



## TRPA CODE REQUIRED FINDINGS

_____	_____
Last Name	Project Type
_____	_____
Address	APN

### FINDINGS NECESSARY TO APPROVE ANY PROJECT

**Finding 4.4.1.A:** The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA Plans and Programs. (TRPA Code §4.4.1A)

Rationale: *The project involves the construction of a (Project Type: \_\_\_\_\_) under TRPA's IPES land capability system. The project complies with the land use and site development standards of the TRPA Regional Plan and Code of Ordinances as demonstrated in the plan drawings and other materials in the application, and is an allowable land use in the affected (Plan Area Statement/Area Plan/Community Plan: \_\_\_\_\_). The permittee has a residential allocation for this project as required in the TRPA Code of Ordinances, and there are no known project elements that would adversely affect implementation of any TRPA ordinance, program, or plan.*

**Finding 4.4.1.B:** The project will not cause the environment threshold carrying capacities to be exceeded. (TRPA Code §4.4.1B)

Rationale: *The project complies with TRPA land coverage standards established for the Soil Conservation threshold and there are no known impacts to any other environmental carrying capacities, including but not limited to air quality, water quality, vegetation preservation, wildlife, fisheries, noise, recreation, and scenic resources. The project area is not visible from any protected TRPA scenic resource. New vehicle trips will be mitigated through payment of an air quality mitigation fee consistent with TRPA Code.*

**Finding 4.4.1.C:** Wherever federal, state or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact. (TRPA Code §4.4.1C)

Rationale: *The basis for this finding is TRPA Project Review Conformance Checklists and Compact Article V(g) findings checklist for residential projects, found in the project file.*

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**SPECIAL USES**

**Finding 21.2.2.A:** The project to which the use pertains is of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which and surrounding area in which it will be located.

Rationale:

**Finding 21.2.2.B:** The project to which the use pertains will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of 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.

Rationale:

**Finding 21.2.2.C:** The project to which the use pertains will not change the character if the neighborhood, or detrimentally affect or alter the purpose of the applicable planning area statement, community plan, and specific or master plan, as the case may be.

Rationale:

**LAND COVERAGE – DRIVEWAYS**

**Finding 30.4.2.A.1.d.i:** The construction will not result in a residential structure with land coverage greater than that permitted in Table 30.4.2-1 minus 400 square feet.

Rationale:

**Finding 30.4.2.A.1.d.ii:** The single-family house, as a direct result of the increased land coverage, will be located on the parcel in such a manner that it shall cause the least harm to the natural environment through minimization of land alterations, grading, removal of vegetation, hydrological impacts, and preservation of trees and other flora.

Rationale:

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\_\_\_\_\_

**LAND COVERAGE – RELOCATION OF EXISTING LAND COVERAGE**

**Finding 30.4.4.A** The relocation is an equal or superior portion of the parcel or project area, as determined by reference to the following factors:

1. Whether the area of location has already been disturbed;
2. The slope of and natural vegetation on the area of relocation;
3. The fragility of the soil on the area of relocation;
4. Whether the area of relocation appropriately fits the scheme of use of the property;
5. The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore;
6. The project otherwise complies with the land coverage mitigation program set forth

Rationale: \_\_\_\_\_

**Finding 30.4.4.B:** The area from which the land coverage was removed for relocation is restored in accordance with subsection 30.5.3.

Rationale: \_\_\_\_\_

**Finding 30.4.4.C:** The relocation shall not be to Land Capability Districts 1a, 1b, 1c, 2, or 3, from any higher numbered land capability district.

Rationale: \_\_\_\_\_

**Finding 30.4.4.D:** If the relocation is from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone. "Net environmental benefit to a stream environment zone" is defined as an improvement in the functioning of the stream environment zone and includes, but is not limited to:

1. Relocation of coverage from a less disturbed area to a more disturbed area or to an area further away from the stream channel or water body, as applicable;
2. Retirement of land coverage in the affected stream environment zone; or
3. For projects involving the relocation of more than 1,000 square feet of land coverage within a stream environment zone, a finding, based on a report prepared by a qualified professional, that the relocation will improve the function of the stream environment zone and will not negatively affect the quality of existing habitats, considering factors such as, but not limited to, soil functions, hydrologic function, vegetation, and wildlife habitat.

Rationale: \_\_\_\_\_

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**LAND COVERAGE – STREAM CROSSINGS**

**Finding 30.5.2.A.1:** There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment in the stream environment zone, or that encroachment shall be necessary to reach the building site recommended by IPES.

Rationale:

**Finding 30.5.2.A.2:** The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in subparagraph 30.5.1.B.5, with the exception that the restoration requirement in such subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

Rationale:

**PAVED ROAD WAIVER**

**Finding 32.3.1.A:** The project is subject to a variance for the historically significant structures and districts pursuant to Chapter 67: Historic Resource Protection.

Rationale:

**Finding 32.3.1.B:** The roadway is not designated to be paved by the surface water management plan (Volume I of the 208 Water Quality Plan as amended).

Rationale:

**Finding 32.3.1.D:** The permittee posts a security with TRPA in an amount equal to 110 percent of the permittee’s fair share of the estimated cost of paving the road serving the parcel. TRPA shall apply the procedures established in law by the local jurisdiction to determine a fair share, or in the absence of such procedures, shall adopt a procedure for determining a fair share. The waiver shall not apply to the construction or reconstruction of a commercial, tourist accommodation, or multifamily residential project.

Rationale:

**Finding 32.3.1.E:** A program has been established that provides assurance the road will be paved within five years.

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Rationale:

**GRADING – SEASONAL EXCEPTIONS**

**Finding 33.3.1.B:** TRPA may approve grading after October 15 if TRPA finds either that an emergency exists and the grading is necessary for the protection of public health or safety, or that the grading is for erosion control purposes or protection of water quality.

Rationale:

**GRADING – GROUNDWATER INTERCEPTION**

\*For Findings 33.3.6.A.1-2 Please refer to TRPA Code of Ordinances for applicability, and if applicable, include them within this document with a rationale.

**GRADING – EXCAVATIONS IN EXCESS of 5’ IN DEPTH**

**Finding 33.3.6.B.1:** A soils/hydrologic report prepared by a qualified professional, which proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

Rationale:

**Finding 33.3.6.B.2:** The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to subsection 33.6.5: *Tree Removal*, including root systems and hydrologic conditions of the soil. To ensure protection of vegetation necessary for screening, a special vegetation protection report shall be prepared by a qualified professional identifying measures necessary to ensure damage will not occur as a result of the excavation.

Rationale:

**Finding 33.3.6.B.3:** Excavated material is disposed of pursuant to subsection 33.3.4: *Disposal of Materials* and the project area’s natural topography is maintained pursuant to subparagraph 36.5.1.A. If groundwater interception or interference will occur as demonstrated by a soils/hydrologic report prepared by a qualified professional, then the excavation can be made as an exception pursuant to subparagraph 33.3.6.A.2, provided measures are included in the project to maintain groundwater flows to avoid adverse impacts to SEZ vegetation and to prevent any groundwater or subsurface water flow from leaving the project area as surface flow.

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Rationale:

**DRIVEWAYS**

**Finding 34.3.2.B:** Shared Driveways. In the application of subsection 34.3.3 through 34.3.5, inclusive, TRPA shall encourage shared driveways if TRPA finds that the effect is equal or superior to the effect of separate driveways.

Rationale:

**Finding 34.3.2.E:** Slope of Driveways. Slopes of driveways shall not exceed the standards of the county or city in whose jurisdiction the driveway is located. Driveways shall not exceed ten percent slope, unless TRPA finds that construction of the driveway with a ten percent or less slope would require excessive excavation and that the runoff from a steeper driveway shall be infiltrated as required in Section 60.4. In no case shall the driveway exceed 15 percent slope.

Rationale:

**CONSTRUCTION IN SCENIC ROADWAY SETBACKS**

**Finding 36.5.4.A.2:** TRPA may approve building setbacks less than 20 feet if the reduced setback is approved by the appropriate local jurisdiction and TRPA finds that the project shall not cause a decrease in the numerical ratings assigned to the roadway unit, including the scenic quality rating of the individual resources within each unit, as recorded in the 1982 Scenic Resources Inventory and shown in Tables 13-3 and 13-8 of the *Study Report for the Establishment of Environmental Threshold Carrying Capacities*, October 1982. The criteria for rating scenic quality as identified in the study report cited herein shall be used to determine if a project will cause a decrease in the numerical rating.

Rationale:

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**HEIGHT FINDINGS**

**Finding 37.7.1:** Finding 1. When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline. For height greater than that set forth in Table 37.4.1-1 for a 5:12 roof pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

Rationale: \_\_\_\_\_

**Finding 37.7.2:** Finding 2. When outside a community plan, the additional height is consistent with the surrounding uses.

Rationale: \_\_\_\_\_

**Finding 37.7.3:** Finding 3. With respect to that portion of the building that is permitted the additional height, the building has been designed to minimize interface with existing views within the area to the extent practicable.

Rationale: \_\_\_\_\_

**Finding 37.7.4:** Finding 4. The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

Rationale: \_\_\_\_\_

**Finding 37.7.5:** Finding 5. The portion of the building that is permitted additional building height is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed.

- A. The horizontal distance from which the building is viewed;
- B. The extent of screening; and
- C. Proposed exterior colors and building materials.

Rationale: \_\_\_\_\_

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**Finding 37.7.6:**                    **Finding 6. The building that is permitted additional building height is located within an approved community plan or Ski Area Master Plan that identifies the project area as being suitable for the additional height being proposed.**

Rationale:

**Finding 37.7.7:**                    **Finding 7. The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.**

Rationale:

**Finding 37.7.8:**                    **Finding 8. The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature describes as a prow.**

Rationale:

**Finding 37.7.9:**                    **Finding 9. When viewed from a TRPA scenic threshold travel route, the additional building height granted a building or structure shall not result in the net loss of views as a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss.**

Rationale:

**Finding 37.7.10:**                    **Finding 10. The building is no more than two stories above grade (excluding basement) in height.**

Rationale: