy of the approved encroachment permit from NDOT shall be provided to the engineering division prior to building or grading permit approval.

North Lake Tahoe Fire Protection District

- 3. The following conditions are requirements of the North Lake Tahoe Fire Protection District, which shall be responsible for determining compliance with these conditions.

Contact Name – Jennifer Donohue, 775.831.0351, jdonohue@nltpd.net

- a. The fire hydrant indicated on sheet C1.1 is required and the location may be re-examined with the cooperation and coordination with the proposed project located at 447 Lakeshore Blvd.
- b. The project will be required to be fully sprinklered and a monitored fire alarm system.
- c. NLTFPD highly encourages a heated driveway.

Nevada Department of Transportation

- 4. The following conditions are requirements of the Nevada Department of Transportation, which shall be responsible for determining compliance with these conditions.

Contact – Alex Wolfson; 775.834.8365; awolfson@dot.nv.gov

- a. The project is directly adjacent and proposes access to Lakeshore Boulevard. Lakeshore Blvd is an NDOT owned and maintained road that is officially designated as State Route 28 (SR-28), and functionally classified as an urban minor arterial.
- b. NDOT requires the use of legal permitted accesses on its State roadways. NDOT standards generally allow direct access to state routes when there are no other means of alternate access available. The applicant will be required to obtain an NDOT occupancy permit for all improvements including driveway access proposed within the SR-28 right of way.
- c. All work proposed within or adjacent to the SR-28 right-of-way must comply with NDOT's Standard Plans, Terms and Conditions Relating to Right-of-Way Occupancy Permits, and Drainage Manual current version at the time of application. Please contact the NDOT District II Permits Office at (775) 834-8330 for information about obtaining NDOT occupancy permits.
- d. The State defers to municipal government for land use development decisions. Public involvement for community development related improvements within NDOT right of way should be considered during the municipal land use development process. Significant improvements proposed within NDOT right of way may require additional public

involvement. It is the responsibility of the applicant to perform such additional public involvement.

- e. This letter does not provide for approval or disapproval of improvements proposed within NDOT right of way. Review during the NDOT occupancy permit process may result in further modification to the proposed improvements or denial.

*** End of Conditions ***



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

June 6, 2018

Suzie Yanagi Architect
439 Plumb Lane
Reno, NV 89509

**BLACKSTONE NV LLC, NEW SINGLE FAMILY DWELLING, 449 LAKESHORE BLVD.,
INCLINE VILLAGE, NEVADA, ASSESSOR'S PARCEL NUMBERS (APN) 123-250-08, TRPA
FILE NUMBER ERSP2017-0681**

Dear Suzie:

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please sign the "Permittee's Acceptance" block on the first page of both copies of the Permit and return one (1) copy to TRPA within twenty-one (21) calendar days of issuance. Should the permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit shall be subject to nullification.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Failure to satisfy these conditions of approval will cause unnecessary time delays. TRPA acknowledgement is required prior to application to other reviewing agencies and commencement of construction.

Please schedule an appointment with me to finalize your project. Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit may be appealed within twenty-one (21) days of the date of this correspondence.

Thank you very much for your patience in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

Wendy Jepson
Current Planning Manager



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

PERMIT

PROJECT DESCRIPTION: New Single Family Dwelling APNs: 123-250-08

PERMITTEE: Blackstone LLC RESIDENTIAL ALLOCATION: WA-09-O-030 FILE No: ERSP2017-0681

COUNTY/LOCATION: Washoe / 449 Lakeshore Drive, Incline Village, Nevada

Having made the findings required by Agency ordinances and rules, TRPA approved the project on **June 6, 2018**, subject to the standard conditions of approval attached hereto (Attachment R), and the special conditions found in this permit.

This permit shall expire on **June 6, 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 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

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 project plans shall be revised to include:
 - (1) A note indicating that all utilities will be placed underground.
 - (2) A note indicating that filling or terracing to create level areas outside the footprint of the residence and driveway is prohibited.
 - (3) Deletion of Note 4 on Sheet C1.0 indicating that construction material will be delivered by barge. The note shall indicate that delivery of material and equipment by barge is prohibited.
 - (4) A note requiring a three-inch layer of gravel (1"-2" drainrock) beneath all raised decks, except for decks constructed over pavement.
 - (5) Revision to the note on Sheet C1.0 to specify that "All work in the NDOT right-of-way, including installation of utilities, shall be in accordance with NDOT standards..."
 - (6) A note indicating: "All areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition."
 - (7) A note indicating: "Dust control measures shall be in place during construction. Broadcast mulch shall not be permitted as a dust control measure within 35 feet of structures."
 - (8) A note indicating the construction of concrete washout facilities is prohibited unless approved in writing by the TRPA Environmental Compliance Inspector.
 - (9) The final building elevation drawings shall have notes indicating conformance to the proposed colors and building materials evaluated under the TRPA Visual Magnitude and Contrast Rating System analysis. Any changes to the TRPA approved colors and materials, including changes required by Washoe County, shall require re-rating to ensure compliance with the Visual Magnitude and Contrast Rating System. An updated colors and materials board, and a re-rating spreadsheet, shall be submitted to TRPA for review and approval if colors and materials change from those represented in the final project plans evaluated by TRPA for this approval.

- B. The permittee shall submit for TRPA review and approval a SCENIC QUALITY/LANDSCAPE MONITORING PLAN related to the area between the proposed building structures and the lake, including all exterior building material colors, textures, vegetative screening and glass reflectivity, to ensure that the project complies with the Shoreland Scenic analysis included on the Contrast Rating spreadsheets and drawings of the approved scenic analysis. The scenic monitoring plan shall include:
- (1) An initial 30-day post-construction photograph taken from the previously approved viewpoint.
 - (2) Annual post-construction photographs for a five-year period, taken on the anniversary of project completion, consistent with the same established viewpoint and time of year as the submitted photographs. Photos submitted must demonstrate that the proposed landscape screening is consistent with the TRPA-approved project scenic analysis. Additional landscaping may be required, in addition to what's set forth in this permit, to replace any landscape plants that fail to meet the vegetative screening required for this project.
- C. A BMP INSPECTION AND MAINTENANCE PLAN shall be submitted detailing necessary maintenance activity and schedules for all BMPs installed on the property. All BMPs shall be maintained subject to the INSPECTION AND MAINTENANCE PLAN approved as part of this permit. All maintenance activities shall be recorded in a corresponding maintenance log. This log shall be maintained for the life of the property and made available for inspection by TRPA staff. If this log is not complete, TRPA will assume that maintenance has not been performed and reserves the right to revoke the BMP Certificate of Completion.
- D. The permittee shall provide evidence that all basic service requirements for minimum fire flow will be met or exceeded in accordance with Section 32.4.A., Table 32.4.2-1 of the TRPA Code.
- E. The permittee shall submit a \$3,258.40 air quality mitigation fee. This fee is based on the addition of 10 daily vehicle trip ends at \$325.84/trip.
- F. The permittee shall submit a \$53,520.00 offsite coverage mitigation fee. This fee is based on the creation of 2,676 square feet of proposed offsite coverage assessed at \$20.00 per square feet of land coverage (\$20.00 per square foot in Hydrologic Area 1, Incline).
- G. The permittee shall submit a \$21,972.18 water quality mitigation fee. This fee is based on the creation of 11,813 square feet of new land coverage assessed at \$1.86 per square foot of new land coverage.
- H. The security required under Standard Condition A.3 of Attachment R shall be determined upon the permittee's submittal of required Best Management Practices Plan(s) and related cost estimate(s). Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. In no case shall this security be less than \$10,000.00.

- I. The permittee shall submit a \$2,500.00 scenic monitoring deposit to TRPA prior to acknowledgement of the permit. TRPA's field inspection and administrative costs related to monitoring will be charged against the deposit. Any deposit amount remaining at the conclusion of the monitoring period shall be refunded. Fees for monitoring are based on an hourly rate established by TRPA. The fee shall be \$100.00 per hour, with a two hour minimum annually for each of the next five years. Rates are subject to change.
 - J. The permittee shall submit a projected construction completion schedule and a construction methodology to TRPA prior to commencement of construction. The construction methodology shall include the sequence of construction, including staging of equipment, employee vehicles, building materials as well as temporary and permanent BMP installation for the entire project area, as outlined in Section 33.5 of the TRPA Code of Ordinances.
 - K. The permittee shall submit final material and color samples.
 - L. The final plans shall demonstrate how proposed lights conform to TRPA Code requirements. All exterior lighting shall be consistent with TRPA Code of Ordinances (Section 36.8), Exterior Lighting Standards. Exterior light fixtures shall be approved by TRPA prior to installation.
 - M. The permittee shall submit pre-construction photographs of the shorezone and backshore. No work or disturbance is authorized lakeward of the backshore boundary.
 - N. The permittee shall submit a copy of a valid NDOT encroachment permit.
 - O. The permittee shall submit three sets of final construction drawings and site plans to TRPA.
- 4. The installation of glass railings is prohibited.
 - 5. The permittee shall prepare and provide photographs to the TRPA Environmental Specialist that have been taken during construction that demonstrate subsurface BMPs or trenching and backfilling proposed on the project have been constructed correctly (depth, fill material, etc.).
 - 6. Temporary and permanent BMPs may be field-fit as appropriate by the TRPA inspector.
 - 7. Excavation equipment shall be limited to approved construction areas to minimize site disturbance. No grading, excavation, storage or other construction related activities shall occur outside the approved building envelopes except to achieve finished grades shown on site plan. Grading and the construction of terraces is prohibited.
 - 8. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.
 - 9. All excavated materials shall be hauled away from the site to a legally acceptable location.

10. Temporary and permanent BMPs may be field-fit as appropriate by the TRPA inspector.
11. The construction of concrete washout facilities is prohibited unless approved in writing by the TRPA Environmental Specialist.
12. By acceptance of this permit, the permittee agrees that all scenic design and mitigation measures proposed in the scenic analysis are hereby included as conditions of project approval and will be implemented as such.
13. 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.
14. 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.
15. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.
16. This site shall be winterized in accordance with the provisions of Attachment R by October 15th of each construction season.
17. All temporary soil stockpiles shall be covered with tarps that are anchored and contained by temporary erosion control fences and/or coir logs with gravel bags.
18. All existing trees and shrubs located between the lake and the residence that are not approved to be removed as a part of the project may not be removed or trimmed without prior TRPA approval. Any such removal or trimming shall constitute a violation of project approval.
19. Grading and excavation is prohibited at any time of the year during periods of precipitation and for the resulting period of time when the site is covered with snow or is saturated, muddy or unstable.
20. All Best Management Practices shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced.
21. Excavation equipment is limited to approve construction areas to minimize site disturbance. No grading, excavation, storage or other construction related activities shall occur outside the area of disturbance.
22. Excavations are limited to 24 feet below ground surface pursuant to the TRPA Groundwater Investigation approval (see LCAP2008-0146).

23. Any change to the project requires approval (except for TRPA exempt activities) of a TRPA plan revision permit prior to the changes being made to any element of the project related structures (i.e., coverage, landscaping, grading, BMPs, etc.). Failure to obtain prior approval for modifications may result in monetary penalties and removal of the unapproved elements.

24. 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 issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise or other disposition. 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



January 11, 2021

Chris Bronczyk
Washoe County Planning & Building Division
1001 E. Ninth Street, Building A
Reno, Nevada 89512

Re: 449 Lakeshore Boulevard - Grading Special Use Permit

Dear Chris,

The purpose of this letter is to provide responses to comments made by the Incline Village/Crystal Bay Citizens Advisory Board regarding the 449 Lakeshore Boulevard SUP request at their January 4, 2021 meeting. Each of the comments is listed below with responses in **bold face** type.

- Engineering concerns related to walls and support for the roadway (State Route 28)

The proposed walls have been designed by licensed civil and structural engineers. The proposed walls and grading have been reviewed and approved by both NDOT and TRPA. This was an extensive review that has taken over 2 ½ years to complete. All of the plans, calculations, etc. have been closely scrutinized and found to be compliant with all engineering, design, and safety criteria.

- Visual Impacts

A large component of the TRPA review is analysis of visual impacts. The applicant's plan has been found in conformance with all TRPA standards and requirements. This included compliance with lot coverage requirements, tree preservation, etc. The site grading and home architecture were modeled to demonstrate that negative view impacts did not occur from Lake Tahoe or State Route 28. These were all approved and conditioned (i.e. native revegetation, landscaping, and wall staining) by TRPA. It is important to note that TRPA has some of the most extensive visual mitigation criteria in the United States. The project, as presented, meets or exceeds all of these standards.

- What was included in the TRPA review?

TRPA reviews the overall impacts of the project including visual impact, impact to adjoining roadways, grading, tree preservation, visual scarring, stormwater pollution prevention, allowed lot coverage, etc. TRPA standards are some of the most comprehensive and stringent design standards/criteria in the country, if not the world. The project plan has been found to comply with all TRPA regulations and TRPA has issued conditional project approval.

- Traffic and pedestrian flows on State Route 28

It was explained that the project will not impede the planned multi-use trail connecting Crystal Bay with Incline Village. It has been confirmed by NDOT (and a member of the CAB) that the trail will occur on the opposite side of the highway. NDOT has conditioned a traffic mitigation plan (subject to their approval) to ensure traffic flow on State Route 28 during construction. As discussed at the meeting, the initial grading/construction will include the encroachment to Lakeshore Boulevard. This will ensure that there will be room for staging of construction equipment off of the right-of-way for the majority of the overall construction process.

- Site Suitability

A CAB member questioned if steep lots in the Tahoe Basin should be developed. It can be logically argued that the majority of homesites within the basin include slopes. The project site is not different than numerous others along Lakeshore Boulevard and does not represent a precedent-setting grading proposal. TRPA, NDOT, and Washoe County establish criteria for which development of such lots shall conform to. This project is meeting those criteria and applying for the appropriate permits per the Washoe County Development Code.

- Liability in event of a wall failure.

A question was raised regarding who would be responsible if a wall failure led to a potential issue with the roadway. It is difficult to answer this question as we are not qualified legally to do so. It is our assumption that if a wall constructed by the applicant failed, liability would be on the property owner. In contrast, if a failure was caused from construction by NDOT, liability would fall on the State. Regardless, it would be our suggestion that the District Attorney address this question directly.

We look forward to working with you as the project moves forward. Please do not hesitate to contact me at (775) 250-3455 with any questions or concerns. Thank you.

Sincerely,



Mike Railey
Planning Manager



STEVE SISOLAK
Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

1263 S. Stewart Street
Carson City, Nevada 89712

KRISTINA L. SWALLOW, P.E., Director

December 22, 2020

Washoe County Community Services Department
Planning and Building Division
1001 East 9th Street
Reno, NV 89512
Attention: Chris Bronczyk, Planner

SENT VIA ELECTRONIC MAIL

RE: WSUP20-0022 – 449 Lakeshore Grading

Dear Mr. Bronczyk,

Nevada Department of Transportation (NDOT) staff has reviewed the following application and provided comments accordingly:

Special Use Permit Case Number WSUP20-0022 (449 Lakeshore Grading) – For possible action, hearing, and discussion to approve a special use permit to allow for a driveway to traverse a slope of thirty (30) percent or greater; to construct a permanent earthen structure greater than 4.5 feet in height within the required front yard setback; excavation of 1,000 cubic yards on slopes greater than 15%; grading of one-half (0.5) acre (21,780 sf) or more on parcels less than six acres in size. The proposal is also requesting to vary standards found in Washoe County Code (WCC) Section 110.438.45 (a) to allow slopes in excess of, or steeper than, three horizontal to one vertical (3:1) and WCC Section 110.438.45 (d) to allow retaining walls taller than and one-half (4.5) feet within the front yard setback.

NDOT comments:

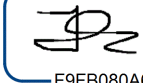
1. The project is directly adjacent and proposes access to Lakeshore Boulevard. Lakeshore Blvd is an NDOT owned and maintained road that is officially designated as State Route 28 (SR-28), and functionally classified as an urban minor arterial.
2. NDOT requires the use of legal permitted accesses on its State roadways. NDOT standards generally allow direct access to state routes when there are no other means of alternate access available. The applicant will be required to obtain an NDOT occupancy permit for all improvements including driveway access proposed within the SR-28 right of way.
3. All work proposed within or adjacent to the SR-28 right-of-way must comply with NDOT's Standard Plans, Terms and Conditions Relating to Right-of-Way Occupancy Permits, and Drainage Manual current version at the time of application. Please contact the NDOT District II Permits Office at (775) 834-8330 for information about obtaining NDOT occupancy permits.

4. The State defers to municipal government for land use development decisions. Public involvement for community development related improvements within NDOT right of way should be considered during the municipal land use development process. Significant improvements proposed within NDOT right of way may require additional public involvement. It is the responsibility of the applicant to perform such additional public involvement.
5. This letter does not provide for approval or disapproval of improvements proposed within NDOT right of way. Review during the NDOT occupancy permit process may result in further modification to the proposed improvements or denial.

Thank you for the opportunity to review this application. NDOT reserves the right to incorporate further changes and/or comments as these applications and design reviews progress. Should you have any questions, please contact Alex Wolfson at (775) 834-8365.

Sincerely,


DocuSigned by:



F9FB080A68BF478...

Tara Smaltz, PE
Engineering Services Manager
NDOT District II

DocuSigned by:



8D80C88AB3244A2...

Alex Wolfson, PE
Traffic Engineer
NDOT District II

Cc: Jessen Mortensen, PE – NDOT Structures
Mike Fuess, PE, PTOE – NDOT District Engineer
File



WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects

1001 EAST 9TH STREET
 RENO, NEVADA 89512
 PHONE (775) 328-3600
 FAX (775) 328.3699

Date: December 29, 2020

To: Chris Bronczyk, Planner

From: Leo Vesely, P.E., Licensed Engineer

Re: Special Use Permit Case **WSUP20-0022 – 449 Lakeshore Grading**
 APN 123-250-08

GENERAL PROJECT DISCUSSION

Washoe County Engineering staff has reviewed the above referenced application. The Special Use Permit is to allow for a driveway to traverse a slope of thirty (30) percent or greater (steeper), to construct a permanent earthen structure greater than 4.5 feet in height within the required front yard setback; excavation of 1,000 cubic yards on slopes greater than 15%; grading of one-half (0.5) acre (21,780 sf) or more on parcels less than six acres in size. The proposal is also requesting to vary standards found in Washoe County Code (WCC) Section 110.438.45 (a) to allow slopes in excess of, or steeper than, three horizontal to one vertical (3:1) and WCC Section 110.438.45 (d) to allow retaining walls taller than and one-half (4.5) feet within the front yard setback. The Engineering Division recommends approval with the following comments and conditions of approval which supplement applicable County Code and are based upon our review of the site and the application prepared by Christy Corporation. Ltd. The County Engineer shall determine compliance with the following conditions of approval.

For questions related to sections below, please see the contact name provided.

GENERAL CONDITIONS

Contact Information: Leo Vesely, P.E. (775) 328-2041

1. A complete set of construction improvement drawings, including an on-site grading plan/slope stabilization plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMPs) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
2. If the disturbed area exceeds 1 acre, then the following items are required:
 - a. The applicant shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit and submit a copy to the Engineering Division prior to issuance of a grading or building permit.
 - b. The applicant shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit.
 - c. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading revegetation bond shall be provided to the Engineering Division prior to approval of the grading or building permit.



INTEGRITY



EFFECTIVE COMMUNICATION



QUALITY PUBLIC SERVICE

WSUP20-0022
EXHIBIT E

Subject: **WSUP20-0022 – 449 Lakeshore Grading**

Date: December 29, 2020

Page: 2

3. All grading and cut slopes and fill slopes shall be in accordance with Washoe County Code Article 438 Grading Standards.
4. All retaining walls shall be designed by a licensed engineer and shall be permitted through the Building Department.
5. All slopes shall be revegetated or mechanically stabilized. Seed mix shall be designed by a licensed landscape architect and mechanical stabilization, if any, shall be designed by a licensed civil or geotechnical engineer.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

Contact Information: Leo Vesely, P.E. (775) 328-2041

1. No comments.

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

Contact Information: Leo Vesely, P.E. (775) 328-2313

1. A copy of the approved encroachment permit from NDOT shall be provided to the engineering division prior to building or grading permit approval.

From: [Jennifer Donohue](#)
To: [Bronczyk, Christopher](#)
Subject: WSUP20-0022 (449 Lakeshore Dr.)
Date: Thursday, December 24, 2020 11:10:32 AM

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Greetings,

In regards to WSUP20-0022 (449 Lakeshore Dr.), NLTFPD has no additional comments. As previously determined, the fire hydrant indicated on sheet C1.1 is required and the location may be re-examined with the cooperation and coordination with the proposed project at 447 Lakeshore Blvd. Additionally, this project will be required to be fully sprinklered, a monitored fire alarm system and NLTFPD highly encourages a heated driveway.

Regards,



Jennifer Donohue
Interim Fire Marshal

Office: [775.831.0351](tel:775.831.0351) x8127 | Cell: [775.434.4555](tel:775.434.4555)

Email: jdonohue@nltpd.net

[866 Oriole Way](#) | [Incline Village](#) | [NV 89451](#)





WASHOE COUNTY
COMMUNITY SERVICES
INTEGRITY COMMUNICATION SERVICE

P.O. Box 11130
Reno, Nevada 89520-0027
Phone: (775) 328-3600
Fax: (775) 328-3699

December 18, 2020

TO: Chris Bronczyk, Planner, CSD, Planning & Development Division
FROM: Vahid Behmaram, Water Rights & Water Resources Consultant, CSD
SUBJECT: Special Use Permit Case Number WSUP20-0022 (449 Lakeshore Drive Grading)

Project description:

The applicant is to approve a special use permit to allow for a driveway to traverse a slope of thirty (30) percent or greater; to construct a permanent earthen structure greater than 4.5 feet in height within the required front yard setback; excavation of 1,000 cubic yards on slopes greater than 15%; grading of one-half (0.5) acre (21,780 sf) or more on parcels less than six acres in size. The proposal is also requesting to vary standards found in Washoe County Code (WCC) Section 110.438.45 (a) to allow slopes in excess of, or steeper than, three horizontal to one vertical (3:1) and WCC Section 110.438.45 (d) to allow retaining walls taller than and one-half (4.5) feet within the front yard setback.

Project is located at 449 Lakeshore Blvd. Incline Village, NV, 89451' Assessor's Parcel Number: 123-250-08.

The Community Services Department (CSD) recommends approval of this project with the following Water Rights comments & conditions:

There are no conditions of approval.



Washoe-Storey Conservation District

Bret Tyler Chairmen
Jim Shaffer Treasurer
Cathy Canfield Storey app
Jean Herman Washoe app

1365 Corporate Blvd.
Reno NV 89502
775 857-8500 ext. 131
nevadaconservation.com

December 22, 2020

Washoe County Community Services Department

C/O Chris Bronczyk, Planner

1001 E Ninth Street, Bldg. A

Reno, NV 89512

R: WSUP20- 0022 449 Lakeshore

Dear Chris,

In reviewing the special use permit for a driveway to traverse a slope of 30 percent, the Conservation District amends the October 22nd letter with the following comments.

With TRPA requiring the vegetation plan, please send a copy of this plan to the District for our records for the project.

The District requires below all energy dissipaters for storm water runoff 2 feet by 3 feet infiltration trench to filter water flows to Lake Tahoe.

With 11 native trees removed for the proposed driveway, the District supports TRPA's requirement to mitigate this loss.

If the 1:1 slope is mechanically stabilized, the District will require 3/4 to 1 1/2-inch D size rock in the voids of the rip rap slope to reduce undermining by small animals.

We recommend as a condition the exterior of the building paint color palette be earth tone colors including the roofing material.

Thank you for providing us the opportunity to review the project that may have impacts on our natural resources.

Sincerely,

Tyler-Shaffer

WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

January 11, 2021

Washoe County Community Services
Planning and Development Division
PO Box 11130
Reno, NV 89520-0027

RE: 449 Lakeshore; APN 123-250-08
Special Use Permit; WSUP20-0022

Dear Washoe County Staff:

The following conditions are requirements of the Washoe County Health District, Environmental Health Division (EHS), which shall be responsible for determining compliance with these conditions.

Contact Name – Wesley Rubio - wrubio@washoecounty.us

- a) EHS has reviewed the above referenced project and has no objections to the approval of the project as proposed.

If you have any questions or would like clarification regarding the foregoing, please contact Wesley Rubio, EHS Supervisor at wrubio@washoecounty.us regarding all Health District comments.

Sincerely,



Wesley Rubio, MPH, REHS
EHS Supervisor
Environmental Health
Washoe County Health District



SLOPE TABLE

NUMBER	MIN. SLOPE	MAX. SLOPE	COLOR
1	0.00%	5.00%	Yellow
2	5.00%	10.00%	Light Green
3	10.00%	15.00%	Green
4	15.00%	20.00%	Yellow-Green
5	20.00%	25.00%	Cyan
6	25.00%	30.00%	Purple
7	30.00%	200.00%	Red

449 Lakeshore Boulevard Grading Special Use Permit



December 8, 2020

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Appendices:

Washoe County Development Application
Owner Affidavit
Special Use Permit Application
Property Tax Verification

Attachments:

Preliminary Civil Improvement Plans (by others)

449 Lakeshore Boulevard – Grading Special Use Permit

Introduction

This application includes the following request:

- A **Special Use Permit** to allow for grading of a driveway associated with a single family residence.

Project Location

The project site (APN # 123-250-08) consist of 1.32± acres located at 449 Lakeshore Boulevard in Incline Village. Specifically, the subject parcel is located on the shore of Lake Tahoe on the east side of Lakeshore Boulevard (State Route 28), southwest of Incline Village. Figure 1 (below) depicts the project location.



Figure 1 – Vicinity Map

449 Lakeshore Boulevard – Grading Special Use Permit

Existing Conditions

The subject property is zoned Medium Density Suburban (MDS) and is currently vacant. The property slopes down from State Route 28 (Lakeshore Boulevard) to the shores of Lake Tahoe on the east side of the site. There is approximately 100± feet of grade differential between the west and east sides of the project site.

Figure 2 (below) provides an aerial overview of the property while Figure 3 (following page) depicts the view of the site from Lakeshore Boulevard.



Figure 2 – Aerial View

449 Lakeshore Boulevard – Grading Special Use Permit



Figure 3 – Street View

449 Lakeshore Boulevard – Grading Special Use Permit

Project Request

As noted previously, this application requests a Special Use Permit (SUP) to allow for driveway grading associated with a planned custom residence. Grading of the proposed driveway will trigger a SUP based on the following Washoe County Development Code criteria (as applied to grading of 15% slopes or greater):

- Section 110.438.35(2)(i)(A) – Grading of one-half (0.5) acre (21,780 square feet) or more on parcels six (6) in size.
- Section 110.438.35(2)(ii)(A) – Excavation of one thousand (1,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site.
- Section 110.438.35(3) – Any driveway or road that traverses any slope of thirty (30) percent or greater (steeper).
- Section 110.438.35(4) – Grading to construct a permanent earthen structure greater than four and one-half (4.5) feet in height within the required front yard setback, or greater than six (6) feet in height on the remainder of the property. The height of the earthen structure is measured from existing grade at the time of permit issuance.

In addition to the criteria listed above, the SUP also requests that slopes up to 1:1 and increased wall heights be permitted to address the unique site characteristics and reduce onsite grading disturbance.

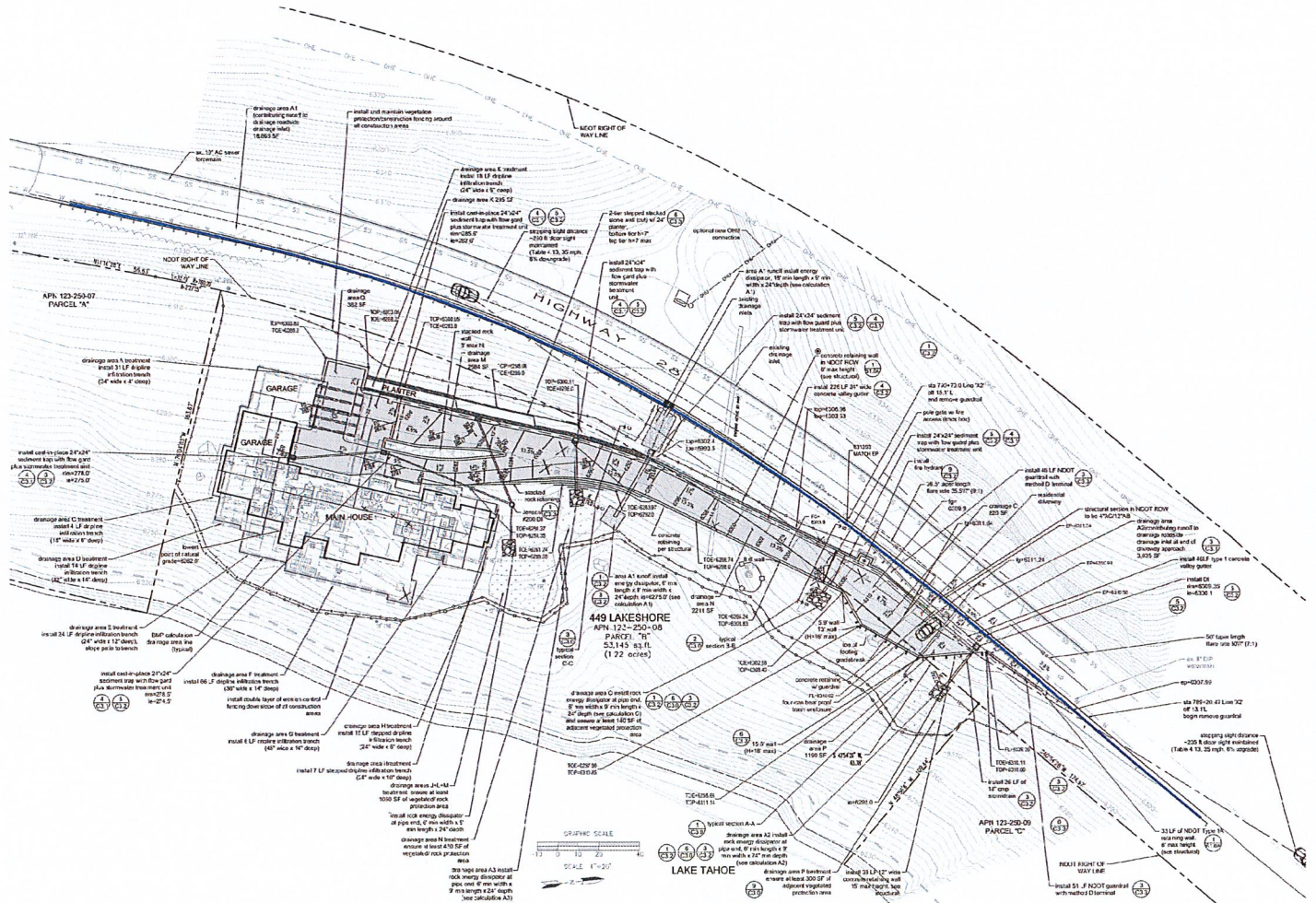
The proposed driveway will serve a new custom home to be constructed at the south side of the parcel and will connect to Lakeshore Boulevard (State Route 28) at the northern edge of the site. The proposed asphalt driveway will be 14 feet in width and will be gated with a Fire Department accessible gate. The gate is located to allow for stacking of up to 4 vehicles, ensuring that back-ups do not occur along Lakeshore Boulevard.

The proposed driveway widens at the northern end to allow for vehicle turning movements. Specifically, the widened driveway section accommodates a right-turn-in for cars entering the site from northbound lane of Lakeshore Boulevard. Additionally, the flared section allows for the location of a bear proof trash enclosure per Tahoe Regional Planning Agency (TRPA) standards. The driveway also splits as it approaches the proposed home on the south side to serve the split-garage design.

The proposed home and driveway design have been reviewed and approved by TRPA. Since Lakeshore Boulevard is a State Highway (State Route 28), the driveway is also subject to review and approval of the Nevada Department of Transportation (NDOT). As such, the plans presented herein reflect the TRPA approval conditions, as well as applicable NDOT standards. This includes the installation of a fire hydrant at the northern end of the driveway (prior to the entry gate), stormwater treatment/sediment trap facilities, and stormwater energy dissipaters within the project site.

449 Lakeshore Boulevard – Grading Special Use Permit

Figure 4 (below) depicts the project site plan while Figure 5 (following page) provides the site plan in context with an aerial view of the site.



Note: A full size plan is attached.

Figure 4 – Site Plan

449 Lakeshore Boulevard - Grading Special Use Permit

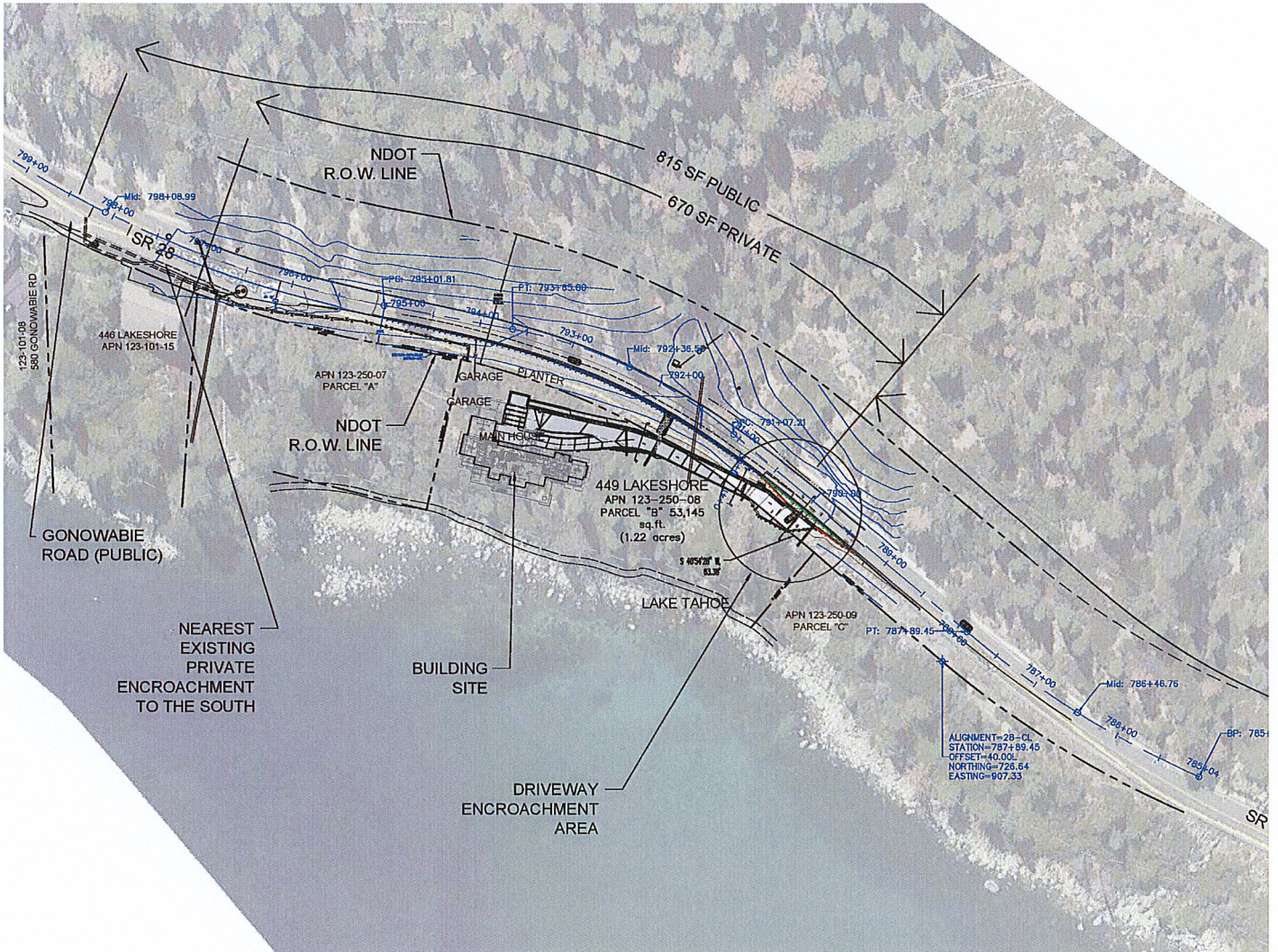


Figure 5 – Aerial Site Plan

449 Lakeshore Boulevard – Grading Special Use Permit

As depicted in Figures 4 and 5, it is proposed to improve the site frontage at the driveway connection to Lakeshore Boulevard in order to accommodate tapers that allow for vehicle deceleration and acceleration in and out of the site, per NDOT standards. Also, the driveway is located to ensure proper sight distance in and out of the driveway along with stopping-sight distance for cars travelling along Lakeshore Boulevard.

As noted previously, the subject property includes up to 100 feet of fall between the east and west sides. The proposed home lies roughly 50± feet below the existing roadway grade. In order to access the home and meet TRPA and NDOT requirements, grading that triggers the SUP thresholds previously noted will need to occur.

Each of the grading criteria previously identified is addressed below:

- Section 110.438.35(2)(i)(A) – Grading of one-half (0.5) acre (21,780 square feet) or more on parcels six (6) in size.

The proposed home and driveway will result in a total disturbed area of approximately 28,380± square feet which meets the threshold of Section 110.438.35(2)(i)(A). The grading is necessary to ensure safe access in and out of the site as well as provide a pad for the house itself. TRPA has reviewed the proposed disturbance in context with their coverage standards, grading and drainage standards, etc. and has approved the plan as presented.

- Section 110.438.35(2)(ii)(A) – Excavation of one thousand (1,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site.

As proposed and approved by TRPA, there will be approximately 1,398 cubic yards of cut and 766 cubic yards of fill. Excess material will be exported in accordance with the attached grading and drainage plan.

- Section 110.438.35(3) – Any driveway or road that traverses any slope of thirty (30) percent or greater (steeper).

There is 50+ feet of grade separation between the proposed home and Lakeshore Boulevard. The slope from the roadway to the homesite does exceed 30% in some locations. As such, the SUP is included for Section 110.438.35(3) to ensure full compliance with Washoe County Development Code requirements.

- Section 110.438.35(4) – Grading to construct a permanent earthen structure greater than four and one-half (4.5) feet in height within the required front yard setback, or greater than six (6) feet in height on the remainder of the property. The height of the earthen structure is measured from existing grade at the time of permit issuance.

As depicted on the attached grading plan, the improvements associated with the proposed driveway will result in a permanent earthen structure greater than 4.5 feet along Lakeshore Boulevard (front setback). This is a result of the proposed retaining walls as detailed in this report.

449 Lakeshore Boulevard – Grading Special Use Permit

A combination of walls and revegetation will be used to stabilize slopes disturbed as a result of the driveway grading. This includes the use of rockery walls, poured-in-place concrete walls, native revegetation, erosion mats, and formal landscape improvements. Rock walls will not exceed 6-feet in height per the requirements of the Washoe County Development Code. In areas where taller walls are necessitated, the use of poured-in-place concrete walls will occur. By providing taller walls, the overall disturbance is reduced, and a more natural appearance is retained. The concrete walls will be screened through the use of natural vegetation and formal plantings.

Figure 6 (below) depicts the typical slope stabilization methods proposed, while Figure 7 (following page) depicts typical wall sections proposed for 449 Lakeshore Boulevard.

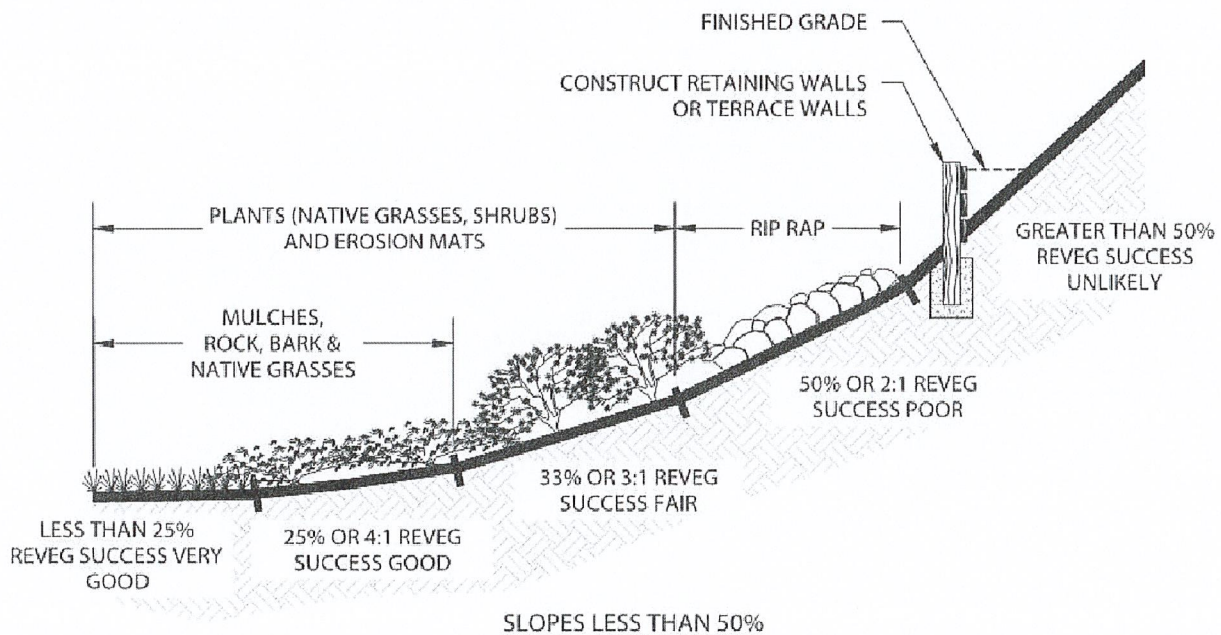


Figure 6 – Typical Slope Stabilization

449 Lakeshore Boulevard – Grading Special Use Permit

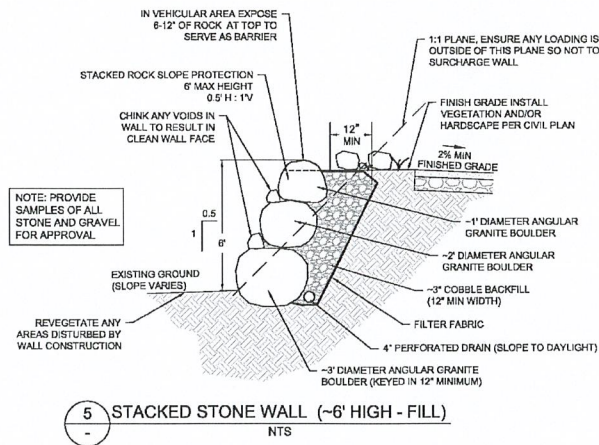
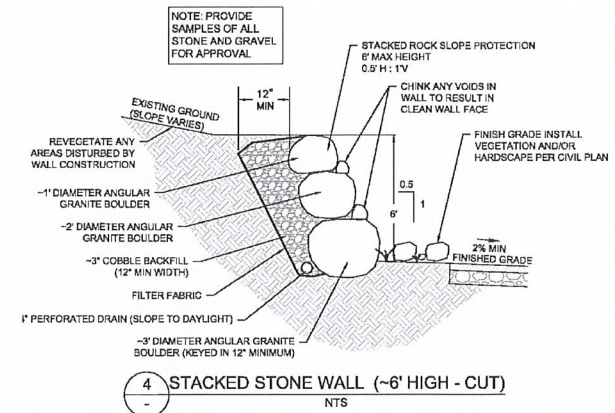
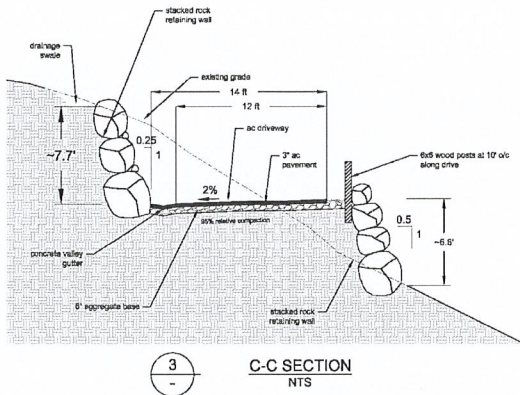
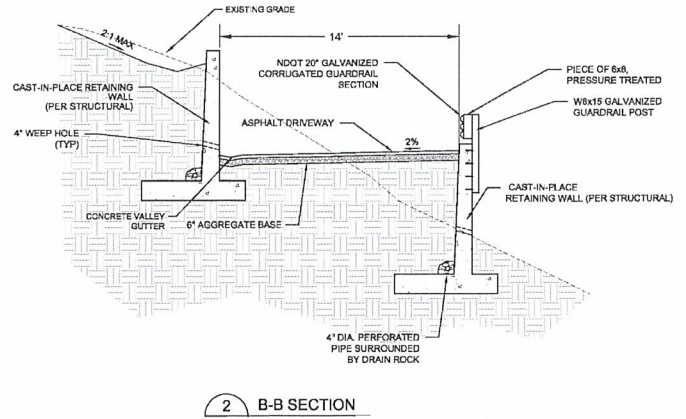
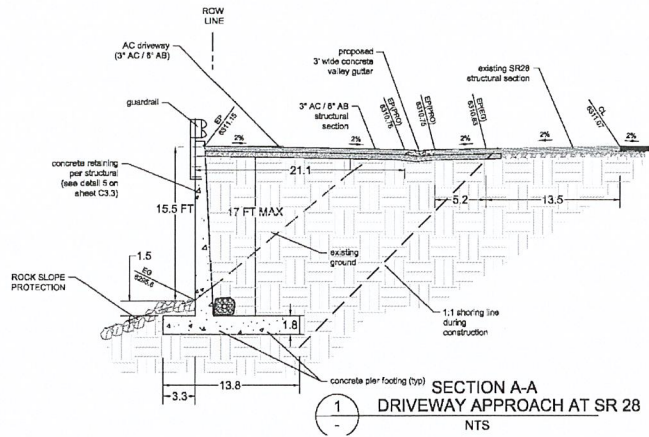


Figure 7 – Typical Wall Sections

449 Lakeshore Boulevard – Grading Special Use Permit

As proposed, the maximum height of concrete walls at 449 Lakeshore Boulevard will be approximately 15.5 feet. The proposed grading, including the walls included as part of this SUP, conform with applicable TRPA standards and plans have already been approved by TRPA.

The project site includes steep terrain between Lakeshore Boulevard and the homesite adjacent to Lake Tahoe. This includes natural 1:1 slope in some locations. The Washoe County Development Code requires that graded slopes be rounded to 3:1 in order to prevent erosion. However, in the case of 449 Lakeshore Boulevard, 3:1 slopes would result in massive scarring and does not meet the stringent standards implemented by TRPA. Thus, this SUP requests that slopes up to 1:1 be permitted in order to match the natural topography of the site. The slopes will be stabilized through the use of walls, erosion mats, revegetation, and landscaping, as depicted on the attached plans. Furthermore, the grading and stabilization methods comply with stringent TRPA standards and have been reviewed and approved by TRPA.

By incorporating the use of walls, landscaping, and slopes proposed, disturbance of the site will be significantly reduced. It is anticipated that the new home will largely screen graded areas and that revegetation will ensure a natural appearance of graded slopes, as viewed from Lake Tahoe. Figure 8 (below) depicts a photo simulation of the developed site, as completed by the project architect.



Figure 8 – Photo Simulation

449 Lakeshore Boulevard – Grading Special Use Permit

Special Use Permit Findings

In order to approve a Special Use Permit, the following findings must be made. Responses are provided in **bold**.

1. Consistency. The granting of the special use permit is consistent with the policies and maps of the Comprehensive Plan Elements and the Area Plan in which the property is located.

The proposed use to be accommodated by the planned grading are permitted within the Medium Density Suburban zone and are consistent with the goals and policies of the Tahoe Area Plan. This SUP request provides for consistency with section 110.438.35 and application of Development Code standards further ensures consistency with all applicable policies, etc.

2. Adequate Public Facilities. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities must exist or will be provided.

All necessary infrastructure and services necessitated by the proposed residence are in place or will be extended at the expense of the developer. The project will connect with existing municipal water and sewer infrastructure. The proposed driveway encroachment will be reviewed by NDOT for a required encroachment permit. Grading and drainage plans have already been reviewed and approved by TRPA.

3. Site Suitability. The site must be physically suitable for the proposed use and for the intensity of development.

The proposed grading, homesite location, and associated improvements comply with TRPA standards for coverage, grading, site disturbance, tree removal, etc. TRPA standards are some of the most stringent in the nation in terms of environmental protection. The grading proposed, including the use of walls and erosion control measures, will result in minimal disturbance and allow for a natural post-development appearance.

4. Issuance Not Detrimental. Issuance of the permit may not be significantly detrimental to the public health, safety or welfare; have a detrimental impact on adjacent properties; or be detrimental to the character of the surrounding area.

No negative impacts are anticipated with the granting of this SUP request. All potential impacts will be properly mitigated, and the development proposed is directly consistent with surrounding parcels and uses.

APPENDICES

Community Services Department

Planning and Building

SPECIAL USE PERMIT

(see page 7)

SPECIAL USE PERMIT FOR GRADING

(see page 9)

SPECIAL USE PERMIT FOR STABLES

(see page 12)

APPLICATION



Community Services Department
Planning and Building
1001 E. Ninth St., Bldg. A
Reno, NV 89512-2845

Telephone: 775.328.6100

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name: 449 Lakeshore Boulevard Grading SUP			
Project Description: A SUP to allow for grading of a private driveway per Section 110.438.35 of the Washoe County Development Code.			
Project Address: 449 Lakeshore Blvd. Incline Village, NV 89451			
Project Area (acres or square feet): 57,323 square feet			
Project Location (with point of reference to major cross streets AND area locator): The site is located on the east side of Lakeshore Blvd., southwest of Incline Village (refer to attached map).			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
123-250-08	1.32 acres		
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Myers Family Trust		Name: Christy Corporation, Ltd.	
Address: 565 Country Club Dr.		Address: 1000 Kiley Pkwy.	
Incline Village, NV Zip: 89451		Sparks, NV Zip: 89436	
Phone: 520-400-4845 Fax:		Phone: 775-502-8552 Fax:	
Email: jgm@blackstonedevelopmentgroup.com		Email: mike@christynv.com	
Cell: 520-400-4845 Other:		Cell: 775-250-3455 Other:	
Contact Person: Josh Myers		Contact Person: Mike Railey	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Same as Above		Name:	
Address:		Address:	
Zip:		Zip:	
Phone: Fax:		Phone: Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Property Owner Affidavit

Applicant Name: MYERS FAMILY TRUST

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
COUNTY OF WASHOE)

I, JOSHUA MYERS (please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true, and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Building.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 123 - 250 - 08

Printed Name Joshua Myers, Trustee

Signed [Signature]

Address 439 Plumb Lane Reno NV. 89509

Subscribed and sworn to before me this 3rd day of November, 2020

(Notary Stamp)

Tonya Cate Notary Public in and for said county and state My commission expires: Aug 15, 2024



*Owner refers to the following: (Please mark appropriate box.)

- Owner (checked)
Corporate Officer/Partner
Power of Attorney
Owner Agent
Property Agent
Letter from Government Agency with Stewardship

Special Use Permit Application Supplemental Information

(All required information may be separately attached)

1. What is the project being requested?

This application requests a SUP to allow for grading of a private driveway, triggering the thresholds of Section 110.438.35. Refer to attached report for a detailed description.

2. Provide a site plan with all existing and proposed structures (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.)

Refer to attached site plan.

3. What is the intended phasing schedule for the construction and completion of the project?

The project will be completed in a single phase.

4. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

The grading proposed, including walls, revegetation, and erosion control mats are specifically designed to address the unique site characteristics. Refer to attached report for a detailed analysis.

5. What are the anticipated beneficial aspects or affects your project will have on adjacent properties and the community?

The project will be designed to complement adjoining properties and homes in the area. Refer to attached report for specifics.

6. What are the anticipated negative impacts or affect your project will have on adjacent properties? How will you mitigate these impacts?

All potential impacts are properly mitigated with the measures proposed. Refer to attached report for details.

7. Provide specific information on landscaping, parking, type of signs and lighting, and all other code requirements pertinent to the type of use being purposed. Show and indicate these requirements on submitted drawings with the application.

Approximatley 1,398 cubic yards of cut and 766 cubic yards of fill.

8. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the special use permit request? (If so, please attach a copy.)

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

9. Utilities:

a. Sewer Service	IVGID
b. Electrical Service	NV Energy
c. Telephone Service	AT&T
d. LPG or Natural Gas Service	Southwest Gas
e. Solid Waste Disposal Service	Waste Management
f. Cable Television Service	AT&T, Charter Communications, or satellite providers
g. Water Service	IVGID

For most uses, Washoe County Code, Chapter 110, Article 422, Water and Sewer Resource Requirements, requires the dedication of water rights to Washoe County. Please indicate the type and quantity of water rights you have available should dedication be required.

h. Permit #		acre-feet per year	
i. Certificate #		acre-feet per year	
j. Surface Claim #		acre-feet per year	
k. Other #		acre-feet per year	

Title of those rights (as filed with the State Engineer in the Division of Water Resources of the Department of Conservation and Natural Resources).

Revegetation, walls, and the home itself will serve to screen disturbed areas.
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10. Community Services (provided and nearest facility):

a. Fire Station	North Lake Tahoe Fire Protection District - Station # 2
b. Health Care Facility	Incline Village Community Hospital
c. Elementary School	Incline Elementary School
d. Middle School	Incline Middle School
e. High School	Incline High School
f. Parks	Lake Tahoe State Park
g. Library	Washoe County - Incline Village Branch
h. Citifare Bus Stop	N/A

**Special Use Permit Application
for Grading
Supplemental Information**
(All required information may be separately attached)

1. What is the purpose of the grading?

The grading will allow for access to a single family residence. Refer to attached report for a detailed description.

2. How many cubic yards of material are you proposing to excavate on site?

Approximatley 1,398 cubic yards of cut and 766 cubic yards of fill.

3. How many square feet of surface of the property are you disturbing?

28,380 +/- square feet.

4. How many cubic yards of material are you exporting or importing? If none, how are you managing to balance the work on-site?

No import of material is proposed. Export may occur if material cannot be placed onsite. Refer to attached engineering plans.

5. Is it possible to develop your property without surpassing the grading thresholds requiring a Special Use Permit? (Explain fully your answer.)

No. Refer to attached report for a detailed analysis.

6. Has any portion of the grading shown on the plan been done previously? (If yes, explain the circumstances, the year the work was done, and who completed the work.)

Not applicable.

7. Have you shown all areas on your site plan that are proposed to be disturbed by grading? (If no, explain your answer.)

Yes. Refer to attached engineering plans.

8. Can the disturbed area be seen from off-site? If yes, from which directions and which properties or roadways?

The disturbed areas will be visible from Lake Tahoe. Refer to attached report for screening details.

9. Could neighboring properties also be served by the proposed access/grading requested (i.e. if you are creating a driveway, would it be used for access to additional neighboring properties)?

Not applicable.

10. What is the slope (horizontal/vertical) of the cut and fill areas proposed to be? What methods will be used to prevent erosion until the revegetation is established?

Slope varies from 15% to 50% +/- . The use of walls and erosion mats will be implemented per TRPA standards. Refer to attached report and plans for further specifics.

11. Are you planning any berms?

YesX	No	If yes, how tall is the berm at its highest? Refer to attached plan.
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12. If your property slopes and you are leveling a pad for a building, are retaining walls going to be required? If so, how high will the walls be and what is their construction (i.e. rockery, concrete, timber, manufactured block)?

Refer to attached report and plans for a detailed analysis.

13. What are you proposing for visual mitigation of the work?

Revegetation, walls, and the home itself will serve to screen disturbed areas.

14. Will the grading proposed require removal of any trees? If so, what species, how many and of what size?

Pine trees will be removed per TRPA approved plans. Refer to attached engineering drawings.

15. What type of revegetation seed mix are you planning to use and how many pounds per acre do you intend to broadcast? Will you use mulch and, if so, what type?

Revegetation mix will be per approved TRPA standards.

16. How are you providing temporary irrigation to the disturbed area?

Temporary irrigation will be provided via a connection to the domestic supply for the home.

17. Have you reviewed the revegetation plan with the Washoe Storey Conservation District? If yes, have you incorporated their suggestions?

Not applicable. The property is subject to TRPA regulations.

18. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that may prohibit the requested grading?

Yes	NoX	If yes, please attach a copy.
-----	-----	-------------------------------

Washoe County Treasurer
Tammi Davis

Account Detail

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CollectionCart

Collection Cart	Items	Total	Checkout	View
	0	\$0.00		

Pay Online

Payments will be applied to the oldest charge first.

Select a payment option:

- Total Due \$2,523.78
- Oldest Due \$1,261.89
- Partial

[ADD TO CART](#)

Washoe County Parcel Information

Parcel ID	Status	Last Update
12325008	Active	12/7/2020 1:40:23 AM

Current Owner:
MYERS FAMILY TRUST

565 COUNTRY CLUB DR
INCLINE VILLAGE, NV 89451

SITUS:
449 LAKESHORE BLVD
INCLINE VILLAGE NV

Taxing District
5200

Geo CD:

Tax Bill (Click on desired tax year for due dates and further details)

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Balance Due
2020	\$5,047.70	\$2,523.92	\$0.00	\$0.00	\$2,523.78
2019	\$4,846.87	\$4,846.87	\$0.00	\$0.00	\$0.00
2018	\$4,662.90	\$4,662.90	\$0.00	\$0.00	\$0.00
2017	\$4,508.49	\$4,508.49	\$0.00	\$0.00	\$0.00
2016	\$4,415.28	\$4,415.28	\$0.00	\$0.00	\$0.00
Total					\$2,523.78

TAXES PAID DIRECT FROM ESCROW ACCOUNT

Disclaimer

- **ALERTS:** If your real property taxes are delinquent, the search results displayed may not reflect the correct amount owing. Please contact our office for the current amount due.
- For your convenience, online payment is available on this site. E-check payments are accepted without a fee. However, a service fee does apply for online credit card payments. See Payment Information for details.

Pay By Check

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
P.O. Box 30039
Reno, NV 89520-3039

Overnight Address:
1001 E. Ninth St., Ste D140
Reno, NV 89512-2845

Payment Information

Special Assessment District

Installment Date Information

Assessment Information