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STAFF REPORT

Date: January 18, 2023

To: TRPA Regional Plan Implementation Committee

From: TRPA Staff

Subject: Amendment to Douglas County's South Shore Area Plan to Allow Religious Assemblies as a Permitted Use in the Tahoe Mixed-Use Zone

Summary and Staff Recommendation:

Douglas County will provide an overview of the proposed amendment to the South Shore Area Plan (SSAP), changing religious assemblies from a special use to an allowed use in the Tahoe Mixed-Use (T-MU) zone. Staff believe that this amendment is consistent with the vision and purpose of the SSAP and Regional Plan. Furthermore, the amendment ensures that the SSAP is consistent with federal law regarding religious land uses. The proposed amendment has been adopted by the Douglas County Board of County Commissioners and was recommended for approval by the Advisory Planning Commission (APC) on January 11, 2023. Staff seeks Regional Plan Implementation Committee (RPIC) discussion and recommendation of approval to the TRPA Governing Board for adoption of the proposed area plan amendment.

Required Motions:

To recommend adoption of the area plan amendment, RPIC must make the following motion(s), based on the staff summary:

- 1) A motion to recommend approval of the Required Findings, as described in Attachment D, including a Finding of No Significant Effect, for adoption of the Area Plan amendment as described in the staff summary; and
- 2) A motion to recommend adoption of Ordinance 2023-___, amending Ordinance 2013-05, to amend the Douglas County South Shore Area Plan as shown in Attachment C.

An affirmative vote of a majority of the quorum present is required for a motion to pass.

Project Description/Background:

Since the 2012 Regional Plan Update, TRPA has encouraged local jurisdictions to develop Area Plans to replace the former local planning documents: Plan Area Statements and Community Plans. Area Plans are collaborative documents which become a component of both the Regional Plan and the city or county's comprehensive plan. They represent a paradigm shift for TRPA since they enable TRPA to transition its focus to regional issues while allowing local jurisdictions greater autonomy to define and manage their own local land use.

The TRPA Governing Board approved the SSAP in September 2013. The plan encompasses a portion of Douglas County's jurisdiction in the Tahoe Basin, extending from the California state line to Burke Creek and from the Tahoe Shoreline to Pinecrest Drive on lower Kingsbury Grade Road. The plan includes two town center districts to accommodate mixed-use and tourist facilities in the area. The Nevada South Stateline Resort Area Casino Core encompasses the South Stateline casino core, focusing on providing accommodations for tourists. The Kingsbury Commercial Town Center District aims to achieve, "a mix of tourist, recreation, commercial, light industrial, public service, and residential use" (Sec. 20.703.060). The proposed amendment pertains specifically on the Tahoe Mixed-Use Zone of the Kingsbury Commercial Town Center District.

Through nearly a decade of implementation, the SSAP has facilitated development across the plan area. Most notably, the Edgewood Resort and Tahoe Events Center were recently developed within the SSAP. That said, over nine years of implementation, Douglas County staff have identified areas where the SSAP could better implement the area's vision for development.

While reviewing a recent development application for a synagogue at the corner of Market Street and Kingsbury Grade Road, Douglas County staff found that the Area Plan did not offer sufficient justification for requiring a special use permit for religious assemblies in the Kingsbury Commercial Town Center District's Tahoe Mixed-Use zone. In addition to finding religious assemblies consistent with the district's vision and purpose, staff also found that other similar uses, specifically membership organizations, were permitted by right in the Tahoe Mixed-Use zone. Douglas County staff believe that this discrepancy is inconsistent with the plan's vision and places an undue burden on religious organizations.

The proposed amendment seeks to remedy this issue by permitting religious assemblies by right in the Tahoe Mixed-Use zone, eliminating the need for a special use permit to develop a religious assembly in the zone.

A text amendment applying this change to the Douglas County Code was approved on September 1, 2022 by the Douglas County Board of County Commissioners. A copy of the adopted County Ordinance with redlined plan language is included as Attachment B to this packet. TRPA Governing Board approval is required to amend the SSAP.

Staff seeks RPIC discussion and recommendation of approval for adoption of the proposed area plan amendment. Based on RPIC's recommendation and direction, Douglas County will work with TRPA staff to complete any necessary revisions and bring the full amendment package back to the Governing Board for a final determination on the proposed amendment.

Environmental Review:

Ascent Environmental completed an Initial Environmental Checklist (IEC) pursuant to Chapter 3: Environmental Documentation of the TRPA Code of Ordinances and Article VI of the Rules of Procedure on behalf of Douglas County (Attachment E). TRPA staff completed a review of the IEC and submitted minor revisions to Ascent which were applied and are reflected in the attachment. The IEC finds that the proposed amendments would not result in significant effects on the environment.

Regional Plan Compliance:

TRPA staff completed a Regional Plan Conformance Review Checklist (Attachment F) and determined that the proposed amendment is consistent with the Regional Plan. The proposed amendment was reviewed by APC who recommended approval. Recommendations of the APC and RPIC will then be considered by the Governing Board in determining whether to find the Area Plan amendment in compliance with the Regional Plan.

Contact Information:

For questions regarding this agenda item, please contact Jacob Stock, AICP, Senior Planner, at (775) 589-5221 or jstock@trpa.gov.

Attachments:

Please refer to Governing Board Agenda Item No. VIII.B for attachments.