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Contact

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STAFF REPORT

Date: March 20, 2024

To: TRPA Regional Plan Committee

From: TRPA Staff

Subject: Amendment to Washoe County's Tahoe Area Plan to Allow "Schools – Kindergarten through Secondary" as a special use within the Wood Creek Regulatory Zone

Summary and Staff Recommendation:

Washoe County will provide an overview of the proposed amendment to the Tahoe Area Plan (TAP) including "Schools – Kindergarten through Secondary" as a special use within the Wood Creek Regulatory Zone in Incline Village. The Washoe County Board of County Commissioners adopted the proposed amendment as a development code amendment on February 20, 2024. Staff seeks Regional Plan Committee (RPC) discussion and asks the RPC to consider a 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, RPC 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 2024-___, amending Ordinance 2021-06, to amend the Washoe County Tahoe 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 allowed local jurisdictions to develop Area Plans to replace the former local planning documents: Plan Area Statements and Community Plans. Area Plans become a component of both the Regional Plan and the city or county's comprehensive plan.

The TRPA Governing Board approved the TAP in January 2021. The plan encompasses the entirety of Washoe County's jurisdiction in the Tahoe Basin and has been amended once in the two years since its adoption. Washoe County is requesting an amendment to the TAP. The proposed amendment proposes to allow primary and secondary schools as a special use in the Woodcreek regulatory zone pertaining specifically to parcels that are three acres or more in size.

There are twenty-seven (27) individual regulatory zones in the TAP, sixteen (16) of which are Residential Regulatory Zones. The Residential Regulatory Zone's land use category is described as, "Urban areas having the potential to provide housing for residents of the region."

To date, primary and secondary schools are not permitted in the Wood Creek Regulatory Zone under the regulations of the TAP. However, similar uses are allowed with a Special Use Permit, including a broad scope of public service uses (e.g., churches, day care centers, and pre-schools). Within the Wood Creek Regulatory Zone Special Area (SA), additional public services are allowed, including regional public health and safety facilities, cultural facilities, government offices, and local assembly and entertainment. These other uses have similar effects on the community character and similar demand for services and infrastructure as would primary and secondary schools.

The U.S. Census of 2020 and the American Community Survey both show an increase of the total population of Incline Village from 2018 to 2021 with a steady increase of the population of persons 18 years and under. Two church properties within the Wood Creek Regulatory Zone have expressed interest to Washoe County in providing additional religious school services to kindergarten through 8th grade age groups. The proposed amendment responds to both the increase of school age children within the community, as well as permitting primary and secondary school uses as a Special Use on parcels in the Wood Creek Regulatory Zone

The Washoe County Board of County Commissioners approved the development code amendment applying this change to the Washoe County Code on February 20, 2024. A copy of the adopted County Ordinance with proposed plan language is included as Attachment A to this packet. TRPA Governing Board approval is required to amend the TAP.

In addition to obtaining the RPC's recommendation, staff will bring the amendment package to the Advisory Planning Commission (APC) on April 10, 2024 to consider making a recommendation for the Governing Board's April 24, 2024 hearing.

Environmental Review:

Washoe County submitted 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 (Attachment E). TRPA staff completed a review of the IEC and submitted revisions to Washoe County staff. 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 in conformance with the Regional Plan. The proposed amendment will be reviewed by the APC and the RPC. Recommendations of the APC and RPC 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 Michelle Brown, Associate Planner, at (775) 589-5226 or mbrown@trpa.gov.

To submit a written public comment, email publiccomment@trpa.gov with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee

written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

Attachments:

- A. Washoe County Signed Ordinance
- B. Washoe County Staff Memo
- C. TRPA Ordinance 2024-__
- D. Required Findings/Rationale (link)
- E. Initial Environmental Checklist (link)
- F. Conformity Checklist
- G. Compliance Measures (link)

Attachment A
Washoe County Signed Ordinance

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: AMENDS WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE), ARTICLE 220 (Tahoe Area), Section 110.220.175 (Wood Creek Regulatory Zone) referring to land use.

BILL NO. 1901

ORDINANCE NO. 1711

Title:

An ordinance amending Washoe County Code Chapter 110 (Development Code), Article 220 (Tahoe Area), Section 110.220.275 (Wood Creek Regulatory Zone) to add "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; and all matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Washoe County Code Chapter 110 (Development Code), Article 220 (Tahoe Area), Section 110.220.275 (Wood Creek Regulatory Zone) in order to add "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; and
- B. The Washoe County Planning Commission held a duly noticed public hearing on November 7, 2023, at which the Planning Commission initiated and recommended adoption of the proposed amendments to Washoe County Code Chapter 110, by Resolution Number 23-16 (WDCA23-0001); and
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and

- D. Following a first reading and publication as required by NRS 244.100(1), and after a second reading at a duly noticed public hearing, this Commission desires to adopt this Ordinance; and
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Washoe County Code Chapter 110 (Development Code), Article 220 (Tahoe Area), Section 110.220.275 (Wood Creek Regulatory Zone) is hereby amended as follows:

Section 110.220.275 Wood Creek Regulatory Zone.

| WOOD CREEK REGULATORY ZONE | | |
|---|------------------------|---|
| Allowable Land Uses by Land Use Classification | Land Use Permit | Density |
| Residential | | |
| Single Family Dwelling | A | 1 unit per parcel + 1 accessory dwelling where allowed by Section 110.220.85 |
| Tourist Accommodation | | |
| Bed and Breakfast Facilities | S | 5 units per parcel |
| Public Service | | |
| Schools – Kindergarten through Secondary* | S | |
| Local Public Health and Safety Facilities | S | |
| Transit Stations and Terminals | S | |
| Pipelines and Power Transmission | S | |
| Transmission and Receiving Facilities | S | |
| Transportation Routes | S | |
| Public Utility Centers | S | |
| Churches | S | |
| Day Care Centers/Pre-Schools | S | |
| Recreation | | |
| Participant Sports Facilities | S | |
| Day Use Areas | A | |
| Riding and Hiking Trails | A | |
| Resource Management | | |
| Reforestation | A | |
| Sanitation Salvage Cut | A | |
| Special Cut | A | |

| Thinning | A | |
|---|-----------------|---------|
| Early Successional Stage Vegetation Management | A | |
| Structural and Nonstructural Fish/Wildlife Habitat Management | A | |
| Fire Detection and Suppression | A | |
| Fuels Treatment/Management | A | |
| Insect and Disease Suppression | A | |
| Sensitive and Uncommon Plant Management | A | |
| Erosion Control | A | |
| SEZ Restoration | A | |
| Runoff Control | A | |
| WOOD CREEK REGULATORY ZONE SPECIAL AREA | | |
| Allowable Land Uses by Land Use Classification | Land Use Permit | Density |
| Commercial | | |
| Privately Owned Assembly and Entertainment | S | |
| Public Service | | |
| Same as General List, Plus: | | |
| Regional Public Health and Safety Facilities | S | |
| Cultural Facilities | S | |
| Government Offices | S | |
| Local Assembly and Entertainment | S | |
| Recreation | | |
| Same as General List, Plus: | | |
| Sport Assembly | S | |
| Outdoor Recreation Concessions | A | |
| Rural Sports | S | |
| Visitor Information Center | S | |
| Resource Management | | |
| Same as General List | | |

***On those parcels in size equal to, or greater than, three-acres.**

SECTION 2. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chair of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

Proposed on January (month) 23rd (day), 2024.

Proposed by ~~Commissioner~~ Vice Chair Herman.

Passed on February (month) 20th (day), 2024.

Vote:

Ayes: Alexis Hill, Michael Clark, Mainuz Garcia, Clara Andriola

Nays: None

Absent: Jeanne Herman




Alexis Hill, Chair
Washoe County Commission

ATTEST:



Janis Galassini, County Clerk



This ordinance shall be in force and effect if and when the Tahoe Regional Planning Agency ("TRPA") adopts the specific amendments in this ordinance through its adoption of an amendment to TRPA's Tahoe Area Plan.

Attachment B
Washoe County Staff Memo

STAFF REPORT
MEETING DATE: March 27, 2024

DATE: January 26, 2024
TO: Regional Planning Committee
FROM: Courtney Weiche, Senior Planner, Planning & Building Division,
Community Services Dept., 328-3608, cweiche@washoecounty.gov
THROUGH: Kelly Mullin, AICP, Division Director, Planning & Building Division,
Community Services Department, 328.3619,
kmullin@washoecounty.gov
SUBJECT: Proposed Amendment to the Washoe Tahoe Area Plan to add "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; and all matters necessarily connected therewith and pertaining thereto. (All Commission Districts.)

SUMMARY

To conduct a public hearing and consider recommendation of adoption of an amendment to the Washoe Tahoe Area Plan. The requested code amendments are described in detail beginning on page 2 of this staff report.

Washoe County Strategic Objective supported by this item: Economic Impacts:
Support a thriving community.

PREVIOUS ACTION

February 20, 2024. The Washoe County Board of County Commissioners (Board) conducted a second reading for Bill 1901, an Ordinance amending Washoe County Code Chapter 110 (Development Code), Article 220, Tahoe Area to add “Schools- Kindergarten through Secondary” as a permitted use in the Tahoe- Wood Creek Regulatory Zone on those parcels equal to or greater than 3 acres.

January 23, 2024. The Board introduced and conducted a first reading for Bill 1901, an ordinance amending Washoe County Code Chapter 110 (Development Code), Article 220, Tahoe Area to add “Schools- Kindergarten through Secondary” as a permitted use in the Tahoe- Wood Creek Regulatory Zone on those parcels equal to or greater than 3 acres.

November 7, 2023. The Washoe County Planning Commission (PC) reviewed the proposed amendments to Washoe County Code Chapter 110 (Development Code),

Article 220, Tahoe Area, and voted unanimously to recommend approval of Development Code Amendment WDCA23-0001 to the Board.

BACKGROUND

January 26, 2021. The Board of County Commissioners (“BCC”) adopted a comprehensive package of amendments that amended the Washoe County Master Plan, Tahoe Area Plan (WMPA19-0007) and Tahoe Area Regulatory Zone Map (WRZA19-0007) and Development Code Amendments (WDCA19-0007) replacing Article 220 Tahoe Area Plan modifiers with two new articles, Article 220 Tahoe Area Plan Modifiers and Article 220.1 Tahoe Area Design Standards.

May 26, 2021. The Tahoe Regional Planning Agency (“TRPA”) Governing Board adopted Washoe County’s Tahoe Area Plan and included Washoe County Development Code Articles 220 and 220.1 as part of this adoption.

June 8, 2023. The applicant submitted a Development Code Amendment application (WDCA23-0001) to add "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.

September 27, 2023. The TRPA Regional Plan Implementation Committee (RPIC), a subcommittee of the TRPA Governing Board, held a duly noticed public meeting on the requested amendment for informational purposes only. The meeting allowed governing board members and the public the opportunity to provide comments and raise concerns before a formal vote is held in the future. TRPA received nearly 100 written public comments, approximately thirty-six (36) were in opposition and fifty-five (55) expressed support for the amendment. *See* Exhibit D - RPIC Staff Report and Public Comment to Attachment D PC Staff Report. No public (verbal) testimony was given in opposition and all RPIC members expressed support for the proposal with no notable concerns raised.

November 7, 2023. The Washoe County Planning Commission (PC) reviewed the proposed amendments to Washoe County Code Chapter 110 (Development Code), Article 220, Tahoe Area, and voted unanimously to recommend approval of Development Code Amendment WDCA23-0001 to the Board.

Article 220 Amendments

The following is a summary of the specific section of the Washoe Tahoe Area Plan requested for amendment:

Section 110.220.275 Wood Creek Regulatory Zone.

Add "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.

The proposed text amendment is shown in Bold **Red**.

Section 110.220.275 Wood Creek Regulatory Zone.

| WOOD CREEK REGULATORY ZONE | | |
|--|-----------------|---------|
| Allowable Land Uses by Land Use Classification | Land Use Permit | Density |
| Residential | | |

| | | |
|--|--------------------|---|
| Single Family Dwelling | A | 1 unit per parcel + 1 accessory dwelling where allowed by Section 110.220.85 |
| Tourist Accommodation | | |
| Bed and Breakfast Facilities | S | 5 units per parcel |
| Public Service | | |
| Schools – Kindergarten through Secondary* | S | |
| Local Public Health and Safety Facilities | S | |
| Transit Stations and Terminals | S | |
| Pipelines and Power Transmission | S | |
| Transmission and Receiving Facilities | S | |
| Transportation Routes | S | |
| Public Utility Centers | S | |
| Churches | S | |
| Day Care Centers/Pre-Schools | S | |
| Recreation | | |
| Participant Sports Facilities | S | |
| Day Use Areas | A | |
| Riding and Hiking Trails | A | |
| Resource Management | | |
| Reforestation | A | |
| Sanitation Salvage Cut | A | |
| Special Cut | A | |
| Thinning | A | |
| Early Successional Stage Vegetation Management | A | |
| Structural and Nonstructural Fish/Wildlife Habitat Management | A | |
| Fire Detection and Suppression | A | |
| Fuels Treatment/Management | A | |
| Insect and Disease Suppression | A | |
| Sensitive and Uncommon Plant Management | A | |
| Erosion Control | A | |
| SEZ Restoration | A | |
| Runoff Control | A | |
| WOOD CREEK REGULATORY ZONE SPECIAL AREA | | |
| Allowable Land Uses by Land Use Classification | Land Use Permit | Density |
| Commercial | | |
| Privately Owned Assembly and Entertainment | S | |
| Public Service | | |
| Same as General List, Plus: | | |
| Regional Public Health and Safety Facilities | S | |
| Cultural Facilities | S | |
| Government Offices | S | |
| Local Assembly and Entertainment | S | |
| Recreation | | |
| Same as General List, Plus: | | |
| Sport Assembly | S | |
| Outdoor Recreation Concessions | A | |
| Rural Sports | S | |
| Visitor Information Center | S | |
| Resource Management | | |

| | | |
|----------------------|--|--|
| Same as General List | | |
|----------------------|--|--|

***On those parcels in size equal to, or greater than, three-acres.**

REQUESTED ACTION

Washoe County requests that the Regional Planning Committee hold a public hearing and consider a recommendation of approval of the proposed amendments.

CONTACT

Courtney Weiche, Senior Planner, Planning & Building Division, Community Services Dept., 328-3608, cweiche@washoecounty.gov.

Attachment C
TRPA Ordinance 2024-__

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2024-__

AN AMENDMENT TO ORDINANCE NO. 2021-06 TO ADOPT
TAHOE AREA PLAN AMENDMENTS

The Governing Board of the Tahoe Regional Planning Agency (TRPA) does ordain as follows:

Section 1.00 Findings

- 1.10 It is desirable to amend TRPA Ordinance 2021-06 by amending the Tahoe Area Plan to further implement the Regional Plan pursuant to Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 The Tahoe Area Plan amendments were the subject of an Initial Environmental Checklist (IEC), which was processed in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article 6 of the Rules of Procedure. The Tahoe Area Plan amendments have been determined not to have a significant effect on the environment and are therefore exempt from the requirement of an Environmental Impact Statement (EIS) pursuant to Article VII of the Compact.
- 1.30 The Advisory Planning Commission (APC) and the Governing Board have each conducted a noticed public hearing on the proposed Tahoe Area Plan amendments. The APC has recommended Governing Board adoption of the necessary findings and adopting ordinance. At these hearings, oral testimony and documentary evidence were received and considered.
- 1.40 The Governing Board finds that the Tahoe Area Plan amendments adopted hereby will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
- 1.50 Prior to the adoption of these amendments, the Governing Board made the findings required by TRPA Code of Ordinances Section 4.5, and Article V(g) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 TRPA Code of Ordinances Amendments

Ordinance 2021-06 is hereby amended by amending the Tahoe Area Plan as set forth in Attachment A.

Section 3.00 Interpretation and Severability

The provisions of this ordinance amending the TRPA Code of Ordinances adopted

hereby shall be liberally construed to effectuate their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Regional Plan shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Regional Plan are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this ordinance amending the Tahoe Area Plan shall become effective on adoption.

PASSED AND ADOPTED by the Tahoe Regional Planning Agency Governing Board
at a regular meeting held on _____, 2024, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

Cindy Gustafson, Chair
Tahoe Regional Planning Agency,
Governing Board

Attachment D
[TRPA Code of Ordinance Findings](#) (link)

Attachment E
[Initial Environmental Checklist](#) (link)

Attachment F
Conformity Checklist

TO: Michelle Brown, TRPA
FROM: AnnMarie Lain, DOWL
DATE: January 24, 2024
PROJECT: Tahoe Area Plan Amendment

FINDING OF CONFORMITY CHECKLIST

General Information

Area Plan Information

| | |
|--------------------|------------------|
| Area Plan Name: | Tahoe Area Plan |
| Lead Agency: | Washoe County |
| Submitted to TRPA: | January 24, 2024 |
| TRPA File No: | N/A |

Conformity Review

| | |
|-------------------------|----------------|
| Review Stage: | Final Review |
| Conformity Review Date: | TBD |
| TRPA Reviewer: | Michelle Brown |

Hearing Dates

| | |
|-----------------------|-------------------|
| Lead Agency Approval: | February 20, 2024 |
| APC: | April 10, 2024 |
| RPC: | March 27, 2024 |
| Governing Board: | April 24, 2024 |

Characteristics

| | |
|---------------------------|---|
| Geographic Area | Wood Creek Regulatory Zone |
| Land Use Classifications: | Residential |
| Amendment Summary: | The proposed amendments affect the TAP Appendix A (Development Code Standards), Section 110.220.275 Wood Creek Regulatory Zone Allowable Land Uses and Section 110.220.280 Wood Creek Residential Regulatory Zone Special Policies. |

| Conformity Checklist | | TRPA Code Section | Conformity | | |
|---|--|-------------------|------------|----|-----|
| | | | YES | NO | N/A |
| A. Contents of Area Plans | | | | | |
| 1 | General | 13.5.1 | • | | |
| 2 | Relationship to Other Code Section | 13.5.2 | • | | |
| B. Development and Community Design Standards | | | | | |
| <i>Building Height</i> | | | | | |
| 1 | Outside of Centers | 13.5.3 | | | • |
| 2 | Within Town Centers | 13.5.3 | | | • |
| 3 | Within the Regional Center | 13.5.3 | | | • |
| 4 | Within the High-Density Tourist District | 13.5.3 | | | • |
| <i>Density</i> | | | | | |
| 5 | Single-Family Dwellings | 13.5.3 | | | • |
| 6 | Multiple-Family Dwellings outside of Centers | 13.5.3 | | | • |
| 7 | Multiple-Family Dwelling within Centers | 13.5.3 | | | • |
| 8 | Tourist Accommodations | 13.5.3 | | | • |
| <i>Land Coverage</i> | | | | | |
| 9 | Land Coverage | 13.5.3 | | | • |
| 10 | Alternative Comprehensive Coverage Management | 13.5.3 B.1 | | | • |
| <i>Site Design</i> | | | | | |
| 11 | Site Design Standards | 13.5.3 | | | • |
| <i>Complete Streets</i> | | | | | |
| 12 | Complete Streets | 13.5.3 | | | • |
| C. Alternative Development Standards and Guidelines Authorized in an Area Plan | | | | | |
| 1 | Alternative Comprehensive Coverage Management System | 13.5.3 B.1 | | | • |
| 2 | Alternative Parking Strategies | 13.5.3 B.2 | | | • |
| 3 | Areawide Water Quality Treatments and Funding Mechanisms | 13.5.3 B.3 | | | • |
| 4 | Alternative Transfer Ratios for Development Rights | 13.5.3 B.4 | | | • |
| D. Development Standards and Guidelines Encouraged in Area Plans | | | | | |
| 1 | Urban Bear Strategy | 13.5.3.C.1 | | | • |
| 2 | Urban Forestry | 13.5.3.C.2 | | | • |
| E. Development on Resort Recreation Parcels | | | | | |
| 1 | Development on Resort Recreation Parcels | 13.5.3.D | | | • |
| F. Greenhouse Gas Reduction | | | | | |
| 1 | Greenhouse Gas Reduction Strategy | 13.5.3.E | | | • |
| G. Community Design Standards | | | | | |
| 1 | Development in All Areas | 13.5.3 F.1.a | | | • |
| 2 | Development in Regional Center of Town Centers | 13.5.3 F.1.b | | | • |
| 3 | Building Heights | 13.5.3 F.2 | | | • |
| 4 | Building Design | 13.5.3 F.3 | | | • |
| 5 | Landscaping | 13.5.3 F.4 | | | • |
| 6 | Lighting | 13.5.3 F.5 | | | • |
| 7 | Signing – Alternative Standards | 13.5.3 F.6 | | | • |
| 8 | Signing – General Policies | 13.5.3 F.6 | | | • |
| H. Modification to Town Center Boundaries | | | | | |

| | | | | | |
|---|--|------------|---|--|---|
| 1 | Modification to Town Center Boundaries | 13.5.3 G | | | • |
| I. Conformity Review Procedures for Area Plans | | | | | |
| 1 | Initiation of Area Planning Process by Lead Agency | 13.6.1 | | | • |
| 2 | Initial Approval of Area Plan by Lead Agency | 13.6.2 | | | • |
| 3 | Review by Advisory Planning Commission | 13.6.3 | | | • |
| 4 | Approval of Area Plan by TRPA | 13.6.4 | | | • |
| J. Findings for Conformance with the Regional Plan | | | | | |
| <i>General Review Standards for All Area Plans</i> | | | | | |
| 1 | Zoning Designations | 13.6.5.A.1 | • | | |
| 2 | Regional Plan Policies | 13.6.5.A.2 | • | | |
| 3 | Regional Plan Land Use Map | 13.6.5.A.3 | | | • |
| 4 | Environmental Improvement Projects | 13.6.5.A.4 | | | • |
| 5 | Redevelopment | 13.6.5.A.5 | | | • |
| 6 | Established Residential Areas | 13.6.5.A.6 | • | | |
| 7 | Stream Environment Zones | 13.6.5.A.7 | | | • |
| 8 | Alternative Transportation Facilities & Implementation | 13.6.5.A.8 | | | • |
| <i>Load Reduction Plans</i> | | | | | |
| 9 | Load Reduction Plans | 13.6.5.B | | | • |
| <i>Additional Review Standards for Town Centers and the Regional Center</i> | | | | | |
| 10 | Building and Site Design Standards | 13.6.5.C.1 | | | • |
| 11 | Alternative Transportation | 13.6.5.C.2 | | | • |
| 12 | Promoting Pedestrian Activity | 13.6.5.C.3 | | | • |
| 13 | Redevelopment Capacity | 13.6.5.C.4 | | | • |
| 14 | Coverage Reduction and Stormwater Management | 13.6.5.C.5 | | | • |
| 15 | Threshold Gain | 13.6.5.C.6 | | | • |
| <i>Additional Review Standards for the High-Density Tourist District</i> | | | | | |
| 16 | Building and Site Design | 13.6.5.D.1 | | | • |
| 17 | Alternative Transportation | 13.6.5.D.2 | | | • |
| 18 | Threshold Gains | 13.6.5.D.3 | | | • |
| K. Area Plan Amendments | | | | | |
| 1 | Conformity Review for Amendment to an Area Plan | 13.6.6 | • | | |
| 2 | Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan – Notice | 13.6.7.A | | | • |
| 3 | Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan – Timing | 13.6.7.B | | | • |
| L. Administration | | | | | |
| 1 | Effect of Finding of Conformance of Area Plan | 13.6.8 | • | | |
| 2 | Procedures for Adoption of Memorandum of Understanding | 13.7 | | | • |
| 3 | Monitoring, Certification, and Enforcement of an Area Plan | 13.8 | | | • |
| 4 | Appeal Procedure | 13.9 | | | • |

Conformity Review Response

A. Contents of Area Plans

1. General

☒ YES ☐ NO ☐ NA

Citation 13.5.1

Requirement An Area Plan shall consist of applicable policies, maps, ordinances, and any other related materials identified by the lead agency, sufficient to demonstrate that these measures, together with TRPA ordinances that remain in effect, are consistent with and conform to TRPA's Goals and Policies and all other elements of the Regional Plan. In addition to this Section 13.5, additional specific requirements for the content of Area Plans are in subparagraph 13.6.5.A. The Memorandum of Understanding (MOU) that is associated with an approved Area Plan is a separate, but related, approval and is not part of the Area Plan.

Response The TAP consists of goals, policies, actions, projects, maps, ordinances, and related materials that conform to the Regional Plan. The adopted land use and zoning maps are consistent with Regional Plan Map 1, Conceptual Regional Land Use Map. No modifications to boundaries are proposed.

The proposed amendments make changes only to permissible uses of the Wood Creek Regulatory Zone in Appendix A of the TAP.

2. Relationship to Other Sections of the Code

☒ YES ☐ NO ☐ NA

Citation 13.5.2

Requirement This section is intended to authorize development and design standards in Area Plans that are different than otherwise required under this Code. In the event of a conflict between the requirements in this section and requirements in other parts of the Code, the requirements in this section shall apply for the purposes of developing Area Plans. Except as otherwise specified, Code provisions that apply to Plan Area Statements (Chapter 11), Community Plans (Chapter 12), and Specific and Master Plans (Chapter 14) may also be utilized in a Conforming Area Plan. If an Area Plan proposes to modify any provision that previously applied to Plan Area Statements, Community Plans, or Specific and Master Plans, the proposed revision shall be analyzed in accordance with Code Chapters 3 and 4.

Response Under the proposed amendment, development and design standards comply with those prescribed in the Code. The only difference is that primary and secondary school use will be permitted with a special use permit, limited to parcels 3 acres in size are more within the Wood Creek Regulatory Zone.

J. Findings for Conformance with the Regional Plan

1. Zoning Designations

☒ YES ☐ NO ☐ NA

Citation 13.6.5.A.1

Requirement Identify all zoning designations, allowed land uses, and development standards throughout the plan area;

Response Section 110.220.275 in Appendix A to the TAP is being amended to add primary and secondary schools as a permissible use with a special use permit, limited to parcels 3 acres in size are more within the Wood Creek Regulatory Zone. No changes to existing zoning designation or development standards are proposed.

2. Regional Plan Policies

☒ YES ☐ NO ☐ NA

Citation 13.6.5.A.2

Requirement Be consistent with all applicable Regional Plan Policies, including but not limited to the regional growth management system, development allocations and coverage requirements;

Response The Tahoe Area Plan contains goals and policies that are in alignment with Regional Plan policies. 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 is intended to facilitate the establishment of primary and secondary 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.

6. Established Residential Areas

☒ YES ☐ NO ☐ NA

Citation 13.6.5.A.6

Requirement Preserve the character of established residential areas outside of Centers, while seeking opportunities for environmental improvements within residential areas;

Response 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 amendment request proposes an acreage restriction to preserve the existing neighborhood character throughout the internal corridors of Wood Creek Regulatory Zone. 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.

K. Area Plan Amendments

1. Conformity Review for Amendment to an Area Plan ☒ YES ☐ NO ☐ NA

Citation 13.6.6

Requirement Following approval of an Area Plan, any subsequent amendment to a plan or ordinance contained within the approved Area Plan shall be reviewed by the Advisory Planning Commission and Governing Board for conformity with the requirements of the Regional Plan. Public comment before the Governing Board shall be limited to consideration of issues raised before the Advisory Planning Commission and issues raised by the Governing Board. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the APC and Governing Board's review shall be limited to determining the conformity of the specific amendment only. If the Governing Board finds that the amendment to the Area Plan does not conform to the Regional Plan, including after any changes made in response to TRPA comments, the amendment shall not become part of the approved Area Plan

Response The proposed amendments to the TAP are narrow in focus and have been reviewed by staff for conformity with the Regional Plan. The APC's and Governing Board's review will be limited to determining the conformity of the specific amendments.

L. Administration

1. Effect of Finding of Conformance of Area Plan ☒ YES ☐ NO ☐ NA

Citation 13.6.8

Requirement By finding that an Area Plan conforms with the Regional Plan pursuant to the requirements of this chapter and upon adoption of an MOU pursuant to Section 13.7, the Area Plan shall serve as the standards and procedures for implementation of the Regional Plan. The standards and procedures within each Area Plan shall be considered and approved individually and shall not set precedent for other Area Plans.

Response The Governing Board found the TAP to be in conformance with the Regional Plan on May 26, 2021. The proposed amendment will be reviewed by the Governing Board prior to going into effect.

Attachment G
[Compliance Measures](#) (link)