



# WASHOE COUNTY

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## MEMORANDUM

MEETING DATE: **June 28, 2023**

**DATE:** June 2, 2023

**TO:** TRPA Governing Board

**FROM:** Courtney Weiche, Senior Planner, Community Services Dept., 328-3608, [cweiche@washoecounty.gov](mailto:cweiche@washoecounty.gov)

**THROUGH:** Kelly Mullin, AICP, Planning & Building Division Director, Community Services Department, 328-3619, [kmullin@washoecounty.gov](mailto:kmullin@washoecounty.gov)

**SUBJECT:** Washoe County Tahoe Area Plan Amendment

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### SUMMARY

On January 17, 2023, the Washoe County Board of County Commissioners (“Board”) adopted Bill No. 1888, Ordinance No. 1696, an amendment to Washoe County’s Code (ref. WDCA22-0003), which amended 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 and TRPA has adopted Washoe County’s Development Code, Article 220 as part of its adoption of the Tahoe Area Plan. Therefore, the amendment requires approval by the TRPA Governing Board to conform Washoe County’s Development Code amendment with TRPA’s adoption of the Tahoe Area Plan.

On March 22, 2023, the Regional Plan Implementation Committee (“RPIC”) recommended approval of Washoe County’s amendment to include single-family condominiums as an allowed use within the Incline Village Commercial (IV-C)- Special Area 1 regulatory zone. However, the RPIC limited its recommendation of approval to only apply to two (2) parcels (APN 132-231-09 and 132-231-10) within the regulatory zone. RPIC’s recommendation to restrict the proposed additional allowed use to only two (2) parcels created multiple concerns for County staff, including but not limited to the fact that the proposed modification would create inconsistency between Washoe County’s Development Code and TRPA’s adoption of the Tahoe Area Plan. Accordingly, Washoe County asks the TRPA Governing Board to wholly approve the original amendments adopted by the Washoe County Board of County Commissioners, and not substantively modify or piecemeal the County’s requested amendment. County staff do

not have the authority to support substantive changes to the original request without first having direction and/or approval to do so from the Board of County Commissioners.

TRPA staff have worked to address the RPIC's concerns by providing separate TRPA mitigation measures (Exhibit B to Attachment C) that specify requirements for TRPA's subdivision approval of a mixed-use structure or structures in Special Area-1 of the Incline Village Commercial Regulatory Zone. Washoe County staff generally agree that TRPA's adoption of mitigation measures that better define mixed-use zoning and incentives for affordable housing is appropriate. However, Washoe County staff cannot provide any feedback/comments about Washoe County's position on the content of any particular mitigation measure, as these measures have not been presented to the Board of County Commissioners.

## **BACKGROUND**

January 26, 2021. The Board 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. The TRPA's adoption of the Washoe County Tahoe Area Plan included two Articles within Washoe County's Development Code—Article 220 Tahoe Area Plan modifiers and Article 220.1 Tahoe Area Design Standards.

October 8, 2021. An applicant submitted a special use permit application to Washoe County (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 to Washoe County (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.

During staff's review, it was identified that the Tahoe Regional Planning Agency's (TRPA) Code of Ordinances considers condominiums to be single family dwellings, which are currently not an allowed use in IV-C Special Area 1.

Upon subsequent consultation with Washoe County and TRPA staff, the applicant was informed that they would need to seek approval to amend TRPA's adoption of the Tahoe Area Plan and Washoe County's Development Code (Article 220) 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 to Washoe County (WDCA22-0002) 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 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 WDCA22-0002 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 Board held a public hearing and conducted a second reading for Bill 1888, and after the public hearing, adopted Ordinance Number 1696, which amends Washoe County Code Chapter 110 (Development Code), Article 220, Tahoe Area as stated below in this staff report.

February 22, 2023. The Regional Plan Implementation Committee (RPIC) heard a presentation on the requested amendment to TRPA’s adoption of the Tahoe Area Plan for informational purposes only.

March 8, 2023. The Advisory Planning Commission held a hearing on the requested amendment and failed to pass a motion to recommend approval of the required findings.

March 22, 2023. The RPIC partially recommended approval of the requested amendment to include single-family condominiums as an allowed use in Special Area 1 but limited its approval to only include two parcels within the regulatory zone (APN 132-231-09 and 132-231-10). RPIC included a recommendation to consider allowing single-family condominiums as an allowed use for the remainder of the Special Area 1 regulatory zone only after further defining mixed-use zoning and incentives for affordable housing. Please note that Washoe County Commissioner Hill voted against the motion to modify the amendment as adopted by the Board. The TRPA staff recommendation addresses RPIC’s concerns by defining mixed-use zoning and incentives for affordable housing in mitigation measures attached to the ordinance.

**PUBLIC INPUT RECEIVED**

Public comment included a mix of both support and opposition for the 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 is 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. Proposed TRPA mitigation measures further define the above stated requirements.

### **CONCLUSION**

Washoe County believes all findings can be made to approve the proposed area plan amendment and that the amendment will support and further the aims of the Tahoe Area Plan and the Regional Plan. It is requested that the Governing Board approve the proposed amendment in its entirety and without substantive modifications.