

**TRPA  
APC  
PACKETS**

**MARCH  
1988**

MARCH 1988

APC

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 March 9, 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.

March 1, 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, Nevada

March 9, 1988  
9:30 a.m.

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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) (Another public hearing will be held on this item at the March 23, 24 Governing Board meeting.)
  - B. Chapter 30 (Setback Provisions of Design Standards) (A second public hearing will be held on this item at the March 23, 24 Governing Board meeting.)
  - C. Public Facilities List for 1988-92
  - D. Recreation Facilities List for 1988-92
  - E. Redevelopment Plan for the City of South Lake Tahoe (to be continued to the April 13 APC meeting)
  - F. Regional Plan Amendments to Plan Area Statements 004 and 006 to Allow Regional Health and Safety Facilities as Permissible Uses and to Change Maximum Permissible Community Noise Equivalent Level (CNEL) (A second public hearing will be held on this item at the March 23, 24 Governing Board meeting.)
- V PLANNING MATTERS
  - A. Recommendation on Chapter 7 (Temporary Uses, Structures and Activities) and Related Amendments to Chapter 2 (Definitions) and Chapter 4 (Project Review and Exempt Activities)
  - B. Recommendation on Chapter 30 (Setback Provisions of Design Standards)
  - C. Recommendation on Public Facilities List for 1988-92
  - D. Recommendation on Recreation Facilities List for 1988-92

- E. Recommendation on Regional Plan Amendments to Plan Area Statements 004 and 006 to Allow Regional Health and Safety Facilities as Permissible Uses and to Change Maximum Permissible Community Noise Equivalent Level (CNEL)
- F. Recommendation on Chapter 11 (Foundations)
- G. Status Report on 208 Plan Amendments

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

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

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

(702) 588-4547

February 29, 1988

To: The Advisory Planning Commission

From: The Staff

Subject: Chapter 7 and Related Amendments

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Attached is the most recent draft of Chapter 7 and the related amendments. The redraft was necessary due to Governing Board comments. The APC Temporary Use Committee will meet on Monday, March 7 to review the redraft. Staff will advise the APC of the Committee's recommendations at the meeting.

SES:jf  
2/29/88

AGENDA ITEM V 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 or Special Event Areas
- 7.6 Standards for Temporary Activities
- 7.7 Seasonal Projects Distinguished
- 7.8 Existing Seasonal and Short-Term Projects

- 7.0 Purpose: This chapter sets forth the regulations governing temporary uses, structures and activities and procedures for review of such projects.
- 7.1 Applicability: This chapter applies to all temporary uses, structures and activities, collectively referred to as temporary projects.
- 7.2 General Standards: Temporary projects shall not result in impacts that continue beyond or occur after the period of approval. Approval of temporary projects shall be conditioned upon the posting of an appropriate security to insure removal of temporary structures and implementation of mitigation measures and other conditions of approval. Temporary projects shall be exempt from the provisions of Chapter 33 and the mitigation fee requirements of Chapters 20, 56, 82 and 93. Prior to approval of a temporary project, site inspection shall be conducted to determine if the project area is capable of withstanding the impacts of the project and can be feasibly restored to its original condition or better. Temporary projects shall comply with applicable provisions of the Code unless specifically exempted.
- 7.3 Temporary Uses: TRPA may approve a temporary use for a period not to exceed six months and may approve one six-month extension. A temporary use shall be reviewed in accordance with the applicable plan area statement. A use not listed in a plan area statement shall be reviewed as a special use in accordance with Subsection 18.1.B.
- 7.4 Temporary Structures: Except as set forth in Subsections 7.4.B and 7.4.C, TRPA may approve a temporary structure for a period not to exceed six months and may approve one six-month extension.

- 7.4.A Review Standards: Temporary structures shall be exempt from the requirement in Chapter 25 to install permanent BMPs. A temporary structure associated with a temporary activity shall comply with the standards set forth in Section 7.6. In approving a temporary structure, TRPA shall determine the expiration date based upon the anticipated length of the associated use or activity.
- 7.4.B Temporary Classrooms: Temporary classrooms for public schools may be approved for a period not to exceed three years. Temporary classrooms approved for a period in excess of one year shall comply with the permanent BMP requirement of Chapter 25.
- 7.4.C Temporary Structures Associated With Construction: Temporary structures associated with the construction of a TRPA-approved project may be approved for a period consistent with the construction schedule of the project.
- 7.5 Temporary Activities within Community Plans or Special Event Areas: A temporary activity in a community plan area or TRPA-approved special event area shall comply with the following standards:
- 7.5.A Community Plan Area: An adopted community plan may set standards for temporary activities which are equal or superior to the standards in Section 7.6. Upon adoption of the community plan, the community plan standards for temporary activities, if any, shall supersede the standards in this chapter.
- 7.5.B Interim Community Plan Standards: Until adoption of a community plan with temporary activity standards, or if the adopted community plan does not include such standards, the provisions of Section 7.6 shall apply to temporary activities in community plan areas.
- 7.5.C Special Event Areas: TRPA may approve special event areas as designated sites for temporary activities. A special event area shall be reviewed as a special use in accordance with Subsection 18.1.B.
- (1) Temporary activities may occur in the special event area without further TRPA review consistent with the project approval for the special event area.
  - (2) A community plan shall consider designation of a special event area within the community plan boundaries. A special event area project may be approved by TRPA in conjunction with adoption of a community plan.
- 7.6 Standards For Temporary Activities: Except as otherwise provided in Section 7.5, temporary activities shall comply with the following standards:

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

- (1) The temporary coverage or disturbance shall be the minimum necessary for the activity;
- (2) The activity shall not include grading or vegetation removal which requires a TRPA permit;
- (3) No coverage or disturbance, except as exempted from TRPA review in Chapter 4, shall be permitted in land capability districts 1a, 1b(SEZ), 1c, 2, 3 or the backshore unless the land to be covered or disturbed is presently disturbed and there is no feasible alternative which reduces the impacts of continued disturbance.
- (4) Temporary coverage shall be removed, disturbed areas associated with the activity shall be revegetated and other required mitigation measures shall be implemented upon completion of the activity.

7.6.B Parking: If there is good cause to question the sufficiency of parking for the temporary activity, the applicant may be required to submit a parking analysis and plan pursuant to Chapter 24. A parking plan shall include an identification of available parking, a proposed parking plan and identification of impacts which may result from the plan and mitigation measures necessary to offset such impacts, and a program to ensure implementation of the plan and mitigation measures.

- (1) Parking for temporary activities may be approved for unpaved, offsite or onstreet areas, subject to the conditions of Section 7.6.A, where applicable.

7.6.C BMPs: Temporary activities shall comply with the requirement for installation of temporary BMPs in Chapter 25. If the temporary activity causes or perpetuates land disturbance, the applicant may be required to implement permanent BMPs on 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 in Ordinance 87-8, as applicable.

7.6.E Noise: Temporary activities shall be exempt from the noise limitations set forth in Chapter 23. Notwithstanding the foregoing, prior to approving a temporary activity which may exceed such limitations, TRPA shall provide notice and an opportunity to be heard. TRPA may approve such temporary activities provided it finds that:



- (1) The activity is not injurious or disturbing to the health, safety and general welfare of persons or property in the neighborhood, and the general welfare of the Region, and that the applicant will take reasonable steps to protect against such injury and to protect the land, water and air resources of the applicant's property and that of surrounding property owners, and
- (2) That the activity is in a plan area designated commercial, public service or tourist, limited to no more than ten hours duration and is between the hours of 8:00 a.m. to 10:00 p.m., or that the activity is a race or exhibition, is limited to no more than six hours' duration and is conducted during daylight hours.

7.6.F Traffic Mitigation: For a temporary activity that includes 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 at any point between the South Wye and Kingsbury Grade for any period of time, the applicant shall submit a traffic analysis pursuant to Subsection 93.3.B. Other temporary activities are exempt from the requirements of Chapter 93.

7.6.G Existing Temporary Activities: A temporary activity which was permitted and did occur on or after July 1, 1986, may be repeated in accordance with the terms of the previous permit, if any, without further TRPA review until July 1, 1990 or until expiration of the permit, whichever is earlier.

7.7 Seasonal Projects Distinguished: Except as set forth above, uses and structures which exist annually for more than 14 consecutive days shall not be considered temporary projects.

7.8 Existing Seasonal and Short-Term Projects: Existing short-term or seasonal uses and structures shall be permitted to continue for the duration of the applicable permit.

CHAPTER 2 AMENDMENT  
(Related to Chapter 7)

Temporary Activity: A temporary activity is an organized event which does not occur more than four times in a calendar year and which does not exceed fourteen consecutive days in duration. Activities which are within the scope of a primary use, are conducted within the project area, and which would not otherwise require TRPA review and approval, are not deemed temporary activities. Examples of such activities are: a golf tournament at a golf course, or a ski race at a ski area.

Temporary Use: A temporary use is a primary use which does not exceed a period of twelve months.

Temporary Structure: A temporary structure is a structure which is approved for a limited time as set forth in Chapter 7.

Temporary Project: A temporary project is a temporary use, activity or structure.

4.6 Temporary Projects: The following activities are not subject to review and approval by TRPA provided they do not result in the creation of additional land coverage or disturbance or relocation of land coverage. Exemption of activities from TRPA review and approval shall not be construed to exempt such activities from applicable provisions of the Code.

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

(1) Temporary activities which:

- (a) Do not cause parking on unpaved areas;
- (b) Do not create or relocate land coverage or disturbance;
- (c) Do not require 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 at any point between the South Wye and Kingsbury Grade for any period of time;
- (d) Do not create noise in excess of the limits in Chapter 23; and
- (e) Does not exceed fourteen consecutive days in duration and will not occur more than four times in a calendar year.

(2) Temporary activities in TRPA-approved special event areas in accordance with the TRPA approval.

(3) Temporary activities which are reviewed and approved by local government, Forest Service, or state agency pursuant to a memo of understanding with TRPA consistent with Chapter 7.

4.3.H Holiday Outdoor Retail Sales: An outdoor retail sales use associated with a state or federal holiday, is exempt provided the use does not cause parking on unpaved areas, does not operate for more than six consecutive weeks in a twelve month period, is located in a plan area designated commercial, public service or tourist and a statement is filed pursuant to Section 4.3.

# TAHOE REGIONAL PLANNING AGENCY

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

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

(702) 588-4547

## MEMORANDUM

March 1, 1988

To: Advisory Planning Commission

From: TRPA Staff

Subject: Proposed Amendment to Chapter 30  
(Setback Provisions of Design Standards)

Current Provision: Subparagraph 30.5.D(1) of the Code requires that all buildings be setback a minimum of 20 feet from property lines adjacent to public rights-of-way. TRPA may reduce the setback for a project if TRPA finds that a reduction would minimize the amount of grading and disturbance that would otherwise result from construction of improvements necessary to meet off-street parking requirements.

Problem: TRPA staff has had difficulty implementing the setback standard, especially for buildings located on corner parcels. In many instances the TRPA setback standard is inconsistent with local government setback standards. The TRPA setback standard does not adequately address the many special situations that exist with respect to building setbacks. Required building setbacks should vary depending on such elements as use, density, building height, subdivision design, and potential visual impacts.

Discussion: Local governments in the Tahoe Region all have building setback standards that vary depending on use, density, community design and other factors. Except in one area, the setback standards established by local government are generally adequate and consistent with the TRPA Region Plan and thresholds. The one area of special concern to TRPA is setback standards adjacent to the major transportation corridors that are rated as part of the scenic resources threshold. In applying setback standards along these roadways, special consideration should be given to the potential for scenic impacts that may affect the TRPA scenic threshold.

Solution: Staff is proposing to amend Chapter 30 to require TRPA review and approval of building setbacks only in cases where local government has approved a variance to their setback standards on parcels located along a roadway unit affected by the TRPA scenic resources threshold. Elsewhere in the Region, building setbacks would be established and implemented by local government.

GG:rdh  
3/1/88

AGENDA ITEM V.B

Ordinance Language: Staff proposes to amend Subparagraph 30.5.D(1) as follows:

30.5.D Setback Standards: The setback standards are:

- (1) ~~Buildings shall be setback a minimum of 20 feet from the applicable property lines adjacent to a public right-of-way. TRPA may reduce this setback for a project if TRPA finds that a reduced setback would minimize the amount of grading and site disturbance that would result from construction of improvements necessary to meet local off-street parking requirements.~~ Building setbacks in the Region shall be in accordance with applicable local government setback standards, except as set forth below.
  - (a) For parcels abutting roadways rated in the TRPA's Scenic Resources Inventory, the minimum building setback from the right-of-way of such roadways shall be 20 feet. Decks, other than for off-street parking, stairs, canopies, buildings, or roof overhangs shall not intrude into the 20 foot setback established in this subparagraph. TRPA may approve building setbacks less than 20 feet if TRPA finds that the project will 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.
  - (b) Buildings, other structures and land coverage shall be setback from SEZs in accordance with Chapter 37. ~~Technical Appendix I, "Procedures for Identifying and Delineating the Boundaries of SEZs and Establishing Setbacks.~~
  - (c) Other setbacks are set forth in Chapter 64.

Environmental Document: The proposed amendment does not significantly change the required setbacks for buildings in the Region, while requiring TRPA review and approval of reduced setbacks that may affect attainment and maintenance of the scenic threshold. Staff intends to prepare a Statement of No Significant Effect and provide evidence at the March Governing Board meeting on which to make the findings required by Chapter 6 of the Code.

# TAHOE REGIONAL PLANNING AGENCY

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(702) 588-4547

## MEMORANDUM

February 29, 1988

To: APC

From: TRPA Staff

Subject: TRPA List of Additional Public Service Facilities 1988-1992

The TRPA Governing Board is required by Chapter 33 of the Code to adopt the subject list and to update it at the beginning of each year. The staff sent a copy of the attached memo (Attachment 1) to the listed public service agencies (Attachment 2) requesting projects to be included on the list.

The additional Public Service Facilities list 1988-1992 (Attachment 3) was prepared from the response. This list was first shown to the APC at its January meeting. Since then it has been recirculated and some additions have been made to the list.

The Code limits the list to certain public facilities, generally projects that create additional capacity. Also, projects not on the list may be added at a later date. (See Attachment 1 for details.)

This list is for screening and coordinating public service projects and does not constitute project approval or denial. Approval of this list is not considered to have a substantial impact on the environment.

### Action Requested

The staff requests that the APC review and comment on the list. Based on comments and recommendations from the APC, staff will prepare a final list for Governing Board review and approval in March.

### Recommendations

Staff recommends a positive APC recommendation on the TRPA list of additional public service facilities.

### Attachments

- (1) Memo to P.S. agencies with Section 33.5 of Code
- (2) Mailing List of Public Agencies
- (3) List of Additional Public Service Facilities 1988-1992 (includes most current draft of Action Element, Transportation Plan)

GWB:rdh  
2/29/88

AGENDA ITEM V.C

# TAHOE REGIONAL PLANNING AGENCY

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

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(702) 588-4547

## MEMORANDUM

October 27, 1987

To: Public Service Agencies

From: Gordon Barrett

Subject: TRPA List of Additional Public Service Facilities 1988-1992

Chapter 33 of the recently adopted Code (Section 33.5 attached) requires TRPA to prepare a list of proposed public service facilities which are to be constructed in the next five years. In order for TRPA to approve one of the facilities specified by Section 33.5, the public service project must be on the list.

What PS Uses Need to be on the List? The uses listed in subparagraph 33.5.A(1) are the types of uses that are to be included on the list. Public service uses covered by a master plan and other public service uses listed in 33.5.A(1) are not required to be on the TRPA list prior to TRPA action. Definitions of the TRPA use classifications are attached for your convenience.

What Type of Projects for the Eligible Uses Need to be on the List? Only facilities which are considered to be "additional" as described in subparagraph 33.5.A(2) are to be included on the list.

Is This Similar to the Previous TRPA List? Yes, this is a continuation of the recent practice of listing up coming public service projects. However, since the court action which required the previous list is over, the list is narrowed to include the major projects described above. The purpose of the new list is to identify and coordinate major public service projects occurring in the next five years. This list will be up-dated every January.

What if You are not on the List? If an unforeseen project or change arises that needs to be on the TRPA list, there are provisions for adding a project to the list. This may happen at any time subject to the TRPA Governing Board making the findings set forth in subparagraph (4).

How do You Get on the List? Fill out the attached form for each individual project you propose which is required to be on the list. Mail the forms to Attention: Gordon Barrett, TRPA, P.O. Box 1038, Zephyr Cove, NV 89448. These forms should be submitted before December 15, 1987 to be assured inclusion on the January 1988 list. If you have any questions please call me at (702) 588-4547.

# TAHOE REGIONAL PLANNING AGENCY

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1988-1992

## Public Service and Facility Project List Form

1. Agency \_\_\_\_\_
2. Department \_\_\_\_\_
3. Name of Project \_\_\_\_\_
4. Location \_\_\_\_\_
5. Description of Additional Facility \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Statement of Need \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Creates additional land coverage: Yes \_\_\_\_\_ No \_\_\_\_\_
8. Estimated cost \$ \_\_\_\_\_
9. Estimated date of implementation/purchase 19 \_\_\_\_
10. Increases service capacity: Yes \_\_\_\_\_ No \_\_\_\_\_
11. Outside funding sources: Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, name source \_\_\_\_\_

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For office use only:

APN \_\_\_\_\_

REC \_\_\_\_\_

PAS \_\_\_\_\_

PS \_\_\_\_\_

TRAN \_\_\_\_\_



## EXCERPT OF CHAPTER 33 TRPA CODE

33.5 Regulation Of Additional Public Service Facilities: TRPA shall regulate the rate and distribution of additional public service development as follows:

33.5.A Requirement Of Appearance On List Of Additional Public Service Facilities: No person shall construct a project or commence a use, which creates additional public service unless the project or use appears on the list of additional public service facilities prescribed by this Subsection. In order to construct the additional public service facilities or commence the public service facilities use or activity, the person proposing same shall comply with all other applicable provisions of this Code. Public service facilities, which are within a specific or master plan adopted by TRPA pursuant to Chapter 16, are exempt from this requirement.

- (1) Applicable Public Service Facilities: The following public service facilities referred to in Chapter 18 are additional public service facilities eligible for inclusion on the list of additional public service facilities: airfields; convention and assembly facilities; government offices; hospitals; pipelines and power-transmission facilities; power generating; public health and safety facilities; public utility centers; publicly-owned government meeting; schools (colleges only); transit stations and terminals (excluding bus shelters); transportation routes; and solid waste collection stations.
- (2) Definition Of "Additional" Public Service Facilities: Public service facilities are considered "additional" if they are to be created pursuant to a TRPA approval issued on or after January 1, 1987. The conversion of an existing nonpublic facility use to a use constituting a public facility is an additional public facility subject to this chapter. The following are not "additional" public service facilities:

- (a) The reconstruction or replacement, on the same parcel, of legally existing public service facilities;
  - (b) Modifications to legally existing public service facilities and accessory uses thereto, that do not create additional service capacity;
  - (c) Public or quasi-public utility service connections;
  - (d) Replacement or reinforcement of pipelines or transmission lines which results in no significant increase in service capacity; and
  - (e) Telephone lines, local distribution facilities and similar facilities.
- (3) Preparation Of List: TRPA, in consultation with all appropriate public service entities, shall prepare a list, including a description, of all additional public service facilities, included in the categories in Subparagraph 33.5.A(1), which are anticipated for construction during the first five-year period of the Regional Plan. The list shall be updated, and amended accordingly, at the beginning of each calendar year. The Governing Board shall adopt and amend the list, provided proposed projects meet the criteria in Subparagraph (4) below.
- (4) Eligibility For Inclusion On List: Projects included on the list shall be projects, for which the sponsoring entity demonstrates, and TRPA finds that:
- (a) There is a need for the project;
  - (b) The project complies with the Goals and Policies, applicable plan area statements, and this Code;
  - (c) The project is consistent with the TRPA Capital Improvement Program;
  - (d) The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 as they are applicable to the project's service capacity;
  - (e) Where the project was unforeseen and action is required before the next annual update, or the project relates to an emergency involving the public health, safety and general welfare, the project must be placed upon the list immediately;

- (f) Where the proposed project is to be located within the boundaries of community plan area then, to the extent possible consistent with public health and safety, the project will be compatible with the applicable community plan; and
- (g) Where a public service project is proposed for construction in a community plan area before the community plan has been adopted by TRPA, the sponsoring entity shall demonstrate that the need for such a construction schedule outweighs the need for the prior completion of the community plan process.