

# Chapter 30

## DESIGN STANDARDS

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### Chapter Contents

- 30.0 Purpose
- 30.1 Applicability
- 30.2 Design Review Guidelines
- 30.3 Scenic Quality Improvement Program
- 30.4 Substitution Of Standards And Guidelines
- 30.5 Site Design Standards
- 30.6 Building Design Standards
- 30.7 Landscaping Standards
- 30.8 Exterior Lighting Standards
- 30.9 Water Conservation Standards
- 30.10 Standards For Combustion Appliances
- 30.11 Outdoor Advertising
- 30.12 Scenic Quality Standards
- 30.13 Establishment of Scenic Highway Corridors
- 30.14 Soil and Vegetation Protection Standards<sup>§</sup>
- 30.15 Scenic Quality Review in the Shoreland<sup>§§</sup>

30.0 Purpose: The purpose of this chapter is to ensure that projects are designed and constructed consistent with the Community Design Subelement of the Land Use Element and related elements of the Goals and Policies.

30.1 Applicability: All projects shall comply with the standards set forth in this chapter, except as noted below. In addition, exempt activities, as defined in Chapter 4, shall comply with sections 30.6, 30.9 and 30.10. Substitute design standards shall not apply to the review procedures and standards for projects in the shoreland. Appropriate provisions of the Design Review Guidelines and Scenic Quality Improvement Program may be considered as conditions of project approval.<sup>§§</sup>

30.1.A Douglas County Substitutions: The Douglas County Community Plans, Design Standards and Guidelines, August 1993, shall apply within the Round Hill, Kings bury, and Stateline Community Plans.

30.1.B Placer County Substitutions: The Placer County Standards and Guidelines for Signage, Parking, and Design shall apply to the Tahoe City, Carnelian Bay, Tahoe Vista, Kings Beach Commercial, and Kings Beach Industrial Community Plans.

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<sup>§</sup> Amended 07/24/02

<sup>§§</sup> Amended 11/20/02

- 30.1.C City of South Lake Tahoe Substitutions: The City of South Lake Tahoe Standards and Guidelines for Design, Signage, Parking, Driveway, and Loading Spaces, June 1994, shall apply to the Stateline/Ski Run Community Plan and to the entire City of South Lake Tahoe.
- 30.1.D Washoe County Substitutions: The Signage, Parking, and Design Standards and Guidelines for the Community Plans of Washoe County (November 1996), shall apply to the North Stateline, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch Community Plans.
- 30.2 Design Review Guidelines: Design and site planning methods and techniques shall be set forth in a handbook called Design Review Guidelines, except that design review guidelines for the Meyers Community Plan are set forth in the adopted community plan.
- 30.3 Scenic Quality Improvement Program: Additional design guidelines applicable to specific areas shall be set forth in a document called the Scenic Quality Improvement Program. Provisions of that program shall be required by TRPA, as appropriate, as conditions of project approval.
- 30.4 Substitution Of Standards And Guidelines: Equal or superior standards and guidelines may be substituted as set forth below:
- 30.4.A Standards: Equal or superior design standards may be adopted by TRPA pursuant to a community plan, redevelopment plan, specific plan or master plan.
- 30.4.B Guidelines: Local governments may adopt guidelines consistent with the TRPA Design Review Guidelines and Scenic Quality Improvement Program. TRPA, upon finding the local guidelines are equal or superior to the TRPA guidelines and program, may adopt the local guidelines for application in that jurisdiction.
- 30.5 Site Design Standards: In accordance with section 30.1, the following site design standards shall apply:
- 30.5.A General Standards: The general standards are:
- (1) Existing natural features outside of the building site shall be retained and incorporated into the site design to the greatest extent feasible. Projects shall be designed to avoid disturbance to rock outcrops and stream environment zones and to minimize vegetation removal and maintain the natural slope of the project site and be consistent with Section 30.14<sup>§</sup>.

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<sup>§</sup> Amended 07/24/022

- (2) Projects shall be designed to use existing disturbed areas rather than undisturbed areas for the siting of all improvements except when:
  - (a) The disturbed area is precluded from development by setbacks or other such limitations;
  - (b) The disturbed lands are classified as sensitive lands and alternative sites classified as nonsensitive exist on the parcel;
  - (c) The use of the disturbed lands would require more total disturbance than use of undisturbed lands;
  - (d) Avoidance of other development impacts are of more importance than the preservation of undisturbed areas; or
  - (e) The degree of existing disturbance is minor and the area shall be restored as part of the project.

30.5.B Standards For Commercial, Tourist Accommodation, Public Service And Multi-Residential Projects: In addition to the other standards in this section, the standards for commercial, tourist accommodation, public service and multi-residential projects are:

- (1) Onsite parking areas shall be provided with landscaped perimeters. Onsite parking areas greater than 1/4 acre in size shall be provided with landscaped islands designed in accordance with the Design Review Guidelines.
- (2) A pedestrian circulation system shall be incorporated into the site plan to assure that pedestrians can move safely and easily both on the site and between properties and activities within the neighborhood year round.
- (3) Adequate access shall be provided for emergency vehicles and for those persons attempting to render emergency services.
- (4) Screening of service yards, maintenance yards, warehousing, outdoor storage and trash and refuse collection areas shall be accomplished by the use of walls, fencing, landscape plantings or combinations thereof. Screening shall be effective in both winter and summer.
- (5) Service yards, maintenance yards, warehousing, and outdoor storage areas shall be located in areas which are not highly visible from major transportation corridors, scenic turnouts, public recreation areas or the waters of lakes in the Region.

30.5.C Standards For Snow Storage: The standards for snow storage are:

- (1) Parking areas shall be sloped at least two percent to prevent ponding and icing.
- (2) Commercial, tourist accommodation, public service, recreation and multi-residential projects shall provide, within the project area, snow storage areas of a size adequate to store snow removed from parking, driveway and pedestrian access areas or have arrangements by means of recorded easements or equivalent arrangements to remove and store accumulated snow offsite.

30.5.D Setback Standards: The setback standards are:

- (1) 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 (except decks for off street parking), stairs, canopies, building, 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 the reduced setback is approved by the appropriate local jurisdiction and 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.
- (2) Buildings, other structures and land coverage shall be setback from SEZs in accordance with Chapter 37.
- (3) Other setbacks are set forth in Chapter 64.

30.6 Building Design Standards: In accordance with section 30.1, the following building design standards shall apply:

30.6.A General Standards: The general standards are<sup>§</sup>:

- (1) The architectural design of a project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, electrical transformer pads and vaults, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings or the ground.

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<sup>§</sup> Amended 11/20/02

- (2) Roofs, including mechanical equipment and skylights shall be constructed of nonglare finishes and earthtone colors that minimize reflectivity. For this subparagraph, non-glare earthtone colors are defined as Munsell® Colors set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines, that have a value and chroma of 0-4 or other color systems that are equivalent to the adopted hues, values and chromas of Appendix G<sup>§§</sup>.
- (3) For all structures visible from the Scenic Threshold Travel Routes and from Public Recreation Area and Bicycle Trails identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation, subdued colors of earthtone ranges shall be used for the primary color of structures. Colors shall be within a range of natural colors that blend, rather than contrast, with the existing backdrop vegetation and soils color. For this subparagraph, earthtone colors shall be medium to dark and shall meet the Munsell® Colors set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines or other color systems that are equivalent to the adopted hues, values and chromas of Appendix G<sup>§§</sup>. TRPA may grant exceptions to this provision pursuant to Section 29.6, for scenic roadway corridors designated as urban, for unique situations such as site characteristics, or as set forth in Section 53.10. Structures in the shoreland that were constructed prior to January 1, 1950 may maintain their historic colors when doing exempt maintenance and repair.

30.6.B Building Heights: See Chapter 22 for building height standards.

30.7 Landscaping Standards: The following landscaping standards shall apply:

30.7.A Plant Species Permitted: Plant species on the TRPA Recommended Native and Adapted Plant List shall be used for lawns and landscaping.

30.7.B Minimum Plant Sizes And Spacings: For projects other than single family home projects, the following sizes and spacing shall be required for woody plant materials at time of planting:

- (1) Trees shall be a minimum six feet tall or 1 1/2 inch caliper size or diameter at breast height;
- (2) Shrubs shall be a minimum three gallon pot size where: upright shrubs have a minimum height of 18 inches and minimum spread of 18 inches; and, spreading shrubs have a minimum spread of 18-24 inches.
- (3) Groundcovers shall be a minimum four inch pot size or one gallon container and shall be a maximum 24 inches on center spacing.

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<sup>§§</sup> Amended 1/22/03

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- 30.7.C Accent Vegetation: Plant species not found on the TRPA Recommended Native and Adapted Plant List may be used for landscaping as accent plantings. Such plants shall be limited to borders, entryways, flower-beds, and other similar locations to provide accents to the overall native or adapted landscape design.
- 30.8 Exterior Lighting Standards: In accordance with section 30.1, the following exterior lighting standards shall apply:
- 30.8.A General Standards: The general standards are:
- (1) Exterior lights shall not blink, flash or change intensity. String lights, building or roofline tube lighting, reflective or luminescent wall surfaces are prohibited.
  - (2) Exterior lighting shall not be attached to trees except for the Christmas season.
  - (3) Parking lot, walkway, and building lights shall be directed downward.
  - (4) Fixture mounting height shall be appropriate to the purpose. The height shall not exceed the limitations set forth in Chapter 22.
  - (5) Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited.
  - (6) The commercial operation of searchlights for advertising or any other purpose is prohibited.
  - (7) Seasonal lighting displays and lighting for special events which conflict with other provisions of this section may be permitted on a temporary basis pursuant to Chapter 7.
- 30.9 Water Conservation Standards: The following appliances and fixtures shall be installed in new facilities or when replaced in existing facilities: low flow flush toilets; low flow showerheads (3 gpm rated maximum flow); faucet aerators; and water-efficient appliance (e.g., washing machines and dishwashers).
- 30.10 Standards For Combustion Appliances: All natural gas, oil or propane fired water heaters and space heaters, and all wood heaters, installed within the Region in new facilities, or when replaced in existing facilities, shall meet the standards set forth in Chapter 91.

- 30.11 Outdoor Advertising: The standards for outdoor advertising are set forth in Chapter 26.
- 30.12 Scenic Quality Standards: All projects and activities shall comply with the following standards:
- 30.12.A Roadway and Shoreline Unit Scenic Quality: The project shall not cause a decrease in the numerical ratings assigned to roadway or shoreline units, 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, 13-5, 13-8 and 13-9 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.
- 30.12.B Roadway and Shoreline Unit Travel Routes: The project shall not cause a decrease in the 1982 roadway or shoreline travel route ratings as shown in Tables 13-6 and 13-7, respectively, of the Study Report for the Establishment of Environmental Threshold Carrying Capacities, October 1982. The criteria for rating travel routes as identified in the study report cited herein and as further explained in the report entitled A Scenic Analysis Of Principle Travel Routes In The Lake Tahoe Region, 1970, shall be used to determine if a project will cause a decrease in the numerical rating. For projects in the shoreland, Section 30.15 shall be used to determine if it will contribute to a decrease in the numerical rating for a shoreline travel route rating.<sup>§</sup>
- 30.12.C Public Recreation Areas and Bicycle Trails: The project shall not cause a decrease in any numerical sub component threshold rating or total threshold rating assigned to a scenic resource identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation. Prior to approving a project which may potentially affect an identified scenic resource, TRPA shall find that the project is consistent with applicable recommendations for preserving scenic quality of the affected recreation area or bicycle trail found in the 1993 Lake Tahoe Basin Scenic Resource Evaluation.
- 30.13 Establishment Of Scenic Highway Corridors: TRPA and other public agencies within the Tahoe Region shall maintain and enhance viewing opportunities, whenever feasible, by establishing scenic highway corridors. TRPA, through the project review process shall ensure that viewsheds and view corridors along the scenic highway corridors are maintained and enhanced.
- 30.13.A. Designation Of Scenic Highway Corridors: All federal and state highways which lie within the Tahoe Region, and Pioneer Trail are designated as scenic highways.
- (1) Urban Corridors: Urban scenic highway corridors are generally urbanized areas where man-made development is the dominant visual feature. When viewed from areas outside of the urban corridor, man-made developments shall blend into the natural environment. Those portions of federal and state highways and,

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<sup>§</sup> Amended 11/20/02

Pioneer Trail, which lie within the urban areas as shown on TRPA's scenic units map overlay are designated as urban scenic highway corridors. The width of urban scenic highway corridors shall include the highway right-of-way and all properties, or portions thereof, up to 300 feet on either side of the highway right-of-way which are visible from the highway.

- (2) Transition Corridors: Transition scenic highway corridors are generally areas of transition between urban and natural areas where the built environment is not the dominant visual feature, rather it appears well integrated into and in balance with the natural elements of the landscape. When viewed from areas outside of the transition corridor, man-made developments shall blend into the natural environment. Those portions of federal and state highways, and Pioneer Trail, which lie within the transition areas as shown on TRPA's scenic units map overlay are designated as transition scenic highway corridors. The width of transition scenic highway corridors shall include the highway right-of-way and all properties, or portions thereof, up to 1000 feet on either side of the highway right-of-way which are visible from the highway.
- (3) Natural Corridors: Natural scenic highway corridors are generally those areas where natural landscape elements and processes are the dominant visual features. Those portions of federal and state highways which lie within the natural areas as shown on TRPA's scenic units map overlay are designated as natural scenic highway corridors. The width of natural scenic highway corridors shall include the highway right-of-way and all properties, or portions thereof, up to one-half mile on either side of the highway right-of-way which are visible from the highway.

30.13.B. Scenic Viewpoint Corridor Plan Prepared: The TRPA shall, in cooperation with other interested agencies and private citizens, prepare a comprehensive Scenic Viewpoint Corridor Plan. The purpose of this plan will be the improvement of the public's traveling experience in the Region. The Scenic Viewpoint Corridor Plan shall be a design plan which shall, at a minimum, identify potential scenic viewpoints and pull-off facilities, moving vistas, a signage program identifying the scenic corridor, interpretive signs and displays, opportunities for mass transit service, and implementation of proposed improvements.

30.13.C. Scenic Highway Corridor Design Standards: All projects which are within the scenic highway corridors established in 30.13.A. shall meet the design standards listed in 30.13.C(1) and (2), in addition to other applicable design standards. All projects which are within the natural scenic highway corridor shall also meet the design standards listed in 30.13.C(3) in addition to other applicable design standards.

(1) Utilities:

(a) All new electrical lines which operate at 32 kilovolts or less, including service connection lines, shall be placed underground. Exceptions to this requirement may be allowed, provided TRPA finds that undergrounding would produce a greater environmental impact than above ground installation. If new electrical lines are permitted to be installed above ground, the new lines, poles, and hardware shall be screened from views from scenic highways to the maximum extent possible.

(b) All new communication lines including telephone lines, cable television lines, and service connection lines, shall be placed underground. Exceptions to this requirement may be allowed, provided TRPA finds that undergrounding would produce a greater environmental impact than above ground installation. If new communication lines are permitted to be installed above ground, the new lines, poles, and hardware shall be screened from views from scenic highways to the maximum extent possible.

(2) Highway Fixtures: Guardrails and other highway fixtures, including but not limited to, retaining walls, safety barriers, traffic signals and controllers, light standards, and other structures, shall be limited to the minimum length, height, and bulk necessary to adequately provide for the safety of the highway user. Earth tone colors of dark shades and flat finish shall be used on all highway fixtures. New and replacement guardrails shall not have a shiny reflective finish. Retaining walls and other erosion control devices or structures, shall be constructed of natural materials whenever possible and shall, to the maximum extent possible, be designed and sited as to not detract from the scenic quality of the corridor. Such structures shall incorporate heavy texture or articulated plane surfaces that create heavy shadow patterns. Adopted community plans may establish equal or superior standards for highway fixtures.

- (3) Siting of Development: All projects, excluding signs, driveways, parking for scenic vista points, trailheads, and pedestrian/bicycle paths, shall be sited in such a manner that they are not visually evident from the scenic highway. All projects, when viewed from a distance of not less than 300 feet, should meet the Visual Magnitude/Contrast Ratings for Natural Scenic Highway Corridors established in Appendix D of the Design Review Guidelines.

30.14<sup>§</sup> Soil and Vegetation Protection Standards: In accordance with Section 30.1, the following site design standards shall apply:

30.14.A Construction Area Standards: To reduce soil disturbance and damage to vegetation, the area of disturbance during the construction of a structure shall be limited to the area between the footprint of the building and the public road. For the remainder of the site the disturbance area shall not exceed 12 feet from the footprint of the structure, parking area or cut/fill slope. These limits shall be shown on the submitted plan. For structures not adjacent to a public road access reasonable construction and staging area shall be identified. These limits shall be fenced according to Section 65.2. Exceptions require prior TRPA approval and may include:

- (1) When it is demonstrated that equipment will need to access an area,
- (2) When other site characteristics require a larger area, such as: rock outcrops and topography,
- (3) When a landscaping or utility plan clearly demonstrates the need for soil disturbance beyond the 12 foot boundary, or
- (4) Storage of construction materials in areas of existing disturbed lands.

30.15 Scenic Quality Review in the Shoreland<sup>§§</sup>: To make the scenic findings required by Subsection 30.12.B, all projects within the shoreland of any Shoreline Threshold Travel Route shall be reviewed for compliance with the standards set forth below except for projects within marinas with adopted master plans and certified EISs, or structures designated as historic by TRPA, pursuant to Chapter 29.

30.15.A Definitions: The following terms, as used in Section 30.15 shall be defined as:

- (1) Lakefront Façade: Surface area of the lakefront elevation(s) for all primary and accessory buildings and other structures, with visible area for a given project area within the shoreland.

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<sup>§</sup> Amended 7/24/02

<sup>§§</sup> Amended 11/20/02

- (2) Visible Area: Surface area of all structures in the shoreland visible from 300 feet offshore and generally perpendicular to and centered on the project area. Surface area blocked by man-made structures in the shorezone shall count as visible area.
- (3) Visual Breaks: The application of landscaping to man-made structures that results in reducing the contrast and breaking the overall visible area of a structure's façade. This may be achieved by screening with vegetation, rocks, soil, and other natural appearing materials or by using such techniques between detached structures.
- (4) Visible Structure: A structure with visible area.

30.15.B Review Process: The applicant shall complete a scenic assessment when applying for any activity requiring a TRPA permit; an applicant may apply for a scenic assessment at anytime to document the baseline condition. Review and mitigation of scenic impacts shall be based on Subsection 30.15.C<sup>§§</sup> below.

- (1) Scenic Assessment: A scenic assessment shall be required prior to submittal of a project application for Levels 3, 4, 5, and 6 projects<sup>§§</sup>. The scenic assessment will establish a baseline scenic condition for all following scenic impact analyses. The baseline shall be the existing condition at the time of the first scenic assessment, unless the site is the subject of an existing TRPA approval, by litigation settlement or otherwise, that contains a scenic analysis, in which case the approved scenic analysis shall be the baseline. For purposes of this Section, unbuilt projects with an active permit shall be considered as existing.
  - (a) Description of existing scenic conditions in the project area including, but not limited to, structure color and height, existing visible mass from the Lake, types and areas of materials of existing structures, and identification of needed scenic BMPs.
  - (b) Identify existing vegetation types, location, size, and height.
  - (c) Photographic inventory of the project area<sup>§§</sup> from 300' and one quarter mile offshore, with at least one photo from center and perpendicular to the project area, and photos of onsite existing conditions.

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<sup>§§</sup> Amended 1/23/02

30.15.C Levels of Scenic Mitigation: The following levels of scenic mitigation shall be required based on the level of the activity or project:

- (1) Level 1: All non-visible projects in the shoreland or<sup>§§</sup> projects and activities on existing visible structures in the shoreland that are considered repair or maintenance. This includes exact in-kind replacement. There are no mitigation requirements required except as noted in Level 2.
- (2) Level 2: All projects and activities on existing visible structures in the shoreland that are considered painting, re-siding, re-roofing or similar activities that affect the color of the structure. The mitigation requirements for this level shall be the color requirements set forth in Subsection 30.6.A
- (3) Level 3: All projects on existing visible structures<sup>§§</sup> in the shoreland altering or increasing the lakefront façade area 20 percent or less and the result is 1,500 square feet or less of lakefront façade or non-repair projects on structures adjacent and lakeward of the shoreland. The mitigation requirements for this level shall be the implementation of scenic BMPs in the shoreland. The BMPs shall bring the project area into conformance with a minimum contrast rating score of 21 except where:
  - (a) it is physically impossible to attain a score of 21 through application of scenic BMPs; or
  - (b) the cost of the scenic BMPs required to increase the baseline contrast score to 21 exceeds ten percent of the cost of the project; and
  - (c) if the project is not required to bring the project area into conformance as a result of subparagraphs (a) and (b) above, the applicant shall attain the highest possible score.
- (4) Level 4: All projects involving existing visible structures in the shoreland which alter or increase the lakefront façade where the altered/added area is 20 percent or less of the existing façade and the result is more than 1,500 square feet of total lake front façade, or where the altered/added area is greater than 20 percent but equal to or less than 50% of the existing lakefront façade, or where the project is a new accessory structure. The mitigation requirements for this level shall be as set forth in Option 1 or Option 2 at the applicant's choice.<sup>§§</sup>
  - (a) Option 1: Basic Review <sup>§§</sup>. The Project shall meet the following mitigation standards:
    - (i) The project area shall score a minimum of 24 points based on the Contrast Rating System; except where:
      - (A) it is physically impossible to attain a score of 24

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<sup>§§</sup> Amended 1/23/03

through application of scenic BMPs; or

- (B) the cost of the scenic BMPs required to increase the baseline contrast score to 24 exceeds twenty percent of the cost of the project; and
  - (C) if the project is not required to bring the project area into conformance as a result of subparagraphs (A) and (B) above, the applicant shall attain the highest possible score.
- (ii) The allowable visible area square footage in the project area shall not exceed 2200 sq. ft. The visible area square footage may be increased by 165 square feet<sup>§§</sup> for each additional 10 ft. of linear lake frontage over 100 ft. Existing structures exceeding the 2200 (or as increased by lake frontage) visible square feet standard shall mitigate any additional area square footage on a 1:1.5 square foot basis.
  - (iii) A minimum building setback from the backshore boundary line shall be 10% of the lot depth not to exceed 20 feet. Each side yard setback shall be 10% of the lot width or the setback established by the local jurisdiction whichever is greater. Existing structures shall not be required to conform to setback standards. No expansion of structures shall be allowed in the setback area. At grade decks, erosion control structures, stairs, and similar structures are permissible in the setback at the allowed land coverage.
  - (iv) The height standard, including but not limited to the height limitations, findings, and regulations set forth in Chapter 22 for structures shall apply.
  - (v) Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and horizontally to approximately 10 feet. TRPA may approve equal or superior alternatives to this standard.
- (b) Option 2: Visual Magnitude System. A project must score a minimum contrast point score for the desired square footage of visual magnitude based on Appendix H <sup>§§</sup>, Visual Assessment Tool, of the Design Review Guidelines or if non-complying, shall implement Scenic BMPs as required in Option 1 in 4(a) above; and:

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<sup>§§</sup> Amended 1/22/03

- (i) The visible façade square footage may be increased by 7.5% for each additional 10 ft. of linear Lake frontage over 100 ft;
  - (ii) Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and approximately 10 linear feet horizontally. TRPA may approve equal or superior alternatives to this standard; and
  - (iii) Existing projects not complying with visual magnitude shall implement visual breaks and improvements that demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structure.
- (5) Level 5: All projects in the shoreland altering or increasing the lakefront façade area of an existing visible structure more than 50 percent or proposing a new visible structure exclusive of new accessory structures<sup>§§</sup>. The mitigation requirements for this level shall be as set forth in Option 1 or Option 2, at the applicant's choice.
- (a) Option 1: Basic Review. <sup>§§</sup> As a result of the project, the project area must score a minimum 28 points based on the Contrast Rating System. The projects shall meet the following mitigation standards:
    - (i) The allowable visible area square footage in the project area shall not exceed 2200 sq. ft. The visible area square footage may be increased by 165 square feet <sup>§§</sup> for each additional 10 ft. of linear lake frontage over 100 ft. Existing structures exceeding the 2200 (or as increased by lake frontage) visible square feet standard shall mitigate any additional area square footage on a 1:2 square foot basis.

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<sup>§§</sup> Amended 1/22/03

- (ii) A minimum building setback from the backshore boundary line shall be 10% of the lot depth not to exceed 20 feet. Each side yard setback shall be 10% of the lot width or the setback established by the local jurisdiction, whichever is greater. Existing structures shall not be required to conform to setback standards unless the proposed modification makes it feasible. No expansion of structures shall be allowed in the setback area. At grade decks, erosion control structures, stairs, and similar structures are permissible in the setback at the allowed land coverage.
  - (iii) The height standard, including but not limited to the height limitations, findings, and regulations set forth in Chapter 22 for structures shall apply.
  - (iv) Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and approximately 10 linear feet horizontally. TRPA may approve equal or superior alternatives to this standard.
- (b) Option 2: Visual Magnitude System. A project shall attain the minimum contrast point score for the desired square footage of visual magnitude based on Appendix H<sup>§§</sup>, Visual Assessment Tool, of the Design Review Guidelines or if non-complying, shall implement Scenic BMPs as required in Option 1 in 5(a) above and:
- (i) The visible façade <sup>§§</sup> square footage may be increased by 7.5% for each additional 10 feet of linear lake frontage over 100 ft;
  - (ii) Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and horizontally to approximately 10 linear feet. TRPA may approve equal or superior alternatives to this standard; and
  - (iii) Existing projects not complying with visual magnitude shall implement visual breaks and improvements that demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structure. In no case shall the total visible façade square

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<sup>§§</sup> Amended 1/22/03

footage exceed the maximum set forth by the visual magnitude system.

- (6) Level 6: All projects involving new or existing structures in the shoreland that are visible from the Lake and that qualify as public health and safety projects or Environmental Improvement Program projects. The mitigation requirements for this level shall be established on a case-by-case basis. Projects whose primary purpose is implementation of water quality or scenic BMPs that do not increase the lake front façade and show an improvement in the contrast rating score<sup>§§</sup> are exempt from mitigation requirements.

30.15.D General Standards of Review: The following general standards of review shall apply to projects reviewed pursuant to this Section:

- (1) Prohibition on Segmenting: Projects may not be segmented in order to qualify for a lower level of mitigation requirements.
- (2) Calculation of Cost and Value: Whenever required by this Section, cost estimates and replacement values shall be based on Marshall Swift calculations.
- (3) Fire Protection: The applicant shall not submit vegetative screening inconsistent with local fire protection standards. As used in this Section, the term “physical impossibility” shall not include inconsistency with local fire protection standards.

30.15.E Independent Review: If there is a disagreement in the application of the standards of this section, the applicant or TRPA staff may elect to pursue the following independent review option:

- (1) Third Party Expert Review<sup>§§</sup>: In the event there is a disagreement in review of a proposed project, a third party expert review consistent with the process outlined in subparagraphs (i) through (iii) may be initiated. The initiator shall fund the review and the third party expert review shall use the same methodology in the Visual Assessment Tool established in Appendix F of the Design Review Guidelines.
  - (a) Third Party Expert: TRPA shall maintain a list of scenic experts recognized as possessing the necessary qualifications to evaluate impacts to the scenic resources threshold. An expert shall be selected from the list randomly, as long as that expert did not consult on or participate in the design of the proposed project.
  - (b) The Third Party Expert shall prepare an analysis of the proposed project. The report shall include;
    - (i) A description of the proposed project; and

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<sup>§§</sup> Amended 1/22/03

- (ii) An analysis of the proposed project's consistency with the standards set forth in this ordinance; and
    - (iii) Written findings quantifying the project's impacts and any mitigation, if required.
  - (c) Use of Third Party Report: The Executive Director shall review the third party expert report and may approve, deny, or require modifications to the project. The expert's findings shall be included in the review of the project.
- (2) Scenic Panel Review: Until November 20, 2004, the applicant or TRPA may elect to initiate a Scenic Panel Review if there is a disagreement in the determination of mitigation required pursuant to this Section. The cost of the panel shall be paid by the initiator. Panels initiated during this period shall continue until the completion of the panel's review process. An expert panel of three people shall prepare a scenic analysis of the project and its impact including foreseeable reasonable activities on the entire scenic unit. The panel shall recommend appropriate conditions of approval necessary to make the required scenic attainment findings.
- (a) TRPA shall select a panel member, the applicant shall select a panel member and the two panel members shall select a third member to review the project.
  - (b) The analysis may include other professionally accepted methods of evaluating scenic impacts. This Subparagraph may be extended beyond the two-year limitation pursuant to the performance review required in Subsection 30.15.F.
  - (c) Use of Panel Report: The Executive Director shall review the scenic panel report and may approve, deny, or require modifications to the project. The panel's findings shall be included in the review of the project.
- 30.15.F Marina Master Plans: In developing and approving marina master plans pursuant to Chapter 16, the applicant shall use the contrast rating/visual magnitude system outlined in Appendix H, Visual Assessment Tool, of the Design Review Guidelines or an equal or superior method of evaluating scenic impacts. All significant scenic impacts shall be identified in the environmental document using an approved scenic impact analysis methodology and mitigation measures shall be proposed and incorporated into the master plan to ensure consistency with attainment and maintenance of environmental thresholds.
- 30.15.G Additional Visual Magnitude: TRPA may permit additional square footage of visual magnitude with visual breaks for a given contrast rating in Appendix H, Visual Assessment Tool, of the Design Review Guidelines as follows:
- (1) Public Outdoor Recreation: For public outdoor recreation uses that are subject to Subsection 33.6.C, PAOT allocations, additional

square footage of visual magnitude may be permitted if TRPA finds that:

- (a) The project is a necessary part of a long range plan for public outdoor recreation; and
  - (b) The project is consistent with the Recreation Element of the Regional Plan; and,
  - (c) There is no reasonable alternative which would avoid or reduce the extent of visual magnitude; and
  - (d) The additional square footage is mitigated pursuant to Subsection 30.15.H<sup>§§</sup> below; or
  - (e) If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements. Existing non-complying projects shall implement improvements that results in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.
- (2) Public Service Facilities: For public service uses, additional square footage of visual magnitude may be permitted if TRPA finds that:
- (a) The project is necessary for public health, safety or environmental protection; and
  - (b) There is no reasonable alternative, which would avoid or reduce the extent of visual magnitude; and,
  - (c) The additional square footage is mitigated pursuant to Subsection 30.15.H<sup>§§</sup> below; or
  - (d) If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements. Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

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<sup>§§</sup> Amended 1/22/03

<sup>§§</sup> Amended 1/22/03

- (3) Tourist Accommodation and Commercial Projects in Commercial and Public Service Plan Areas and Tourist Accommodation Plan Areas: Additional square footage of visual magnitude may be permitted for projects in Commercial and Public Service Plan Areas, if TRPA finds that:
- (a) The additional square footage is necessary as the use customarily requires increased square footage of lakefront façade than that set forth in Levels 4 and 5; and
  - (b) There is no reasonable alternative, which would avoid or reduce the extent of visual magnitude; and,
  - (c) The additional square footage is mitigated pursuant to Subsection 30.15.H<sup>§§</sup> below; or
  - (d) If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements. Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.
- (4) Residential Uses Other Than Single Family Dwelling: Additional square footage of visual magnitude may be permitted for projects, if TRPA finds that:
- (a) The additional square footage is necessary as the use customarily requires increased square footage of lakefront façade than that set forth in Levels 4 and 5; and
  - (b) There is no reasonable alternative, which would avoid or reduce the extent of visual magnitude; and,
  - (c) The additional square footage is mitigated pursuant to Subsection 30.15.H<sup>§§</sup> below; or
  - (d) If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements. Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

30.15.H Transfer of Scenic Mitigation Credits (Interim System): Until a permanent scenic mitigation credit system is adopted, certain scenic

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<sup>§§</sup> Amended 1/22/03

impacts may be mitigated outside the shoreland as follows:

- (1) The mitigation source is the adjacent shorezone project area or other shoreland parcels within the same scenic unit.
- (2) Project mitigation requirements shall utilize the Visual Magnitude System outlined in Appendix H, Visual Assessment Tool, of the Design Review Guidelines to calculate the square footage mitigation requirement or mitigation may be determined by the full panel review process.
- (3) Mitigation in attainment areas shall be on a one-to-one basis and on a one-to-one and a half basis in non-attainment areas.
- (4) All structures in the shoreland, both on the receiving and sending project areas, must have implemented scenic BMPs (21 contrast score rating) to be eligible for transfer of mitigation credits.
- (5) TRPA shall require restoration securities, deed restrictions, and inspections as appropriate to assure implementation and documentation of scenic mitigation credit.
- (6) This interim system may be utilized:
  - (a) To mitigate additional square footage associated with shorezone structures; or
  - (b) To gain additional square footage when permissible (e.g. for commercial, public service, multi-residential, etc.)
- (7) Contributions to TRPA-approved non-profit organizations that have qualifying scenic mitigation projects may be accepted for mitigation credit, provided the mitigation credit can be quantified and tracked.

30.15.I Performance Review: For two years after the adoption of the Scenic Quality Review System, TRPA shall monitor the application of the system. No later than two years from the adoption of the system, TRPA shall prepare a report on the system with recommended amendments, if necessary, and present it to the TRPA Governing Board. A long-term performance review shall be included in the next applicable threshold review.