



# WASHOE COUNTY

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## MEMORANDUM

MEETING DATE: February 22, 2023

**DATE:** February 8, 2023

**TO:** Regional Plan Implementation Committee

**FROM:** Courtney Weiche, Senior Planner, Community Services Dept., 328-3608,  
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**THROUGH:** Kelly Mullin, AICP, Division Director, Planning & Building Division,  
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### **SUMMARY**

On January 17, 2023, the Washoe County Board of County Commissioners (BCC) adopted Bill No. 1888, Ordinance No. 1696, a development code amendment (ref. WDCA22-0003), amending Washoe County Code Chapter 110 (Development Code), Article 220 (Tahoe Area) to add single family dwellings, limited to condominiums, as an allowable use in the Incline Village Commercial (IV-C)- Special Area 1 regulatory zone subject to Land Use Policy LU2-9 which provides "single family dwellings shall only be allowed in the Incline Village Commercial regulatory zone when they are part of a mixed-use development or when they are affordable housing units". The IV-C regulatory zone falls within Washoe County's Tahoe Area Plan. Therefore, the amendment requires approval by the TRPA Governing Board before it becomes effective.

### **BACKGROUND**

January 26, 2021. 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. TRPA Governing Board adopted the Washoe County Tahoe Area Plan and amendments to Chapters 34, 36, and 38 of the TRPA Code of Ordinances.

October 8, 2021. An applicant submitted a special use permit application (WSUP21-0029) to construct a 40-unit multifamily residential project at 947/941 Tahoe Boulevard, as required for projects located in the broader Incline Village Commercial regulatory zone. Staff later determined that the proposed project was not subject to the approval of a special use permit because the project site was located in Special Area 1 of the IV-C, in which multifamily dwellings are an allowed use. As an allowed use and not a special use,

the 40-unit multifamily project would not require discretionary action by the County. The applicants indicated their desire was to eventually subdivide the multifamily dwellings into air space condominiums.

December 8, 2021. The applicant submitted a tentative subdivision map application (WTM21-012) to subdivide a proposed 40-unit multifamily dwelling project located at 947/941 Tahoe Boulevard into 40 air space condominiums. Pursuant to Washoe County's development review process, the applicant held a neighborhood meeting in Incline Village on January 24, 2022, for the 40-unit project and subdivision.

Upon further review, it was discovered that single family condominium dwellings are currently not an allowed use in IV-C Special Area 1. Per the Tahoe Regional Planning Agency's (TRPA) Code of Ordinances, condominiums are considered single family dwellings.

Upon subsequent consultation with Washoe County and TRPA staff, the applicant was informed that they would need to seek approval to amend the Tahoe Area Plan and Washoe County Development Code if they desired to pursue adding single family condominium dwellings as an allowable use in Special Area 1 of the IV-C regulatory zone. This request would require both Washoe County and TRPA approval.

It is important to note that the subject amendment is not specific to any one parcel or project in the IV-C Special Area 1 regulatory zone. The proposed amendment addresses the addition of single-family dwellings, limited to air space condominiums, for the whole of IV-C, Special Area 1.

July 8, 2022. The applicant submitted a development code amendment application (WDC22-0002) to add single family dwellings, limited to condominiums, as an allowable use in the Incline Village Commercial (IV-C)- Special Area 1 regulatory zone subject to Land Use Policy LU2-9 which provides "single family dwellings shall only be allowed in the Incline Village Commercial regulatory zone when they are part of a mixed-use development or when they are affordable housing units".

August 22, 2022. The applicant held a zoom meeting between 5:00pm and 6:00pm, to request feedback on the requested development code amendment. A total of 3,264 individual email recipients received the meeting invitation. Thirty-four people were in attendance.

November 1, 2022. 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 WDC22-0002 to the Board.

December 13, 2022. The Washoe County Board of County Commissioners (Board) introduced and conducted a first reading for Bill 1888, an ordinance amending Washoe County Code Chapter 110 (Development Code), Article 220, Tahoe Area.

January 17, 2023. The Washoe County Board of County Commissioners (Board) held a public hearing and conducted a second reading adopting the ordinance.

**PUBLIC INPUT RECEIVED**

Public comment included a mix of both support and opposition for the proposed amendment. Many of the comments focused on a specific project, known as “Nine 47 Tahoe Condo”, recently approved by TRPA for new construction as a multifamily dwelling development in June of 2022. The subject area plan amendment would apply to the entire Special Area 1 of the Incline Village Commercial regulatory zone. The analysis required for the requested amendment are for the addition of single-family dwellings as an allowable use for IV-C, Special Area 1 only, provided that: (1) the use is associated with an approved tentative subdivision map for multifamily use; and (2) the use is part of a mixed-use development or the single-family dwelling units are affordable housing units.

**Tahoe Area Plan, Appendix A, Development Code Standards Amendments**

The following is a summary of the specific sections of Article 220 requested for amendment:

- 1) **Section 110.220.145 Incline Village Commercial Regulatory Zone.** Add single family residential, limited to air space condominiums, as an allowed use to the table of allowable land uses for the Incline Village Commercial Regulatory Zone Special Area 1.
- 2) **Section 110.220.150 Incline Village Commercial Regulatory Zone Special Policies.** Add Tahoe Area Plan Policy LU2-9 as a special policy to Section 110.220.150, which provides that single family dwellings shall only be allowed in the Incline Village Commercial Regulatory Zone when they are part of a mixed-use development or when they are affordable housing units.

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

**Section 110.220.145 Incline Village Commercial Regulatory Zone.**

<b>INCLINE VILLAGE COMMERCIAL REGULATORY ZONE</b>		
<b>Allowable Land Uses by Land Use Classification</b>	<b>Land Use Permit</b>	<b>Density</b>
<b>Residential</b>		
Employee Housing	A	Based on other residential use densities
Multiple Family Dwelling	S	15 units per acre minimum 25 units per acre maximum
Multi-Person Dwelling	S	25 people per acre
Nursing and Personal Care (Section 110.220.410)	S	40 people per acre
Residential Care (Section 110.220.410)	S	40 people per acre
Single Family Dwellings	S	1 unit per parcel + 1 accessory dwelling

		where allowed by Section 110.220.85
<b>Tourist Accommodation</b>		
Bed and Breakfast Facilities	A	5 units per site
Hotels, Motels and Other Transient Dwelling Units	A	40 units per acre
Timeshare (Hotel/Motel Design)	S	Based on hotel, motel and other transient use densities set forth above
Timeshare (Residential Design)	S	Based on hotel, motel and other transient use densities set forth above
<b>Commercial</b>		
Auto, Mobile Home and Vehicle Dealers	A	
Building Materials and Hardware	A	
Eating and Drinking Places	A	
Food and Beverage Retail Sales	A	
Furniture, Home Furnishings and Equipment	A	
General Merchandise Stores	A	
Mail Order and Vending	A	
Nursery	A	
Outdoor Retail Sales	S	
Service Stations	A	
Amusements and Recreation Services	S	
Privately Owned Assembly and Entertainment	S	
Outdoor Amusements	S	
Animal Husbandry Services	A	
Auto Repair and Service	S	
Broadcasting Studios	A	
Business Support Services	A	
Financial Services	A	
Contract Construction Services	A	
Health Care Services	A	
Laundries and Dry Cleaning Plant	A	
Personal Services	A	
Professional Offices	A	
Repair Services	A	
Sales Lot	S	
Schools – Business and Vocational	A	
Secondary Storage	S	
Food and Kindred Products	S	
Fuel and Ice dealers	S	
Industrial Services	S	
Printing and Publishing	A	
Small Scale Manufacturing	S	
Storage Yards	S	

Vehicle and Freight Terminals	S	
Vehicle Storage and Parking	S	
Warehousing	S	
Wholesale and Distribution	S	
<b>Public Service</b>		
Churches	A	
Collection Stations	S	
Regional Public Health and Safety Facilities	S	
Health Care Services	S	
Cultural Facilities	A	
Day Care Centers/Preschools	S	
Government Offices	A	
Hospitals	A	
Local Assembly and Entertainment	A	
Local Post Office	A	
Local Public Health and Safety Facilities	A	
Membership Organizations	A	
Publicly Owned Assembly and Entertainment	S	
Pipelines and Power Transmission	S	
Schools – Kindergarten through Secondary	A	
Social Service Organizations	A	
Threshold-Related Research Facilities	S	
Transit Stations and Terminals	S	
Transportation Routes	S	
Transmission and Receiving Facilities	S	
<b>Recreation</b>		
Day Use Areas	A	
Participant Sports Facilities	A	
Outdoor Recreation Concessions	S	
Recreational Centers	A	
Riding and Hiking Trails	S	
Sport Assembly	S	
Visitor Information Centers	S	
<b>Resource Management</b>		
Reforestation	A	
Sanitation Salvage Cut	A	
Thinning	A	
Tree Farms	A	
Early Successional Stage Vegetation Management	A	
Nonstructural Fish Habitat Management	A	
Nonstructural Wildlife Habitat Management	A	
Structural Fish Habitat Management	A	
Structural Wildlife Habitat Management	A	
Fire Detection and Suppression	A	
Fuels Treatment	A	
Insect and Disease Suppression	A	
Sensitive Plant Management	A	

Uncommon Plant Community Management	A	
Erosion Control	A	
Runoff Control	A	
Stream Environment Zone Restoration	A	
<b>INCLINE VILLAGE COMMERCIAL REGULATORY ZONE SPECIAL AREA 1</b>		
Allowable Land Uses by Land Use Classification	Land Use Permit	Density
<b>Residential</b>		
<b>Single Family Dwelling*</b>	<b>A</b>	<b>1 unit per parcel</b>
Multiple Family Dwelling	A	15 units per acre minimum  25 units per acre
Employee Housing	A	Based on other residential use densities
Nursing and Personal Care (Section 110.220.410)	S	40 people per acre
Residential Care (Section 110.220.410)	S	40 people per acre
<b>Commercial</b>		
Building Materials and Hardware	S	
Eating and Drinking Places	A	
Food and Beverage Retail Sales	A	
Furniture, Home Furnishings and Equipment	A	
General Merchandise Stores	A	
Mail Order and Vending	A	
Nursery	A	
Outdoor Retail Sales	S	
Service Stations	S	
Privately Owned Assembly and Entertainment	S	
Broadcasting Studios	A	
Financial Services	A	
Health Care Services	A	
Personal Services	A	
Professional Offices	A	
Repair Services	A	
Schools – Business and Vocational	A	
Printing and Publishing	S	
<b>Public Service</b>		
Churches	A	
Cultural Facilities	A	
Day Care Centers/Preschools	A	
Government Offices	A	

Local Assembly and Entertainment	A	
Local Post Office	A	
Local Public Health and Safety Facilities	A	
Membership Organizations	A	
Publicly Owned Assembly and Entertainment	S	
Regional Public Health and Safety Facilities	A	
Social Service Organizations	A	
Pipelines and Power Transmission	S	
Threshold-Related Research Facilities	S	
Transit Stations and Terminals	S	
Transportation Routes	S	
Transmission and Receiving Facilities	S	
<b>INCLINE VILLAGE COMMERCIAL REGULATORY ZONE SPECIAL AREA #2</b>		
Allowable Land Uses by Land Use Classification	Land Use Permit	Density
<b>Commercial</b>		
General Merchandise Stores	A	
Mail Order and Vending	A	
Building Materials and Hardware	S	
Eating and Drinking Places	A	
Food and Beverage Retail Sales	A	
Furniture, Home Furnishings, and Equipment	A	
Professional Offices	A	
Broadcasting Studios	A	
Schools – Business and Vocational	A	
Financial Services	A	
Health Care Services	A	
Printing and Publishing	S	
<b>INCLINE VILLAGE COMMERCIAL REGULATORY ZONE SPECIAL AREA #3</b>		
Allowable Land Uses by Land Use Classification	Land Use Permit	Density
<b>Public Service</b>		
Churches	A	
Collection Stations	S	
Regional Public Health and Safety Facilities	S	
Health Care Services	S	
Cultural Facilities	A	
Day Care Centers/Preschools	S	
Government Offices	A	
Hospitals	A	
Local Assembly and Entertainment	A	
Local Post Office	A	
Local Public Health and Safety Facilities	A	
Membership Organizations	A	
Publicly Owned Assembly and Entertainment	S	
Pipelines and Power Transmission	S	
Schools – Kindergarten through Secondary	A	

Social Service Organizations	A	
Threshold-Related Research Facilities	S	
Transit Stations and Terminals	S	
Transportation Routes	S	
Transmission and Receiving Facilities	S	
<b>Resource Management</b>		
Reforestation	A	
Sanitation Salvage Cut	S	
Thinning	A	
Tree Farms	A	
Early Successional Stage Vegetation Management	A	
Nonstructural Fish Habitat Management	A	
Nonstructural Wildlife Habitat Management	A	
Structural Fish Habitat Management	A	
Structural Wildlife Habitat Management	A	
Fire Detection and Suppression	A	
Fuels Treatment	A	
Insect and Disease Suppression	A	
Sensitive Plant Management	A	
Uncommon Plant Community Management	A	
Erosion Control	A	
Runoff Control	A	
Stream Environment Zone Restoration	A	

**\*Only when associated with an approved tentative subdivision map of multifamily into air space condominiums**

**Section 110.220.150 Incline Village Commercial Regulatory Zone Special Policies.**

The following special policies will be implemented in the Incline Village Commercial Regulatory Zone.

- a. The Incline Village Commercial Regulatory Zone includes the following special designations as defined in TRPA Code of Ordinances Section 11.6.3, *Special Designations*:
  - (1) Preferred Affordable Housing Area
  - (2) Scenic Restoration Area
- b. Parking areas should be developed taking access from local streets such as Alder Avenue and Incline Way.
- c. Single family dwellings shall only be allowed in the Incline Village Commercial regulatory zone when they are part of a mixed-use development or when they are affordable housing units.**

**CONCLUSION**



Staff believes all findings can be made to approve the proposed zoning text amendment and that the amendment will support and further the aims of the Tahoe Area Plan. Staff requests that the RPIC provide input on the requested amendment.

Attachments:

- A. Bill No. 1888, Ordinance No. 1696
- B. County Staff Presentation