

# Chapter 7

## TEMPORARY USES, STRUCTURES, AND ACTIVITIES

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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 ensure 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, scenic shoreland mitigation requirements of Chapter 30 for temporary buoy placement needed to temporarily replace boat slips in an existing marina during construction or dredging,<sup>§</sup> 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.

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<sup>§</sup> Amended 08/22/05

- 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 plan 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
- (2) That the activity is in a plan area designated commercial, public service or tourist, is 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.