

**TRPA  
APC  
PACKETS**

**MARCH  
1987**

March 1987 APC  
packet

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 Wednesday, March 11, 1987, in 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 2, 1987

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

March 11, 1987  
9:30 a.m.

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MEETING AGENDA

- I CALL TO ORDER AND DETERMINATION OF QUORUM
- II APPROVAL OF AGENDA
- III PRESENTATIONS TO FORMER APC MEMBERS
- IV DISPOSITION OF MINUTES
- V RESOLUTIONS
  - A. For Former APC Chairman Bill Combs
- VI PLANNING MATTERS
  - A. Consideration of Recommendation on Amendments to Plan Area Statements
  - B. Discussion and Possible Recommendation, Adoption of Ski Incline Master Plan
  - C. Discussion on the Code of Ordinances
  - D. Status Report and Discussion of Long Range Planning Work Program
  - E. Status Report on Regional Transportation Plan Update
  - F. Waterborne Feasibility Study Status Report
  - G. Distribution of Draft EIR/EIS, Placer County Criminal Justice Facility and Administrative Center
- VII REPORTS
  - A. Staff
  - B. Legal Counsel
  - C. Public Interest Comments
  - D. APC Members
- VIII CORRESPONDENCE
- IX PENDING MATTERS
- X ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY

ADVISORY PLANNING COMMISSION  
RESOLUTION  
FOR  
WILLIAM COMBS

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WHEREAS William Combs, hereinafter referred to as "Bill," has, since March of 1980, served as Placer County's representative to the Advisory Planning Commission ("APC") of the Tahoe Regional Planning Agency; and

WHEREAS Bill has since that time enthusiastically and responsibly represented the citizens of Placer County and won the respect of all APC members and TRPA staff; and

WHEREAS, recognizing Bill's leadership qualities and his ability to stay calm in all kinds of situations, the APC members elected him as their chairman for a two-year term commencing January 9, 1985; and

WHEREAS Bill has for two years presided over APC discussions, arguments, agreements, decisions, and debates and has done so with dignity and with a sense of humor, frequently drawing on his extensive planning background and knowledge; he has been a key factor in the formulation of recommendations for the Governing Board's consideration; and

WHEREAS Bill has served above and beyond the call of duty as the APC's representative on the Litigation Committee and, later, the Consensus Workshop Committee; both committees were charged with identifying and helping to resolve the very complex issues raised in the Regional Plan litigation;

NOW, THEREFORE, BE IT RESOLVED that the APC hereby expresses its appreciation and thanks to Bill for his valuable contribution as chairman of the APC and looks forward to his continued participation in planning for the Lake Tahoe Basin.

PASSED and ADOPTED by the Advisory Planning Commission on March 11, 1987.

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ALICE BECKER, Chairman  
Advisory Planning Commission

AGENDA ITEM V A.

# 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 2, 1987

To: Advisory Planning Commission

From: Staff

Subject: Amendments to 1-7-87 Draft Plan Area Statements

In February the APC reviewed a number of proposed amendments to the Draft Plan Area Statements, which, to be implemented, will require a trailing plan amendment. These amendments were included in an eleven page list dated February 2, 1987, and in a letter prepared by Gordon DePaoli for the Park Cattle Company and the Edgewood Water Company, dated January 28, 1987. The attached list of proposed Plan Area Statement changes includes those which were not resolved at the February APC meeting and the changes in PASs 070A, 080 and 089A as requested in Gordon DePaoli's letter (numbers 24-43).

There is an indication following each proposed change as to whether staff agrees or disagrees. Staff will be prepared to discuss the staff position with respect to each proposed change at the March APC meeting.

A copy of Gordon DePaoli's letter is attached for informational purposes.

GG:cs  
3/2/87

Agenda Item VI.A.

PLAN AREA STATEMENT TRAILING AMENDMENTS  
 PROPOSED PLAN AREA STATEMENT CHANGES

CommentChange

Requested Minor  
 Substantive Change

1. PAS 006, Page 2: Delete nursery as a special use and modify definition of tree farm in Chapter 18 to include establishments which grow native or approved plant species. (Agree.)

Requested Minor  
 Substantive Change

2. PAS 055:
  1. Special Policies, item #8, we ask that the word "only" be eliminated from the statement. (Disagree.)
  2. Under the section entitled Permissible Uses - Residential, secondary residences and single family dwelling should be allowed (A) rather than special uses (S). (Disagree.)
  3. Under section entitled Nearshore and Fore-shore of the Shorezone Tolerance Districts 1, 3, and 5, Accessory Uses - fences should be allowed (A). This is in reference to the impacts of the subject property by numbers of trespassers from USFS and State of Nevada properties. (Disagree.)

Requested Substantive  
 Change

3. PAS 058, Page 2: Add Policy #6 as follows:
  6. New or additional commercial development shall be limited to parcels with commercial development on the effective date of this Plan. (Agree.)

Requested Substantive  
 Changes

4. PAS 066:
  1. Under the section entitled Permissible Uses - Public Service, we request that "kindergarten through secondary" be deleted after schools, and that schools be an allowed use (A). (Disagree.)
  2. Under section entitled Nearshore and Fore-shore of the Shorezone Tolerance Districts 1, 7, and 8, Accessory Uses - fences should be allowed (A). This is in reference to the impacts on the subject property by numbers of trespassers from USFS properties. (Disagree.)

- Requested Substantive Change 5. PAS 070A, Page 2: Delete nursery. Page 1: new Policy #4 as follows:
4. New or additional commercial development shall be limited to parcels with commercial development on the effective date of this Plan. (Agree.)
- Requested Substantive Change 6. PAS 075, Page 1: Delete vehicle storage and parking. (Disagree.)
- Requested Minor Substantive Change 7. PAS 084, Page 1: Policy #2 to read as follows:
2. Commercial development shall be limited to parcels committed to such development (Special Area #1). New uses or change in use shall be limited to neighborhood serving uses which reduce vehicle miles traveled. (Agree.)
- Page 2: Delete health care services and change all other commercial uses to special uses. (Agree.)
- Requested Substantive Change 8. PAS 085, Page 2: Delete all commercial uses except eating and drinking places in Special Area #1. (Agree.)
- Requested Minor Substantive Change 9. PAS 087, Page 3: Delete secondary storage. (Disagree.)
- Requested Substantive Change 10. PAS 092, Page 2: Add Policy #5 as follows:
5. Commercial development shall be limited to parcels whose use was commercial at the effective date of the plan. Additional development shall be limited to areas in approved redevelopment plans. (Agree.)
- Requested Substantive Change 11. PAS 109, Page 2: Delete commercial uses. (Agree.)
- Requested Substantive Change 12. PAS 111, Page 3: In Special Area #1 delete amusements and recreation services and general merchandise stores. Add nursery (S). (Agree.)
- Requested Substantive Change 13. PAS 112, Page 3: In Special Area #1 delete eating and drinking places. Delete last sentence in Policy #1. (Agree.)

- Requested Minor Substantive Change
14. PAS 114, Page 1: Add new Policy #2 as follows:
2. Special Area #1 is a transitional area of mixed uses and should be limited to uses compatible with scenic restoration, the intensity of Highway 50/89 and the background residential areas. (Agree.)
- Requested Minor Substantive Change
15. PAS 118, Page 2: Delete nursery, add tree farms (S). (Agree.)
- Requested Minor Substantive Change
16. PAS 119, Page 3: Delete nursery. (Agree.)
- Requested Minor Substantive Change
17. PAS 123, Page 2: Delete nursery. (Agree.)
- Requested Substantive Change
18. PAS 127, Page 1: Delete transfer of existing development designation. (Disagree.)
- Requested Substantive Change
19. PAS 145, Page 2: Add Special Policy #7 as follows:
7. Additional commercial development shall be limited to parcels containing commercial uses on the effective date of the Plan. (Agree.)
- Requested Substantive Change
20. PAS 150, Page 2: Delete outdoor retail sales and service stations. Add new Policy #6 as follows:
6. Additional commercial development shall be limited to parcels containing commercial uses on the effective date of the Plan. (Agree.)
- Requested Substantive Change
21. PAS 157, Page 2: Delete outdoor retail sales and add Policy #9 as follows:
9. Any new or additional commercial uses shall be permitted only pursuant to an adopted Community Plan. (Agree.)
- Requested Minor Substantive Change
22. PASs 015, 068, and 070B: Add pipelines and power transmission (S) to public service. (Agree.)
- Requested Minor Substantive Change
23. PASs 003, 006, 024B, and 053: Add transmission and receiving facilities (S) to public service. (Agree.)



- Requested Substantive Change 24. PAS 080: Park's 246 acres does not belong in PAS 080, but parts of it should be included in adjacent Plan Areas 089A - Nevada South Stateline Resort Area, 076 - Kingsbury Commercial and 078 - Middle Kingsbury Residential. (Disagree.)
- Request Substantive Change 25. PAS 080: Special Designations should be provided to assist in the achievement of environmental improvements. (Disagree.)
- Request Substantive Change 26. PAS 080: Instead of Special Policy #3 indicating that the lower portions of PAS 080 should be considered in the Community Plan for Stateline and Kingsbury, Park's property should be included in the applicable Plan Areas. (Disagree.)
- Request Substantive Change 27. PAS 080: Objects to the designation of "scenic view corridor." (Disagree.)
- Request Substantive Change 28. PAS 080: The uses listed as permissible are not reasonable economic uses. (Disagree.)
- Request Minor Substantive Change 29. PAS 080: The Edgewood Water Company facilities should be an allowed rather than a special use. (Agree.)
- Request Substantive Change 30. PAS 080: Although Special Policy #3 states that a developed campground should be considered, no additional capacity for such a use has been assigned. (Ture. This is a subject for the APC Committee.)
- Request Substantive Change 31. PAS 080: Plan Area Statements should not mandate implementation of improvement programs that have not yet been adopted by the Governing Board. (Disagree.)
- Request Minor Substantive Change 32. PAS 070A: Planning Consideration #2 should be expanded to recognize that for many years there have been numerous ponds on the Edgewood Golf Course which have acted as siltation basins and have assisted in the reduction of pollutants entering Lake Tahoe from Edgewood Creek. (Agree.)
- Request Minor Substantive Change 33. PAS 070A: Objects to and requests the deletion of Special Policy #1 which suggests that the Edgewood Golf Course be redesigned. (Disagree.)

3/2/87

Agenda Item VI.A.

- Request Substantive Change      34. PAS 070A: The facilities of the Edgewood Company should clearly be allowed uses. (Agree.)
- Request Substantive Change      35. PAS 070A: Eating and drinking places should be an allowed use to make it clear that the bar and restaurant facilities at the golf course are allowed as a primary use. (Disagree.)
- Request Substantive Change      36. PAS 070A: Water intake lines should be an allowed accessory structure. (Agree.)
- Request Substantive Change      37. PAS 070A: Some additional outdoor recreation development should be allocated to this Plan Area due to its location adjacent to a major tourist center. (Disagree.)
- Request Minor Substantive Change      38. PAS 089A: The Planning Statement should expressly state that structures housing gaming under a non-restrictive license are permitted and conforming use. (Agree.)
- Request Substantive Change      39. PAS 089A: Special Policy #1 should be revised so as not to expand the 1973 requirement that the Park Tahoe not exceed 50% total land coverage. The language requiring that the land be maintained as a "scenic view corridor" and a "historical site" should be removed. (Disagree.)
- Request Substantive Change      40. PAS 089A: Multiple family residential should be added as a permissible use. (Disagree.)
- Request Substantive Change      41. PAS 089A: Vehicle storage and parking should be an allowed, rather than special use. (Agree.)
- Request Substantive Change      42. PAS 089A: Sport assembly should be an added as a permitted use, or the definition of privately owned assembly and entertainment facilities should be expanded to include sport assembly. (Sport assembly already is listed as a special use.)
- Request Substantive Change      43. PAS 089A: Plan Area Statements should not mandate implementation of improvement programs that have not yet been adopted by Governing Board. (Disagree.)

BEFORE THE GOVERNING BOARD  
OF  
THE TAHOE REGIONAL PLANNING AGENCY

COMMENTS OF PARK CATTLE CO.  
AND THE EDGEWOOD WATER COMPANY

REGARDING

January 7, 1987 Revisions To Plan Area Statements  
For The Lake Tahoe Basin

Presented By

Gordon H. DePaoli, Esq.  
Woodburn, Wedge, Blakey and Jeppson  
First Interstate Bank Building  
One East First Street, Suite 1600  
Reno, Nevada 89505

January 28, 1987

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I. INTRODUCTION.

Park Cattle Co. and the Edgewood Water Company (Park) have presented written and oral comments concerning the Plan Area Statements and the Code Of Ordinances for the Lake Tahoe Basin. The comments set forth herein are intended to supplement those comments with respect to the January 7, 1987 revisions to the Plan Area Statements.

II. PLAN AREA STATEMENTS FOR THE LAKE TAHOE BASIN.

A. Introduction.

It is virtually impossible to know the impact of a Plan Area Statement on a particular piece of property without also knowing the substance of the entire Code Of Ordinances. Although certain chapters of the Code may be more directly related to Plan Area Statements than others, those chapters do not reveal the full scope of regulation which will be imposed on a property. The Plan Area Statements should not be adopted before the Code Of Ordinances.

B. Park Cattle Co.'s Property And Plan Area Statements.

1. Plan Area 080-Kingsbury Drainage.

(a) Park's Property Does Not Belong In This Plan Area.

Park has approximately 246 acres of property in this Plan Area. One of its principal objections to this Plan Area Statement is that its property does not belong in it. For a number of specific reasons, Park suggested that its property should either be placed into three (3) new plan areas or that parts of it should be included in Plan Area 089A, the Nevada

South Stateline Resort Area, in Plan Area 076, the Kingsbury Commercial Plan Area, and in Plan Area 078, the Middle Kingsbury Residential Plan Area. See, November 24, 1986, Comments Of Park Cattle Co. And The Edgewood Water Company, pp. 10-11 (Park's November 24, 1986, Comments).

The January 7, 1987, revision to this Plan Area continues to include all of Park's property in Plan Area 080. Several reasons have been given for this result. First, it is said that a large portion of Park's 246 acres is required open space for the Caesars Hotel Casino. See, Response To Comments: TRPA Plan Area Statements, Park II: Specific Comments, No. 203 (TRPA Response To Comments). As a matter of fact, only 16 of Park's 246 acres are a part of the original Park Tahoe (now Caesars Tahoe) project.

Second, it is suggested that a large portion of the Park property is classified as high hazard or stream environment zone. Id. Park has consistently disagreed with that classification. If the existence within an area of lands classified as high hazard was the determining factor, substantially the entire region would receive a conservation designation. Other regulations adequately control the development of such lands. There is no need to classify all of Park's property as conservation simply to restrict development on high hazard lands. Finally, large areas of the Park property consist of land which is not designated high hazard or stream environment zone.

Another reason given for the conservation designation is that there are no substantial improvements,

i.e., streets, sewer lines, and water lines within the Park property. Id. That reason ignores the fact that Park's property abuts Highway 50, is located on the Loop Road, and is adjacent to a small portion of Kingsbury Grade. It ignores the fact that sewer and electrical lines are nearby and in fact cross the property. It ignores the fact that the Edgewood Water Company provides water to the property and that its distribution lines and main storage facility are in fact located on it.

Another reason given for rejecting Park's proposal is that the Edgewood Creek Water Shed Association is already overcovered and targeted for coverage removal. Id. Park's property in this Plan Area is not overcovered. Id. Moreover, there are other Plan Areas within the Edgewood Creek Water Shed Association which have not received the conservation designation.

Finally, it is said that this is a low priority area for development. Id. When one considers the location of this property and what is around it, one must ask why. This land is directly adjacent to one of the Region's major employment centers. It is adjacent to tourist and commercial centers and is bounded by major transportation corridors.

(b) Application Of The Plan Area Statement To Park's Property.

(i) Special Designations.

The only reason given for not providing any special designations for this Plan Area is its conservation designation. TRPA Response To Comments, No. 208. No other



reason is given why the special incentives available to land owners willing to take environmentally beneficial measures on their land and elsewhere are not also made available in this Plan Area. Certainly, the Plan Area Statement contemplates a need for environmental improvements within this Plan Area. Yet no incentives are provided to assist in the achievement of those improvements.

(ii) Special Policies.

A new Special Policy 3 has been added. It suggests that the lower portions of the Plan Area should be considered in the Community Plans for Stateline and Kingsbury. Park's property should be included in those Community Plans. The best way to insure that that occurs is to include Park's property in the applicable Plan Areas.

Park continues to object to the designation of its property as a "scenic view corridor." Contrary to the TRPA Response To Comments, that designation imposes a public burden on Park's property and will result in Park's not being allowed a reasonable economic use of it.

(iii) Permissible Uses.

The extent to which Park's property is impacted by this Plan continues to be highlighted by the permissible use designations for this Plan Area. Contrary to the TRPA Response To Comments, ranch uses, limited recreational uses, and timber uses are not reasonable economic uses of the property. The fact that Park's property in other Plan Areas has existing lawful uses, does not justify the inverse condemnation of this property. See, TRPA Response To Comments, No. 210.

As noted in its November 24, 1986, Comments, Park is concerned that the major storage and distribution facilities of the Edgewood Water Company located in this Plan Area be recognized as permitted uses. Chapter 18 of the Code Of Ordinances defines public utility centers to include "quasi-public" facilities. No definition of "quasi-public" is provided. This issue should be dealt with directly and clearly. See, Park's, November 24, 1986 Comments, pp. 13-14. Moreover, the Edgewood Water Company facilities should be an allowed rather than a special use.

(iv) Additional Developed Outdoor Recreation.

Special Policy No. 3 suggests a developed campground for recreational vehicle parking for this Plan Area. However, under the additional outdoor recreation section, no additional capacities are allowed for this Plan Area. Without an assignment of additional capacity, Special Policy No. 3 can not be implemented.

(v) Improvement Programs.

The Plan Area Statements should not mandate the implementation of programs which have not yet been written and/or reviewed by the Governing Board. The requirement for such a program may be added when and if such programs are adopted.

2. Plan Area 070A - Edgewood.

(a) Planning Considerations.

Planning Consideration 2 recognizes the recent construction of a siltation basin at the Edgewood Golf Course which will reduce pollution entering Lake Tahoe. It should

also recognize that for many years there have been numerous ponds on the Edgewood Golf Course which have acted as siltation basins and which have assisted in the reduction of pollutants entering Lake Tahoe from Edgewood Creek.

(b) Special Policies.

Park continues to object to and requests the deletion of Special Policy No. 1 which suggests that the Edgewood Golf Course should be redesigned. Special policies should be carefully considered. Under section 13.7.A of the proposed Code of Ordinances, they cannot be changed except by plan amendment.

(c) Permissible Uses.

Park's comments concerning the definition of public utility centers also apply to this Plan Area because major facilities of the Edgewood Water Company are located in it. It is not clear whether the bar and restaurant facilities at the Edgewood Golf Course will be primary uses, accessory uses or both. Since these uses exist and since this Plan Area consists almost entirely of Park property, Park suggests that eating and drinking places be an allowed, rather than a special use.

The accessory uses/structure provisions for both shorezone tolerance districts in this Plan Area should include water intake lines as being allowed. This is important to protect existing water diversions out of Tahoe and to encourage future diversions out of Tahoe rather than out of streams.

See, Park's November 24, 1986, Comments, pp. 17-18.

A number of uses have been eliminated from the

shorezone provisions in this Plan Area. It appears that this may be due to the provisions of section 51.2.D of the Code which deals with "dispersed water oriented outdoor recreational uses." However, it is not clear whether that generic use should be included in the Plan Area Statement. This should be clarified.

(d) Additional Developed Outdoor Recreation.

This Plan Area does not allow for any additional recreation development. Some additional outdoor recreation development should be allocated to this Plan Area. Although golf course expansions do not require PAOT's, this Plan Area, which is adjacent to a major tourist center, is ideal for the location of other additional developed outdoor recreation facilities.

(e) Improvement Programs.

Mandatory improvement programs should be deleted unless and until the programs are actually written and reviewed and approved by the Governing Board.

3. Plan Area 089A - Nevada South Stateline Resort Area.

(a) Planning Statement.

The Planning Statement should expressly state that structures housing gaming under a non-restricted license are permitted and conforming uses.

(b) Special Policies.

Park continues to object to Special Policy No. 1. There is no dispute that the property referred to in that Special Policy is a part of the project area for Caesars Tahoe. Park objects to the attempt to expand what was intended and

required in 1973 when this property was included as a part of the Park Tahoe project. The land in question was included as a part of the project area so that the land coverage for the Park Tahoe would not exceed fifty percent (50%) of the total land area of the project. Nothing in that 1973 designation required the land to be maintained "as a scenic view corridor" or as an historic sight. The Governing Board should not impose additional and new burdens on the property in question by reason of this Special Policy.

(c) Permissible Uses.

Multi-residential should be added as a residential use. Vehicle storage and parking should be an allowed, rather than special use in this Plan Area. Sport assembly should be added as a permitted use. In the alternative, the definition of privately owned assembly and entertainment facilities should be expanded to include the definition of sport assembly.

(d) Improvement Programs.

No improvement program should be mandated unless and until it is complete, reviewed by the public, and adopted by the Governing Board.

PARK8 1/emr