



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: February 20, 2024

DATE: January 26, 2024

TO: Board of County Commissioners

FROM: Courtney Weiche, Senior Planner, Planning & Building Division,
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THROUGH: Kelly Mullin, AICP, Division Director, Planning & Building Division,
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SUBJECT: Public Hearing: Second reading and possible adoption of 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. (All Commission Districts.)

SUMMARY

To conduct a second reading of, and possibly adopt, an ordinance amending Washoe County Code Chapter 110 (Development Code), Article 220 (Tahoe Area). The requested code amendments are described in detail beginning on page 2 of this staff report. Additional analysis can be found in Attachment D, Planning Commission staff report.

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

PREVIOUS ACTION

January 23, 2024. The Washoe County Board of County Commissioners (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.

AGENDA ITEM # _____

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 Article 220 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.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

The Planning Commission recommends that the Board of County Commissioners conduct a second reading and possibly adopt an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 220, Tahoe Area as stated in WDCA23-0001.

It is further recommended that the Board affirm the following four findings of fact that the Washoe County Planning Commission made on November 7, 2023, as recorded within Resolution Number 23-16 (Attachment C):

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the development code as expressed in Article 918, Adoption of Development Code.
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones.
4. No Adverse Effects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

POSSIBLE MOTION

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

“Move to adopt Ordinance Number [insert Ordinance number provided by County Clerk], which is 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; and further move to affirm the four findings of fact that the Washoe County Planning Commission made on November 7, 2023, as recorded with Resolution Number 23-16 and attached to the staff report for this item.”

Attachments:

- A. Working Copy of Proposed Ordinance
- B. Clean Copy of Ordinance
- C. Planning Commission Resolution No. 23-16
- D. Planning Commission Staff Report and Exhibits

- E. Public Comment Received after Planning Commission Posting
- F. January 23, 2024, BCC – Item 14 (1st Reading) Public Comment

Applicant: Feldman Thiel LLP, kara@fimmtahoe.com & lew@fimmtahoe.com

Property Owner: Pal Cap FFIF 1 Tahoe LLC, rfleisher@hamiltonrf.com