

**TRPA
APC
PACKETS**

**JANUARY
1988**

1-88

January 13, 1988

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on January 13, 1988, at the TRPA office, 195 U.S. Highway 50, Zephyr Cove, Round Hill, Nevada. The agenda for said meeting is attached hereto and made a part of this notice.

January 4, 1988

By:

W.A. Morgan

William A. Morgan
Executive Director
Tahoe Regional Planning Agency

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 195 U.S. Highway 50
Zephyr Cove, Round Hill, Nevada

January 13, 1988
9:30 a.m.

AGENDA

- I CALL TO ORDER AND DETERMINATION OF QUORUM
- II APPROVAL OF AGENDA
- III DISPOSITION OF MINUTES
- IV PUBLIC HEARING
 - A. Chapter 7 (Temporary Uses, Structures and Activities) and Related Amendments to Chapter 2 (Definitions) and Chapter 4 (Project Review and Exempt Activities) of the Code of Ordinances
 - B. Draft Amended Regional Transportation Plan and Draft Environmental Impact Statement for the Regional Transportation Plan (The comment period on the draft EIS has been extended to January 15, 1988.)
- V PLANNING MATTERS
 - A. Discussion of Threshold Indicators (Chapter 32, Code of Ordinances)
 - B. Discussion of and Recommendation on Preliminary Community Plan for Tahoe City
 - C. Discussion of Public Service Facilities List for 1988-1992
 - D. Discussion of Recreation Facilities List for 1988-1992
 - E. Status Report on Chapter 24 (Parking and Driveway Standards) of the Code of Ordinances
 - F. Status Report on Chapter 91 (Air Quality Control) of the Code of Ordinances to Clarify the Prohibition on the Use of Coal in the Tahoe Region
 - G. Status Report on Chapter 10 (Structures Housing Gaming) of the Code of Ordinances
- VI REPORTS
 - A. Executive Director
 - B. Legal Counsel
 - C. APC Members
 - D. Public Interest Comments

VII CORRESPONDENCE

VIII PENDING MATTERS

IX ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

195 U.S. Highway 50
Round Hill, Zephyr Cove, NV

(702) 588-4547

MEMORANDUM

January 4, 1988

To: APC

From: Staff

Subject: Chapter 7, Temporary Uses, Structures and Activities

Proposed Ordinance. Attached is the revised draft of Chapter 7 as per the APC recommendation to reformat and to include a community plan option. Included with Chapter 7 are amendments to Chapters 4 to establish when a permit is required and to Chapter 2 to define certain terms.

Environmental Document. Also, included with this packet is an updated Environmental Assessment addressing the impacts of the proposed ordinance. At this point it appears a finding of no significant impact will be appropriate.

Informational Document. The "English language" translation of the ordinance for the regulation of temporary activities is intended to be an over the counter document and to help the average person understand the rules. It was prepared at the recommendation of the committee and the APC and does not require any action, however, comments would be welcome.

Recommendation. The APC committee reviewed the draft and through consensus of the nine people in attendance recommend approval of the document with the following conditions. The TRPA staff concurs in this recommendation.

1. That the APC withhold any final action on the document until its February meeting to allow Tahoe Basin Association of Governments (TBAG) to review the document and consider local government's commitment to signing MOUs.
2. That TRPA consider through the appropriate process:
 - a. Establishment of a ten day response time to any application submitted for a temporary activity (respond to applicant, not to take action);
 - b. Establishment of reasonable filing fees;
 - c. Establishment of application forms designed for temporary activities and
 - d. Establishment of a model draft MOU.

GMB:cs
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AGENDA ITEM IV. A.

Chapter 7, Temporary Uses, Structures and Activities
Page Two

APC Meeting Objective. The APC should conduct a public hearing on this ordinance, discuss as appropriate, and advise staff of any changes recommended before it is presented for final action. The Governing Board will be given a status report on this ordinance at the January meeting.

1/4/88

AGENDA ITEM IV. A.

DRAFT

CHAPTER 7

TEMPORARY USES, STRUCTURES, AND ACTIVITIES

Chapter Contents

- 7.0 Purpose
- 7.1 Applicability
- 7.2 General Standards
- 7.3 Temporary Uses
- 7.4 Temporary Structures
- 7.5 Temporary Activities within Community Plans
- 7.6 Standards for Temporary Activities
- 7.7 Seasonal Uses and Structures Distinguished

7.0 Purpose: The purpose of this chapter is to ensure that projects of limited duration and impact, including temporary uses, structures, and activities, comply with the standards of the Compact and the Goals and Policies. As to temporary activities such as special events, the purpose is to identify those major events which may have substantial impacts and through a cooperative government and community effort mitigate those impacts.

7.1 Applicability: This chapter applies to all temporary uses, structures, and activities, proposed and existing.

7.2 General Standards: Impacts resulting from temporary projects, mitigated or not, shall be limited to the approved period. Temporary projects shall not be approved if significant adverse impacts may occur after the approved period. Temporary projects shall not result in the creation of permanent structures or uses. Temporary projects shall provide adequate security to ensure removal of any temporary structures and improvements and to ensure implementation of required mitigation.

7.3 Temporary Uses: TRPA may approve a temporary use for a period not to exceed six months, and may extend the original approval period once for an additional six months. Temporary uses listed in a Plan Area Statement shall be considered either allowed or special uses as set forth in the Plan Area Statement. Temporary uses not listed in a Plan Area Statement shall be considered special uses under Chapters 18 and 51.

7.3.A Review Standards: Temporary uses shall comply with all other provisions of this Code, except that they are exempt from the allocation limits in Chapter 33 and the mitigation fee requirements of Chapters 20, 56, 82, and 93.

- 7.3.A Existing Temporary Uses: A temporary use legally commenced prior to the effective date of the Regional Plan may be continued pursuant to the applicable permit, if any, for three years from the effective date of the Regional Plan or until any applicable permit expires, whichever is sooner.
- 7.4 Temporary Structures: Except where noted below, TRPA may approve a temporary structure for a period not to exceed six months, and may extend the original approval period once for an additional six months. Where the temporary structure is associated with a temporary activity, TRPA shall limit any approval to the period specified in the permit for the temporary activity.
- 7.4.A Review Standards: Temporary structures associated with permanent or temporary uses shall comply with the provisions of this code, except that they are exempt from the allocation limits in Chapter 33; the permanent BMP requirements of Chapter 25; and the mitigation fee requirements of Chapters 20, 56, 82, and 93. Temporary structures associated with a temporary activity shall comply with the standards of Section 7.6.
- 7.4.B Temporary Classrooms: Temporary classrooms for public schools may be permitted for up to three years as temporary structures except that the retrofitting requirements of Chapter 25 shall be imposed if the period exceeds one year.
- 7.4.C Existing Temporary Structures: A temporary structure legally established prior to the effective date of the Regional Plan may be continued pursuant to the applicable permit, if any, for three years from the effective date of the Regional Plan or until any applicable permit expires, whichever is sooner.
- 7.4.D Temporary Structures For Construction Projects: Temporary structures necessary for construction of a TRPA approved project may be approved for the time required to construct the project.
- 7.5 Temporary Activities In Community Plan Areas: Community plans may set forth standards for temporary activities equivalent to the standards set forth in Section 7.6. Upon approval of the community plan, temporary activities within the boundaries of the community plan shall comply with those standards in the community plan.
- 7.5.A Interim Standards: Until and unless standards are adopted in a community plan, the provisions in Section 7.6 shall apply.

7.5.B Special Event Areas: Community plans may designate special event areas within the community plan boundaries. Eligible temporary activities occurring in the special event area would be exempt from TRPA approval. Eligibility shall be equivalent to the standards of Section 7.6.

7.6 Standards For Temporary Activities: Except as may be provided for under Subsection 7.5., temporary activities shall comply with the general standards of Section 7.2 and the following standards:

7.6.A Land Coverage: Temporary activities may create temporary land coverage and disturbance subject to the following conditions:

- (1) The temporary coverage or disturbance shall be the minimum necessary for the activity;
- (2) There shall be no grading or vegetation removal which requires a permit from TRPA;
- (3) No disturbance, other than that ordinarily exempted in Chapter 4, shall be permitted in lands classified 1a, 1b (SEZ), 1C, 2, 3, or backshore except where it is found:
 - (a) the land is disturbed and,
 - (b) there is no feasible alternative which reduces impacts; and
- (4) Temporary coverage shall be removed and disturbed areas revegetated and all impacts mitigated upon completion of the event.

7.6.B Parking: When in the judgement of the reviewing authority there is sufficient cause to question the availability of parking, applications for temporary activity permits not exempted by Section 4.6 may be required to include a parking analysis and plan. An analysis of parking demand shall be pursuant to subsection 24.4.A of the Code. A parking plan shall include an identification of available on-site parking, off-site parking, and on-street parking to meet the demand; a proposed parking plan; identification of potential adverse impacts which may result from the plan; identification of mitigation measures necessary to avoid such impacts; and an implementation program to ensure mitigation takes place.

- (1) Parking on Unpaved Areas: The reviewing authority may approve parking on unpaved areas, off-site parking, or on-street parking, notwithstanding the normal limitations of Chapter 24 of this Code, provided it finds that any adverse impacts are mitigated to a less than significant level.

7.6.C BMPs: Temporary activities shall comply with the requirements for temporary BMPs in Chapter 25. If the activity causes or continues to cause land disturbance, the reviewing authority may require application of permanent BMPs to all or a portion of the project area.

7.6.D Outdoor Advertising: Temporary activities shall comply with the standards for temporary signs set forth in Chapter 26 or the interim standards, whichever apply.

7.6.E Noise: Temporary activities may create noise levels that exceed the noise thresholds provided the reviewing authority notifies the affected property owners utilizing standard notification procedures and the activity is:

- (1) In a commercial/public service or tourist PAS and is limited to ten hours duration between 8 A.M. and 10 P.M.; or
- (2) A race or exhibition limited to six hours duration during daylight hours.

7.6.F Traffic Mitigation: Temporary activities are exempt from Chapter 93. Applicants for temporary activities that require the closure of a traffic lane or intersection of a state or federal highway for more than one hour, or the closure of U.S. 50 from the South Y to Kingsbury Grade for any period of time, shall submit, as part of the project application, a traffic analysis including identification of necessary mitigation measures, pursuant to subsection 93.3.B of this Code.

7.6.G Allocations: Temporary activities are exempt from the allocation requirements of Chapter 33.

7.6.H Mitigation Fees: Temporary activities are exempt from the mitigation fee requirements of Chapters 20, 56, 82, and 93.

7.6.I Other Standards: All other provisions of the Code shall apply to temporary projects, as applicable.

7.7 Seasonal Uses and Structures Distinguished: Uses and structures operated for more than 14 consecutive days or seasonally on a year to year basis are considered permanent uses and structures. Permanent uses and are regulated according to the full provisions of this Code.

RELATED AMENDMENTS

Chapter 4 amendments to establish what temporary uses, structures, and temporary activities are exempt from TRPA review:

4.6 Temporary Uses, Structures, and Activities: The following activities are exempt from review and approval by TRPA.

4.6.A Accessory Special Events: Temporary activities considered part of or accessory to a primary use such as sporting events at a school, a golf tournament at a golf course, a ski race at a ski area, a conference at an assembly and entertainment facility, a special event at a community plan special event area, an event at a cultural facility or recreation center, and a garage sale at a residence are exempt from TRPA review and approval if the activity and its impacts are contained within the project area and meet the criteria in Subsection 4.6.C or if applicable, the conditions of approval of the primary use.

4.6.B Temporary Uses and Structures: Temporary uses and structures shall be determined exempt pursuant to the standards set forth for permanent uses and structures as set forth in this chapter.

4.6.C Temporary Activities: The following temporary activities are exempt:

(1) Temporary Activities (without MOU): Temporary activities not covered by the memoranda of understanding in Subparagraph 4.6.C(2) are exempt provided the activity complies with the criteria set forth below:

- (a) The temporary activity does not require parking in unpaved areas;
- (b) The temporary activity does not require the closure of a traffic lane or intersection of a state or federal highway except for emergencies, for more than one hour, or in the case of Highway 50 from the South Y to Kingsbury Grade for any period of time;
- (c) The temporary activity does not discharge pollutants affecting attainment of air quality standards or visibility standards (Outdoor recreation/cook fires are exempt by Chapter 91);
- (d) The temporary activity does not discharge pollutants affecting attainment of water quality standards (examples of pollutants include discharges of grease, oil, runoff water, human waste, garbage, and chemicals);

- (e) The temporary activity does not create noise levels which exceed the noise limitations set forth in Chapter 23 (Chapter 23 exempts legal fireworks displays);
- (f) The temporary activity does not create permanent or temporary land disturbance or removal of vegetation; and
- (g) The temporary activity does not exceed 14 consecutive days duration and does not occur within a project area more than four times in a calendar year.

- (2) Temporary Activities (MOU): Temporary activities not exempted pursuant to the criteria in 4.6.C(1)(a) through (g) and reviewed and approved by local government, U.S. Forest Service, or state agency pursuant to an MOU between TRPA and the reviewing authority, provided the permitting authority applies the provisions of Sections 7.2, 7.5, and 7.6.

Although outdoor retail sales are considered a permanent use, certain holiday sales lots are temporary in nature and require special exemption considerations. Add new Subsection 4.3.H as follows:

- 4.3.H Holiday Outdoor Retail Sales: Outdoor retail sales associated with holidays, such as Christmas tree sales lots, are exempt provided the activity does not require parking on unpaved areas, does not create land coverage or disturbance, does not exceed more than six consecutive weeks duration, is located in a Commercial/PS or Tourist Plan Area, there are no continuing adverse impacts, has been approved by the applicable local government and has a statement filed pursuant to Section 4.3.

Add the following definitions to Chapter 2 as follows:

Temporary Use: A temporary use is a primary use listed in the Table of Primary Uses in Chapter 18 or as set forth in Chapter 51 or an accessory use approved as a nonpermanent use for a period of operation not to exceed twelve months.

Temporary Structure: A temporary structure is a structure or improvement approved to exist for a period not to exceed twelve months or, in the case of a temporary activity, the time limit set forth in the permit, in the case of temporary classrooms for public schools not to exceed three years, or in the case of a construction project not exceeding the time limits of the permit.

Temporary Activity: A temporary activity is an organized activity which does not occur more than four times in a calendar year, and does not exceed fourteen consecutive days in duration.

PROPOSED TRPA TEMPORARY ACTIVITY REGULATIONS

WHAT IS A TEMPORARY ACTIVITY?

Temporary activities are organized activities that do not exceed more than fourteen (14) consecutive days and do not occur more often than 4 times during a calendar year within a given area. Most special events are considered temporary activities. Seasonal uses lasting more than 14 days are not temporary activities, but are permanent uses subject to different rules.

MOST TEMPORARY ACTIVITIES ARE EXEMPT FROM TRPA REVIEW

The following are exempt:

- Special events associated with existing uses such as a ski race at a ski area, a conference at a convention facility, a sporting event at a school, golf tournament at a golf course, an event at a cultural facility or recreation center, a garage sale at a residence, parties at homes, and weddings at churches and chapels.
- Special events that do not have a substantial environmental impact.
- Special events reviewed and approved by local, state or federal government in accordance with the standards listed below.
- Special events in community plan designated special event areas.

WHAT TEMPORARY ACTIVITIES REQUIRE PERMITS?

Activities (including special events) of substantial environmental impact require permits according to the Tahoe Regional Planning Compact. If the activity does any of the following impacts, it will require a permit:

- Requires closing of a lane or intersection of a state or federal highway, except for emergencies, for more than one hour or in the case of Highway 50 from the Y to Kingsbury any period of time.
- Discharges significant pollutants into the air (campfires/cook fires are not considered discharges).
- Discharges significant pollutants affecting water quality such as discharges of grease, oil, muddy water, human waste, garbage, and chemicals.
- Creates excessive noise beyond TRPA standards (legal fireworks are exempt).
- Creates any permanent or temporary land disturbance or removal of vegetation or has parking in unpaved areas.

WHO REVIEWS AND APPROVES A TEMPORARY ACTIVITY WHEN IT IS REQUIRED TO HAVE A PERMIT?

If it is agreeable to the local government, the state, or federal agency of jurisdiction, they may elect to review the activity instead of TRPA. If this agreement (MOU) is not established, TRPA will review the temporary activity.

WHAT ARE THE STANDARDS FOR REVIEW WHEN AN ACTIVITY NEEDS A PERMIT?

Due to the limited time and impact of temporary activities special review standards need to be established. In general the special standards are more flexible than the regular TRPA standards that apply to permanent projects. These standards are as follows:

Land Coverage: Temporary activities may be permitted temporary land coverage and disturbance subject to the following conditions:

- (1) The temporary coverage or disturbance shall be the minimum necessary for the activity;
- (2) There shall be no grading or vegetation removal which requires a permit from TRPA;
- (3) No disturbance, other than that ordinarily exempted in TRPA's Chapter 4, shall be permitted in lands classified 1a, 1b (SEZ), 1c, 2, 3, or backshore except when the land is already disturbed and there is no other alternative; and
- (4) Temporary coverage shall be removed, disturbed areas revegetated, and impacts mitigated upon completion of the event.

Parking: If there are serious questions about the availability of parking, an applicant for a temporary activity may be required to prepare a parking analysis and plan. Temporary activities may be permitted parking on unpaved surfaces, on street parking, and off site parking.

BMPs: Temporary activities shall comply only with the requirements for temporary BMPs (BMP stands for Best Management Practices which refers to water quality protection measures). When the temporary activity causes or continues to cause land disturbance, the reviewing authority may require application of permanent BMPs to all or a portion of the project area.

Signs: Temporary activities shall comply with the standards for temporary signs.

Noise: The noise standards of Chapter 23, shall apply in most cases. Temporary activities may be permitted to exceed the noise standards provided the activity is subject to public notice and is in a commercial area and is limited to 10 hours duration between 8 A.M. and 10 P.M. or is a race or exhibition limited to six hours duration during daylight hours.

No Permanent Impacts: Impacts resulting from the temporary activities shall be limited to the approved period. Temporary activities shall not be approved if significant adverse impacts may occur after the approved period. Temporary activities shall not result in the creation of permanent structures or uses. Temporary activities shall provide adequate security to ensure removal of any temporary structures and improvements.

Road Closures: Temporary activities are exempt from Chapter 93. Temporary activities requiring a road closure shall submit and implement a traffic mitigation program including detour and traffic management plans.

Allocations: Temporary activities are exempt from the allocation limitations set forth in Chapter 33.

Mitigation Fees: Temporary activities are exempt from the mitigation fee requirements of Chapter 20 Land Coverage, Chapter 56 Mitigation Fee Requirements, Chapter 82 Water Quality Mitigation, and Chapter 93 Traffic and Air Quality Mitigation. This does not exempt temporary activities from requirements to mitigate identified impacts.

Other Standards: As applicable the other provisions of the Code shall apply to temporary projects.

YOU STILL HAVE QUESTIONS OR SUGGESTIONS?

Call TRPA planner Gordon Barrett at 702-588-4547 or submit written comments to TRPA, P.O. Box 1058, Zephyr Cove, Nevada 89448. Chapter 7 containing these regulations is scheduled for APC and Governing Board consideration in January 1988.

ENVIRONMENTAL ASSESSMENT

ADOPTION OF CHAPTER 7

REGIONAL PLAN: CODE OF ORDINANCES

Prepared by:

**TAHOE REGIONAL PLANNING AGENCY
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038**

JANUARY, 1988

CONTENTS

I. Introduction.....4

II. Description of the Proposed Action.....5

 A. Purpose of the Proposed Action.....5

 B. Affected Environment.....5

 C. Background of the Proposed Action.....8

 D. Description of the Proposed Action.....9

III. Relationship to Land Use, Policies, and Controls.....12

 A. Federal.....12

 B. State.....13

 C. Local.....14

IV. Probable Environmental Impacts of the Proposed Action.....15

 A. Land Use.....15

 B. Housing.....15

 C. Transportation/Circulation.....16

 D. Air Quality.....16

 E. Water Quality.....17

 F. Noise.....18

 G. Scenic Resources.....19

 H. Community Design.....20

 I. Soils.....20

 J. Stream Environment Zones.....21

 K. Vegetation.....22

 L. Fish.....22

 M. Wildlife.....23

 N. Shorezone.....23

 O. Cultural Resources.....24

 P. Natural Hazards.....24

 Q. Energy.....25

 R. Recreation.....25

 S. Public Services and Facilities, Health, and Safety.....26

 T. Socioeconomic.....27

V. Alternatives to the Proposed Action.....28

VI. Summary of Environmental Impacts.....29

 A. Significant Adverse Environmental
 Impacts Which Cannot Be Avoided.....29

 B. Relationship Between Short-term Uses
 Of Man's Environment And The Maintenance
 And Enhancement Of Long-Term Productivity.....29

 C. Significant Irreversible And Irretrievable
 Commitments Of Resources Which Would Be
 Involved If The Proposed Action Were Implemented.....29

 D. Growth-Inducing Impacts.....29

VII. References.....30

VIII. Comments and Responses.....32

IX. Distribution List.....36