



STAFF REPORT

Date: May 19, 2021

To: TRPA Governing Board

From: TRPA Staff

Subject: Regional Plan Conformance Review of the Washoe County Tahoe Area Plan and Associated Amendments to Chapters 34, 36, and 38 of the TRPA Code of Ordinances

Summary and Staff Recommendation:

Washoe County submits the Washoe County Tahoe Area Plan (WCTAP), to TRPA for conformance review with the TRPA Regional Plan. Staff recommends that the Governing Board review the attached materials and approve the proposed WCTAP and related Code amendments.

Required Motions:

In order to recommend approval of the proposed Washoe County Tahoe Area Plan, the Governing Board must make the following motions, based on the staff summary:

- 1) A motion to approve the required findings, including a finding of no significant effect, for the adoption of the Washoe County Tahoe Area Plan and amendments to Chapter 34, 36, and 38 of the TRPA Code of Ordinances, as provided in Attachment D.
- 2) A motion to adopt Ordinance 2021-____, amending Ordinance 2019-03, as previously amended, to amend TRPA's Regional Plan to incorporate the Washoe County Tahoe Area Plan, as provided in Attachment K.
- 3) A motion to adopt Ordinance 2021-____, amending Ordinance 87-9, as previously amended, to amend TRPA's Code of Ordinances to incorporate references to the Washoe County Tahoe Area Plan into Chapters 34, 36, and 38, as provided in Attachment L.

In order for the motions to pass, an affirmative vote of at least four Board members from each state is required.

Regional Plan Implementation Committee (RPIC) Recommendation / Discussion:

The RPIC reviewed the Washoe County Tahoe Area Plan at its April 28, 2021 meeting. At that time, the RPIC unanimously recommended that the plan be found in conformance with the Regional Plan.

Advisory Planning Commission (APC) Recommendation / Discussion:

The APC reviewed the area plan at its May 12, 2021 meeting. At that time, the APC unanimously recommended that the plan be found in conformance. As part of their review, the APC requested two editorial changes to the compliance measures table (Attachment E). These edits have since been made.

Washoe County Approval:

The Washoe County Board of County Commissioners unanimously adopted the area plan by approving a master plan amendment, regulatory zone amendment, and development code amendment on January 26, 2021. As part of the first reading in 2020, the County Commissioners made two modifications to the development code: (1) a modification to the coverage reduction standard in response to TRPA staff requests; and (2) a modification to the standard that automatically reduces front setbacks for corner lots and steeply sloping lots. The modification to the setback standard would require an administrative review process with notice to neighboring property owners if reduced setbacks were proposed for a primary structure.

Background:

TRPA's 2012 Regional Plan Update establishes adoption procedures for area plans prepared by a public agency. The Governing Board must find that the area plan conforms to the Regional Plan and then adopt it before the plan takes effect. An adopted conforming area plan then becomes a part of the Regional Plan. Since 2012, TRPA has adopted five conforming area plans.

The WCTAP covers all land in Washoe County's portion of the Lake Tahoe watershed. Area plan boundaries are contiguous with TRPA's boundary line on the north and east sides, the California State Line on the west side and the Washoe County / Carson City boundary on the south side. This area includes the unincorporated communities of Incline Village and Crystal Bay, totaling 53 square miles with a population of just under 10,000 (Census 2010). Three designated Town Centers are located within the area plan boundaries: Incline Village Commercial, Incline Village Tourist, and the Nevada portion of North Stateline (to be renamed Crystal Bay Tourist).

The County has been working closely with TRPA staff since August 2019 on revising preliminary plan proposals to meet the requirements in Chapter 13, *Area Plans*, of the TRPA Code of Ordinances, which culminated in the publication of a Public Review Draft. In October 2019, RPIC received an informational presentation regarding the County's approach and the targeted changes proposed in the plan. RPIC provided the feedback, which was incorporated into the County-adopted plan.

Area Plan Approach:

The WCTAP consolidates and updates several planning documents:

- The Tahoe Area Plan, a component of the Washoe County Master Plan adopted by Washoe County, but not by TRPA.
- Article 220 of the Washoe County Development Code, referred to as the "Tahoe Modifiers," adopted by Washoe County, but not by TRPA.
- Four community plans jointly adopted by Washoe County and TRPA in 1996.
- Washoe County Signage, Parking, and Design Guidelines and Standards jointly adopted by Washoe County and TRPA in 1996.
- 23 plan area statements adopted by TRPA, but not Washoe County, in 1987.

The County has chosen to adopt existing TRPA community plan and plan area statement boundaries, permissible uses, and density restrictions as new County regulatory zones. As part of this effort, the area plan carries through existing standards and policies in community plans and plan area statements. Some policy language has been added to reflect current conditions, while obsolete and redundant language has been removed (See Attachment I for disposition of existing policies).

Beyond carrying through existing policy, the WCTAP does include a few targeted changes. These include incorporation of Town Center redevelopment incentives provided for in the Regional Plan (e.g. increased coverage allowances), some minor changes in permissible uses, and merging the development rights pools into a single Countywide pool. Though the resulting area plan doesn't make major changes to policy, it does offer two significant immediate benefits:

- (1) **Eliminates the longstanding issue of conflicting zoning.** Under present conditions, the County designates all land in the Tahoe Basin with standard County regulatory zones. These zones establish different use and density standards from those in TRPA's plan area statements and community plans. This creates confusion for staff and the general public when attempting to determine what is allowed on a parcel. By adopting new regulatory zones in keeping with the Regional Plan, the area plan will establish one set of zoning standards that will be recognized by both the County and TRPA.
- (2) **Encourages environmentally beneficial redevelopment.** The area plan incorporates all of the incentives for Town Center redevelopment that the Regional Plan provides. Allowing additional height, coverage, and density can make redevelopment more economically feasible, while also ensuring high quality design and incorporation of water quality improvements. Moreover, improving site design and aesthetics and encouraging active uses in Town Centers helps to make transit operations more efficient and creates environments that are more welcoming to pedestrians and cyclists.

Attachment A provides a summary of the targeted policy changes contained in the WCTAP.

Substitute Standards:

An area plan may propose substitute standards that apply in place of the TRPA Code of Ordinances. The area plan proposes the following substitute standards:

- **Parking, Design, and Signage.** In place of TRPA Code Chapters 34, 36, and 38 substitute parking, design, and signage standards presently apply within the four Washoe County community plans. The area plan would carry these standards through with a few minor edits and would apply them only within the same four regulatory zones. Outside of those regulatory zones, Chapter 34, 36, and 38 standards would continue to apply.
- **Residential Care and Nursing and Personal Care Density.** In lieu of TRPA Code Section 31.3, the maximum density for residential care and nursing and personal care uses within Town Centers would be increased from 25 persons per acre to 40 persons per acre. Outside of Town Centers, density limitations in Section 31.3 would continue to apply to these uses. The IEC concludes that adding this substitute standard would not result in significant impacts, as the use intensity would be less than other permissible uses at allowed densities in the Town Centers (e.g. tourist accommodation, multi-family residential, etc.).

Amendments to the Code of Ordinances:

As indicated above, substitute standards will apply with respect to parking, design, and signage. This proposal includes amendments to Chapters 34, 36, and 38 of the Code of Ordinances. These amendments will recognize that the Washoe County Tahoe Area Plan Design Standards and Guidelines are the controlling standards for parking, design, and signage within the following regulatory zones:

- Crystal Bay Tourist
- Incline Village Commercial
- Incline Village Tourist
- Ponderosa Ranch

Regional Plan Conformance & Required Findings:

The County has prepared the WCTAP pursuant to Chapter 13 of the TRPA Code of Ordinances, which implements many of the requirements identified in Regional Plan Policies LU-4.5 through LU-4.13. Staff has reviewed the proposed area plan for compliance with each standard in Chapter 13. The plan complies with all applicable standards. Applicable findings are included in Attachment D and are supported by the checklist in Attachment C.

Threshold Indicators and Compliance Measures:

Staff has prepared tables in Attachment E to consider the effect of the proposed area plan on threshold indicators and compliance measures. This information helps to substantiate the threshold-related findings in Attachment D.

Environmental Review:

Washoe County has prepared an Initial Environmental Checklist (IEC) for the WCTAP, which is provided in Attachment F. The IEC, which tiers from the RPU Environmental Impact Statement, concludes that the proposed area plan would not result in any further significant environmental effects.

Public Comment:

A summary of public comment and the associated responses is provided in Attachment G. The comments themselves are included in Attachment H. Some of the major issues raised include the following:

- **Short-Term Rentals**
The WCTAP does not address short-term rentals. Instead, the County has chosen to adopt a Countywide ordinance that regulates short-term rentals. This ordinance was formally adopted on March 23, 2021. After the County has an opportunity to implement it, the County Commissioners intend to review the ordinance in the fall to determine if any changes need to be made.
- **Future Use of the Old Incline Elementary School**
The former Incline Elementary School is located at the southwest corner of Southwood Boulevard and State Route 28. This area is part of the Incline Village Commercial zoning district and is within a Town Center. The Tahoe Transportation District (TTD) recently authorized its Executive Director to enter into a purchase agreement with the Washoe County School District to acquire the site. The old elementary school was identified in the 2017 Transit Master Plan for future use as a mobility hub. This proposal has generated significant interest by the community. To address this, TTD held four workshops in February and a listening session in March. TTD

plans to complete an alternative sites analysis before pursuing a specific project and emphasizes that its purchase of the old elementary school does not mean that it will ultimately choose to build a transit hub there.

The area plan recognizes the potential for the old elementary school to become a mobility hub in alignment with the Transit Master Plan. The plan, however, does not select the site or foreclose other possibilities sites. The site's zoning under the area plan allows for a variety of uses.

Memorandum of Understanding:

Should the TRPA Governing Board determine that the WCTAP conforms with the Regional Plan, TRPA and Washoe County plan to move forward with the development of a memorandum of understanding (MOU). The MOU will specify the extent to which permitting activities in the area plan will be delegated to the County in accordance with Section 13.7 of the TRPA Code of Ordinances.

Future Amendment Package:

The County began holding hearings for area plan adoption in early 2020. Since that time, TRPA staff has identified a few technical errors and omissions that should be addressed with a future amendment package. These changes are summarized in Attachment M. Any future amendments to the plan will need to go through the TRPA review and adoption process to ensure conformity with the Regional Plan.

Washoe County has committed to implementing the area plan once it is adopted. To do so, the County may choose to address other implementing actions identified in the WCTAP as part of a future amendment package. Several of the implementing actions identified in the area plan would involve amending the plan, including the following examples:

- Updating the land use concept plans for the four mixed-use and tourist districts (Action LU-4).
- Establishing new incentives to encourage development of workforce housing (Actions LU-5 and LU-6)
- Comprehensively updating the design standards and guidelines (Action LU-7).
- Overseeing a collaborative planning process to determine future land uses and development requirements in the Ponderosa Ranch regulatory zone (Actions LU-12 and LU-13).
- Establishing access management standards (Action T-2).

Contact Information:

If you have questions regarding this item, please contact Michael Conger, AICP, Senior Planner, TRPA at (775) 589-5221 or mconger@trpa.org or Eric Young, PhD, Senior Planner, Washoe County at (775) 328-3613 or eyoung@washoecounty.us.

Attachments:

- A. Memo from Washoe County
- B. [Washoe County Tahoe Area Plan](#)
- C. Area Plan Conformance Checklist
- D. Required Findings
- E. Threshold Indicators and Compliance Measures
- F. [Washoe County Tahoe Area Plan Initial Environmental Checklist](#)
- G. Summary of Public Comments
- H. [Public Comments](#)
- I. Disposition of Existing Community Plan and Area Plan Policies

- J. Regulatory Zones and Permissible Uses
- K. Adopting Ordinance – Area Plan
- L. Adopting Ordinance – Code of Ordinance Amendments
- M. Draft Future Amendment Package