

TRPA CODE OF ORDINANCE FINDINGS

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1.0 INTRODUCTION

1.1 Background

The development code amendment process provides a method of review and analysis of periodic revisions needed to establish and maintain a rational land use pattern. Revisions are an essential tool that allows jurisdictions to stay current with desirable trends in planning and development and to respond to changed conditions. This document contains required findings per Chapters 3, 4, and 13 of the TRPA Code of Ordinances (Code) for an amendment to the Tahoe Area Plan (TAP), allowing K-12 schools as a special use on parcels 3-acres or greater in the Woodcreek Regulatory Zone.

1.2 Proposed Amendment

Washoe County Development Code (WCDC) regulates allowable and permitted land uses within the unincorporated areas of Washoe County. The Washoe County Tahoe Area Plan provides the regulatory framework for development in the portion of Washoe County that is within the Tahoe Basin. The Development Code Amendment proposes to add the “Schools – kindergarten through secondary” use type as a permitted use, subject to a special use permit, on those parcels in size equal to, or greater than, three-acres within the Tahoe – Wood Creek Regulatory Zone.

1.2.1 Tahoe Area Plan

There are 27 regulatory zones within the Tahoe Area Plan. Individual regulatory zones identify the allowable uses and special development standards applicable to each zone. The Tahoe Regional Planning Agency Code of Ordinances defines the “schools – kindergarten through secondary” use type as “kindergarten, elementary, and secondary schools serving grades up to 12, including denominational and sectarian.” Land use classification systems classify uses based on common function, product, or compatibility characteristics to provide a basis for regulation of uses in accordance with criteria relevant to the public interest. The land use classification system for the Tahoe Area Plan identifies schools as a Public Service use type.

The purpose of the Tahoe Area Plan is to outline the existing pattern of development and provide a guide for growth. The plan guides growth by recognizing critical conservation areas, establishing existing and future land use and transportation patterns, and identifying current and future public service and facility needs.

Although the TRPA code definition of schools includes both secular and denominational schools, the Tahoe Area Plan fails to identify or address faith-based education within the community. Chapter Six: Public Services and Facilities of the Tahoe Area Plan provides the policy context for future public and quasi-public facilities; it provides basic information about existing and planned public facilities such as schools but does not provide an overview or discussion about denominational or other private schools. In addition, school use is permitted in only two of the 27 regulatory zones, in the Incline Village Commercial district permitted outright and with a special use permit in the Incline Village Residential zoning district.

1.2.2 Wood Creek Regulatory Zone

The Wood Creek Regulatory zone is generally located west of Mt. Rose Highway, South of College Drive, East of Village Blvd, and North of Tahoe Blvd. The Wood Creek Regulatory Zone is one of 16 residential regulatory zones in the plan area. These regulatory zones focus primarily on single-family dwellings but allow other use types such as multi-family and a broad scope of public service and resource management uses. The primary vision for residential regulatory zones is to maintain safe and functional residentially focused regulatory zones, with development that contributes to the desired community character.

The Wood Creek Regulatory Zone includes a Special Area with two parcels. This area was established to allow public service uses on county-owned property. Additional uses allowed with a special use permit in this area include cultural facilities (permanent public or quasi-public facilities generally of a noncommercial nature, such as art exhibitions, planetariums, botanical gardens, libraries, museums, archives, and arboretums), local assembly and entertainment, and sports assembly (commercial facilities for spectator-oriented, specializes,

sports assembly that do not exceed a 5,000 seating capacity, such as stadiums, arenas, and field houses).

1.2.3 Proposed Amendment Location

The amendment request proposes an acreage restriction to preserve the existing neighborhood character throughout the internal corridors of Wood Creek. The areas highlighted in yellow in **Appendix 1** show parcels equal to or greater than three acres in size within the Wood Creek regulatory zone. If the Development Code Amendment application is approved by Washoe County and TRPA, any applicant wishing to establish a school use within the amendment location would be required to obtain an approved special use permit. The special use permit process is a site-specific review of a use that requires special appraisal to determine if the uses have the potential to adversely affect other land uses, transportation systems, public facilities, or environmental resources in the vicinity. The special use permit process requires neighborhood notification, a neighborhood meeting, and a public hearing. The code amendment impacts the highlighted parcels owned by the Village Church, Saint Francis, Washoe County, Incline Village Improvement District. These parcels all have frontage along major corridors in the area. While the code amendment provides the acreage restriction to preserve the neighborhood character on the internal corridors of the regulatory zone, it should be noted that there are other uses and factors that can impact the character of a neighborhood, including 16 approved short term rental permits on residential lots in the Wood Creek regulatory zone and an estimated 48% vacancy rate of single-family homes in the area (American Community Survey).

2.0 TRPA CODE OF ORDINANCES FINDINGS

2.1 Chapter 3 Findings

The following finding must be made prior to amending the TAP.

2.1.1 FINDING 1

Finding: The proposed TAP amendment could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Response: Based on the completed Initial Environmental Checklist (IEC), no significant environmental impacts have been identified as a result of the proposed amendment. The IEC was prepared to evaluate the potential environmental impacts of the proposed amendment and tiers from or refers to specific analyses contained in the following environmental review documents:

- TRPA, Regional Plan Update EIS, certified by the TRPA Governing Board on December 12, 2012 (RPU EIS)
- TRPA, Tahoe Area Plan Update IEC, certified by the TRPA Governing Board in 2020.

These program-level environmental documents include a regional and county-wide cumulative scale analysis and a framework of mitigation measures that provide a foundation for subsequent environmental review at an area plan level. Because the amendment is consistent with the Regional Plan, which has approved program-level environmental documents, the proposed TAP amendment is within the scope of these program-level documents.

Nothing in the IEC or proposed TAP alters the obligations of Washoe County or TRPA to implement the mitigation measures adopted as part of the RPU, as documented in the RPU EIS. Consequently, Washoe County would adhere to all applicable adopted mitigation measures required by the Regional Plan as a part of the proposed TAP amendment. Adoption of the proposed amendment would only amend the zoning requirements of the Tahoe Area Plan- Wood Creek regulatory zone concerning school use. Within this area, and

only on parcels three acres in size or more, school use would require a discretionary special use permit approval by Washoe County and TRPA. All aspects of the Tahoe Area Plan and Washoe County Development Code not specifically affected by the proposed amendment would continue to apply throughout the plan area. As such, future projects within the plan area would be required to comply with all applicable provisions of the TRPA code and Washoe County Development Code as well as any project revisions or mitigation measures required as conditions of approval for a special use permit.

2.2 Chapter 4 Findings

The following finding must be made prior to amending the TAP.

2.2.1 FINDING 1

Finding: The proposed TAP amendment is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable goals and policies, community plans/plan area statements, the TRPA Code, and other TRPA plans and programs.

Response: The Regional Plan describes the needs and goals of the Region and provides statements of policy to guide decision making as it affects the Region's resources. The Regional Land Use Map identifies groupings of generalized land uses and priority redevelopment areas in the region. The TAP amendment area is classified as residential; the amendment supports the purpose of this classification which is to "identify density patterns related to both the physical and manmade characteristics of the land and to allow accessory and non-residential uses that complement the residential neighborhood." The proposed amendment promotes the general welfare of the community, lessens traffic congestion by providing education to establish within the communities they serve, facilitates the adequate provision of schools, and promotes the social advantages gained from an appropriately regulated use of land.

The proposed amendment was prepared in conformance with the substantive and procedural requirements of the Regional Plan goals and policies, as implemented through TRPA Code, Chapter 13, "Area Plans." The TAP is consistent with the Tahoe Regional Plan and TRPA Code, as shown in the Area Plan Finding of Conformity Checklist and as demonstrated in the IEC.

Pursuant to TRPA Code Section 4.4.2, TRPA considers, as background for making the Section 4.4.1.A through C findings, the proposed project's effects on compliance measures (those implementation actions necessary to achieve and maintain thresholds), supplemental compliance measures (actions TRPA could implement if the compliance measures prove inadequate to achieve and maintain thresholds), the threshold indicators (adopted measurable physical phenomena that relate to the status of threshold attainment or maintenance), additional factors (indirect measures of threshold status, such as funding levels for Environmental Improvement Program [EIP] projects), and interim and target dates for threshold achievement. TRPA identifies and reports on threshold compliance measures, indicators, factors, and targets in the threshold evaluation reports prepared pursuant to TRPA Code, Chapter 16, "Regional Plan and Environmental Threshold Review."

Similarly, TRPA Code Section 4.4.2.C requires TRPA to confirm whether the proposed project is within the remaining capacity for development (e.g., water supply, sewage, electrical service) identified in the environmental documentation for the Regional Plan. The amendment does not affect the amount of the remaining capacities available, identified and discussed in the RPU EIS. The TAP amendment does not allocate capacity or authorize any particular development.

The TAP amendment is consistent with and will not adversely affect implementation of the

Regional Plan, including all applicable goals and policies, community plans, plan area statements, the TRPA Code, and other TRPA plans and programs.

2.0.1 FINDING 2

Finding: The proposed TAP amendment will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: As demonstrated in the completed IEC, no significant environmental effects were identified as a result of the proposed amendment, and the IEC did not find any thresholds that would be adversely affected or exceeded. As found above, the TAP, as amended, is consistent with the Regional Plan.

Pursuant to Chapter 13 of the TRPA Code, TRPA will monitor all development projects within the TAP through quarterly and annual reports. These reports will be used to evaluate the status and trend of the thresholds every 4 years.

The amendment does not affect the cumulative accounting of units of use as no additional residential, commercial, tourist or recreation allocations are proposed or allocated as part of this TAP amendment. School uses are general public service uses that do not require allocations or otherwise affect the availability of these commodities. The amendment does not affect the amount of the remaining capacity available, as the remaining capacity for water supply, sewage collection and treatment, recreation and vehicle miles travelled have been identified and evaluated in the RPU EIS. No changes to the overall capacity are proposed in the proposed amendment.

TRPA has reviewed the proposed amendment against the 222 compliance measures and supplemental compliance measures, the 151 indicators and additional factors that measure threshold progress, and threshold target and interim attainment dates. The proposed amendment will not adversely affect applicable compliance measures, and target dates as identified in the 2015 Threshold Evaluation indicator summaries. Pursuant to Chapter 13, *Area Plans*, of the TRPA Code of Ordinances, TRPA will monitor all development projects within the Tahoe Area Plan through quarterly and annual reports. These reports will then be used to evaluate the status and trend of thresholds every four years.

Accounting for units of use, resource utilization, and threshold attainment will occur as part of the review and approval process for individual projects. The proposed amendment does not affect the amount of the remaining capacity available, as the remaining capacity for water supply sewage collection and treatment, recreation, and vehicle miles travelled have been identified and evaluated in the RPU EIS. Therefore, TRPA finds that the proposed amendment will not cause thresholds to be exceeded.

The proposed TAP amendment would not alter policies or requirements that balance short-term and long-term environmental goals. The results of the attached IEC show no changes to environmental effects when compared to the 2020 IEC completed for the Area Plan (Ascent Environmental, Inc. , 2020).

The proposed Area Plan DCA does not include any provisions or changes that would alter the SUP process to evaluate traffic at a project-level to ensure transportation, parking, and traffic generation are consistent with applicable limitations and regulations. Future projects implemented under the proposed Area Plan DCA would provide a traffic and parking plan to ensure all applicable regional and local requirements are met.

2.0.2 FINDING 3

Finding: Wherever federal, state, or local air and water quality standards apply for the Region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of

the Tahoe Regional Planning Compact

Rationale: Based on the following: (1) TAP IEC and (2) RPU EIS adopted by the Governing Board, no applicable federal, state, or local air and water quality standard will be exceeded by adoption of the amendment. The proposed amendment does not affect or change the federal, state, or local air and water quality standards that apply to the Region. Projects developed under the TAP will meet the strictest applicable air quality standards and implement water quality improvements consistent with TRPA Best Management Practices (BMPs) requirements, the Lake Tahoe Total Maximum Daily Load (TMDL), and the County's Pollutant Load Reduction Plan (PLRP). Federal, state, and local air and water quality standards remain applicable for all parcels in the TAP, thus ensuring environmental standards will be achieved or maintained pursuant to the Bi-State Compact.

2.0.1 FINDING 4

Finding: The Regional Plan and all of its elements, as amended, achieves and maintains the thresholds.

Response: The Regional Plan authorizes the area plan process for communities and land management agencies in the Tahoe Region to eliminate duplicative and unpredictable land use regulations that deterred improvement projects. Area plans, created pursuant to Chapter 13 of the TRPA Code, also allow TRPA and local, state, federal, and tribal governments to expand the types of projects for which local, state, federal, and tribal governments apply TRPA rules to proposed projects within the Tahoe Region. After approval of an area plan by TRPA, this process allows a single government entity to review, permit, and inspect projects in their jurisdiction. All project approvals delegated to other government entities may be appealed to TRPA for final decision. In addition, the performance of any government receiving delegated authority will be monitored quarterly and audited annually to ensure proper application of TRPA rules and regulations.

Future redevelopment projects in the TAP amendment area would be subject to project-level environmental review and permitting at which time the proposals would be required to demonstrate compliance with all federal, state, and TRPA regulations. Therefore, implementation of the proposed amendment would not result in the reduction of environmental thresholds.

As discussed in the IEC, the TAP amendment would not alter noise policies and the adopted TRPA CNEL threshold standards, and Regional Plan noise policies would continue to be applied. The existing TAP CNEL standards are consistent with the TRPA's threshold standards; and thus, future projects under the amendment would only be approved by TRPA or Washoe County if they can demonstrate compliance with these CNEL standards.

As found in Chapter 4 Findings 1 through 3 and the Chapter 13 Findings, no element of the proposed amendment interferes with the efficacy of any of the other elements of the Regional Plan. Thus, the Regional Plan, as amended by the project, will continue to achieve and maintain the thresholds.

2.0 Chapter 13 Findings

The following finding must be made prior to amending the TAP.

2.0.2 FINDING 1

Finding: The proposed TAP amendment is consistent with and furthers the goals and policies of the Regional Plan.

Rationale: Regional Plan Land Use Policy 4.6 encourages the development of area plans that supersede existing plan area statements and community plans or other TRPA regulations to be responsive to the unique needs and opportunities of communities.

The proposed amendment responds to changed conditions or further studies that have occurred since the TAP was adopted by TRPA, and the requested amendment allows for a more desirable utilization of land within the regulatory zone.

The pandemic generated increased interest in innovation, both as a concept and a strategy to rethink what a school is, what it looks like, and how it operates. More, now than ever, parents are looking for options with school choice. An increase in educational options will help build more resilient communities.

The total population of Incline Village from the 2020 census is 9,462 with 17% of the population made of up persons of under 18 years. The American Community Survey, published by the US Census Bureau, helps community leaders understand the changes taking place in their communities. ACS data shows an average increase of population in Incline Village of 3.56% from 2018 to 2021. It also shows a steady increase of the population of persons 18 years and under. The 2018 ACS survey data estimates a population in Incline Village at 8,534 with 14.3% of persons 18 years and under. It is estimated that from 2018-2023 the number of persons 18 years and under increased in Incline Village by 387 persons. The proposed amendment responds to both the increase of school age children within the community as well as the post-pandemic desire for an increase in educational options.

The proposed amendment is intended to facilitate the establishment schools that are not otherwise provided for within the jurisdiction. The proposed amendment promotes the general welfare of the community, lessens traffic congestion by providing education to establish within the communities they serve, facilitates the adequate provision of schools, and promotes the social advantages gained from an appropriately regulated use of land.

The proposed TAP amendment was found to be consistent with the goals and policies of the Regional Plan, as described in the Area Plan Finding of Conformity Checklist (Attachment F to the staff summary), and as described in Chapter 4, Finding #1, above.

PROPOSED AMENDMENT LOCATION

-  = Wood Creek Parcels 3 acres in size or more
-  = Wood Creek Parcels

This figure is provided for illustrative purposes only and is not to scale.



