



# WASHOE COUNTY

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## STAFF REPORT

**BOARD MEETING DATE: January 26, 2021**

**DATE:** December 9, 2020

**TO:** Board of County Commissioners

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**THROUGH:** Mojra Hauenstein, Arch., Planner, Division Director, Planning &  
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**SUBJECT:** Public hearing and possible adoption of resolutions adopting:

**Master Plan Amendment Case Number WMPA19-0007 (Tahoe Area Master Plan)**, amending the Washoe County Master Plan, Volume 2, Tahoe Area Plan, including changes to the goals, policies, and maps. If adopted, the Master Plan amendment will take effect after a determination of conformance with the Tahoe Regional Plan by the Tahoe Regional Planning Agency; and,

**Regulatory Zone Amendment Case Number WRZA19-0007 (Tahoe Regulatory Zone Map)**, subject to final approval of the associated Master Plan amendment (WMPA19-0007) and a finding of conformance with the 2012 Tahoe Regional Plan, to amend the Tahoe area Regulatory Zone map in order to adopt the Tahoe Regional Planning Agency's Regulatory Zone boundaries; and,

If adopted, authorize the Chair to sign the resolutions to that effect.

If adopted, these amendments will apply to all parcels in the Tahoe Area Plan, which generally encompasses the communities of Crystal Bay and Incline Village in the Lake Tahoe Basin.

These amendments are meant to ensure the express conformance of Washoe County's plans with the 2012 Regional Plan and are generally not intended to increase densities or intensities beyond what is currently permitted by the Regional Plan adopted by the Tahoe Regional Planning Agency (TRPA). Amendments include but are not limited to the following:

- Adopting TRPA's Master Plan land use categories in lieu of Washoe County's Master Plan land use categories set forth in Article 106 of the Washoe County Development Code;
- Adopting regulatory zones utilizing the boundaries and allowed uses of TRPA's plan area statements and community plans in lieu

**AGENDA ITEM # \_\_\_\_\_**

of Washoe County's regulatory zones set forth in Article 106 of the Washoe County Development Code;

- Adopting Goals and Policies for the following TRPA required subjects: Land Use, Transportation, Conservation, Public Services and Facilities, Recreation, and Implementation;
- Adopting TRPA's implementing plans by reference when necessary, including but not limited to portions of the TRPA Code of Ordinances and the Shore Zone plan; and,

Adopting other matters necessarily connected therewith and pertaining thereto. (Commission District 1.)

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### **SUMMARY**

Recommendation of approval of two resolutions amending the Tahoe area Master Plan (Area Plan) and Tahoe area Regulatory Zone map. These amendments are part of a comprehensive package of amendments that include 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. Taken as a whole, this package of amendments is intended to bring Washoe County's planning and development policies and codes into conformance with the 2012 Tahoe Regional Planning Agency's Regional Plan.

If adopted, these amendments will apply to all parcels in the Tahoe Area Plan, which generally encompasses the communities of Crystal Bay and Incline Village in the Lake Tahoe Basin.

Washoe County Strategic Objective supported by this item: Stewardship of our community.

### **PREVIOUS ACTION**

On March 24, 2020, this item was scheduled to be heard by the Board of County Commissioners. The meeting was cancelled due to COVID-19 restrictions.

On February 4, 2020, the Washoe County Planning Commission heard this item, initiated the code amendment, and voted five (5) in favor with one (1) dissent (Commissioner Bruce) to recommend approval of the proposed development code amendment WDCA19-0007 and related items to the Board of County Commissioners (see Attachment F, Minutes February 4, 2020 PC Meeting).

### **BACKGROUND**

The proposed Master Plan amendment (WMPA19-0007) and Regulatory Zone map amendment (WRZA19-0007) are components of a group of related amendments that also includes amendments to the Washoe County Development Code (WDCA19-0007). Taken as a whole these three amendments are commonly referred to as the Tahoe Area Plan Update. The Tahoe Area Plan Update was necessitated by the adoption of the Tahoe Regional Planning Agency's 2012 Regional Plan. The three proposed amendments

represent a multi-year effort to review and update our planning documents and ultimately come into express conformance with the TRPA regional plan. While this staff report is to support the Master Plan and Regulatory Zone amendments, it is accompanied on the same BCC agenda by a staff report in support of the second reading and adoption of the complimentary development code amendment (WDCA19-0007).

The package of amendments is generally not intended to increase the density or intensity of uses beyond what is currently permitted by the TRPA Regional Plan.

The Planning Commission heard all three proposed amendments during the same public hearing on February 4, 2020. The Planning Commission staff report, attached here as Attachment E, discusses each amendment in detail as well as the relationship between the three amendments (WDCA, WMPA, WRZA.) The Planning Commission resolution, which includes the proposed ordinance, is attached as Attachment C to this staff report.

The Tahoe Regional Plan requires that newly adopted area plans undergo a conformance review process in order to ensure they are consistent with the regional plan. Should the board adopt the proposed changes in the full area plan update, including the accompanying development code amendments represented in WDCA19-0007, staff and the TRPA then would begin the TRPA conformance hearing process. Chapter 13.6.4 of the Tahoe Regional Plan states the following regarding conformance review:

“Approval of Area Plan by TRPA: For Area Plans initiated and approved by a lead agency other than TRPA, the Area Plan shall be submitted to and reviewed by the TRPA Governing Board at a public hearing. Public comment shall be limited to issues raised by the public before the Advisory Planning Commission and issues raised by the Governing Board. The TRPA Governing Board shall make a finding that the Area Plan, including all zoning and development Codes that are part of the Area Plan, is consistent with and furthers the goals and policies of the Regional Plan. This finding shall be referred to as a finding of conformance and shall be subject to the same voting requirements as approval of a Regional Plan amendment.”

### **FISCAL IMPACT**

No fiscal impact.

### **RECOMMENDATION**

It is recommended that the Board of County Commissioners affirm the decision of the Planning Commission and approve Master Plan amendment Case Number WMPA19-0007 (Tahoe area Master Plan) and Regulatory Zoning map amendment Case Number WRZA19-0007 (Tahoe area Regulatory Zone map).

## **POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be:

“Move to adopt:

**Master Plan Amendment Case Number WMPA19-0007 (Tahoe Area Plan)**, amending the Washoe County Master Plan, Volume 2, Tahoe Area Plan, including changes to the goals, policies, and maps. If adopted, the Master Plan amendment will take effect after a determination of conformance with the Tahoe Regional Plan by the Tahoe Regional Planning Agency;

AND

**Regulatory Zone Amendment Case Number WRZA19-0007 (Tahoe Regulatory Zone Map)**, subject to final approval of the associated Master Plan amendment (WMPA19-0007) and a finding of conformance with the 2012 Tahoe Regional Plan, to amend the Tahoe area Regulatory Zone map in order to adopt the Tahoe Regional Planning Agency's Regulatory Zone boundaries;

In making this motion, the Board is able to make the findings for the Master Plan amendment as required by Washoe County Code Section 110.820.15(d):

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Change Conditions. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation.
5. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

Further, the Board is able to make the findings for the Regulatory Zone amendment as required by Washoe County Code Section 110.821.15(d):

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.

3. Response to Change Conditions; more desirable use. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed amendment.
5. No Adverse Effects. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
6. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
7. Effect on a Military Installation When a Military Installation is Required to be Noticed. The proposed amendment will not affect the location, purpose and mission of the military installation.

**AND FURTHER,**

Authorize the Chair to sign the two resolutions included as Attachments A and B to adopt the amendment to the Tahoe area Master Plan, after a determination of conformance with the Tahoe Regional Plan by the Tahoe Regional Planning Agency, and the amendment to the Tahoe Regulatory Zone map.”

Attachments:

Attachment A: Master Plan Amendment Resolution

Attachment B: Regulatory Zone Amendment Resolution

Attachment C: Planning Commission Signed MPA Resolution

Attachment D: Planning Commission Signed RZA Resolution

Attachment E: Planning Commission Staff Report

Attachment F: Planning Commission Minutes