



Planning Commission Staff Report

Meeting Date: November 7, 2018

Agenda Item: 7B

RESOLUTION TO INITIATE DEVELOPMENT CODE, MASTER PLAN, AND REGULATORY ZONE AMENDMENTS

BRIEF SUMMARY OF REQUEST: Initiation of amendments to the Washoe County Master Plan text and maps, the Washoe County Development Code, and the Washoe County Regulatory Zone map all in regard to the Tahoe Planning Area in order to come into conformance with the Tahoe Regional Planning Agency's Regional Plan for the Tahoe Basin.

STAFF PLANNER:

Planner's Name: Eric Young
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INITIATION DESCRIPTION

Possible action to adopt a resolution initiating amendments to the following:

- 1) The Washoe County Code (WCC) at Chapter 110, Development Code, Article 220, Tahoe Area, commonly referred to as the Tahoe Area Modifiers;
- 2) The Washoe County Master Plan, Volume 2, Tahoe Area Plan, including changes to the Master Plan map; and
- 3) The Tahoe area Regulatory Zone map.

These amendments are meant to ensure the conformance of Washoe County's plans with the 2012 Regional Plan adopted by the Tahoe Regional Planning Agency (TRPA), including but not limited to the following:

- A. Adopting the TRPA's permissible uses set forth in TRPA chapter 21 in lieu of Washoe County's allowed uses set forth in article 302 of the Washoe County Development Code;
- B. 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;
- C. Adopting TRPA's plan area statements in lieu of Washoe County's regulatory zones set forth in article 106 of the Washoe County Development Code;
- D. 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
- E. Adopting other matters necessarily connected therewith and pertaining thereto.

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report, the Washoe County Planning Commission:

- (1) Adopt the resolution, attached as Exhibit A to the staff report, to initiate a Development Code amendment, a Master Plan map and text amendment, a Regulatory Zone map amendment, and other amendments as described in the staff recommendation; and
- (2) Authorize the Chair to sign the resolution on behalf of the Planning Commission.

I further move to direct staff to bring the amendments back to this Commission for a hearing within 125 days of today's date.

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Initiating Amendments

The Washoe County Development Code is Chapter 110 of the Washoe County Code (WCC). The Development Code provides the procedures by which amendments to the Development Code, the Master Plan, and the Regulatory Zone Map can be made. The Development Code requires that the beginning step for all three of these amendments is either an application from a member of the public or an initiation by resolution of the Planning Commission (PC) or the Board of Commissioners (Board).

After initiation, the PC considers the proposed amendments in a public hearing. The PC may recommend approval, approval with modifications or deny the proposed amendment. The PC records its recommendation or denial by resolution.

The Board hears all amendments recommended for approval, and amendments denied by the PC upon appeal. Development Code amendments require two hearings at the Board. The Board will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Master Plan amendments and Regulatory Zone map amendments only require one public hearing before the Board.

Public Notice

There are no public notice requirements established within the Development Code for initiation of Development Code, Master Plan and Regulatory Zone amendments.

Background

The Tahoe Regional Planning Agency (TRPA) is the Regional body tasked with regulating growth in the Tahoe Basin. Much like Washoe County's Master Plan outside the Tahoe Basin must conform to the Truckee Meadows Regional Plan, the County's plans and codes for the Tahoe Basin must conform to TRPA's Regional Plan for the basin. The TRPA was originally created in 1969 through what is known as the Bi-State Compact. The TRPA was given the authority to enact environmental quality ordinances through an update to the compact in 1980. In 1984 the first Regional Plan was adopted for the basin as a whole. However implementation was delayed through legal action until 1987 when the TRPA Governing Board adopted a revised first Regional Plan. In 2012 the Governing Board adopted a comprehensive update, and since then a series of focused updates has been adopted.

Since the adoption of the 2012 update, each jurisdiction that has a boundary inside the basin has been working to update their plans and codes to come into conformance with the new Regional Plan. Washoe County staff has been working with TRPA staff since this time to understand the requirements of TRPA's plan and their expectations regarding the plans and codes we will be submitting to them for conformance review.

Washoe County staff has been working to develop a model and a draft plan based on that model that will meet these expectations. Some of the changes involve adopting TRPA's concept for zoning, their list of allowed uses, and their master plan categories. Since the adoption of the original Tahoe Regional Plan, Washoe County, along with the other jurisdictions, struggled to devise a way to continue using our own set of allowed uses, our own regulatory zones and regulatory zone map. While we developed creative ways to overlap the two different approaches to land use planning, in the end, the result was always difficult to administer, manage, and explain. After much negotiation and discussion with TRPA staff, Washoe County staff has determined that amending our plans to fully adopt the TRPA approach to land use planning will result in the best possible result. Staff has developed the model plan to the point when an initiation of the amendments is appropriate to continue moving forward.

As the draft plan becomes more fully developed staff will continue a dialogue with the Incline Village/Crystal Bay Citizen's Advisory Board, the Incline Village General Improvement District and other local stakeholders.

Recommendation

Staff recommends adoption of the attached resolution to initiate amendments to the following:

- 1) The Washoe County Code (WCC) at Chapter 110, Development Code, Article 220, Tahoe Area, commonly referred to as the Tahoe area modifiers;
- 2) The Washoe County Master Plan, Volume 2, Tahoe Area Plan, including changes to the Master Plan map; and
- 3) The Tahoe Area Regulatory Zone map.

These amendments are meant to ensure the conformance of Washoe County's plans with the 2012 Regional Plan adopted by the Tahoe Regional Planning Agency (TRPA), including but not limited to the following:

- A) Adopting the TRPA's permissible uses set forth in TRPA chapter 21 in lieu of Washoe County's allowed uses set forth in Article 302 of the Washoe County Development Code;
- B) 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;
- C) Adopting TRPA's Plan Area statements in lieu of Washoe County's regulatory zones set forth in Article 106 of the Washoe County Development Code;
- D) 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
- E) Adopting other matters necessarily connected therewith and pertaining thereto.

The following motion is provided for your consideration:

Motion

I move that after giving reasoned consideration to the information contained in the staff report, the Washoe County Planning Commission:

- (1) Adopt the resolution, attached as Exhibit A to the staff report, to initiate a Development Code amendment, a Master Plan map and text amendment, a Regulatory Zone map amendment, and other amendments as described in the staff recommendation; and
- (2) Authorize the Chair to sign the resolution on behalf of the Planning Commission.

I further move to direct staff to bring the amendments back to this Commission for a hearing within 125 days of today's date.

xc: Dave Solaro, Assistant County Manager
Nate Edwards, Deputy District Attorney
Mojra Hauenstein, Planning and Building Director



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AMENDMENTS TO THE FOLLOWING:

- 1) THE WASHOE COUNTY CODE (WCC) AT CHAPTER 110, DEVELOPMENT CODE, ARTICLE 220, TAHOE AREA, COMMONLY REFERRED TO AS THE TAHOE AREA MODIFIERS;
- 2) THE WASHOE COUNTY MASTER PLAN, VOLUME 2, TAHOE AREA PLAN, INCLUDING CHANGES TO THE MASTER PLAN MAP; AND
- 3) THE TAHOE AREA REGULATORY ZONE MAP.

THESE AMENDMENTS ARE MEANT TO ENSURE THE CONFORMANCE OF WASHOE COUNTY'S PLANS WITH THE 2012 REGIONAL PLAN ADOPTED BY THE TAHOE REGIONAL PLANNING AGENCY (TRPA), INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

- A) ADOPTING THE TRPA'S PERMISSIBLE USES SET FORTH IN TRPA CHAPTER 21 IN LIEU OF WASHOE COUNTY'S ALLOWED USES SET FORTH IN ARTICLE 302 OF THE WASHOE COUNTY DEVELOPMENT CODE;
- B) 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;
- C) ADOPTING TRPA'S PLAN AREA STATEMENTS IN LIEU OF WASHOE COUNTY'S REGULATORY ZONES SET FORTH IN ARTICLE 106 OF THE WASHOE COUNTY DEVELOPMENT CODE;
- D) 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
- E) ADOPTING OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 18-23

WHEREAS

- A. The Tahoe Regional Planning Agency (TRPA) adopted an updated Regional Plan for the Tahoe Basin on December 12, 2012;
- B. Washoe County's Master Plan, Development Code, and Regulatory Zones for all lands in the Tahoe Basin must conform to TRPA's Regional Plan and implementing plans;
- C. Washoe County Code Section 110.818.05 requires that amendments to the Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of Commissioners or the Washoe County Planning Commission;

- D. Washoe County Code Section 110.820.05 requires that amendments to the Washoe County Master Plan be initiated by resolution of the Washoe County Board of Commissioners or the Washoe County Planning Commission;
- E. Washoe County Code Section 110.821.05 requires that amendments to the Washoe County Regulatory Zone Map be initiated by resolution of the Washoe County Board of Commissioners or the Washoe County Planning Commission; and
- F. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed initiation of amendments to the Washoe County Development Code, Master Plan, and Regulatory Zone Map.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Washoe County Code Sections 110.818:

- 1) The Washoe County Planning Commission does hereby initiate the amendments described above to the Washoe County Code (WCC) at Chapter 110 (Development Code), Article 220, Tahoe Area Modifiers, including but not limited to adopting the Tahoe Regional Planning Agency's permissible uses in lieu of Washoe County's allowed uses;
- 2) The Washoe County Planning Commission does hereby initiate the amendments described above to the Washoe County Master Plan, Volume Two, Tahoe Area Plan, including but not limited to adopting the Tahoe Regional Planning Agency's Master Plan's land use categories in lieu of Washoe County's Master Plan's land use categories, and adopting the Tahoe Regional Planning Agency's implementing plans by reference when necessary, including but not limited to portions the TRPA Code of Ordinances and the Shore Zone Plan;
- 3) The Washoe County Planning Commission does hereby initiate the amendments described above to the Washoe County Regulatory Zone Map, to adopt the Tahoe Regional Planning Agency's Plan Area Statements in lieu of Washoe County's Regulatory Zones; and
- 4) A report describing this amendment, discussion at the Citizen Advisory Board (CAB) on this proposed amendment and the CAB recommendation will be brought to the Washoe County Planning Commission within 125 days of this resolution's adoption date.

ADOPTED on November 7, 2018.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Trevor Lloyd, Secretary

Sarah Chvilicek, Chair