

Michael Conger

From: John Hester
Sent: Friday, May 3, 2019 2:59 PM
To: Midkiff, Gary
Cc: Pam Jimenez; John Marshall; Nick Haven; Wendy Jepson; Jennifer Self; Michael Conger; Eric Young
Subject: Re: Ponderosa Ranch - Area Plan - modification of list of permissible uses beyond 1995 CP

Gary:

Thank you for your email clarifying your question. It's good to have this discussion now while Washoe County is developing their area plan. The area plan process provides a great opportunity to look at potential redevelopment in the area, such as commercial centers or specific sites like the Ponderosa Ranch. Dovetailing a redevelopment project with an area plan process helps to ensure the area plan meets the community needs. This was recently done successfully with the Placer County Tahoe Basin Area Plan and the Tahoe City Lodge project.

Changes to existing local plans *may or may not* trigger an EA or EIS. For example, the Meyers Area Plan modified design standards, permissible uses, and zoning boundaries without triggering an EA or EIS. Environmental review, as required by the TRPA Code of Ordinances, can be completed as an expanded IEC so long as the draft Area Plan does not deviate from Regional Plan goals and policies, increase development potential, or otherwise trigger a significant environmental impact (such as an unmitigated adverse effect on a threshold standard).

It is my understanding that the County has a contract with Ascent Environmental and that one of the products from that contract is an assessment of what use changes they can make that will require a simple checklist, an assessment, or an impact analysis. Since it will be the County's decision on what use they want to propose and what level of environmental analysis they wish to undertake, whether through their current area planning process or as a separate process, I suggest you work with them and their consultant. Eric Young is the Washoe County staff lead on the area plan development. (He is receiving a courtesy copy of this email)

Again, if you need more information, please let me know.

John

On May 2, 2019, at 5:39 PM, Gary Midkiff <gary@midkiffandassoc.com> wrote:

John,

Maybe I was not clear.

We had asked the County to expand the list of uses on the Ranch to provide for some flexibility since the former Ranch amusement park is gone for good, and the hotel use is not desirable..

The County (both Marsha Berkgigler and County Staff) say that there were told the Area Plan can make NO CHANGES from the existing Community Plan without a full EIS. The owner is asking for more information in that regard because it seems reasonable that some use changes, to activities that would be much less intensive than the previously permissible uses, can be possible without a full EIS.

If that this is not the case, then we would like to talk about the range of potential different permissible uses that may be desirable, and what environmental review would be required.

For instance, one potential use that could be proposed would be to allow a commercial office use. This type of use could be done using on-site banked CFA and coverage, using existing parking. Such a new use would create at least some minimal "new" trips (all "existing" trips have long since expired) . This might normally be allowable with a traffic study and expanded environmental checklist.

Thanks for taking the time to respond to my inquiry. Hopefully, we can explore this further.

Gary

Gary D. Midkiff

President

Midkiff & Associates Inc.

Ph (775)588-1090

Fax (775)588-1091

From: John Hester <jhester@trpa.org>

Sent: Thursday, May 02, 2019 3:55 PM

To: Gary Midkiff <gary@midkiffandassoc.com>

Cc: Pam Jimenez <pam@midkiffandassoc.com>; John Marshall <jmarshall@trpa.org>; Nick Haven <nhaven@trpa.org>; Wendy Jepson <wjepson@trpa.org>; Jennifer Self <jself@trpa.org>; Michael Conger <mconger@trpa.org>

Subject: RE: Ponderosa Ranch - Area Plan - modification of list of permissible uses beyond 1995 CP

Gary:

The process for changing the use on a property was worked out through our Regional Plan Implementation Committee shortly after the major amendments to the Regional Plan in 2012. Those 2012 amendments provided more planning and application review authority and responsibility to local governments. Specifically, the use change process that was defined is as follows:

1. The local government (Washoe County in this case) incorporates the land use into their area plan or informs TRPA that they are not creating an area plan (Washoe County has told us they are). If an area plan already exists then this would be processed as an amendment to that area plan (One does not exist for this area).
2. If they are not creating or amending an area plan they would inform TRPA that they are amending the community plan or plan area statement.
3. If amending the community plan or plan area statement, that would be processed at the local government level prior to being submitted to TRPA for TRPA to process it.

I hope this addresses your question. If you need additional information please let me know.

Thanks,

John

From: Gary Midkiff <gary@midkiffandassoc.com>

Sent: Wednesday, May 1, 2019 4:24 PM

To: John Hester <jhester@trpa.org>

Cc: Pam Jimenez <pam@midkiffandassoc.com>

Subject: Ponderosa Ranch - Area Plan - modification of list of permissible uses beyond 1995 CP

John,

I am representing the owner of the Ponderosa Ranch and have talked to Marsha Berkgigler and County staff about the need to update the land uses from the 1995 CP. Both of them said I need to talk to TRPA , and when I asked TRPA staff who I needed to talk to, they say talk to you about it. So, I need to talk to you about what it would take to change the uses to something more realistic.

The two primary uses are the amusement park and a hotel in the current Ponderosa Ranch Community Plan Special Area. We all know that is not going to happen. However, the park was attracting several thousand guests a day all summer, and a hotel would have done a land office business. With that as a baseline, surely there some room to allow some more realistic updated uses without a major EIS?

Please give me some dates/times when we can talk about what it would take to change the Area Plan to be more realistic before the County and TRPA re-adopt a plan almost 20 years old.

Thanks,

Gary

Gary D. Midkiff

President

Midkiff & Associates Inc.

Ph (775)588-1090

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Diane Heirshberg
Incline Village Resident

Re: October 23, 2019 Governing Board Meeting Agenda Item 5; Request that TRPA Governing Board Direct that Washoe County Do the Following with Respect to its Further Work on the Washoe County Area Plan and Tahoe Modifiers: (1) Address Correcting Problems Caused by Unregulated Short-Term Rentals in Incline Village/Crystal Bay (herein "IV/CB") as a Current Adverse Condition and Include Steps to Correct/Improve that Current Condition, and (2) Remove or Modify Section 110.220.435

Dear TRPA Governing Board:

I ask that this email be made a part of the public record of the October 23, 2019 Governing Board meeting, and that copies of this email be given to the members of the Governing Board in advance of the October 23, 2019 meeting.

I would respectfully request that the TRPA Governing Board provide two points of direction to TRPA Staff and to Washoe County on the current draft of the Area Plan and Tahoe Modifiers (herein the "Plan" and "Modifiers") because (i) the documents fail to address the deleterious current impact of short term rentals on the Plan and Modifiers, which deleterious effects have been repeatedly communicated to Washoe County and to TRPA, and (ii) that Section 110.220.435 be modified to incorporate TRPA guidelines or deleted. I sincerely believe that the deleterious current conditions due to short term rentals should be identified and addressed in the Area Plan and Tahoe Modifiers. The current proposed Washoe County Ordinance does not include a number of the most important protective provisions of the TRPA 2019 Short Term Rental Neighborhood Guidelines such as limiting the density and frequency of short term rentals or requiring that the owner use the home as a primary residence so that the short term rental is an ancillary use. Further, as currently envisioned, even if the Short term rental Ordinance is adopted, enforcement is not likely at all or at least for a long time because no transient occupancy funds will be used for enforcement even though other local governments at the lake are using such funds for enforcement. Finally, even if the Short term rental Ordinance is adopted and enforced, it is likely that the Ordinance alone will not solve the very serious problems being encountered in IV/CB. Also Section 110.220.435 purports to legitimize short term rentals with only compliance of the Washoe County watered down ordinance and makes no mention of the TRPA Neighborhood Compatibility Guidelines.

The failure to even address the serious short term rental problems in IV/CB impacts numerous sections of the Plan and Modifiers, as discussed below.

1. The current state of affairs with unregulated short term rentals in IV/CB is ignored in the Plan and Modifiers, and an unrealistic "Idyllic" picture of life in IV/CB is presented.

There is a failure to address the strong current objection of local IV/CB residents in Incline Village/Crystal Bay (herein "IV/CB") to the current deleterious conditions that exist as a direct result from unregulated short terms rentals. Numerous other current conditions are identified in the Plan and Modifier, and it is respectfully submitted that a failure to identify this problem and specify how the problem will be addressed, threatens the integrity of the Plan and Modifiers. This is an important omission for TRPA to address since TRPA staff expresses that the Plan and Modifiers:

“...embraces and largely carries through the existing TRPA local plan boundaries, land use permissibility regulations and density restrictions and special policies that affect how future development could occur...” and

“These changes are generally consistent with the Regional Plan’s approach of preserving residential and conservation areas while rendering development toward town centers.”

Obviously TRPA Staff feels preserving residential areas is important as this was stressed in Staff’s report to the Board. Again the residents of IV/CB ask that the TRPA Board step in here to at least help protect the residential areas from the damages of short term rentals, as many of the most important aspects of the 2019 TRPA Short Term Rental Guidelines are not incorporated in or even addressed in the current outline of provisions to be included in the Washoe County Short Term Rental Ordinance (the outline is available on the Washoe County website). With the requested TRPA direction on the Plan, there is still time for the Washoe County Ordinance to preserve the residential areas while still allowing short term rentals under the TRPA Guidelines or at least the protective concepts in those Guidelines.

a. The Plan and Modifiers incorrectly state/ imply that IV/CB is currently a pleasant mountain community and that the residents want the community to stay as it now is; while the Plan and Modifiers identify and attempt to address other listed community concerns, there is no mention of the very real current land use concern of short term rentals which needs to be addressed in the Plan and Modifier.

A review of the current language in the Plan and Modifier shows the inaccurate conclusions that are reached in the Plan and Modifiers by ignoring the short term rental problem:

At Page 1-2, the Area Plan states:

“The concept of the “desired community character as express by the community” is found throughout this plan. Washoe County worked with the Incline Village and Crystal Bay community for fourteen years to develop this update. An accounting of some of the more important of the many community meetings and workshops is attached to this plan as Appendix C...A common sentiment at public meetings was that the plan should not look to changing the vision and should instead focus on new tools and incentives to implement the community’s original vision. Therefore, the community character and vision supported by this area plan is not significantly different from those originally planned for and supported in 1996.”

The Area Plan goes on to state:

“Community Character and Vision Statement: Incline Village and Crystal Bay are pleasant mountain communities that provide a welcoming environment to both residents and visitors. The mixed-use and tourist neighborhoods will complement their forested and lakeside surroundings with compelling architecture and site design, while also providing new commercial and recreational opportunities. The existing character of residential and conservation neighborhoods will be preserved and enhanced. A diversified local economy will support year-round activities.”

The next paragraph describes two competing interests, as:

“The plan seeks to provide a balance between two competing forces that have always co-existed in the plan area. The first is the desire to maintain a base of permanent residents doing business, going to school, and recreating in a community designed to integrate with the world class alpine and lake environment. The second is the desire to establish new opportunities for tourism based on the steady growth in demand for all forms of recreation, but particularly those based on outdoor activities in a beautiful natural setting. “

I respectfully submit that these general statements and summary fail to accurately capture the current land use turmoil in IV/CB; most of the feedback received concerning earlier versions of the Plan and Modifiers preceded the explosive growth in short term rentals in IV/CB. Local IV/CB residents have repeatedly and loudly expressed that the existing character of residential neighborhoods is being destroyed by unregulated short term rentals, that the base of permanent residents is being eroded as between 15-20 % of the residential units have already been turned into STRs, that the environment is not welcoming for residents, that the problems with short term rentals need to be addressed, and that local workforce housing has been all but taken over by short-term rentals. The problems caused by the following deleterious effects of short term rentals expressed by local residents are not listed or addressed: deleterious effects on the lake environment (including trace plastics in the water, increased traffic causing air pollution from increased emissions and road/dirt erosion into the lake), lack of proper trash procedures potentially injuring the bear and wild-life populations, excessive numbers of cars causing TRPA's BMPs and coverage limitations to be ignored and violated; deleterious effects on the neighborhoods due to oversaturation of short term rentals which are increasing in density and full time short term rental of homes as a business rather than as an ancillary use (including noise, trash, parking and density issues), documented problems with the current inadequacy of fire, police, public health and safety protection and services, and a myriad of other concerns that IV/CB residents have expressed to the County and to TRPA.

The introduction concludes "The desire to build a community that maintains a year-round residential base with an economic anchor in the tourism industry while respecting the natural environment in which it is located is as strong as when the original area plan was adopted. Therefore, this area plan does not seek to re-imagine and re-direct the Incline Village/Crystal Bay community. It seeks to express the long-standing desired community character in contemporary terms and to use modern planning tools and concepts to enable its implementation." The Plan and Modifier should acknowledge the reality that the long-standing desired community character has been eroded by short term rentals, and that the residents sincerely desire that the Plan and Modifiers include consideration of methods to solve the current state of affairs in IV/CB caused by short term rentals. While it is true that the County is currently drafting an STR Ordinance, that STR Ordinance will not include many of the protective provisions adopted by Douglas, Placer and other Counties at the Lake, and included by TRPA in its short term rental neighborhood guidelines. The provisions will not be enforced by using transient occupancy tax revenues which are one of the key sources of revenues for financing the strong enforcement adopted by other local jurisdictions at the Lake. The County needs a long term plan to address and correct the damage that has been done, and the Plan and Modifier are the perfect documents in which to include an acknowledgment of the current problem together with a list of potential actions and steps to address the problem if the first step of adopting the current version of the STR Ordinance does not fully solve the problems. While Eric Young states at page 8 of his memorandum to TRPA under section 2, Short term Rentals, that TRPA and Washoe are currently working on short term rentals and that "When these two processes are complete, we will be able to act accordingly, if necessary and amend the plan...", it is respectfully submitted that addressing this issue long term will take a great deal of innovative thinking and would best be commenced now.

I also want to note the lack of significant community involvement to date in this version of the document. This draft of the Plan and Modifiers was presented to a small group of less than 15 people at a time that was scheduled for a CAB meeting, but the CAB meeting was cancelled for lack of a quorum and so few attended. Other than that, this draft has not been vetted at meetings in IV/CB to my knowledge, and even if there were meetings years ago, the community sentiment has greatly changed in IV/CB due to concerns over short term rentals. At that one meeting the overriding concern was how

short term rentals are destroying the neighborhoods and injuring the lake environment with plastics, traffic jams, trash and air pollution, and how that would be addressed in the Plan and Modifiers. Short term rental issues really need to be addressed and solutions proposed if this purports to be a document with local community input.

b. Each of the Chapters should address the problems, if any, caused by short term rentals in its area of discussion and propose how to address the problems, rather than ignoring the problems as if they do not exist.

As noted above, nowhere in any of the Chapters is there a single reference to the concerns expressed by local residents that short term rentals are currently causing the deleterious effects that should be addressed in the Plan and Modifiers. I will review the individual chapters and suggest some of the problems to be addressed (as a lay person).

Chapter 2 on Land Use identifies a number of land use problems, and goes on to describe at page 2-2, the chapter focuses on “environmental redevelopment and this Area Plan implements incentives provided for in the Regional Plan. These incentives include height, density, and land coverage standards that increase the capacity for compact redevelopment within designated Town Centers while maintaining the strict growth caps included in the Regional Plan.” Incentives to alleviate short term rental problems could and should be included in the Plan and Modifier. For example, if the STR Ordinance is not successful in addressing the problem of a lack of local long term rental housing for IV/CB workforces, a possible way to address this might be giving tax or other incentives to short term rentals converting to full time rentals. Or if the STR fees and fines are not sufficient to fund enforcement of the STR Ordinance and if the County cannot use transient occupancy taxes to fund enforcement of the STR Ordinance because it has pledged the transient occupancy taxes to bond holders, recommendations could be made as to alternative mechanisms for raising funds from short term rental activities to fund the increased burden they cause on public services such as police, fire, etc. Ignoring the fact that 295 LLCs and numerous individuals have bought homes in Incline Village and are renting them out full time or virtually full time as rental businesses, ignoring the fact that between 12 and 20% of all available residential units in IV/CB are now rented out as short-term rentals, and ignoring the fact that long-time residents and IV/CB workforce (i.e., IVGID lifeguards, ski resort personnel, local physical therapists, etc.) who must rent homes, are unable to find long term rentals in IV/CB, ignores major land use problems.

I am not advocating that there should be no short-term rentals. But I do believe that the serious land-use problems they have and will cause need to be identified as an Existing Condition, and solutions proposed in the Plan and Modifiers. Instead, under “Existing Conditions” the Plan states “The existing land use condition in the plan area are represented in the following maps and tables...This plan does not restrict the distribution of development rights by location. This plan allows for the distribution of development rights, consistent with the underlying zoning, across the plan area.” At a minimum where LLCs own and rent out short term rentals, or even where owners rent out their homes as short term rentals virtually fully time and are not merely using the home as an ancillary use, this should be acknowledged in the Plan and Modifier as a potential land use problem for Residential zoned neighborhoods, and solutions proposed as to how to address this potential zoning conflict.

I respectfully submit that to characterize the current condition as it is characterized at page 2-17 is not accurate: “... sixteen residential designated neighborhoods in the plan area. These neighborhoods are focused primarily on single family dwellings...The primary vision for these areas is to maintain safe and

functional residentially focused neighborhoods, with development that contributes to the desired community character and attainment of the TRPA environmental thresholds.” Sounds idyllic. That description is simply not the current state of affairs.

The Goals and Policies described in pages 2-19 through 2-22 are excellent goals, and we would just ask that methods of addressing the currently identified land use problems be applied to the problems of short term rentals in areas such as: “Goal LU2: Ensure compatibility of adjacent land uses and require buffering for those which are not compatible.”” Goal LU2: Create land use patterns that are consistent with the community’s vision, reduce the need for travel and increase access to transit.” “Goal LU4: Provide housing opportunities for the workforce of Incline Village and Crystal Bay” “Goal LU6: Maintain consistency with the Regional Plan and the community’s long term vision.” Nowhere is there a discussion of how short term rentals need to be addressed to allow for the achievement of each of these goals or perhaps a Goal LU7 could be added: “Monitor the positive impacts of the soon to be adopted Washoe County Short Term Rental Ordinance and continue to address remaining problems caused by short term rentals, until the problems are solved to a level reasonably acceptable to local residents (or it could read reasonable acceptable in a residential neighborhood)”. If there are no density or frequency limitations and if LLCs can conduct short term rental businesses in residential neighborhoods, soon Incline Village will become one large mini-hotel! This is a far cry from the occasional ancillary short term rental by owners of their second homes envisioned in 2004 and even in the 2019 Guidelines.

Chapter 3 on Transportation ignores the traffic congestion and parking nightmares that exist in IV/CB in the short term rental periods of July and August and during winter skiing months. To have any real impact on transportation, there needs to be a discussion of addressing the excessive number of trips and cars brought into Lake Tahoe by short term renters. Consider the large number of cars brought by short term renters as the homes are being advertised for 10-15 and more people, and the short term renters are parking illegally on streets and on dirt in contravention of TRPA coverage limitations, among other problems.

Chapter 4 on Conservation again omits a discussion of the increased burden that short term rentals place on such things as vegetation, wildlife, soils, streams, air quality, and forest health. The discussion of air quality at page 4-14 is supported by table 4:6 and 4-16 which uses information from a 2015 report which is based on 2014/2015 data, BEFORE the dramatic current increase in short term rentals in IV/CB. The discussion and use of 2015 data ignore the actual facts of the traffic and parking nightmares that exist in Incline Village in July and August and during winter skiing periods. To have an adequate impact on traffic and air pollution from cars, there needs to be a discussion of addressing the excessive number of trips and cars brought into Lake Tahoe by short term renters. This area of analysis and remedial proposals is critical for the future of IV/CB.

Chapter 6 on public services and facilities is an example of where the Plan and Modifier are actually inaccurate due to the failure to address short term rentals’ current problems. I have requested in a letter to the Plan drafters communicate with the IV/CB local sheriffs, and with the North Lake Tahoe Fire District, so that this chapter can be corrected. At page 6-1 under fire services, police services, and at Goal PSF1 it is incorrectly stated that “Residents, visitors and business in the planning area have adequate access to the public services necessary to support a vibrant and safe community”. The true facts are that there are an inadequate number of sheriffs in IV/CB to even serve the existing full time residents, and that the fire district has requested and so far been denied funding for 2 additional fire personnel to do pre-permit and renewal fire inspections of short term rentals. The sheriff has said that funds would be available to add another local sheriff if full time rental housing could be found in IV/CB

for the additional hire, but no full time rental housing can be located as there are too few full time rentals available. The local sheriffs have repeatedly apologized at IV community forums for their inability to respond to parking, noise and nuisance complaints due to the excessive volume of work needed for more serious offenses, car accidents, theft, etc. The local fire district does not currently have the staff to inspect the now over 1000 short term rentals for fire safety if and when the Washoe County short term rental ordinance goes into effect and authorizes these inspections. The local fire district has estimated that over 50% of the fires in IV/CB are caused by short term renters (who are currently 12-20% of the residences), and has warned that in the event of a serious fire or other emergency, it will not be possible to evacuate all of the people in IV/CB during the summer. The Douglas County Fire Chief spoke on short term rentals to TRPA and advised that in Douglas County's pre-permit fire inspections, fire safety violations are found in 90% of the short term rentals which have been inspected. The Plan and Modifier should identify problems and recommend solutions to providing adequate public services.

c. Section 110.220.435 of the Modifier should be modified or deleted.

I understand from Eric Young that it is intended that this short two sentence provision to the effect that "Short term rentals (also known as vacation rentals) are an allowed use in Residential zoned neighborhoods" will be taken out before the Plan and Modifier are finalized. If it is not deleted, because short term rentals are only allowed in Residential zoned areas if in compliance with TRPA Neighborhood Compatibility Guidelines, I proposed to Eric Young the following revised language, and again propose this language:

"110.220.435. Short term (vacation) Rentals. Short term rentals (also known as vacation rentals) are an allowed use in Residential zoned neighborhoods only in conformance with and only if they comply with the Tahoe Area Plan, the Tahoe Regional Planning Agency ("TRPA") STR Best Management Strategies, all applicable TRPA Code of Ordinances, all applicable Nevada Revised Statutes, and all applicable Washoe County Ordinances and Regulations, including but not limited to, the Washoe County Short Term Rental Ordinance. If the foregoing are not fully enforced by Washoe County, or if the Washoe County Short Term Rental Ordinance is not drafted, implemented and enforced by Washoe County, then short term rentals will not be an allowed use in any Residential zoned neighborhood in Incline Village or Crystal Bay."

I thank you for your serious consideration of my comments.

Very truly yours,

Diane Heirshberg, Incline Village Resident, 805-290-2779, dbheirshberg@gmail.com

Michael Conger

From: Michael Conger
Sent: Wednesday, October 23, 2019 8:26 AM
To: Marja Ambler
Subject: FW: Kudos and Concerns with Area Plan Changes Affecting Incline Village
Attachments: TRPAAreaPlans4IV.pdf

Thanks,

Michael T. Conger, AICP
Senior Planner
Long Range & Transportation Planning
(775) 589-5221



From: rondatycer@aol.com <rondatycer@aol.com>
Sent: Tuesday, October 22, 2019 6:28 PM
To: Eric Young <EYoung@washoecounty.us>; Michael Conger <mconger@trpa.org>
Cc: waynefordresidentialdesigner@yahoo.com; mike@morshess.com; schmitz61@gmail.com; dbheirshberg@gmail.com; cbwillb@charter.net
Subject: Kudos and Concerns with Area Plan Changes Affecting Incline Village

TO: Eric Young, Washoe County Planner and Michael Conger TRPA Senior Planner

From Ronda Tycer
814 Toni Court
Incline Village, NV 89451

Dear Eric,

Congratulations again on generating your latest draft of the Washoe County Area Plan for Incline Village et al.

I have just a few concerns I'd like to express.

FIRST - I'm alarmed by the change in the paragraph on Existing Conditions: "This plan does not restrict the distribution of development rights by location," which appears to allow for the distribution of development rights for Tourist Unit

Accommodations throughout all of Incline Village and Crystal Bay residential districts. Given the problems with STRs in our villages, the idea of allowing/permitting TAUs throughout our neighborhoods sounds ominous.

SECOND - You say your 28 neighborhood plans are regulatory zones identified for permissible uses. If the vision for these neighborhoods was established in 1996, they should relate to the original 24 TRPA plans on the attached list. How do they relate?

And how do your 28 neighborhood plans relate to the plats and subdivisions originally laid out by Incline Village, Inc. and Crystal Bay Development, Co.? Perhaps you could show them as “overlay districts” on a map, and mention their Declaration of Restrictions as limiting their use according to the applicable CC&Rs.

In the Land Use section I’m heartened to see Policy LU6-1.

“Policy LU6-1 Residential zoning districts form the residential core of the community **and should only be amended to further strengthen their residential character** or provide for environmental improvement.”

STRs are a commercial use of a home, they are taxed as a business, and they do not strengthen the residential character of the neighborhood.

Best regards,
Ronda

Thank you for your response and also for including this in public comment for the TRPA Governing Board meeting October 23, 2019.

LIST OF PLAN NAMES: INCLINE VILLAGE AND CRYSTAL BAY

PLAN ID	PLAN NAME	PLAN TYPE	TRANSIENT TOURIST ACCOMMODATION ALLOWED: Special Use TRPA permit required
032	NEVADA NORTH STATELINE CASINO CORE CP	COMMUNITY PLAN	YES
033	STATELINE POINT	PLAN AREA STATEMENT	NO
034	CRYSTAL BAY	PLAN AREA STATEMENT	NO
035	CRYSTAL BAY CONDOMINIUMS	PLAN AREA STATEMENT	NO
036	INCLINE VILLAGE #4/PONDEROSA	PLAN AREA STATEMENT	NO
037	LAKEVIEW	PLAN AREA STATEMENT	Bed & Breakfast only
038	WOOD CREEK	PLAN AREA STATEMENT	Bed & Breakfast only
039	INCLINE VILLAGE #2	PLAN AREA STATEMENT	NO
040	INCLINE VILLAGE #1	PLAN AREA STATEMENT	NO
041	INCLINE VILLAGE #3	PLAN AREA STATEMENT	NO
042	INCLINE VILLAGE #5	PLAN AREA STATEMENT	NO
043	CHATEAU/COUNTRY CLUB	PLAN AREA STATEMENT	NO
044	FAIRWAY	PLAN AREA STATEMENT	NO ¹
045	INCLINE VILLAGE COMMERCIAL COM. PLAN	COMMUNITY PLAN	YES
046	INCLINE VILLAGE RESIDENTIAL	PLAN AREA STATEMENT	Timeshare residential design only
047	TUNNEL CREEK	PLAN AREA STATEMENT	NO
048	INCLINE VILLAGE TOURIST COM. PLAN	COMMUNITY PLAN	YES
049	MILL CREEK	PLAN AREA STATEMENT	Bed & Breakfast Only
050	MT. SHADOWS	PLAN AREA STATEMENT	NO
051	TYROLIAN VILLAGE	PLAN AREA STATEMENT	Special area #1 – Timeshare residential design and B&B
052	INCLINE SKI	PLAN AREA STATEMENT	NO
053	INCLINE LAKE	PLAN AREA STATEMENT	NO
054	PONDEROSA RANCH COMMUNITY PLAN	COMMUNITY PLAN	YES
055	EAST SHORE	PLAN AREA STATEMENT	NO

¹ In 2006, the Incline General Improvement District applied for rezoning of parcel 131-280-04 consisting of about 2.609 acres of vacant land. IVGID stated its goal was to house IVGID employees. The TRPA approved the rezoning July 26, 2006 with 85% of the parcel to be affordable or moderate housing. TRPA designated permissible land use to include Tourist Accommodations with these uses: Hotel, motels, and other transient dwelling units (S), timesharing (hotel/motel design) (S), and timesharing (residential design) (S). Uses designated with an S require a TRPA Special permit. The parcel remains vacant.

Michael Conger

From: Nick Exline <nick@midkiffandassoc.com>
Sent: Tuesday, October 29, 2019 8:45 AM
To: Michael Conger
Cc: Wendy Jepson; Paul Nielsen; Jennifer Self; Eric Young
Subject: RE: Cal Neva and the Washoe County Tahoe Area Plan

Good Morning Michael,

Thank you for the detailed response. I will be forwarding to the legal team I have been working with regarding this process for their comments.

Whereas I appreciate your concerns regarding the height code clarification we requested I contend that the Code as written would allow Washoe County officials to deny the project based on height even though TRPA staff has agreed to the methodology that would make the project work from a height perspective. Ideally, we do not want to make this point contentious during the approval process. To avoid this, it would be beneficial to get something in writing from the Washoe County Planning Manger reiterating the agreement we reached with Paul. Please give me your thoughts about obtaining this.

Thanks,

Nick Exline, AICP

Senior Planner

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 Please consider the environment before printing this email.

From: Michael Conger <mconger@trpa.org>
Sent: Friday, October 25, 2019 3:38 PM
To: Nick Exline <nick@midkiffandassoc.com>
Cc: Wendy Jepson <wJepson@trpa.org>; Paul Nielsen <pnielsen@trpa.org>; Jennifer Self <jself@trpa.org>; Eric Young <EYoung@washoecounty.us>
Subject: Cal Neva and the Washoe County Tahoe Area Plan

Hi, Nick...

Thanks for meeting with me and Paul last week to discuss your concerns with the Washoe County Tahoe Area Plan and how it relates to the Cal Neva project. I had a chance to go over your requests with Jen, Paul, and Wendy. As a result of our discussion, here are the conclusions we reached:

(1) Setbacks

Issue: Cal Neva would like to ensure that existing setback encroachments along the state line could remain without requiring a variance.

Proposal: Include a special policy that recognizes that existing non-conforming setbacks along the state line may be maintained.

TRPA Position: **No issues.** TRPA has no concerns with this proposal. Proposed language has been included in the Public Review Draft.

(2) **Building Height**

Issue: Cal Neva would like language added that recognizes that existing cubic volume may be relocated above the maximum allowed height.

Proposal: Include language specifying that structures housing gaming may relocate cubic volume above allowed height, provided that the non-conformity is reduced (i.e. by reducing roof peak height).

TRPA Position: **TRPA has concerns with this proposal and does not support including this language.** Cal Neva is seeking the codification of an interpretation that TRPA reached in relation to a proposed redevelopment project. We're concerned that codifying this interpretation only for structures housing gaming suggests that the interpretation is not applicable to other uses (e.g. single family residences, hotels, etc.). Broadening the language could result in unintended consequences, while crafting a standard such as this to accommodate a specific project could set a precedent. Staff is also unsure how potential impacts of including a standard such as this would be evaluated in the IEC. Another concern raised is that, as written, the standard could be construed as creating a less-restrictive requirement than what is required by the Code. Given the existing interpretation and potential complications of adding this language, TRPA staff feels including such a standard is unnecessary. Our recommendation to Washoe County, therefore, is not to include this language.

(3) **Historical Resources**

Issue: Cal Neva has concerns that the existing historic resource protection language in the Washoe County Development Code, which is being carried over, is too restrictive.

Proposal: Allow TRPA Code of Ordinances Chapter 67 to dictate when historic resources can be altered, rather than using Washoe County's more stringent language.

TRPA Position: **TRPA concurs and will request revisions.** After reviewing the historic resource protection language, staff has concerns with the existing Washoe County language being carried over. We believe TRPA Code Chapter 67 should set the standard, unless Washoe County can justify establishing substitute standards. We will be requesting that Washoe County remove any conflicting language with the next draft, or otherwise dialogue with us as to the rationale for including such language.

(4) **View Protection**

Issue: Cal Neva has concerns with a special policy calling for "existing views... [to be] maintained," as this could be interpreted to imply that non-conforming views must be maintained in their current status.

Proposal: Reword the special policy.

TRPA Position: **TRPA recommends restoring the original special policy language.** This language is: "Protect and enhance existing scenic views and vistas from the commercial areas." (Policy NNSCP 10.2)

In response to your questions about the Design Guidelines:

- Does a track changes exist of the Design Guidelines?

Washoe County may have a track changes between the current Design Guidelines and their original proposal (posted in August). I don't believe they made any significant changes. I do have a track changes version between the version they provided me and the version that was recently released (which we've been calling the "Public Review Draft").

- Is development of Chapter 12 anticipated?

Chapter 12 has been restored in the Public Review Draft using existing language.

- Is development of Appendix C anticipated?

No – and references to Appendix C have been removed from the Pubic Review Draft.

- Are updated references to TRPA codes anticipated?

Yes – the Public Review Draft includes updated references.

Thanks,

Michael T. Conger, AICP

Senior Planner

Long Range & Transportation Planning

(775) 589-5221



Thanks,

Michael T. Conger, AICP

Senior Planner

Long Range & Transportation Planning

(775) 589-5221



From: Nick Exline <nick@midkiffandassoc.com>

Sent: Thursday, October 17, 2019 12:34 PM

To: Michael Conger <mconger@trpa.org>; Washoe Area Plan - Area Plans & AP/PAS Amendments <1fe2b174.trpa.org@amer.teams.ms>

Subject: RE: Washoe County Tahoe Area Plan

Hi Michael,

In preparation for our call on Friday I wanted to provide some suggested code language, clarification points and design guidelines questions. I plan on joining you for the call tomorrow at 10:00 AM. If the other participants aren't able to attend we can at least discuss.

Suggested Code Language

I have reviewed the proposed setback language you provided in an October 11th email and it looks good to me. Thinking about the proposed height code language I developed the proposed Code language that addresses our concerns and adheres to the agreement I previously reached with Paul.

1. Height of Reconstructed Structures Housing Gaming. A structure housing gaming that exceeds maximum height standards may be reconstructed or modified consistent with Article VI of the Tahoe Regional Planning Compact in a manner that increases cubic volume above allowable height subject to the following provisions:
 - a. The extent of non-conformity with height standards shall be reduced by decreasing the overall structural height; and
 - b. There is no increase in floor area above the maximum allowable height.

Proposed Code Modifiers Revisions—Historic Structures:

- **Section 110.220.430.2.G.** states, "No modifications may be made to historic structure(s) or site(s) which would have the effect of compromising the historical significance of the property's structure(s) or site(s)."

Subsection 11.220.430.2.G is at odds with TRPA Code Chapter 67: Historic Resource Protection and specifically, TRPA Code Subsection 67.7.3 Demolition. TRPA Code specifically establishes the process and criteria for modifications and demolitions of historic structures. Subsection 11.220.430.2.G is contradictory to TRPA's existing Code.

Suggested Revisions: It would either be suggested to remove Subsection 11.220.430.2.G or revise as follows, "No modifications may be made to historic structure(s) or site(s) which would have the effect of compromising the historical significance of the property's structure(s) or site(s) except as authorized under TRPA Code Chapter 67." Either revision would remove the pending conflict between TRPA and Washoe County's Codes.

Proposed Code Modifiers Revisions—View Maintenance

- Section 110.220.140.3 is a new provision inserted in the language you provided on October 11th which sets out a requirement that “Existing views to the lake from the commercial area in the Crystal Bay Tourist neighborhood should be maintained.”

Subsection 11.220.140.3 is at odds with TRPA Code Chapter 66 Scenic Quality. TRPA Code specifically establishes view maintenance and improvement criteria. Subsection 11.220.140.3 is contradictory to TRPA’s existing Code. An existing view to the lake might be non-compliant today. By including the word “maintaining” it could be construed that the existing, non-compliant view must be “maintained.” Maintaining an existing, non-compliant view to the lake would be contradictory to the improvements and criteria outlined in TRPA Code Chapter 66 Scenic Quality.

Suggested Revisions: It would either be suggested to remove Subsection 11.220.130.3 or revise as follows, “Existing views to the lake from the commercial area in the Crystal Bay Tourist neighborhood shall not be modified except as provided under TRPA Code Chapter 66 Scenic Quality.” This suggested revision would remove the pending conflict between TRPA and Washoe County’s Codes.

Proposed Code Modifiers Clarifications

- **Section 110.220.05** – Include language similar to what is proposed in the draft Tahoe Area Plan Design Guidelines regarding structure housing gaming. “Nothing herein alters the provisions of Article VI of the Compact related to gaming.”

Design Guidelines Questions

1. Does a track change document exist that reflects the difference between the 1996 and currently proposed design guidelines?
2. The 1996 guidelines include a chapter 12 but the draft guidelines include only a chapter heading with no content. Is development of Chapter 12 for the draft guidelines anticipated?
3. The draft guidelines reference Appendix C but none is included. Is development of Appendix C anticipated?
4. The draft guidelines include several legacy references to outdated TRPA code sections. Are updated references anticipated?

Nick Exline, AICP

Senior Planner

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P.O. Box 12427

Zephyr Cove, NV 89448

 Please consider the environment before printing this email.

From: Michael Conger <mconger@trpa.org>

Sent: Tuesday, October 15, 2019 3:05 PM

To: Washoe Area Plan - Area Plans & AP/PAS Amendments <1fe2b174.trpa.org@amer.teams.ms>

Subject: Washoe County Tahoe Area Plan

Good afternoon,

This is just a brief message to let you know about some upcoming activities regarding the Washoe County Tahoe Area Plan. I’m contacting you, because you are included on TRPA’s list of interested parties for this plan. Please let me know if you do not wish to be contacted on this matter in the future.

As you are likely aware, Washoe County is leading the process to develop an Area Plan covering all of its jurisdiction within the Tahoe Basin. The resulting Area Plan will be considered for adoption as part of both the Washoe County Master Plan and the TRPA Regional Plan. This message is to notify you that there are two meetings scheduled next week where the Washoe County Tahoe Area Plan will be discussed:

(1) Washoe County Planning Commission Initiation – Monday, October 21, 2019, 6:30PM at the Washoe County Government Center in Reno

The Washoe County Planning Commission will consider initiating amendments to the Master Plan, Development Code, and Regulatory Zones. This meeting is to formally begin the Area Plan process. No action on the Area Plan itself will be taken.

- Link to Agenda: https://www.washoecounty.us/csd/planning_and_development/board_commission/planning_commission/2019/Files/2019-10-21/102119pcag.pdf
- Link to Staff Report: https://www.washoecounty.us/csd/planning_and_development/board_commission/planning_commission/2019/Files/2019-10-21/Initiation%20-%20Draft%20Tahoe%20Area%20Plan%20-%20Staff%20Report.pdf

(2) Regional Plan Implementation Committee Informational Session – Wednesday, October 23, 2019, 8:30AM at TRPA offices in Stateline

A committee of TRPA's Governing Board will receive an informational presentation from Washoe County about the proposed Area Plan. This item is for informational purposes and no action will be taken.

- Agenda and Staff Report will be posted at this link by the end of the day tomorrow: <http://www.trpa.org/document/meetings-notice/>

TRPA is also working with Washoe County to release an updated draft (Public Review Draft) of the Area Plan, which they anticipate publishing within the next week. Since it incorporates substantial revisions from earlier drafts, I recommend waiting for this updated version to provide any detailed/specific comments. I'll send out a follow-up notification when that's available.

Based on Washoe County's tentative schedule, TRPA anticipates the following next steps:

- Mid-October – release of the Public Review Draft of the Area Plan for comment
- November or December – public workshop in Incline Village
- January – release of Public Hearing Draft of the Area Plan (revision of Public Review Draft based on comments received)
- January – Washoe County Planning Commission action
- February – Washoe County Commissioners action
- March – TRPA Regional Plan Implementation Committee recommendation
- April – TRPA Advisory Planning Commission recommendation
- April – TRPA Governing Board consistency determination
- May - -Washoe County Commission action (if plan modified after County adoption)

For any specific questions or comments you may have on the Area Plan, please contact the project manager directly:

Eric Young, Senior Planner

Washoe County

eyoung@washoecounty.us

775-328-3613

Thanks for your participation in this process.

Regards,

Michael T. Conger, AICP

Senior Planner

Long Range & Transportation Planning

(775) 589-5221





108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180
Hearing Impaired: 711

DATE: March 21, 2018

TO: Planning and Building Division
Community Services Department

FROM: Lee Plemel, Director
Carson City Community Development

SUBJECT: Washoe County Tahoe Area Plan Comments

Thank you for the opportunity to comment on the Tahoe Area Plan for Washoe County. Comments were solicited from various Carson City departments.

Carson City is just one of the multi-agency/multi-organization partners of the Tahoe East Shore Trail project—a shared use path along SR-28. We look forward to continuing our collaboration relationship for the planning and design of the next construction phase which will travel through the Carson City jurisdiction.

If you have any questions regarding comment from Carson City or any other planning coordination efforts at the Carson City border, please contact Lee Plemel at lplemel@carson.org or (775) 283-7075.



WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT

Regional Parks and Open Space

1001 EAST 9TH STREET
 RENO, NEVADA 89520-0027
 PHONE (775) 328-3600
 FAX (775) 328.3699

TO: Eric Young, Senior Planner

FROM: Sophia Kirschenman, Park Planner

DATE: December 26, 2019

SUBJECT: Master Plan Amendment Case Number WMPA19-0007;
 Regulatory Zone Amendment Case Number WRZA19-0007; and
 Development Code Amendment Case Number WDCA19-0007 (Tahoe
 Planning Area Updates)



The updated Tahoe Area Plan, and the recreational, cultural, and natural resource policies and priorities contained within it, are consistent with the goals of the 2019 Regional Parks and Open Space Master Plan, the 2008 Open Space and Natural Resource Management Plan, and the Washoe County Regional Parks and Open Space Program (Parks Program) more broadly. As such, the Parks Program recommends approval of the amendments in question. The following comments are relatively minor in nature, but are offered for your consideration:

1. Map 2.6 on page 2-16 identifies Parvin Road. Both the Washoe Regional Mapping System and Google Earth identify that same road as Ponderosa Ranch Rd. The Parks Program suggests updating Map 2.6 to be consistent with these other sources.
2. It would be helpful to add an appendix of definitions.
3. In several locations, the plan identifies achievable, moderate or affordable housing units (see page 2-21 or 2-22 for examples). What do these terms mean? Are they quantifiable?
4. Policy T1-2 on Page 3-7 states: *Where feasible, Washoe County will design trails to accommodate new transportation technologies...* Instead, the Parks Program suggests stating: *Where feasible **and desirable**, Washoe County will design trails to accommodate new transportation technologies...*
 - Washoe County Code of Ordinances Section 95.365 states that it is unlawful to operate a motorized bike on any bicycle trail in Washoe County without authorization from the director. The Parks Program is currently considering initiating a revision of this policy. While we recognize the importance of allowing and supporting the use of alternative forms of transportation, we also recognize that the use of electric bicycles may, in some locations, be inappropriate. Therefore, we suggest adding “and desirable”, so that a future public process can determine where the community would like to see electric bicycle usage and where the community would prefer a trail to remain solely open to non-motorized use.
5. Page 4-1—the first sentence is missing the word “Tahoe”. It should say “The Washoe County **Tahoe** Area Plan Conservation Element...”
6. The “Available Coverage” column in Table 4.3 is confusing. For example, in the first row (1a), if there are only 124.7 acres of coverage allowed and there are already 336.30 acres covered, how can there be 211.33 acres of coverage still available? Shouldn’t it say that the coverage has already been exceeded by 211.33 acres?
7. Map 5.2 (Recreational Opportunities Plan) identifies C-4 and C-5 paths, but doesn’t explain what they mean. The Parks Program suggests either adding a short definition to



INTEGRITY



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Memo to: Eric Young
Subject: WMPA19-0007; WRZA19-0007; WDCA19-0007
Date: December 26, 2019
Page: 2

the map key or adding their full meanings to a definitions addendum. Additionally, we're not sure what type of road or trail Class V or C-5 paths refer to, but Class IV or C-4 paths refer to [separated bikeways](#).

8. Page 7-11—the first sentence of Project 39 is oddly-phrased. It would be helpful to reword this sentence to make the meaning clearer.
9. Page 7-18—Project 5 states that Washoe County is the lead implementer, but we believe this to be incorrect. The TRPA's Active Transportation Plan identifies TTD and NDOT as the lead implementers on this project.
10. Development Code Section 110.220.75.2—since the code will be adopted in 2020, this section should be updated to say: *The home was constructed with all required permits prior to 2020.*

Thank you for the opportunity to review and provide comments on the Tahoe Area Plan update. Please let me know if you have any questions about these comments.

All the best,

Sophia Kirschenman

January 3, 2020

Eric Young
Senior Planner
Washoe County Community Services Department
Planning and Building Division
Reno, Nevada 89512

Subject: Review of Tahoe Area Draft Plan

Dear Mr. Young:

The Washoe County Health District, Air Quality Management Division (AQMD) respectfully submits the following comments on Tahoe Area Draft Plan. These comments align with the Ozone Advance Path Forward and the AQMD's Ozone Advance presentation at the November 5, 2019 Washoe County Planning Commission meeting. Ozone Advance's primary goal is to encourage local governments to take proactive steps that improve air quality and prevent a "non-attainment" designation for ozone. The most effective approach to implementing Ozone Advance is to include those strategies into each jurisdiction's codes. AQMD is committed to incorporating Ozone Advance strategies into Washoe County, Reno, and Sparks' codes.

These comments also support the goals in the resolution adopted by the Washoe County Board of County Commissioners on April 16, 2016. The resolution recognizes the collaborative effort needed by regional partners, such as Washoe County and Health District, to meet federal air quality standards.

1. National Ambient Air Quality Standards (NAAQS): The U.S. Environmental Protection Agency (EPA) establishes health-based NAAQS for six pollutants including ozone. The ozone NAAQS is 0.070 ppm. Although the most recent design value for Incline Village is 0.065 ppm, it should be noted that the design value for the Reno/Sparks area is 0.071 ppm. Our ozone levels are directly related to our region's vehicle trips, vehicle miles traveled (VMT), motor vehicle fleet mix, industrial activity, and energy usage. Not meeting the NAAQS can have long-term negative public health and economic impacts.
2. Transportation: Motor vehicles are the largest category of ozone precursors (nitrogen oxides and volatile organic compounds). The AQMD supports policies under Land Use Goal LU2 and Transportation Goal 1 that reduce vehicle trips, VMT, and tailpipe emissions.

The AQMD also supports the Employer-Based Vehicle Trip Reduction action under Goal IM9, but with a lower threshold of businesses with 50 or more employees and specific trip reduction targets. The Regional Transportation Commission of Washoe County (RTC) has redesigned their employee trip reduction program and can be a model for the

businesses in the Tahoe Basin. RTC's program has elements that can be beneficial for business of all sizes.

3. Chapter 4 (Conservation), Table 4.6, Page 4-15: Air quality data in Table 4.6 references the Tahoe Regional Planning Agency's 2015 Threshold Evaluation Report. The report provides annual air pollutant data and long-term trends for the entire Lake Tahoe Basin. The AQMD currently operates and maintains an air monitoring station in Incline Village. It currently monitors for ozone, but has previously monitored for carbon monoxide, PM2.5, PM10, and nitrogen oxides. The Tahoe Area Plan should include ozone data specifically from the Incline Village air monitoring station. Below is ozone data in ppm from 2014-2018.

Threshold Standard	2014	2015	2016	2017	2018	Standards	
						State	Federal
Highest 1-hour Average Concentration	0.073	0.070	0.071	0.079	0.086	0.100	n/a
Highest 8-hour Average Concentration	0.071	0.064	0.064	0.069	0.073	n/a	n/a
3 Year Average of the 4th Highest 8-hour Concentration	0.063	0.062	0.062	0.063	0.065	n/a	0.070

The trend for these three ozone thresholds has been generally worsening since 2014 and should be reflected in Table 4.6.

4. Chapter 4 (Conservation), Table 4.7, Footnote 3, Page 4-16: The footnote should also reference that designations are codified in 40 CFR 81.329.
5. Goal C5, Policy C5-3, Public Buildings, Page 4-22: Buildings use large amounts of energy and water. Short-term investments during construction can reduce the consumption of energy and have long-term air quality benefits. As appropriate, these projects should incorporate an ENERGY STAR or LEED construction standard.

Again, thank you for the opportunity to provide comments on this project. Feel free to contact me at 775-784-7200 if I can be of further assistance.

Sincerely,



Francisco Vega, Director
Air Quality Management Division
Washoe County Health District

January 7, 2020

Eric Young, Senior Planner
Washoe County Planning
1001 East 9th Street
Reno, Nevada 89512-2845
Submitted via email - eyoung@washoecounty.us

Re: Comments on Washoe County Area Plan

Mr. Young,

The League to Save Lake Tahoe (League) appreciates the opportunity to review the Public Review Draft of the Washoe County Tahoe Area Plan (WCTAP or Area Plan) drafted by Washoe County and the Tahoe Regional Planning Agency (TRPA).

The League is dedicated to protecting and restoring the environmental health, sustainability, and scenic beauty of the Lake Tahoe Basin. In connection with our mission, we advocate for the implementation of policies contained within regional land use and planning documents, including, without limitation, the Bi-State Compact, the 2012 Regional Plan Update (Regional Plan) and the 2017 Regional Transportation Plan (RTP). Since supporting Area Plans as part of the Regional Plan Update in 2012, the League has continued to track and share good practices from Area Plans as they are developed around the Basin. Washoe County has the opportunity to create one of the best Area Plans in Tahoe by incorporating successes and examples from other Area Plans. Overall, the WCTAP meets Regional Plan goals and objectives and is a positive step towards environmentally beneficial redevelopment. While this Area Plan meets most of the requirements outlined in TRPA's *Area Plan Development Handbook* (Handbook), there are a few requirements, however, that are not fully addressed and recommendations we believe should be included. Beyond the minimum required by TRPA, the League provides comments and suggestions, chapter-by-chapter, to help the WCTAP become a standout planning document and implementation guide.

Chapter 1: Introduction

TRPA's Handbook recommended a map showing the Area Plan's boundaries in relation to the local jurisdiction's boundaries and the Tahoe Basin (Recommendation 1.05). A map that shows Town Centers would help orient the reader and complement the discussion in the Introduction. For example, Map 2.7 could be moved to the introduction.

Chapter 2: Land Use

There are three aspects that the Handbook requires for plan consistency, which were not clearly addressed:

- 4.05. Ensure policies will preserve the character of residential areas outside of Town Centers. [§13.6.5.A(6)].
- 4.08. TOWN CENTERS: Identify an integrated strategy for cover reduction and enhanced stormwater management. [§13.6.5.C(5)].
- 4.09. TOWN CENTERS: Address how development activity under the Area Plan will provide for threshold gain, particularly with respect to water quality. [§13.6.5.C(6)].

Can you please describe how the first two aspects are addressed in the draft Plan?

Regarding the third aspect – how development will achieve threshold gain – we encourage Washoe County to use and track the 2012 Regional Plan Performance Measures and Benchmarks.

We applaud Washoe County's Plan for prioritizing allocations for GHG-reducing projects and projects in Town Centers. To further reduce the impact of land use development, we recommend policy statements and a performance measure inspired by Placer County:

- DP-P-1 Provide incentives to encourage rehabilitation and/or remodeling of commercial, tourist, recreation, public service, and residential properties. Prioritize projects that emphasize rehabilitation by replacement or remodeling of substandard and inefficient development.
- DP-P-2 Consider development of an allocation strategy that assigns priority of commercial floor area (CFA) to projects that emphasize remodeling and rehabilitation of substandard development.
- Performance Measure: Rate of redevelopment: Increase the rate of rebuild, addition & remodel permits.

Our final suggestion regarding land use is that it would be helpful to have a map showing the geographic area of the twenty-seven individual neighborhood plans that are referenced in this chapter.

Chapter 3: Transportation

There was one map the Handbook requires for plan consistency that did not seem to be included: 5.10. Map showing regional transit routes and stops. [§13.6.5.A(8)].

The League strongly supports Policy T2-1: Implement the Regional Transportation Plan calling for Washoe County to work with TRPA to implement the Active Transportation Plan (ATP) through Washoe County's recreation, transportation, and land use plans and programs. The ATP is a companion of the RTP, and TRPA is updating the combined plan in 2020. In order to implement the Policy T2-1, Washoe County will need to engage in the RTP planning process and align its Area Plan with the RTP every four years. The first opportunity for collaboration and alignment has already begun for the 2020 RTP update and we provide a more detailed discussion in our comments on the Implementation section.

We also discuss this in more detail in the Implementation section, but more specific Performance Targets need to be included in order to ensure transportation goals are being met.

Chapter 4: Conservation

This chapter is very well done. We particularly appreciate the progressive GHG strategy and we provide a few comments on that strategy in our Appendix A comments.

Chapter 5: Recreation

Recognizing that Washoe County is not the primary recreation provider in the county, the League was encouraged to see Policy R1-5: Sustainable Recreation Plan. We look forward to your participation in TRPA's Sustainable Recreation Working Group and your coordination with TRPA, USFS, Nevada State Parks, and other recreation providers to develop and implement a sustainable recreation plan for the Tahoe Region.

Chapter 6: Public Services & Facilities

The League strongly recommends implementing Policy PSF2-2: Dig Once, which would establish a “dig once” policy that promotes interagency coordination, joint-trenching, undergrounding of overhead utilities, and installation of fiber optic conduits whenever major infrastructure projects are proposed and constructed. There is an upcoming opportunity to put this policy into action for the Washoe County portion of the Sand Harbor to Spooner Lake bike path currently under environmental review. This policy, if implemented in the near-term, would also support Implementation Action 5-1: Funding and Financing, which prioritizes active transportation and recreational facilities and Implementation Action 6-1: Seek Partnerships, which directs the County to look for partnerships to construct and maintain recreational facilities and parking facilities identified in the draft multi-use path project.

Implementation Chapter

Developing and approving an Area Plan is a substantial amount of work, but successfully implementing the plan to achieve goals and meet performance metrics is the ultimate purpose. Implementation is essential to seeing the environmental and community improvements in the plan. We provide the following comments on the Proposed Improvements, including the Implementation Schedule, and Monitoring and Adjustment.

Proposed Improvements and Implementation Schedule

In order to be eligible for many funding sources and to implement Policy T2-1, Washoe County’s transportation projects must be in an approved transportation plan. TRPA is updating the Regional Transportation Plan (RTP) in 2020 and Washoe County will need to align its transportation priorities with this plan. Washoe County does not have any transportation projects on TRPA’s 2017 RTP constrained or unconstrained project lists (Appendix B), but does have projects on the Active Transportation Plan (ATP) project list. Most of the “Planned Active Transportation Projects” in the Area Plan’s Implementation section are included in the ATP “Planning Level Prioritized Project List” (Appendix H). Four of the projects listed, all multi-use pathways, did not seem to be included in the ATP, or were difficult to assess:

- Project #5: Crystal Bay to Incline Village Trail. It appears that all sections except for Lakeshore Blvd. to Crystal Bay are included in various projects on the ATP project list.
- Project #12: College Drive Trail. Does not seem to be on the ATP list.
- Project #16: State Route 28 Trail East. This is either missing from the ATP list or this is the Incline to Sand Harbor bike path.
- Project #23: Mount Rose Highway Bike Lanes. Does not seem to be on the ATP list.

Similarly, Washoe County’s planned transit services listed in the Area Plan are either missing from or not consistent with the Tahoe RTP:

- Project #24: Improved TART Service. The only TART services in RTP indicate Placer County lead as the lead. There is a TTD-lead expanded East Shore service EIP project for the whole East Shore that Washoe could take a leadership or supporting role in.
- Project #25: Transit Shelters. Is this the same as EIP project 03.01.02.0058 – “East Shore Transit Service Facility Upgrades”?
- Project #26: Jitney / Shuttle Service. Not on the RTP project list.
- Project #27: Seasonal and Special Event Shuttle. Not on the RTP project list.
- Project #28: Dial-A-Ride. Not on the RTP project list.

- Project #29: Reno – North Tahoe Transit Service. This is included in the Tahoe RTP, but Washoe RTC and TTD are listed as the lead agencies and it is on the unconstrained project list.

In order to implement Policy T2-1, Washoe County must ensure that everything in the WCTAP is included in the RTP/ATP once updated.

We have one last project-specific question regarding timing. Air Quality and Transportation project #48: Inter-regional transit service. It is unclear what the proposed implementation schedule could be for this project. This is an EIP project (03.01.02.0059) with a scheduled start in 2020 and a cost of \$1,100,000 per year and \$11,000,000 capital. The Area Plan Implementation Schedule table has this action as long-term (11-20 years). This is a very important project, especially as areas of Washoe County outside of Tahoe are experiencing exceptional growth, which is creating additional impacts to Tahoe's transportation infrastructure. If a feasible and consistent implementation schedule for this project is not achievable, the League suggests adding a more general project for inter-regional transit that is feasible in the short- or mid-term.

Washoe County will want to align the transportation-related proposed improvements in the final Area Plan with TRPA's RTP/ATP, the Washoe Regional Transportation Commission (RTC) RTP, or a combination of the two. Only projects that are realistically fundable in the relevant planning horizons should be included in Regional Transportation Plans. Long-term or visionary projects (more than five years in the future) should be included in the Area Plan and noted for inclusion in future regional transportation updates as implementation progress is made. This brings up a question of timing.

Monitoring and Adjustment

The Performance Targets included in the Area Plan are appropriately identical in title to the TRPA 2012 Regional Plan performance measures and benchmarks, but lack measurable performance metrics. As the Area Plan Implementation chapter states, "TRPA will continue to monitor progress towards threshold attainment using the performance measures established under the 2012 Regional Plan." In order to help meet regional threshold goals, we encourage Washoe to assign specific and measurable performance metrics to the plan's Performance Targets. For some thresholds, it may be most appropriate to adopt the same metrics as TRPA (e.g., development in town centers), while some metrics could identify Washoe County's potential for fair share of implementation (i.e., miles of pedestrian and bicycle facilities).

Washoe County can use the opportunity presented through this Area Plan to do its fair share and help the region reach its goals. According to TRPA's 2017 Regional Plan Performance Measures Report, Tahoe implementing agencies constructed an annual average of 6 miles of pedestrian and bicycle improvements between 2013 and 2017, meeting the level-1 benchmark of 4.15 miles constructed per year, but below the level-2 benchmark of 9 miles constructed per year. The Area Plan Implementation Schedule lists a few transit projects identified for short-term (1-5 years) implementation, but there are no short-term bike trail projects – just a few bike lanes on roads – and only three mid-term (6-11 years) bike trail projects. Washoe County needs to accelerate the implementation schedule for transportation projects to directly meet Performance Target 7 (construction of bike/ped improvements), and indirectly meet Performance Targets 5 (mode share away from private auto) and 6 (VMT per capita decrease).

Appendix A: Development Code Standards

The League's comment on this appendix is limited to the Greenhouse Gas Reduction section, which provides new requirements and incentives for green buildings designed to reduce greenhouse gas emissions. The League applauds these greenhouse gas reduction standards, which are the first to be applied on the Nevada side of the Tahoe Basin. To realize the full potential of the opportunity presented by this Area Plan, we recommend including performance measures and expanding the policy to cover all new projects and redevelopment. We provide two specific recommendations:

- Update Section 110.220.415 "Greenhouse Gas Reduction: All new structures built by Washoe County...". We suggest replacing "built by" with "permitted by". We also recommend that the policy apply to redevelopment or expansions based on increase in coverage, change in use and expansion of CFA or TAU.
- We also recommend a performance measure. If GHG emissions are not declining per capita upon 4-year reviews, amend the Area Plan to "require" instead of "incentivize" green building design certification.

Appendix B: Design Standards and Guidelines

In order to provide stronger support for transit and active transportation, and accelerate the pace of improvements, we suggest adding a policy taken from Placer County's Area Plan: "Require, as appropriate, bus turn-outs, shelters, park and ride lots, planned bicycle and pedestrian facilities, bicycle parking, and other related facilities or programs as conditions of approval for projects". We believe this should be a permit requirement for all new development or major redevelopment, and should at least apply to projects adjacent to existing or planned transit and active transportation facilities.

We also recommend requiring bike parking for all projects other than single-family residential. This could be accomplished by indicating in the Parking Demand Table that parking requirements apply to bicycle parking. The requirement should be a percentage of the applicable parking minimum for vehicles with minimum bike parking spaces for all projects.

Parking may be the clearest physical nexus between land use and transportation and parking policies can define the scope of a project. With the coverage limitations in Tahoe, parking minimums can make redevelopment and infill in Town Centers more difficult to achieve. The League is happy to see that "In lieu of the Parking Demand table, an applicant may submit for Washoe County and TRPA approval a technically adequate parking analysis." We recommend making this even more effective by considering reduced parking minimums "by right" or through some other streamlined process for projects in Town Centers. For example, taking a cue from Placer County, their Design Review Committee may approve a 20-percent reduction in the amount of required parking for mixed-use, retail, transient lodging, and restaurant projects/uses within a Town Center.

The League welcomes the opportunity to provide meaningful input, through these comments and further conversations, to help Washoe County and TRPA adopt an ambitious and achievable Area Plan for the Tahoe Basin portion of Washoe County. We look forward to reviewing the next draft and associated environmental review.

After the plan is approved, we look forward to seeing Washoe County undertake the MOU process and take over some permitting responsibilities. Most importantly, we are eager to see the plan in action and believe that our suggestions can help ensure successful implementation.

If you have any questions, please do not hesitate to reach out to me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Gavin Feiger", with a long horizontal stroke extending to the right.

Gavin Feiger
Senior Land Use Policy Analyst

CC Michael Conger, TRPA
Brandy McMahon, TRPA



WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects

1001 EAST 9TH STREET
RENO, NEVADA 89512
PHONE (775) 328-3600
FAX (775) 328.3699

Date: January 9, 2020

To: Eric Young, Senior Planner

From: Leo R. Vesely, P.E., Licensed Engineer

Re: Tahoe Planning Area Updates
Master Plan Amendment WMPA19-0007, Regulatory Zone Amendment WRZA19-0007 &
Development Code Amendment WDCA19-0007
APNs: all parcels within the Tahoe Planning Area

DRAINAGE & GRADING (COUNTY CODE 110.416, 110.420, 110.421 and 110.438)

Contact Information: Leo Vesely, P.E. (775) 328-2041

No comments.

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

Contact Information: Mitch Fink (775) 328-2050

No comments.

UTILITIES (County Code 422 & Sewer Ordinance)

Contact Information: Tim Simpson, P.E. (775) 954-4648

No comment.



INTEGRITY



EFFECTIVE
COMMUNICATION



QUALITY
PUBLIC SERVICE

Diane Heirshberg
dbheirshbergt@gmail.com
775-350-3461

January 29, 2020

Kate S. Nelson, ksnelson@washoecounty.us
Francine Donshick, fdonshick@washoecounty.us
Thomas Bruce, tbruce.washoecountypc@gmail.com
Sarah Chvilicek, chviliceks@unce.unr.edu
Larry E. Chesney, lchesney@washoecounty.us
James I Barnes, jib2424@sbcglobal.net
Eric Young, eyoung@washoecounty.us

Re: Public Comment re Tahoe Area Plan, February 4, 2020 Meeting

Dear Mr. Young and Members of the Washoe County Planning Commission,

I ask that this email be made a part of the official public comment at the Washoe County Planning Commission February 4, 2020 hearing on the Tahoe Area Plan.

The following is a list of concerns with the October, 2019 draft Tahoe Area Plan. These objections have been raised and discussed by the residents of Incline Village and Crystal Bay who attended the most recent public meeting held by Mr. Young on the Tahoe Area Plan in Incline Village at the Chateau:

1. The current draft of the Tahoe Area Plan (herein the "Plan") fails to accurately identify the concerns of current residents of INCLINE VILLAGE/CRYSTAL BAY. In particular, the current draft fails to mention or identify the residents' concerns about the adverse impacts of short-term rentals in INCLINE VILLAGE/CRYSTAL BAY on Lake Tahoe (the "Lake") and on the INCLINE VILLAGE/CRYSTAL BAY communities. Washoe County is currently passing a Short-Term Rental Ordinance, and it is unknown if that Ordinance will reasonably resolve the concerns expressed by the INCLINE VILLAGE/CRYSTAL BAY residents about the impacts of the increasing number of short-term rentals. **It is respectfully submitted that the concern that has been vocally raised by IVCH residents that short term rentals will have continuing future adverse impacts on the Lake and the INCLINE VILLAGE/CRYSTAL BAY residential communities, should be identified in the Plan, and monitoring procedures, Goals and Policies to address the concern should be included in the Plan.** The County, the INCLINE VILLAGE/CRYSTAL BAY residents, and all interested parties agree that there is an ever-increasing number of short term rentals in INCLINE VILLAGE/CRYSTAL BAY, as more and more homes are being purchased as short term rentals, and a resulting increasing number of automobiles driven to INCLINE VILLAGE/CRYSTAL BAY by short term renters which exacerbate the traffic and parking problems identified in the Plan, and an increased population in INCLINE VILLAGE/CRYSTAL BAY during periods of high short term rentals. Yet the Plan fails to include any action item(s) in the Plan that will cause the County or TRPA to monitor the impacts on the Lake and on the INCLINE VILLAGE/CRYSTAL BAY residential communities from this activity. To date the sheriffs and fire departments in INCLINE VILLAGE/CRYSTAL BAY do not ask or track if fires and other safety incidents involve short term renters or long-term residents (long term renters or owners) and it is respectfully requested that such monitoring should be done by the public safety personnel responding to emergencies at the Lake. The residents of INCLINE VILLAGE/CRYSTAL BAY have requested that these concerns be addressed, and one important place to address them is in the Plan which identifies some

problems to be monitored that are of concern to TRPA and the community; **the Plan fails to even mention residents' concerns expressed about short term rentals.** TRPA adopted Neighborhood Compatibility Short Term Rental Guidelines for Local Jurisdictions to adopt, but most of the key guidelines have not been adopted by Washoe County. Among the TRPA Guidelines that have not been adopted which would have addressed concerns by local residents, are the following: the County has failed to limit the total number of short term rentals in INCLINE VILLAGE/CRYSTAL BAY; has failed to require that the owners are at least part time residents of INCLINE VILLAGE/CRYSTAL BAY making the short term rental an ancillary use rather than a full time use of a home; failed to limit the density and concentration of short term rentals in a given area; failed to address the fact that short term rentals have virtually eliminated housing for long term renters and workforce renters; assumed that short term renters will carpool with four people in a car in setting minimum parking requirements; failed to provide that TOT taxes collected may be or will be used to address problems from short-term rentals, calculated parking requirements per short term rental assuming, but not requiring, that garages are available for parking by the short term renters instead of locked by the owners for their personal use. It is respectfully submitted that the concerns about the impacts of short-term rentals on INCLINE VILLAGE/CRYSTAL BAY have resulted in higher attendance at public and governmental meetings than any other issue in INCLINE VILLAGE/CRYSTAL BAY in 2019 (and now 2020), and this concern should be mentioned in the Plan and monitored. At least there should be a requirement that Host Compliance or some other resource be hired immediately upon implementation of the new Ordinance and complaints monitored and addressed as needed. At least sheriffs and fire department officials called to residences should be asking if the people who caused the incidents are residents (owners or long-term renters) or short term, and gather data necessary to do a valid analysis as to whether there are problems to address.

The Plan is a document that is supposed to incorporate TRPA concerns, Washoe County concerns **and INCLINE VILLAGE/CRYSTAL BAY community concerns**, and it does not. TRPA was concerned enough to adopt its 2019 Short Term Rental Neighborhood Compatibility Guidelines for local jurisdictions at the Lake, and there is no way to know if once the Washoe County Short Term Rental Ordinance is adopted and enforced, if the Ordinance will be sufficient to address legitimate and reasonable concerns expressed by local residents.

2. The Plan describes INCLINE VILLAGE/CRYSTAL BAY as a tranquil mountain community that wants to stay the same way it now is and that our only complaint as a community is parking problems and hindrances to development. Many problems related to development restrictions and some related to parking are addressed, and many issues that TRPA wants addressed in the future, are identified and discussed and addressed. Yet dispute repeated requests by residents of INCLINE VILLAGE/CRYSTAL BAY at the very few public meetings on the current draft Plan, that the Plan should identify short term rentals as a concern of the residents in the Plan and provision be made to monitor the concerns, short term rentals are not even mentioned in the Plan, let alone noted as a concern, nor is there any provision for monitoring or goals for them.
3. For no reason that has been explained to the public despite our request for an explanation, some or all of the **names of the original Recorded subdivisions have been changed in the Plan.** The original recorded subdivision map names are also used on the recorded Declarations of

Restrictions for most of the subdivisions. This name change will be confusing and place an undue burden on the public, when they are trying to locate recorded documents related to their residences.

4. Many of the proposed long-term solutions are phrased in terms of Washoe County meeting to discuss the problems and seeking outside funding for proposed long term solutions from places other than Washoe County. Mr. Young explained at the meeting at the Chateau that Washoe County will not be paying for any significant capital improvements to solve parking issues, public transportation issues, additional public services, and other issues identified in the Plan. **The Plan should not be drafted as it is now drafted to provide that Washoe County has no responsibility to provide any significant funding for the Plan.**
5. There are **incentives for redevelopment in the town centers**, including increased height limitations (to 4 stories that are up to 56 feet high) and increased density, as TRPA believes that this will beneficially move development from other areas to the town centers. Public concerns have been expressed that this will increase the population, density, parking and traffic problems that already exist in the town center areas in INCLINE VILLAGE/CRYSTAL BAY, an already overcrowded community. More analysis is needed to be done on this topic, as the Washoe County Short Term Rental Ordinance has already declined to adopt any of the TRPA Short Term Rental Neighborhood Compatibility guidelines on density, location limitations and concentration, and this may therefore be a greater problem for INCLINE VILLAGE/CRYSTAL BAY than for other local jurisdictions at the Lake.

The above five topics are discussed as they relate to some of the chapters in the Plan below.

- A. At page 1, Chapter 1, the Plan states: “The concept of the desired community character as expressed by the community is found throughout this Plan.” Similar statements are made in various places in the Plan document. The Plan goes on to refer to the numerous communications with the local community over 14 years and even states “a common expression from the community is one of Planning fatigue”, which is an inaccurate and insensitive choice of words. A more accurate description would be that the residents have continued to express throughout 2019 and now in 2020 that they are upset that the Plan does not show any concern as to whether the deleterious impacts from short term rentals will be controlled by the new Washoe County Short Term Rental Ordinance, and that the concerns that the INCLINE VILLAGE/CRYSTAL BAY residents have expressed have been ignored, despite numerous requests that short term rental concerns be mentioned, monitored and addressed in the Plan. The Plan instead **inaccurately** represents that “The community needs are largely based on the removal of re-development barriers and identification of the removal of re-development barriers.” The INCLINE VILLAGE/CRYSTAL BAY residents do not understand why their concerns on short term rentals are not mentioned in the Plan, monitored by the Plan or have goals set in the Plan.
- B. Chapter 2 on Land Use could be an excellent place to acknowledge community concerns on short term rentals if the short-term rental Ordinance is not successful. If the Ordinance is not sufficient, and if there are not sufficient funds from license fees and fines to address problems, new ways to address short term rental problems will need to be

developed. Ignoring the fact that over 295 LLCs (limited liability companies) and numerous individuals have purchased homes in INCLINE VILLAGE/CRYSTAL BAY to be rented out as short term rentals and never lived in as a residence, ignoring the fact that between 12 and 20% of all available residential units in INCLINE VILLAGE/CRYSTAL BAY are now rented out as short term rentals, ignoring the fact that long-time long term renters and workforce personnel cannot find rentals, ignores major land use problems. Concerns about the long term effect of short term rentals in INCLINE VILLAGE/CRYSTAL BAY need to be identified and monitored, and addressed if needed. At least the conversion of long-term rentals to short term rentals should be monitored. The Goals in Chapter 2 should be expanded to address short term rentals.

- C. Chapter 3 on Transportation does not mention the excessive number of trips and cars brought to INCLINE VILLAGE/CRYSTAL BAY by short term renters. The new Washoe County Ordinance assumes that short term renters will carpool in at least 4 person carpools to the short-term rentals. The new Washoe County Ordinance assumes that the parking spaces in garages will be left empty to allow short term renters to park in them. Both assumptions will likely prove to be inaccurate, and will require short term renters to park off the residential property. At least the parking issues generated by short term rentals should be monitored and if assumptions were inaccurate, this should be addressed.
- D. Chapter 6 on public services and facilities does not accurately state the current state of affairs in INCLINE VILLAGE/CRYSTAL BAY. At page 6-1 under fire services, police services and Goal PSF1, it incorrectly states that “Residents, visitors and business in the planning area have adequate access to the public services necessary to support a vibrant and safe community.” The needs of the total population, including the short-term renters and other transient population in Incline Village/Crystal Bay, need to be considered, calculated and monitored as the total population increases. There is no way to gauge if there is adequate sheriff or fire presence in times of high short-term rentals, because there is no monitoring of whether complaints and violators are short term renters. This needs to be documented by the sheriffs and fire departments, but they are not doing so, presumably due to a lack of time. At page 6-1 the assumption is made that “significant population growth is not expected.” How can such an assumption be made with all the evidence of the tremendous increases in population during peak short-term rental tourist seasons. The Douglas County Fire Chief testified at a TRPA meeting that Douglas County requires pre-license fire safety checks by the fire department at every short-term rental, and that fire safety violations are found in 90% of the short-term rentals inspected. There are over 1000 short terms rentals in INCLINE VILLAGE/CRYSTAL BAY and none (or almost none) have been inspected. That will be a tremendous burden on the resources of our local fire department once the short-term rental ordinance is adopted.
- E. Chapter 7 on Monitoring and Adjustment should provide that TRPA and the County will monitor and confirm that the deleterious effects of short term rentals are being controlled by the new Washoe County Short Term Rental Ordinance once the complaint hotline is operational, and public services will keep track of incidents that they respond to as owner occupied, short term rental occupied or long term rental occupied. Once it is known if short term rentals are a problem, educational approaches and other corrections can be addressed. This does not mean that there will be no short-term rentals, but the Plan’s

goal of using modern techniques to address problems can be used to address short term rental problems. Just reading the news in the last three months we have seen deaths and hospitalizations from carbon monoxide poisoning at short term rentals, violence and shooting deaths at short term rentals, drugs and fire arms being left in a short term rental to be found by the next renter due to a lack of inspections, etc. Surely monitoring short term rental problems and adjustments to address problems discovered should be a part of the Plan.

I thank you in advance for your consideration of my above comments.

Very truly yours,

Diane Heirshberg,
Resident Incline Village
775-350-3461

Michael Conger

From: Young, Eric <EYoung@washoecounty.us>
Sent: Thursday, January 30, 2020 10:58 AM
To: Michael Conger
Subject: FW: Comments RE: Tahoe Area Plan Agency Review Memo

Just so you have these comments



Eric Young
Senior Planner | Community Services Department
eyoung@washoecounty.us | Office: 775.328.3613 Fax: 775.328.6133
1001 East Ninth Street, Reno, NV 89512



From: Sherri Barker [mailto:sbarker@lands.nv.gov]
Sent: Wednesday, January 29, 2020 9:03 AM
To: Young, Eric; Fox, Moni
Cc: Meredith Gosejohan; Grahame Ross; Scott Carey; Charlie Donohue; Stark, Katherine; Emerson, Kathy; Ellery Stahler
Subject: RE: Comments RE: Tahoe Area Plan Agency Review Memo

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Hello Eric,

The Nevada Division of State Lands agrees with the narrative that Washoe County has provided below. There are no additional comments on this section with the changes Washoe County has made.

Moni, with the deadline of Feb 4th being next Tuesday, I am hopeful to receive your response to NDSL's comment #1 today:

1. Clarification is needed on Map 2.1 "Vacant Parcels by Land Use" for state lands. The large area in blue is Lake Tahoe Nevada State Park; however the map and the legend indicate that this state land is vacant single family (62) land use. In addition, what is the light blue State – Unknown (1) vacant parcel? We typically classify the land-use type for Tahoe state lands as conservation or recreation depending on the location and this map may be misleading in its representation of state land as "vacant" land. Perhaps open space and vacant land could be separated from one another. A definition of unknown and single family would help clarify the meaning. We would like to explore why a state parcel is classified as unknown with Washoe County data managers. State Lands IT/GIS Supervisor, Grahame Ross, could assist (phone number is 684-2727 and email is gross@lands.nv.gov).

Thank you,

Sherri Barker
Land Agent II
Nevada Tahoe Resource Team
901 S. Stewart Street, Suite 5003
5th Floor, Bryan Building

Carson City, NV 89701

sbarker@lands.nv.gov

(O) 775-684-2735 | (F) 775-684-2721



Nevada Division of
STATE LANDS



Nevada Department of
**CONSERVATION &
NATURAL RESOURCES**
Connect with us:   

From: Young, Eric <EYoung@washoecounty.us>

Sent: Thursday, January 23, 2020 2:27 PM

To: Sherri Barker <sbarker@lands.nv.gov>

Cc: Fox, Moni <MFox@washoecounty.us>; Meredith Gosejohan <mgosejohan@lands.nv.gov>

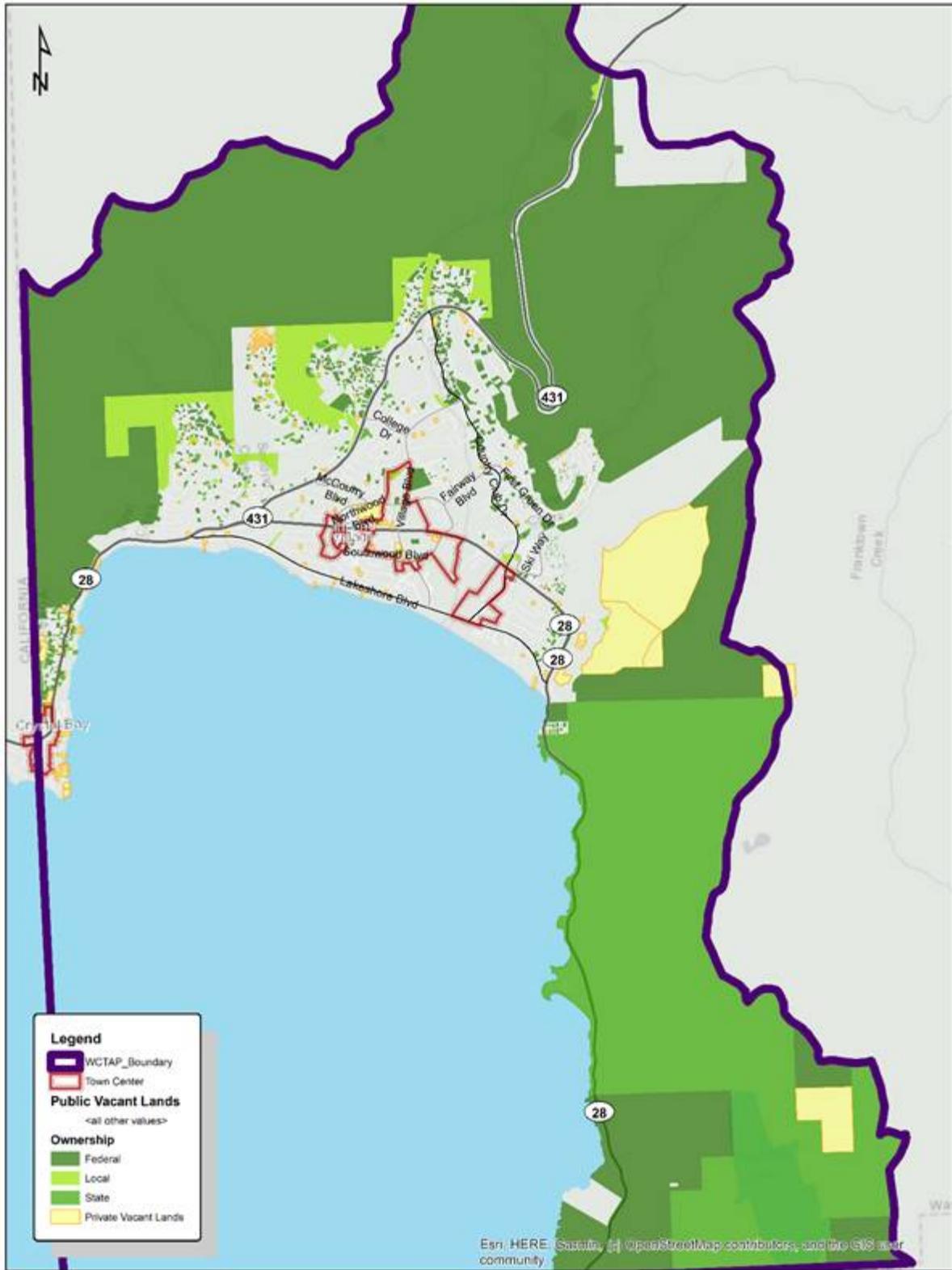
Subject: RE: Comments RE: Tahoe Area Plan Agency Review Memo

Hello Sherri,

I made some changes that I hope will be better for you. You can submit your own write-up up to Feb.4th. That is the night we go to the Planning Commission. We removed references to how our assessor categorizes the land-use of vacant parcels and instead simply focus on whether the vacant parcel is public or private. In addition, we changed the narrative about “safe and clean.” Have a look and let me know if what I inserted seems better.

“The U.S. Forest Service and the State of Nevada, through their various acquisition programs, have acquired many large parcels of land and residential lots within the planning area. Public agencies that own land in the planning area adopt management plans that address how the varied portfolios of property are managed and maintained. Washoe County encourages these management plans to address issues related to safety and cleanliness such as defensible space, weed control and debris removal.”

Thank you for taking the time to provide input.



Eric Young
 Senior Planner | Community Services Department
eyoung@washoecounty.us | Office: 775.328.3613 Fax: 775.328.6133
 1001 East Ninth Street, Reno, NV 89512



From: Sherri Barker [<mailto:sbarker@lands.nv.gov>]
Sent: Thursday, January 23, 2020 2:13 PM
To: Young, Eric
Cc: Fox, Moni; Meredith Gosejohan
Subject: RE: Comments RE: Tahoe Area Plan Agency Review Memo

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Hello Eric,

What would our deadline be to provide you with our write-up?

Moni, nice to meet you. I am looking forward to your response.

Sherri

From: Young, Eric [<mailto:EYoung@washoecounty.us>]
Sent: Friday, January 10, 2020 1:25 PM
To: Sherri Barker <sbarker@lands.nv.gov>
Cc: Fox, Moni <MFox@washoecounty.us>
Subject: RE: Comments RE: Tahoe Area Plan Agency Review Memo

Hello Sherri,

Thank you for having a look at our plan and providing comments. I'm going to let Moni Fox, our GIS staff member on this project, answer your first question below about mapping. Regarding the second question, yes we can be more descriptive. I am also fine with hearing any suggestions you may have. If you have some words in mind that you think work for you I will just use them. I want to make sure your actual concern is addressed.

Eric



Eric Young
Senior Planner | Community Services Department
eyoung@washoecounty.us | Office: 775.328.3613 Fax: 775.328.6133
1001 East Ninth Street, Reno, NV 89512



From: Sherri Barker [<mailto:sbarker@lands.nv.gov>]
Sent: Friday, January 03, 2020 1:41 PM
To: Young, Eric
Cc: Emerson, Kathy; Grahame Ross; Scott Carey; Ellery Stahler; Charlie Donohue; Meredith Gosejohan; Stark, Katherine
Subject: Comments RE: Tahoe Area Plan Agency Review Memo

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Hello Eric,

Please find TWO (2) comments from the Nevada Division of State Lands:

1. Clarification is needed on Map 2.1 “Vacant Parcels by Land Use” for state lands. The large area in blue is Lake Tahoe Nevada State Park; however the map and the legend indicate that this state land is vacant single family (62) land use. In addition, what is the light blue State – Unknown (1) vacant parcel? We typically classify the land-use type for Tahoe state lands as conservation or recreation depending on the location and this map may be misleading in its representation of state land as “vacant” land. Perhaps open space and vacant land could be separated from one another. A definition of unknown and single family would help clarify the meaning. We would like to explore why a state parcel is classified as unknown with Washoe County data managers. State Lands IT/GIS Supervisor, Grahame Ross, could assist (phone number is 684-2727 and email is gross@lands.nv.gov).
2. Page 2-19, section on Public Land. Could the second paragraph be more descriptive regarding what is expected of other agencies in continuing to maintain the large parcels and residential lots in a “safe and clean” condition? State Lands performs a variety of fuels reduction and forest health treatments on state land to benefit the environment and maintain a natural state on these urban parcels.

Please let me know if you have comments or concerns,

Sherri Barker

Land Agent II

Nevada Tahoe Resource Team

901 S. Stewart Street, Suite 5003

5th Floor, Bryan Building

Carson City, NV 89701

sbarker@lands.nv.gov

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Nevada Division of
STATE LANDS



Nevada Department of
**CONSERVATION &
NATURAL RESOURCES**

Connect with us:   

From: Stark, Katherine [<mailto:KRStark@washoecounty.us>]

Sent: Tuesday, November 12, 2019 11:26 AM

To: Charlie Donohue <cdonohue@lands.nv.gov>; Sherri Barker <sbarker@lands.nv.gov>;
Meredith Gosejohan <mgosejohan@lands.nv.gov>

Cc: Stark, Katherine <KRStark@washoecounty.us>; Emerson, Kathy
<KEmerson@washoecounty.us>

Subject: Tahoe Area Plan Agency Review Memo

Good morning,

Please find the attached Agency Review Memo from Washoe County Community Services Department, Planning and Building.

You've been asked to review the draft of the Tahoe Area Plan. The item description and link to the draft are provided in the memo.

Please send any agency review responses/comments directly to the Planner, Eric Young, rather than replying to me.

Thank you!



Katy Stark

Office Support Specialist, Planning and Building Division | Community Services Department

krstark@washoecounty.us | Office: 775.328.3618 | Fax: 775.328.6133

1001 East Ninth Street, Bldg. A, Reno, NV 89512



Michael Conger

From: Nick Exline <nick@midkiffandassoc.com>
Sent: Thursday, January 30, 2020 2:52 PM
To: Michael Conger
Cc: Eric Young
Subject: RE: Town Center Boundary at North Stateline

Hi Michael,

Thank you for the additional information and clarification. I have discussed this internally with the CalNeva team and we have come up with some draft language for the Washoe County height transition code that we hope will be satisfactory to both TRPA and Washoe County. If you and Eric could please give me your thoughts I would really appreciate it.

Draft Code Language

110.220.35 Excerpt from Oct 2019 PRD:

2. Height Transition. Development within Town Center boundaries abutting or adjacent to properties outside of the Town Center shall incorporate a stepped design to create a height transition between STRUCTURE(S) ON THE PROPERTY INSIDE OF THE BOUNDARY THAT ARE MOST CLOSELY ADJACENT TO PROPERTIES OUTSIDE THE BOUNDARIES ~~the properties inside the boundary and those outside~~. Structures required to utilize a stepped design are limited to two floors or a maximum of 20 feet at the front setback. Additional height may be added by stepping back the third floor 10 feet from the building façade and an additional fourth floor may be added by stepping back 5 feet from the third floor. The stepped area may be used as roof top gardens, balconies, solar panel arrays or similar uses. Roof top mechanical equipment shall not extend more than 2 feet above the parapet wall and shall be screened from street view.

3. Height of Reconstructed Structures Housing Gaming. Reserved.

Nick Exline, AICP

Senior Planner
Midkiff and Associates, Inc.
Office: (775) 588-1090
Fax: (775) 588-1091
nick@midkiffandassoc.com
P.O. Box 12427
Zephyr Cove, NV 89448

 Please consider the environment before printing this email.

From: Michael Conger <mconger@trpa.org>
Sent: Wednesday, January 29, 2020 10:09 AM
To: Nick Exline <nick@midkiffandassoc.com>
Cc: Eric Young <EYoung@washoecounty.us>
Subject: RE: Town Center Boundary at North Stateline

Hi, Nick –

Sorry to hear you still have concerns on the language. The county is still looking to move forward on an aggressive timeline. I provided them with recommended revisions from TRPA's standpoint. They are making final edits and preparing documentation for review by the county Planning Commission next Tuesday (February 4). I presume the documents will be posted publicly within the next few days.

The Code of Ordinances requires that Washoe County include transitional height requirements in the development code, but leaves it up to the county to determine the specifics of that language. Here is what the code requires:

Area Plans that allow buildings over two stories in height shall, where feasible, include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height. (Sec. 13.5.3.F.2.c)

The height transition language in Development Code Section 110.220.35(2) is language proposed by the county. As such, I will defer to the county's discretion for any revisions to that language. Any revisions that keep in alignment with the above-referenced Chapter 13 standard would be satisfactory to TRPA.

I'm having a tough time visualizing the development concepts you were mentioning and how it aligns with the standard. There is definitely some ambiguity in stating that development "abutting or adjacent" to properties outside of the Town Center are subject to the standard. But I think a reasonable interpretation of the standard, as written, would support a site plan concept that uses detached villas of no more than two stories to buffer nearby residential parcels from taller structures. I'm open to meeting with you and Eric if you'd like to further discuss how this standard might apply to proposed development scenarios.

In regards to revised language, please see attached for the revised wording of the Crystal Bay Tourist special policies. Policy 3 reverts to current Community Plan language regarding view protection. Policy 4 establishes a setback exception. Under TRPA's recommendations the entire section on historic preservation (formerly 110.220.445) will be removed.

Thanks,

Michael T. Conger, AICP

Senior Planner

Long Range & Transportation Planning

(775) 589-5221



From: Nick Exline <nick@midkiffandassoc.com>

Sent: Tuesday, January 28, 2020 10:54 AM

To: Michael Conger <mconger@trpa.org>

Subject: RE: Town Center Boundary at North Stateline

Hi Michael,

Thank you for sending around the Town Center boundary map. However, the map did not lessen any of my concerns regarding the step back height requirement. When you look at the Somer's Loop side of the CalNeva project area you will notice that the CalNeva borders a residential area. The concern we have is that although the CalNeva project area certainly does not adhere to the intent of the step back height requirement, an overzealous regulator might see otherwise. If we were to demo/rebuild the casino low-rise and/or propose detached villas (similar to single family residences from a design perspective) would we not be required to adhere to the step back requirement because the low-rise is in the center of the lot and the villas are separated by Somer's Drive roadway, are not viewed as development "abutting or adjacent to properties outside of Town Center" covered by the proposed 110.220.35 restriction?

How is everything going with Eric and the revisions that you and I agreed to? I was hoping to take a look at these revisions before it moves forward with adoption.

Thanks,

Nick Exline, AICP

Senior Planner

Midkiff and Associates, Inc.

Office: (775) 588-1090

Fax: (775) 588-1091

nick@midkiffandassoc.com

P.O. Box 12427

Zephyr Cove, NV 89448

 Please consider the environment before printing this email.

From: Michael Conger <mconger@trpa.org>

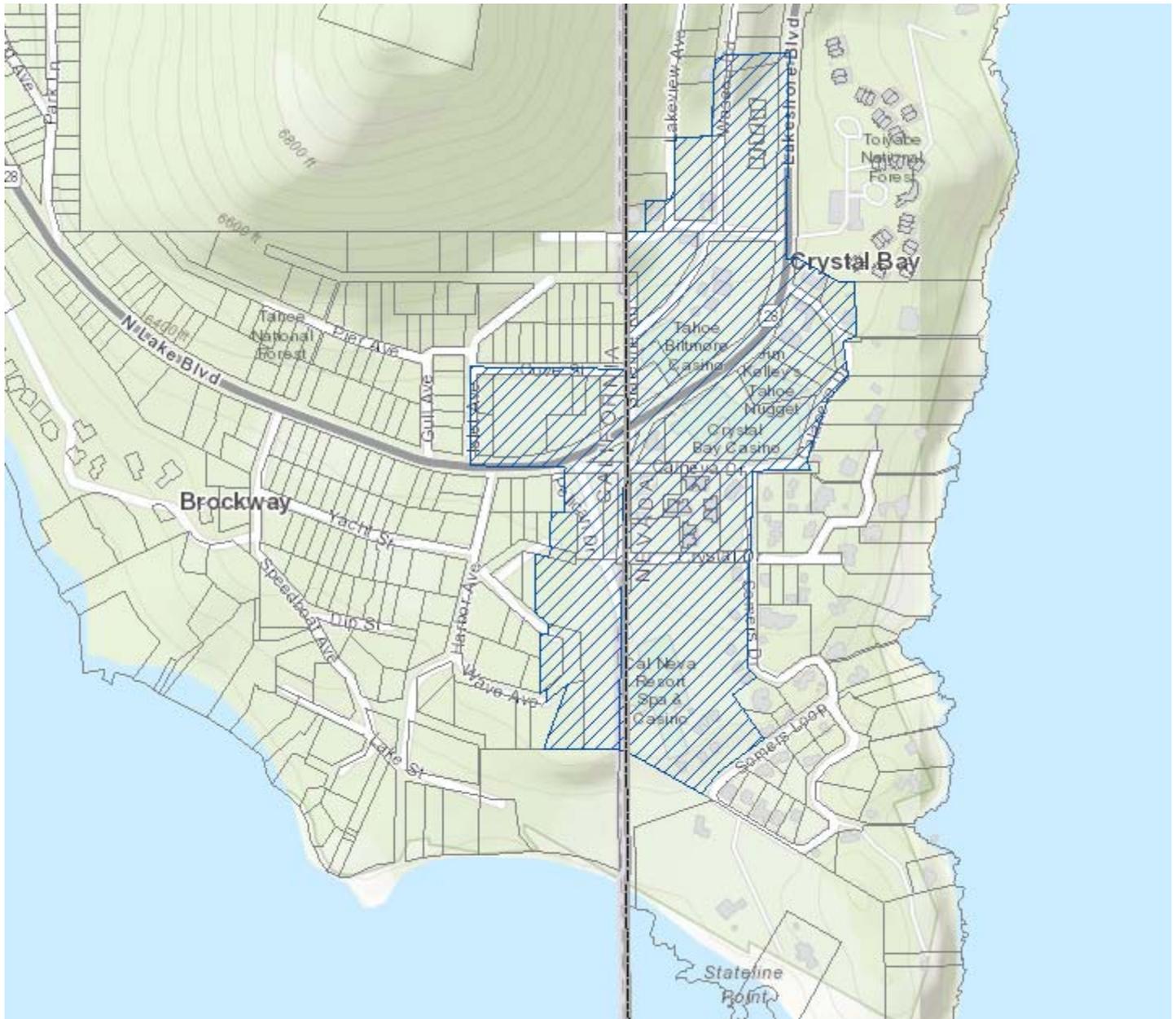
Sent: Friday, January 17, 2020 9:27 AM

To: Nick Exline <nick@midkiffandassoc.com>

Subject: Town Center Boundary at North Stateline

Hi, Nick –

Per our conversation yesterday, here's an image showing how the Town Center continues on the California side of the state line. The areas shaded with blue diagonal lines are in a designated Town Center. Let me know if you'd like to discuss further.



Thanks,

Michael T. Conger, AICP

Senior Planner

Long Range & Transportation Planning

(775) 589-5221



Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Thursday, January 30, 2020 3:11 PM
To: Michael Conger; Diane Heirshberg; Ronda Tycer; Pete Todoroff; Sara Schmitz
Subject: Fw: Public Comment re Tahoe Area Plan, February 4, 2020 Meeting
Attachments: Tahoe Area Plan Comments 1.29.20.docx

TRPA/ Michael Conger

So why did I attach what Diane has written. I know you already have it. I just wanted to make sure that there is no confusion of what I agree with having being said by Diane.

I am one of those non-resident pretenders that our County thinks we are. I have one thing to add to what Diane said. " There is no ability to have rules for STR's keeping neighborhood compatibility . When a event takes place the compatibility has been disrupted. One cannot put the tooth paste back in the tube. Too late. I can go into why this kind of disruption is different than just a long time neighbor having a party or a group of people over for a wedding. Yet will do so at a later time. Let me know if you want to here the truth about the difference. Mark my words: In the short run Washoe County and all the others who have allowed STR's use, will take place because of TRPA , but it will come back to be right in the lap of TRPA for allowing this to degrade the environment of Lake Tahoe.

So what is in a Community plan and what is not, will not change the basic fact that TPRA has violated it's mandate to protect the area we live in, Tahoe. They have done so by approving against the current zoning, thousands of motels and hotels , with no way to off-set the impacts. So for now I need to get back to designing BMP's for a home that added some deck area and a front entry. I can live with that project's impacts because what will be done has the science behind it to offset the impacts ,that will take place by good permanent BMP's being put in. The difference between what I am doing there is mitigation to off-set the impacts. The STR's do not have any mitigation in this County or others, for the added impacts. Traffic, Parking, Increased Water and Sewer use, Visual impacts to private property, Trash on the parcels, No up-graded BMPS , No defensible space compliance , impacts to wildlife, the list goes on and on. No restrictions on how many can be here. So I will be taking all this to those who really care about this Lake, it will take some time, yet unlike what our County Commissioners think, I am a real person who has live in Incline , at Lake Tahoe for over 40 years, raised three kids, and do care about where my family has grown up. They care about where they were raised and the Lake they called home. I did not come here as a tourist, another misconception. Will continue to oppose what TRPA has done and continues to do with STR's.

Wayne Ford

----- Forwarded Message -----

From: Diane Heirshberg <dbheirshberg@gmail.com>

To: Incline STR Advisory <iv.str.advisory.group@gmail.com>; Ronda Tycker <rondatycker@aol.com>; Carol and Larry Black <cbwillb@charter.net>; Wayne Ford <waynefordresidentialdesigner@yahoo.com>

Sent: Wednesday, January 29, 2020, 10:32:51 PM PST

Subject: Fwd: Public Comment re Tahoe Area Plan, February 4, 2020 Meeting

----- Forwarded message -----

From: **Diane Heirshberg** <dbheirshberg@gmail.com>

Date: Wed, Jan 29, 2020 at 10:28 PM

Subject: Public Comment re Tahoe Area Plan, February 4, 2020 Meeting

To: <ksnelson@washoecounty.us>, <fdonshick@washoecounty.us>, <tbruce.washoecountypc@gmail.com>, <chviliceks@unce.unr.edu>, <jib2424@sbcglobal.net>, <ken@kraterconsultinggroup.com>, <lchesney@washoecounty.us>, Eric Young <eyoung@washoecounty.us>

Dear Mr. Young and Members of the Washoe County Planning Commission,

I ask that this email be made a part of the official public comment at the Washoe County Planning Commission February 4, 2020 hearing on the Tahoe Area Plan.

The following is a list of concerns with the October, 2019 draft Tahoe Area Plan. These objections have been raised and discussed by the residents of Incline Village and Crystal Bay who attended the most recent public meeting held by Mr. Young on the Tahoe Area Plan in Incline Village at the Chateau:

1. The current draft of the Tahoe Area Plan (herein the "Plan") fails to accurately identify the concerns of current residents of INCLINE VILLAGE/CRYSTAL BAY. In particular, the current draft fails to mention or identify the residents' concerns about the adverse impacts of short-term rentals in INCLINE VILLAGE/CRYSTAL BAY on Lake Tahoe (the "Lake") and on the INCLINE VILLAGE/CRYSTAL BAY communities. Washoe County is currently passing a Short-Term Rental Ordinance, and it is unknown if that Ordinance will reasonably resolve the concerns expressed by the INCLINE VILLAGE/CRYSTAL BAY residents about the impacts of the increasing number of short-term rentals. **It is respectfully submitted that the concern that has been vocally raised by IVCH residents that short term rentals will have continuing future adverse impacts on the Lake and the INCLINE VILLAGE/CRYSTAL BAY residential communities, should be identified in the Plan, and monitoring procedures, Goals and Policies to address the concern should be included in the Plan.** The County, the INCLINE VILLAGE/CRYSTAL BAY residents, and all interested parties agree that there is an ever-increasing number of short term rentals in INCLINE VILLAGE/CRYSTAL BAY, as more and more homes are being purchased as short term rentals, and a resulting increasing number of automobiles driven to INCLINE VILLAGE/CRYSTAL BAY by short term renters which exacerbate the traffic and parking problems identified in the Plan, and an increased population in INCLINE VILLAGE/CRYSTAL BAY during periods of high short term rentals. Yet the Plan fails to include any action item(s) in the Plan that will cause the County or TRPA to monitor the impacts on the Lake and on the INCLINE VILLAGE/CRYSTAL BAY residential communities from this activity. To date the sheriffs and fire departments in INCLINE VILLAGE/CRYSTAL BAY do not ask or track if fires and other safety incidents involve short term renters or long-term residents (long term renters or owners) and it is respectfully requested that such monitoring should be done by the public safety personnel responding to emergencies at the Lake. The residents of INCLINE VILLAGE/CRYSTAL BAY have requested that these concerns be addressed, and one important place to address them is in the Plan which identifies some problems to be monitored that are of concern to TRPA and the community; **the Plan fails to even mention residents' concerns expressed about short term rentals.** TRPA adopted Neighborhood Compatibility Short Term Rental Guidelines for Local Jurisdictions to adopt, but most of the key guidelines have not been adopted by Washoe County. Among the TRPA Guidelines that have not been adopted which would have addressed concerns by local residents, are the following: the County has failed to limit the total number of short term rentals in INCLINE VILLAGE/CRYSTAL BAY; has failed to require that the owners are at least part time residents of INCLINE VILLAGE/CRYSTAL BAY making the short term rental an ancillary use rather than a full time use of a home; failed to limit the density and concentration of short term rentals in a given area; failed to address the fact that short term rentals have virtually eliminated housing for long term renters and workforce renters; assumed that short term renters will carpool with four people in a car in setting minimum parking requirements; failed to provide that TOT taxes collected may be or will be used to address

problems from short-term rentals, calculated parking requirements per short term rental assuming, but not requiring, that garages are available for parking by the short term renters instead of locked by the owners for their personal use. It is respectfully submitted that the concerns about the impacts of short-term rentals on INCLINE VILLAGE/CRYSTAL BAY have resulted in higher attendance at public and governmental meetings than any other issue in INCLINE VILLAGE/CRYSTAL BAY in 2019 (and now 2020), and this concern should be mentioned in the Plan and monitored. At least there should be a requirement that Host Compliance or some other resource be hired immediately upon implementation of the new Ordinance and complaints monitored and addressed as needed. At least sheriffs and fire department officials called to residences should be asking if the people who caused the incidents are residents (owners or long-term renters) or short term, and gather data necessary to do a valid analysis as to whether there are problems to address.

The Plan is a document that is supposed to incorporate TRPA concerns, Washoe County concerns **and INCLINE VILLAGE/CRYSTAL BAY community concerns**, and it does not. TRPA was concerned enough to adopt its 2019 Short Term Rental Neighborhood Compatibility Guidelines for local jurisdictions at the Lake, and there is no way to know if once the Washoe County Short Term Rental Ordinance is adopted and enforced, if the Ordinance will be sufficient to address legitimate and reasonable concerns expressed by local residents.

2. The Plan describes INCLINE VILLAGE/CRYSTAL BAY as a tranquil mountain community that wants to stay the same way it now is and that our only complaint as a community is parking problems and hindrances to development. Many problems related to development restrictions and some related to parking are addressed, and many issues that TRPA wants addressed in the future, are identified and discussed and addressed. Yet dispute repeated requests by residents of INCLINE VILLAGE/CRYSTAL BAY at the very few public meetings on the current draft Plan, that the Plan should identify short term rentals as a concern of the residents in the Plan and provision be made to monitor the concerns, short term rentals are not even mentioned in the Plan, let alone noted as a concern, nor is there any provision for monitoring or goals for them.

3. For no reason that has been explained to the public despite our request for an explanation, some or all of the **names of the original Recorded subdivisions have been changed in the Plan.** The original recorded subdivision map names are also used on the recorded Declarations of Restrictions for most of the subdivisions. This name change will be confusing and place an undue burden on the public, when they are trying to locate recorded documents related to their residences.

4. Many of the proposed long-term solutions are phrased in terms of Washoe County meeting to discuss the problems and seeking outside funding for proposed long term solutions from places other than Washoe County. Mr. Young explained at the meeting at the Chateau that Washoe County will not be paying for any significant capital improvements to solve parking issues, public transportation issues, additional public services, and other issues identified in the Plan. **The Plan should not be drafted as it is now drafted to provide that Washoe County has no responsibility to provide any significant funding for the Plan.**

5. There are **incentives for redevelopment in the town centers**, including increased height limitations (to 4 stories that are up to 56 feet high) and increased density, as TRPA believes that this will beneficially move development from other areas to the town centers. Public concerns have been expressed that this will increase the population, density, parking and traffic problems that already exist in the town center areas in INCLINE VILLAGE/CRYSTAL BAY, an already overcrowded community. More analysis is needed to be done on this topic, as the Washoe County Short Term Rental Ordinance has already declined to adopt any of the TRPA Short Term Rental Neighborhood Compatibility guidelines on

density, location limitations and concentration, and this may therefore be a greater problem for INCLINE VILLAGE/CRYSTAL BAY than for other local jurisdictions at the Lake.

The above five topics are discussed as they relate to some of the chapters in the Plan below.

A. At page 1, Chapter 1, the Plan states: “The concept of the desired community character as expressed by the community is found throughout this Plan.” Similar statements are made in various places in the Plan document. The Plan goes on to refer to the numerous communications with the local community over 14 years and even states “a common expression from the community is one of Planning fatigue”, which is an inaccurate and insensitive choice of words. A more accurate description would be that the residents have continued to express throughout 2019 and now in 2020 that they are upset that the Plan does not show any concern as to whether the deleterious impacts from short term rentals will be controlled by the new Washoe County Short Term Rental Ordinance, and that the concerns that the INCLINE VILLAGE/CRYSTAL BAY residents have expressed have been ignored, despite numerous requests that short term rental concerns be mentioned, monitored and addressed in the Plan. The Plan instead **inaccurately** represents that “The community needs are largely based on the removal of re-development barriers and identification of the removal of re-development barriers.” The INCLINE VILLAGE/CRYSTAL BAY residents do not understand why their concerns on short term rentals are not mentioned in the Plan, monitored by the Plan or have goals set in the Plan.

B. Chapter 2 on Land Use could be an excellent place to acknowledge community concerns on short term rentals if the short-term rental Ordinance is not successful. If the Ordinance is not sufficient, and if there are not sufficient funds from license fees and fines to address problems, new ways to address short term rental problems will need to be developed. Ignoring the fact that over 295 LLCs (limited liability companies) and numerous individuals have purchased homes in INCLINE VILLAGE/CRYSTAL BAY to be rented out as short term rentals and never lived in as a residence, ignoring the fact that between 12 and 20% of all available residential units in INCLINE VILLAGE/CRYSTAL BAY are now rented out as short term rentals, ignoring the fact that long-time long term renters and workforce personnel cannot find rentals, ignores major land use problems. Concerns about the long term effect of short term rentals in INCLINE VILLAGE/CRYSTAL BAY need to be identified and monitored, and addressed if needed. At least the conversion of long-term rentals to short term rentals should be monitored. The Goals in Chapter 2 should be expanded to address short term rentals.

C. Chapter 3 on Transportation does not mention the excessive number of trips and cars brought to INCLINE VILLAGE/CRYSTAL BAY by short term renters. The new Washoe County Ordinance assumes that short term renters will carpool in at least 4 person carpools to the short-term rentals. The new Washoe County Ordinance assumes that the parking spaces in garages will be left empty to allow short term renters to park in them. Both assumptions will likely prove to be inaccurate, and will require short term renters to park off the residential property. At least the parking issues generated by short term rentals should be monitored and if assumptions were inaccurate, this should be addressed.

D. Chapter 6 on public services and facilities does not accurately state the current state of affairs in INCLINE VILLAGE/CRYSTAL BAY. At page 6-1 under fire services, police services and Goal PSF1, it incorrectly states that “Residents, visitors and business in the planning area have adequate access to the public services necessary to support a vibrant and safe community.” The needs of the total population, including the short-term renters and other transient population in Incline Village/Crystal Bay, need to be considered, calculated and monitored as the total population increases. There is no way to gauge if there is adequate sheriff or fire presence in times of high short-term rentals, because there is no monitoring of whether complaints and violators are short term renters. This needs to be documented by the sheriffs and fire

departments, but they are not doing so, presumably due to a lack of time. At page 6-1 the assumption is made that “significant population growth is not expected.” How can such an assumption be made with all the evidence of the tremendous increases in population during peak short-term rental tourist seasons. The Douglas County Fire Chief testified at a TRPA meeting that Douglas County requires pre-license fire safety checks by the fire department at every short-term rental, and that fire safety violations are found in 90% of the short-term rentals inspected. There are over 1000 short terms rentals in INCLINE VILLAGE/CRYSTAL BAY and none (or almost none) have been inspected. That will be a tremendous burden on the resources of our local fire department once the short-term rental ordinance is adopted.

E. Chapter 7 on Monitoring and Adjustment should provide that TRPA and the County will monitor and confirm that the deleterious effects of short term rentals are being controlled by the new Washoe County Short Term Rental Ordinance once the complaint hotline is operational, and public services will keep track of incidents that they respond to as owner occupied, short term rental occupied or long term rental occupied. Once it is known if short term rentals are a problem, educational approaches and other corrections can be addressed. This does not mean that there will be no short-term rentals, but the Plan’s goal of using modern techniques to address problems can be used to address short term rental problems. Just reading the news in the last three months we have seen deaths and hospitalizations from carbon monoxide poisoning at short term rentals, violence and shooting deaths at short term rentals, drugs and fire arms being left in a short term rental to be found by the next renter due to a lack of inspections, etc. Surely monitoring short term rental problems and adjustments to address problems discovered should be a part of the Plan.

I thank you in advance for your consideration of my above comments.

Very truly yours,

Diane Heirshberg,
Resident Incline Village
775-350-3461

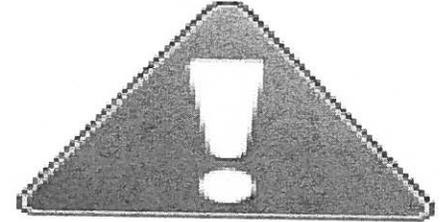
**TAHOE AREA PLAN &
RELATED WC DEVELOPMENT/CODE
AMENDMENTS**

**Project Challenges &
Recommendations**

**Washoe County Planning Commission
February 4, 2020 Meeting Slides**

Submitted by Carole Black, IV Resident

Boeing Employee*: “Nothing we do is so important that its worth hurting someone”



In Washoe County’s Tahoe Area,

- **We do not want another Orinda or Paradise
OR
Kids finding guns in STR as in South Lake Tahoe;
More unsafe congestion;
Out of character design or uses**
- **We do need Your Support and ...
Tahoe Area Plan/Ordinances that protect us**
 - **Tourism provides benefits but so do residents**
 - **Current proposals include significant gaps**

Process Concerns



- **Tahoe Area Plan update = first in > 20 years – careful review required**
 - *Import from TRPA creates risk - Caution re collateral regs*
 - *Better if Tahoe Area (District 1) representative included*

- **400+ page revised document released a few days ago**
 - *Planning Commission review likely limited*
 - *3-min Public Comment snippets at one meeting not enough*

- **RECOMMEND DEFER APPROVAL pending:**
 - ◆ *District 1 representative who directly knows area*
 - ◆ *Add formal study sessions w/section by section review*
 - ◆ *Reconsider Environmental Review (EIS) re many changes*

Summary Recommendation for 2/4/2020 Planning Commission Meeting

Recommend that: Planning Commission defer approval & require further review

WHY?

1. Proposal is Misleading *(detail next slide, Appendix 1)*

- **Obscures embedded major zoning change**
- **Includes incorrect assumptions re Area Occupancy**
- **Fails to address public health & dangerous safety risks**
- **Prioritizes policies/projects that don't address root causes**
- **Lacks robust, timely measurement**

2. Doesn't meet required findings *(detail in Appendix 2)*

Priority Changes (See also Appendix 2)

Item	Proposed Mitigation	Downstream Impacts
Import TRPA = Major change w/huge potential impact:, e.g., defacto STR zoning	Make explicit individual changes; e.g., STR = Transient Lodging; allow in Res zones w/discretionary permit or \leq avg actual resident use	Collateral regulations will continue to work; STRs more consistent with Area Plan LU & aligns w TRPA
Increased Area Occupancy	Add Area Occupancy Plan (AOP) Add STR density/intensity limits	Area Occupancy is managed to never exceed safe levels
Parking and Transportation	Add policies and projects to address root causes: Area Occupancy & Vehicle load	Transient vehicle access to congested areas is safely managed
Hazards, Evacuation, Emerg. Services(ES)	Manage Area Occupancy to safe levels via AOP & ES Staffing	We will all be safer!!
Public Health/Safety	Fix zoning > STR = Transient Lodging	Appropriate regs now apply
Housing Supply	Include full root cause analysis (i.e., STR impact) in planning	Interventions will include all viable options
Measurement & Thresholds	Supplement TRPA w/interim data and operational metrics; EIS re Area Plan/STRs/Thresholds	Better info to allow timely intervention; Environmental impact info is critical
Other "Minor" Zoning Changes (see example detail in Appendix 2)	Address Town Center (TC) design change feedback; Delete zoning "musings" in Area Plan	TC changes with community support; Review other ? items if/when actually considered

Appendix 1: Data and Examples

Incorrect Assumption Example:

Little Population Growth with No Adverse Threshold or Safety Impacts

FACT: By 2018 STRs had already increased Area Occupancy in WC Tahoe Area adding:
750 People avg/day; 1500 People/peak day (4yrs)*
188-300 Vehicles avg/day; 375-600 Vehicles/peak day**
> 200 Vehicle Trips/day almost every day; \geq 1200 Vehicle Trips/peak day^
116 Beach Visits/day; 94% Increase in July/Aug (3yrs)^^^

FACT: Summer 2019 vs 2018 brought Further Massive Occupancy Increase:
27,000 added Airbnb arrivals
23% additional increase RSCVA Vacation Rental Days

FACT: Currently Police and Fire are understaffed for population compared to industry benchmarks AND there is acknowledged inadequate area evacuation capability

FUTURE IMPACT: With Proposed Zoning/Ordinance Changes, STR numbers/density/arriving population & vehicles with their adverse impacts will likely continue to grow

*Notes: Estimates derived from RSCVA & Census data, IVGID surveys & reports, WC staff; Airbnb press release; * 2018 vs 2014; ** avg. 2.5 occupants/vehicle winter; 4/vehicle summer; ^ assumes 2 trips/vehicle/day; ^^ 2019 vs 2016*

Comprehensive Parking & Transportation Example: Hallstatt, Austria



- Small town/village surrounded by lake/mountains
- In town parking very limited and reserved for residents
- Visitors and overnight guests accommodated in a series of off-site parking facilities with shuttle buses to/from town for people and luggage – some parking facilities are on the outskirts of town and others are further away
- Alternative access via boat shuttle from sites across the lake with train connections or remote parking
- Transport to area attractions via multiple modalities from within and adjacent to town
- Working on further plans to address Overtourism focusing on “quality tourism” and including limiting bus tour arrivals

Source: Hallstatt Austria web site; <https://www.cnn.com/travel/gallery/hallstatt-austria-photos/index.html>

Buffering between Residents and other Uses: STRs DO NOT Mimic Residential Use

- **Proposed STR Tier 1 level does not allow for neighbor compatibility input referenced in Area Plan Policy LU 1-3**
 - As currently described adjacent residents particularly in denser residential areas will inappropriately be subject to significant adverse Neighborhood Compatibility impacts from this New Zoning Use with no input
- **Proposed STR Tier 1 remedies:**
 - Reduce the Tier 1 upper occupancy limit to ≤ 4 to more closely mirror actual residential use and/or
 - Require Tier 1 Discretionary Permit (AR) for all STRs in residential areas to allow neighbor noticing/input

Compare: Short Term Rental Occupancy Levels					
Occupants	10				
		2.4	2.8	~4.5	4
	Tier 1 WC Draft Ordinance	Census Data		Avg Short Term Rentals (IVGID SURVEY)	Tier 1 Proposed Maximum
		Avg Residence	Avg Family Size		

Table Submitted with STR Ordinance Commentary Jan 2020: Use Comparison Table: STRs DO NOT MIMIC RESIDENTIAL USE

ZONING / USE			SUPERVISION / KNOWN?					SERVICES & REGULATION EXAMPLES		
Lodging Type	Com vs Res Use	Zoning Status	Daily Rent Fee; TOT	On-site Owner or Manager	Visitor known to Owner	LOS; Offered to	Visitor knows area/culture	Occupancy/ Parking Actively Regulated/ Monitored	Food Utensils Available/ Regulated	Public Health/ Safety Regs Apply
Categorized as Transient Lodging by WCC 25.1501 and NRS 447.010 (w or w/out meals); NRS 116.340										
Hotel/ Motel	C	Varies	yes	yes: manager	no	short/ public	no	yes	yes/yes	yes
Time-share	C	Varies	yes	yes: manager	no	short/ public	no	yes	yes/yes	yes
B & B	C	Varies	yes	yes: mgr or owner	no	short/ public	no	yes	yes/yes	yes
STR's now	C per WCC 25	Not allowed	yes	no	no	short/ public	no	no	yes/no	no
STR's propose	** C/Trans Lodging **	**SUP or AR/P **	yes	*use 30 min access*	no	short/ public	no	*yes*	**add Public Accommodations or equivalent**	
Residential - Not Categorized as Transient Lodging in WCC or NRS										
Group Home	R	Parallel s res use	charge/ stay; no TOT	manager	yes, manager	longer; must meet eligibility	yes	yes	yes/yes	yes
LT or Seasonal Rental	R	Parallel s res use	charge/ month; no TOT	owner in touch	yes	long	yes	yes, by in touch owner	n/a: renter is resident	n/a: renter is resident
Owner's Family/ Friends	R	Parallel s res use	none	owner on-site or in touch	yes	varies; limit to friends/ family	yes, close owner contact	yes, by in touch owner	n/a: not rented & owner/ visitor know each other	

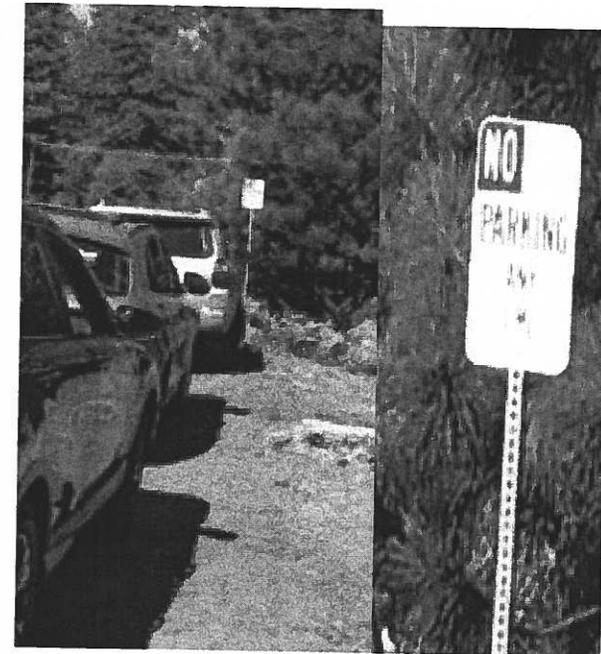
Legend: "Varies" notation indicates variability among regulatory zones, typically allowed or allowed with restrictions in tourist and/or commercial areas and not allowed or allowed with restrictions elsewhere;

* indicates proposed in STR Ordinance while ** indicates additionally proposed in this document

Occupancy Impact Example: Parking Near the Beach

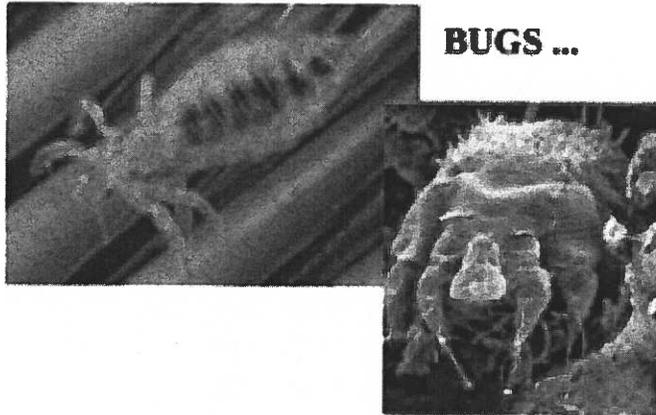
- Labor day weekend 2019 in Incline Village: Park Lots Full!

Parking directly under No Parking signs – no tickets.

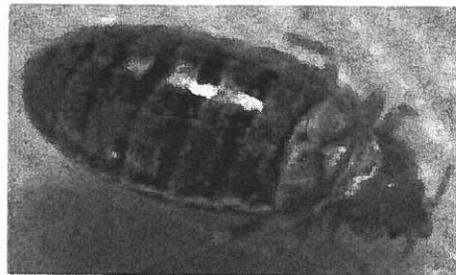


Implementing Public Accommodations Regulations to Decrease Public Health Risks in Transient Lodging Settings ...

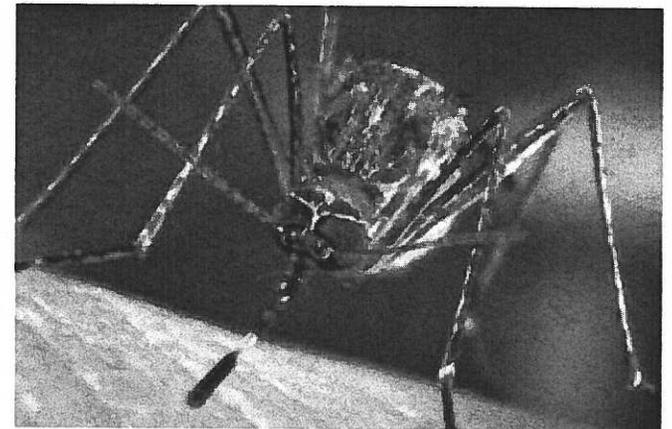
WHICH OF THESE GUYS WOULD YOU LIKE TO MEET DURING YOUR STR STAY?



BUGS ...



VIRUS VECTORS...



BACTERIA ...

Superbugs kill one person every 15 minutes in US, says CDC report

SHARPS ...

Biohazardous Waste Handling Operation Management Plan

Appendix 2: Detailed Priority Recommendations and Findings

Tahoe Area Plan/Related Development/Code & STR Ordinance Priority Recommendations

- 1) Proposed development code zoning and other related proposed code changes must be modified. As drafted, changes are inappropriate, unnecessary, in conflict w/ NRS and will adversely impact appropriate public health, safety, welfare and neighborhood character protections embedded in other WCC chapters and NRS.
 - Do not adopt TRPA Code wholesale as collateral implications have not been fully assessed
 - Specifically, do not change the Zoning definition of Residential Use to include STRs/Vacation Rentals
 - Define STRs/Vacation Rentals as "Transient Lodging" throughout WC Code to match WCC Chapter 25 including in the description of "Lodging Services" and to better align with NRS definition as "Transient Commercial Use"
 - To better protect public health, safety, welfare and neighborhoods, specify uniform implementation of all protective regulations in all situations providing sleeping/lodging accommodations to the public for reimbursement for < 30 days. (Various labels include Transient Lodging/Lodging Services, Transient Commercial Use, Tourist Accommodation, Vacation Rental, STR)
 - To address Neighborhood Compatibility (TRPA requirement) and the Plan's stated residential area compatibility intent, all situations described above must require discretionary permitting (see #2 below and LU 1-3; also see slide 10 re possible exception for STRs with occupancy cap mirroring actual residential use, i.e., ≤ 4)
- 2) STRs do not mimic residential use - STR Tier 1 must be modified to correctly consider differences and collateral neighborhood impacts by lowering the maximum occupant threshold to ≤4 and adding a discretionary permit requirement (AR) to allow for neighbor input. (Comparative justifications for higher numbers offered in WC documents to date have been shown to be inapplicable. See also slide 18)
- 3) Full assessment/mitigation of STR impacts on Neighborhood Character, Overall Area Occupancy, Environment is a critical priority which has not but needs to occur.
 - Add STR Density and Rental Intensity requirements to the proposed STR Ordinance.
 - Modify proposed zoning code changes based on comprehensive review of STR impacts on area occupancy, the environment (EIS), compliance with other regs & collateral impacts
 - Require development and implementation of a WC Tahoe Area Optimal Occupancy Management Plan considering STR impacts in concert with broader sustainability initiatives

Tahoe Area Plan/Related Development/Code & STR Ordinance Priority Recommendations (cont.)

- 4) Complete a thorough review of the proposed Town Center design changes with robust constituent input – the height and density changes in particular have raised resident concerns**
- 5) In addition, musing included in the Area Plan regarding Zoning uses cause confusion. Examples include: wording about possible future expansion of the Town Center Area (“... regulatory zone could be considered for potential inclusion in a future Town Center expansion”) and/or the policy targeting already crowded areas for accessory recreational uses (“Encourage accessory recreational uses for areas with multi-family development”). These statements raise changes in use and could significantly undermine already overcrowded areas and neighborhood character. Residents have bought property in the context of current zoning. Such change would violate several LU policies and require significant processing. Thus recommend that these items and any similar “musings” be removed. Alternatively focused review with local robust constituent input is indicated here as well**
- 6) Inclusion of impacts of STRs on rental property availability in the development of Workforce and Affordable Housing Policies and Projects**
- 7) Develop and include an Area Occupancy Management plan with collateral Emergency Services and Evacuation capacity and capability design and implementation plans/timelines**
- 8) Adjust Transportation and Parking Elements of the Area Plan to include Policies and Projects which address root causes including: limiting influx of tourist vehicles into the area, off-site parking, etc.**
- 9) Develop and implement an expanded and more timely measurement program to supplement the TRPA program and specifically to assess impacts and issues related to the revised Area Plan and associated Ordinances to facilitate program adjustments as indicated**
- 10) Complete an Environmental Assessment (EIS) of proposed Area Plan and related Ordinances including STR Ordinance**
- 11) Conduct section by section commission/stakeholder/public review sessions to ensure that all areas have been thoroughly reviewed given the sweeping magnitude of this proposed concept change**

Findings for Planning Commission Approval have not been met:

- **Consistency with Master Plan/No Adverse Effects:** Impacts threaten noncompliance with WC Master Plan, TRPA Regional Plan/ Neighborhood Compatibility and NRS - Increased Area Occupancy directly affects Population Safety & Environment/Conservation/Natural Resources with no formal Environmental Review (EIS)
- **Compatible Land Use:** Proposed amendments with adoption of a new Residential Land Use has been incompatible to many adjacent residents though some partial, but insufficient, mitigation is proposed. In addition, question are raised about Town Center design changes, some other “minor” changes and multiple public health/safety/welfare concerns.
- **Response to Change Conditions:** Any “changes” are not new: all of these impacts have been known, but not addressed, for years despite other related code/regulatory actions; some proposed elements are based on incorrect assumptions and/or old data with no plan for past or future robust, timely impact measurement/review. Proposal doesn't represent more desirable land use for most residents
- **Availability of Facilities:** The plan does not include an Area Occupancy plan or adequate parking/ transportation planning. Further, emergency services and evacuation capacity are not remediated
- **Desired Plan for Growth:** Here there is a partially correct statement: “The proposed amendments do not alter the [current] established pattern of growth in the Tahoe Planning Area.” The current unsustainable growth trajectory is not altered though it should be; and the historic established pattern has changed dramatically & adversely with more transient visitors, fewer residents and even fewer long-term rental and affordable options

Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Wednesday, February 5, 2020 1:51 PM
To: Eric Young; Pete Todoroff; Ronda Tycer; Sara Schmitz; Michael Conger
Subject: I am concerned about Section.110.220.60 not providing the needed guest parking:

Eric: First: the current parking requirements for single family residential use meets the guest parking requirements, for the setbacks provide the extra parking. When a garage is designed that meets the two space requirement and having at least one covered it works for two cars. Then when the setback is imposed of a minimal distance of 15 feet it works for the area in front of the garage ,allowing for two guest spaces on the property. Section :110.220.65 as outlined in the new community plan will not have the two guest on site spaces because of the allowance of a "0" set-back. Yes there may be two more from the property line to the edge of pavement but they are not on the property. A parking pad for guest on site may be a requirement to add to the code. Under : County Code 70.425 / 430/437 no parking is allowed in the County right-of-way on "red" days (Nov 1 -May 1 "winter enforcement days") . So by allowing homes to be built that close to the property line will set up a conflict between snow removal codes and available parking on site, for guests. In a variance process this kind of discussion takes place as part of the public being given notice and their ability to speak to a board so all issues are worked out and conditions set by the Board of Adjustment for front-yard setback changes.

I do not have the same confidence that engineering will have the same degree of discussion when a project comes in and is looked at under a,b,c, requirements .

Eric: I have had to live with the impacts that were caused by some front-yard setback

changes that were granted in a variance case where a 2 foot was granted and no

consideration for guest parking was provided. So I know that you only want to make

the process of front yard set-back changes somewhat a easier process. Yet maybe it

should not be so easy and having a public hearing is important to have done. The

NRS and the need for a finding of hardship has proven to be the best way for all to

be considered, when making such a change in a residential area to the setback.

You need to have more review on this section before you make it part of the code.

Wayne Ford

Michael Conger

From: rondatycer@aol.com
Sent: Wednesday, February 5, 2020 11:22 AM
To: krstark@washoecounty.us; Eric Young; Michael Conger; ksnelson@washoecounty.us; tbruce.washoecountypc@gmail.com; chviliceks@unce.unr.edu; lchesney@washoecounty.us; jib2424@sbcglobal.net; mberkbigler@washoecounty.us; gavin@keptahoeblue.org
Subject: Public Input at Last Night's Planning Commission Meeting on Tahoe Area Plan

TO:

Katie Stark, krstark@washoecounty.us
Kate S. Nelson, ksnelson@washoecounty.us
Francine Donshick, fdonshick@washoecounty.us
Thomas Bruce, tbruce.washoecountypc@gmail.com
Sarah Chvilicek, chviliceks@unce.unr.edu
Larry E. Chesney, lchesney@washoecounty.us
James I Barnes, jib2424@sbcglobal.net
Eric Young, eyoung@washoecounty.us
Marsha Berkbigler mberkbigler@washoecounty.us
Michael Conger mconger@trpa.org

FROM: Ronda Tycer, Incline Village Resident

I ask that this email be made a part of the official public comment for the Washoe County Planning Commission February 4, 2020 hearing at which I spoke last night.

Dear Mr. Young,

Your representation of the Incline Village Community Character "as expressed by the community" is inaccurate and should be changed before this Tahoe Area Plan is approved.

Given that **both** you and I attended the 2007 Pathways sessions and the 2012 NV Rural Development Council sessions, we both have copies of those summary reports—although you didn't include yours in Appendix C—and you know that your **characterization of our desired community character** in the 2020 IV Plan Area manuscript is inaccurate and should be revised.

You begin with several paragraphs that emphasize how this version of the **Tahoe** Area Plan builds on and does not change Incline Village **residents'** expressed desire **for the** community character of Incline Village.

"The primary vision of this plan is to maintain, preserve, and facilitate the planning area's desired character as described below.

"The desired community character **as expressed by the community** found throughout this plan is not significantly different from those originally planned for and supported when the previous community plans were developed in 1996. The desire to build a community that maintains a year-round residential base with an economic anchor in the tourism industry while respecting the natural environment in which it is located remains strong. **[This was stated by the planners in 1996—not community members]**. Therefore, this area plan does not seek to re-imagine and re-direct the Incline Village / Crystal Bay community. It seeks to express **the long-standing desired community character** in contemporary terms and to use modern planning tools and concepts to enable its implementation."

"Washoe County worked with the Incline Village and Crystal Bay community for fourteen years to develop this plan. An accounting of some of the more important of the many community meetings and workshops is attached to this plan as Appendix C. **[MISSING]** In the years since the prior community plans were adopted, the citizens of Incline Village/Crystal Bay have taken part in a steady stream of planning and visioning projects.

“The plan seeks to provide a balance between two competing forces that have always coexisted in the plan area. [The word “balance”—implying some 50-50 equality—is the problem throughout the remainder of the plan.]

“The first is the desire to maintain a base of permanent residents doing business, going to school, and recreating in a community designed to integrate with the world class alpine and lake environment. **The second is the desire to establish new opportunities for tourism based on the steady growth in the demand for all forms of recreation, but particularly those based on outdoor activities in a beautiful natural setting. [NOT SO!!! Nowhere in any of the 2007 Pathway or 2012 Development Council summaries or public comment is such a statement ever made by any IV community member. This statement, if it has any basis at all, echoes planners’ statements in the 1996 IV Commercial Community Plan.]** While over time the relationship between these two different directions has shifted in favor of one or the other, the consistent desire of the community at large is to achieve and maintain a balance [?] between them.”

And where did the 1996 IV Commercial Community Plan writers come up with the idea we community members want some kind of “balance” with tourists? They state in the introduction:

“This is consistent with the original intent for Incline Village. As stated in the 1961 economic analysis, “The basic concept for Incline Village is that of a new residential and resort community to provide a full spectrum of community facilities and recreational opportunities.” **Nowhere in the original 1961 economic analysis is there any statement that Incline Village was built as a tourist destination. It was built as a residential and resort community to provide facilities and recreational opportunities FOR THE COMMUNITY MEMBERS.** The 1996 planners wrote, “this is consistent with the original intent”—but it really wasn’t. It was a “new twist” on the original intent, one that Washoe County continues to perpetuate to the detriment of residents' desired village character.

In fact, in the summary of the 2012 Development Council, actual comments were made to the effect:

Diversify revenue streams of our area. Not be so tourist dependent.
Help to establish businesses that would stay here for the long term.
Bring in more middle class; improve schools through economic viability
Affordable housing
Improve transportation system; workforce transportation in and out of the basin
Building a sustainable economy within the environment
Need more permanent businesses. Need to generate more permanent residents.

Even under the heading of “Tourism” comments were mixed

Not everybody embraces tourism
Visitors can be seen as detriment
Someone said, “If it weren’t for tourists this would be a great place to live”
I feel tourists support stores
Why do they call it ‘tourist season’ if you can’t shoot them?”
Without tourists we wouldn’t have most stuff we have...
Etc.

So for accuracy—and because of the importance of this document to current and future planners—I request that you remove the phrase “to establish new opportunities for tourism based on the steady growth in the demand for all forms of recreation, particularly outdoors in a beautiful natural setting. “

This statement was made up out of whole cloth by you. It does not reflect the views of the residents of Incline Village.

This objection to your description of the character desired by our community members does not diminish my appreciation for the excellent work you’ve done on the plan. It is to rail once more against how TRPA and Washoe County continue to promote “tourism” at the expense of residents in Incline Village. The assault is relentless. Almost without exception—be it a cell tower defacing our skyline or short-term-rentals disintegrating the neighborhoods—Washoe planners and commissioners continue to promote Incline Village as a “tourist destination,” in complete contradiction to our on-going efforts to keep our community character a “beautiful alpine village of residents who care deeply for Lake Tahoe and our community.”

We want to save Incline Village from over-tourism. We do not look for new opportunities for tourism. Having been actively involved in definitions of our “community character” for decades, I know I speak for the vast majority of our residents.

Mr. Young - PLEASE REMOVE THAT ERRONEOUS STATEMENT FROM THE AREA PLAN.

Thank you.

Sincerely,
Ronda Tycer
28 year full-time resident of Incline Village, NV
-->

Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Wednesday, February 12, 2020 3:29 PM
To: Michael Conger
Subject: Re: Correct information ? TRPA site

Thank you for taking the time to try and understand how all this fits with the current process to have a new Community Plan in Washoe County /Incline Village /Crystal Bay, NV. I support a great deal of the plan, yet after living here for over 40 years and designing homes for at least 25 years I see some areas that should be address from the overview of TRPA.

Wayne Ford

On Wednesday, February 12, 2020, 2:13:58 PM PST, Michael Conger <mconger@trpa.org> wrote:

Mr. Ford –

As I have done with the other public correspondence I've received, I'm noting the concern about informal parking and how it causes fine sediment impacts to the lake and its tributaries. You also mentioned that the issue has been exacerbated by short-term rentals and may be further exacerbated by the proposal to reduce front setbacks for corner and sloping lots. I plan to summarize the concerns raised by the public in our staff report to the Regional Plan Implementation Committee.

As with property setbacks, TRPA presently defers to the local governments for parking regulations. I understand that Washoe County requires a single family residence to have at least two off-street parking spaces, one of which must be in a garage (Development Code, Article 410). However, when variances are considered, I have also heard feedback that garages are sometimes used for storage and may not available for parking.

I would encourage you to work with Eric Young at the county to address this concern. When the area plan moves forward for TRPA consistency review, the county will need to provide an Initial Environmental Checklist (IEC). The IEC will assess the potential for the plan to result in significant scenic impacts, cause additional fine sediment impacts to the lake, and interfere with emergency access, amongst other things.

Thanks,

Michael T. Conger, AICP

Senior Planner

Long Range & Transportation Planning

(775) 589-5221



From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>

Sent: Wednesday, February 12, 2020 1:18 PM

To: Michael Conger <mconger@trpa.org>; Pete Todoroff <ptodoroff1@sbcglobal.net>; Ronda Tycer <rondatycer@aol.com>; Sara Schmitz <schmitz61@gmail.com>; Diane Heirshberg <dbheirshberg@gmail.com>; Eric Young <EYoung@washoecounty.us>; Marsha Berkbigler <mberkbigler@washoecounty.us>

Subject: Re: Correct information ? TRPA site

Mr. Conger: TRPA Senior Planner

TRPA making the fundamental change to how residential use can be allowed has

had impacts and will continue to in many areas that in the past TRPA did not look

at under their Code. They now need to look at issues where off-street , guest parking

is not provided because the home was built at a "0" setback.

Realty Check: This will lead to parking on the dirt, causing current street cleaning of

fine sediments to be not as effective due to cars blocking the equipment.

(Already took place this winter in cleaning the streets on Winding Way / Lynda Ct.)

You can have homes that meet the TRPA design principles yet due to the number of

cars out front in the County right-of-way all you see is a parking lot. When a 5,000

square foot home with 5 bedrooms and some 15 or 20 people using it, is built, where

do you think all the cars will park.

Our community has had struggles in the limitation by TRPA of coverage allowed,

yet now in one single action the TRPA allows for motels to be in single family homes and at the same time Washoe County allows for "0" setbacks, that does not provide any guest parking on site.

Someone needs at Washoe County and TRPA step back and take a look at the bigger

picture of how all this Code is interconnected to the big issue of not protecting Lake Tahoe and the environment , water quality, air quality and the scenic aspect of the natural

environment and the man made environment needs to be compatible and working together.

On Wednesday, February 12, 2020, 11:11:29 AM PST, Michael Conger <mconger@trpa.org> wrote:

Mr. Ford –

Thanks for the comment. As I understand it, your concern is that without a variance, public input and strict hardship findings would no longer be required. I encourage you to work with Eric Young at the county to address these concerns. You can always bring the topic up during the TRPA review process if the county's response is not satisfactory.

Just to let you know TRPA's perspective – we have historically treated property setbacks as a local issue. Beyond stream environment zone and shorezone setbacks, the only other TRPA-designated setback is for properties along highways, which is in response to the scenic threshold's roadway travel units. The county modified section 110.220.60 in the latest draft based on our feedback to recognize this standard.

You also raised a concern that reduced setbacks would affect the scenic threshold. The latest threshold evaluation recommends signage-related improvements for Incline Village/Crystal Bay, but does not identify lack of setbacks as a scenic issue in the area. Since the reduced setback would not apply along highway corridors unless the TRPA exception process is followed, I don't foresee a direct impact on the roadway travel units.

Just to clarify, I also understand that the proposed county engineering review would be focused on traffic safety (i.e. reduced setbacks affecting sight distance), rather than Lake Tahoe-specific scenic considerations.

Thanks,

Michael T. Conger, AICP

Senior Planner



From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>

Sent: Wednesday, February 12, 2020 10:19 AM

To: Michael Conger <mconger@trpa.org>; Eric Young <EYoung@washoecounty.us>; Ronda Tycer <rondatycer@aol.com>; Pete Todoroff <ptodoroff1@sbcglobal.net>; Sara Schmitz <schmitz61@gmail.com>; Diane Heirshberg <dbheirshberg@gmail.com>; Marsha Berkbigler <mberkbigler@washoecounty.us>; Rich Thomsen <rthomsen@washoecounty.us>; Dwayne E. Smith <desmith@washoecounty.us>

Subject: Re: Correct information ? TRPA site

Mr. Conger /TRPA Senior Planner. 15 feet is good for all when it comes to most front yard set-backs. If not a public process is needed to find "hardship". to be less than 15 feet in the front yard. It is a scenic issue and should be looked at under the TRPA scenic thresholds for not only scenic areas but also the overall area of the man-made environment at Lake Tahoe. That should not be left in the hands of one person at engineering who does not know Lake Tahoe and the visual impact than can take place.

Not to mention the guest parking problems that are caused by "0" setbacks. (STR's)

I looked at the chapter on line and did not see that as you have described, maybe missed

section later on.

So why am I interested in this change: First I know that this is more a County Issue than

TRPA. Yet TRPA has already address in their code the segmented height findings for

down hill and up hill sites that are steep. This was done to adjust the scenic issue of

tall structures right at the road due to the low point under the old code.

So we all know that having structures at "0" set backs will lead to a "tunnel" affect for

road ways and should only be allowed in cases where "Hardship" can be found to be

the over-riding reason for the location. (As in the NRS).

I find that in most cases the real reason is that the need for a "0" setback is self induced.

The project is too big for the parcel and it is a coverage issue not a real hardship, if the home was reduced in size.

So on Gonowabie just last month a project that would have met the criteria for approval under the proposed new code (engineering approval) was denied by the Board of Adjustment because of local input and testimony by neighbors affected. Yet the over-

riding issue was that the street of Gonowabie is a "fire lane" and no parking is allowed

summer and winter in the right-of-way. So that is not part of the code that engineering would have even known about. So this idea

of "0" set-backs being approved as part of the new Tahoe/ Washoe County Community Plan is a safety issue for all of us who live

here. Parking in a fire lane can lead to the fire personal not being able to get to a fire

that could lead to a area wide event. So I believe TRPA should let Eric Young know

that the current "variance process" allows for all this to be looked at before any front yard is reduced to "0" and putting this kind of decision in the hands on one individual at Engineering in Reno is not protecting the public in Washoe County .

Wayne Ford

On Wednesday, February 12, 2020, 9:06:19 AM PST, Michael Conger <mconger@trpa.org> wrote:

My read of Section [110.220.60, Subsection \(d\)](#) is that the 15 foot setback is from edge of pavement, rather than property line. If that's the case, the standard would allow building to the front property line on an interior lot "where the slope of the front half of the lot is greater than a two (2) foot rise (or fall) for every ten feet above (or below) the established street grade" as long as the front property line is also 15 feet from pavement. Otherwise, the structure would need to be set back further to meet the 15-foot requirement.

I'd be curious to hear Eric's thoughts on whether my interpretation is what the county meant.

Thanks,

Michael T. Conger, AICP

Senior Planner

Long Range & Transportation Planning

(775) 589-5221



From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>

Sent: Wednesday, February 12, 2020 8:40 AM

To: Eric Young <EYoung@washoecounty.us>; Pete Todoroff <ptodoroff1@sbcglobal.net>; Ronda Tycer <rondatycer@aol.com>; Sara Schmitz <schmitz61@gmail.com>; Diane Heirshberg <dbheirshberg@gmail.com>; Michael Conger <mconger@trpa.org>

Subject: Correct information ? TRPA site

Mr. Young

Mr. Conger of TRPA just sent a email. A attachment to the Tahoe Area Plan for Washoe County. In Section 110 /Chapter 3/ Setbacks of Structures it does not have the exception for a "0" set back that was part of what you sent out. Lots Interior 110.220.05 Public review Draft October 2019. Set back on 20% + slopes 15 feet.

Is what TRPA is putting on line up to date? If not this needs to changed now!

Wayne Ford

Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Thursday, February 13, 2020 9:02 AM
To: Eric Young; Michael Conger
Subject: Driveway widths for Single Family houses.

In Incline/Crystal Bay the minimal width under NLTFPD is 12 feet not 10 feet.

Driveways (1) single family needs to be changed in your code. Eric you need to have NLTFPD review all site development code for compliance under their rules before you do a final code adoption.

Adopted November 15, 2011- Effective March 1, 2012 Page 34-3
diagram 34.3.4A Example of Driveway for Single Family Homes. Page 34-3

Garage door width to be maintained out for 15 feet not 20 feet. in the TRPA Code per diagram in the past Chapter 34. I checked the on-line Code and it seems that no width has been set now for the 15 feet out from the door. Yet that said then it should remain at 15 feet as in the past or you will have many non-conforming structures.

Wayne Ford

Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Thursday, February 13, 2020 4:42 PM
To: Michael Conger; Eric Young; Pete Todoroff; Ronda Tycer; Diane Heirshberg; Sara Schmitz; Marsha Berkbigler
Subject: Re: I am concerned

Mr. Conger/TRPA

I want to thank you for the review and attachments. Do you have any idea where Eric Young has gone to? If you see him let him know people are wanting to hear back from him on the issues, I have stated. He needs to get the drive-way width correct to match the NLTFPD . He needs to stay with 15 feet for back-up. I also need to know that 110.220.60 has had the " primary buildings may be built to the front property line (a) (b) and (c) removed. " That to build closer than 15 feet on lots slopping more 20% of more one must acquire a front yard variance and be approved through the process.

Wayne Ford

On Thursday, February 13, 2020, 3:47:01 PM PST, Michael Conger <mconger@trpa.org> wrote:

Mr. Ford –

I'm glad you're doing a thorough read of the area plan documentation. I want to ensure you that TRPA and the county don't intend to hide important changes among 400 pages of documentation. We want to be up-front and transparent about what changes the plan proposes, which is one reason we were motivated to develop the story map site.

You mentioned driveway width requirements in Chapter 34 of the TRPA Code. TRPA removed this requirement and the associated figure from the code in 2012 as part of the Regional Plan Update. Here's the track changes version of the code from that update:

It looks like this standard was removed in favor of allowing each county or fire district to set its own standard. That is the case presently and would continue to be the case if the area plan is adopted as proposed.

I think the requirements you are referring to (i.e. 10 foot minimum width; extending width back for 20 feet) are in the Design Standards and Guidelines, Chapter 4, [Standard H.1](#). There are two important things to note about this standard:

- **It currently exists.** This standard is part of the current Design Standards and Guidelines and has been in place for over 20 years. It applies to single-family development, but only in any of the four Community Plans in Washoe County. [Click here](#) to see this standard in the existing Design Standards and Guidelines. Washoe County is proposing to carry forward this standard with no change in language or where it applies.
- **It doesn't apply in residential areas.** Because this requirement is in the Design Standards and Guidelines, the standard only applies in the four regulatory zones that line up with the existing community plans: Crystal Bay Tourist, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch. It does not apply in any of the residential regulatory zones. Instead, the countywide Washoe County driveway standards would apply in those areas. My read of the [Washoe County engineering standard](#) is that they require a minimum 12-foot width, consistent with NLTFPD requirements.

So, to conclude – Under the proposed area plan, Washoe County's countywide driveway standard will apply throughout the community, just as it does today. The county standard appears to be consistent with NLTFPD width requirements. In the rare circumstances where someone wishes to develop a single-family residence in a mixed-use or tourist regulatory zone, they will need to comply with both the county standard and Chapter 4, Standard H.1 of the Design Standards and Guidelines, which is being carried forward from existing design standards with no change. Since current practices with respect to driveway width aren't changing, I don't foresee any issues with fire code consistency or non-conformities for recently constructed driveways.

Thanks,

Michael T. Conger, AICP

Senior Planner

Long Range & Transportation Planning

(775) 589-5221



From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>

Sent: Thursday, February 13, 2020 9:43 AM

To: Michael Conger <mconger@trpa.org>; Pete Todoroff <ptodoroff1@sbcglobal.net>; Ronda Tycer <rondatycer@aol.com>; Sara Schmitz <schmitz61@gmail.com>; Diane Heirshberg <dbheirshberg@gmail.com>; Marsha Berkbigler <mberkbigler@washoecounty.us>; Eric Young <EYoung@washoecounty.us>; Kristina Hill <tahoehills@att.net>

Subject: I am concerned

Michael Conger: TRPA Planner/ Community Plan

Eric has not got back to me on the issue of building placement. I went on line and looked

at the current code in 110: 220.60 Siting on Corner lots and Sloped Lots. Now it is not

in the County version on line. Then in looking at the TRPA Code as I indicated to you,

it does match the County, yet the idea of "0" set-back has is also removed.

The in checking the minimal driveway width it states 10 feet. Our NLTFPD requires 12

feet for fire truck access.

Then in Chapter 34 of the TRPA Code for the distance of keeping the width of a garage

door out from it for the driveway, was 15 feet under the TRPA Code. Eric is now making it 20 feet.

Yet when I go to the latest on-line TRPA Code there is no diagram for this area as was in

the past. If TRPA has omitted this from the Code, do not understand why they would, Eric should at least keep the past "15 feet out" or there will be many driveways that will become non-conforming that were built in the last few years.

Eric is not responding to these issues. If areas of the Community Plan are being changed

then Eric needs to let the public know by a email and request comment. We should not

have to dig through the 400 pages- to try and find out these areas to make sure that the document does not cause issues for those doing design of living in Incline and Crystal

Bay.

Wayne Ford

Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Friday, February 14, 2020 12:01 PM
To: Michael Conger; Ronda Tycer; Pete Todoroff; Sara Schmitz; Diane Heirshberg; Kristina Hill
Subject: Re: Public Input not being excepted by default

Mr. Conger

thank you for responding. I will at this time not ask for photo of Mr.

Young

next to a dated news paper, I will except that you did see him. I will once again look

at the plan you attached .

Wayne Ford

On Friday, February 14, 2020, 11:53:46 AM PST, Michael Conger <mconger@trpa.org> wrote:

Mr. Ford –

I expect Eric will get back to you. I know he's been busy and is working on some tight deadlines. He was up here most of the day on Wednesday for our Advisory Planning Commission meeting, and I had a chance to touch base with him briefly about the variance/setback concerns. The county leads the process on area plans, and TRPA's role is primarily to support and advise the county in their adoption of the plan. Should you feel the county has not responded satisfactorily, there are still opportunities to raise any concerns at the County Commission when the plan proceeds through hearings.

I do want to make sure we're all looking at the same plan. The latest county version of the plan is dated January 2020 and can be accessed from Washoe County's website at this link:

https://www.washoecounty.us/csd/planning_and_development/board_commission/planning_commission/2020/Files/2020-02-04/WMPA19-0007,%20WRZA19-0007%20and%20WDCA19-0007%20Tahoe%20Area%20Plan%20Updates%20Staff%20Report.pdf#page=20

This is the plan that was submitted to the County Planning Commission for action on February 4, 2020. If there's any confusion on which version you're looking at, please give me a call. I believe the version that's on county planning's main webpage is the earlier October 2019 version, but even that version should have the same wording for Section 110.220.60 in it.

Regarding subdivisions, I did hear this issue come up at the [December workshop](#). The area plan does not change subdivision names or boundaries. Property deeds, CC&Rs, homeowners associations, and other cadastral records will not be affected. I think the confusion lies in the fact that, in 1987, TRPA named many of its Plan Area Statements after the subdivisions, even though they have different boundaries. The county proposes to carry forward all of the Community Plans and Plan Area Statements with no changes to their boundaries. The existing TRPA-designated names will also be carried forward, except as follows:

- Nevada North Stateline Community Plan will be renamed as the Crystal Bay Tourist regulatory zone
- Chateau / Country Club Plan Area Statement (#043) will be renamed as the Chateau regulatory zone
- Incline Village #4 / Ponderosa Plan Area Statement (#036) will be renamed as the Incline Village 4 regulatory zone
- Incline Lake Plan Area Statement (#053) will be renamed as the Incline Meadows regulatory zone.

[This document](#) lists existing Plan Area Statements and the related regulatory zones. [This interactive map](#) compares regulatory zones and subdivision boundaries.

The county did add some clarifying text in Chapter 2 and changed the terminology from “neighborhoods” to “regulatory zones” in hopes that this would help reduce confusion.

Regarding subdivision-specific setbacks, I did notice that the county has a provision to recognize existing established setbacks in Section 110.220.75.

TRPA’s hope is that the county can resolve any substantial issues raised by the community before the plan goes through our consistency review process. As I mentioned before, I intend to provide the Regional Plan Implementation Committee (RPIC) with a summary of public comments as part of my staff report, so that they’re aware of the concerns. Ultimately, RPIC, the Advisory Planning Commission, and the Governing Board will need to consider whether these issues affect the area plan’s compliance with [TRPA Code Chapter 13](#), which contains the criteria for determining whether a plan is consistent with the Regional Plan.

Thanks,

Michael T. Conger, AICP

Senior Planner

Long Range & Transportation Planning

(775) 589-5221



From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>

Sent: Friday, February 14, 2020 10:12 AM

To: Michael Conger <mconger@trpa.org>; Pete Todoroff <ptodoroff1@sbcglobal.net>; Ronda Tycer <rondatycer@aol.com>; Sara Schmitz <schmitz61@gmail.com>; Diane Heirshberg <dbheirshberg@gmail.com>; Marsha Berkbigler <mberkbigler@washoecounty.us>; Eric Young <EYoung@washoecounty.us>; Kristina Hill <tahoehills@att.net>; Trevor Lloyd <tlloyd@washoecounty.us>

Subject: Public Input not being excepted by default

Mr. Conger/Senior TRPA Planner: So all was good for the first part of the Tahoe Community Plan.

Went to the County Community Services Site/ Planning. Yes the plan is there to review.

Yet as I have said it does not match the plan that was part of the work shop that took

place. In fact even the work shop had certain areas that were commented on, yet no

real answers.

The people above and others had questions on why the names of the Subdivisions were

changed and in doing this, subdivisions were combined. I sent Mr. Young my concerns

about this being done for it confused the assessors records. We did get a reply that

this plan is a planning tool so it does not change the recorded maps. Yet I thought

the plan was to make things less confusing having the Counties plan reflect the TRPA

Zoning. I looked at what was done and the names did not need to be changed, only

under each subdivisions name a repeated set of uses could have been in place. This

would have only created a few extra pages to avoid confusion.

The set-back chart based on lot size was a good change, yet needed to have a reference

to certain subdivisions , units 1-5 having recorded set-backs that could govern over

what the new system indicated.

I have raised the issues of my copy having the language section 110.220.60 which allows for a process of getting a "0" setback without a variance process. Now that seems to not be in the County on-line version or the TRPA version. So where did it go or was it removed. I also have sent concerns about certain design guidelines that have been

changed or at least suggested from what TRPA has had.

Diane Heirsberg and Ronda Tyser have taken time out of their days and weeks to comment on areas only to have no response come

back from the County. I have done the same and even today seen another two hours go by to call people and do another email.

Mr. Conger we do not have a representative on the Planning Commission for Washoe County. Mr. Horan left due to moving from the district. So the last meeting we had no

Board voice to express these concerns. Today the current names will be going to the

Commissioner for review and maybe by the next meeting we will have a voice on the

Board.

You have been the only person responding. So we all need to regroup for there are many

people who have spent a great deal of time on the plan and this is a Washoe County Plan and many areas of it are not just TRPA Code, but code that has been left for the County to put in place. That person at the County is not responding to us.

One last area: I see code changed by Mr. Young and no findings made to us to why is was

done. TRPA's depends on "findings" for the approval of any project. The Community Plan needs no less of a process.

March is the next meeting date for TRPA. Unless the County steps up and responds to

the concerns in the current Draft Document called the Community Plan we are demanding any additional approval by TRPA of the plan be put on hold until we can sort out what is taking place in Washoe County, with the current Planning Department.

Thank you for being part of the communication, yet we need the other part and that is someone from the County.

Next meeting at TRPA is March? for this issue. Not on County Site for the next meetings

and possible actions so once again we need to ask TRPA.

Wayne Ford

Michael Conger

From: rondatycer@aol.com
Sent: Monday, February 17, 2020 10:47 PM
To: MBerkbigler@washoecounty.us
Cc: BLucey@washoecounty.us; Devin Middlebrook; Carl Hasty; Eric Young; isw@ivgid.org; ptodoroff1@sbcglobal.net; acumming@rtcwashoe.com; Michael Conger
Subject: Re: Ideal Location for a Transportation Hub in Incline Village
Attachments: CornerProperty.pdf

Dear Marsha,

Following up on a better alternative to the Old Elementary School for Incline's new transportation hub, I attach more information about the property I referenced at 947 Tahoe Blvd (corner of Hwy 28 and Southwood Blvd).

As you'll see the property is **preferable to the Old Elementary School in a number of ways**, not the least of which is it's now being offered at a premium by the owner according to my contractor friend: It belongs to Guy Williams, (775) 721-8939 , but I believe Standard Oil was going to buy him out, and they want very much to sell it... **I think at a discounted rated of \$1.5-\$2 million.** Guy's Realtor is Jack Brower.. his sign is posted, and I can get you his phone number on the way home if you like.."

There's no building to be torn down, and the 2-acre lot is otherwise ready to be occupied and used. It is advertised as "the last IV commercial development site."

As I mentioned previously, **the advantages of this site include:**

- the corner is the most central to all of Incline
- the site sits directly on Hwy 28, the main thoroughfare through IV
- the site is on a corner that allows a trolley/bus/shuttle to conveniently pull into the hub, drop off/pick up passengers, and pull out the other side onto Southwood Blvd with easy return to Hwy 28
- the site is nearly 2 acres and the Old Elementary School is only .598 acre
- it's a short walk across the street to the Raley's shopping center which has the most services in Incline
- the site is closer than the Old Elementary School to the East Shore multi-use path and East Shore beaches; closer to the college; the Hyatt, the beaches, the golf course, the tennis complex, Diamond Peak, etc.—the places people want to go—
- it's in a commercial area (no nearby condo/apartment residences to be bothered by the constant traffic coming and going at the hub)
- no competition for parking with high-density residential areas
- it can be designed with an attractive waiting station" (with restrooms, information kiosk, maps, packaged food/drinks, wi-fi, chairs/benches, etc.) and landscaping
- there's room for on-site "paid" parking (can a level be developed underground?)
- the site is an eyesore and can be made into a beautiful well-landscaped corner hub
- the site is ready for building; no need to wait for a much needed hub in central IV

Most importantly, the site satisfies the Tahoe Area Plan Goal LU2: "Create land use patterns that are consistent with the community's vision, reduce the need for travel, and increase access to transit."

• **The Community Vision as stated in 2007 and 2012 has always been to make the Village Market Center and Old Elementary School a mixed-use commercial and residential center with a central green park area for community gatherings.** Using the 947 Tahoe Blvd site as a transportation hub would preserve the Old Elementary School for that better long-desired village-enhancing purpose.

Thank you for reconsidering your use of the Old Elementary School as a mobility hub. It has many disadvantages that 947 Tahoe Blvd does not have. And it is key to a renovated Village Mkt Center with mixed use including employee and senior housing.

Best regards,

Ronda Tycer

-----Original Message-----

From: Berkbigler, Marsha <MBerkbigler@washoecounty.us>
To: rondatycer@aol.com <rondatycer@aol.com>
Cc: Lucey, Robert (Bob) L <BLucey@washoecounty.us>; dmiddlebrook@trpa.org <dmiddlebrook@trpa.org>; Carl Hasty <chasty@tahoetransportation.org>
Sent: Thu, Jan 30, 2020 10:48 am
Subject: RE: Ideal Location for a Transportation Hub in Incline Village

Good Morning Ronda and thanks for your email.

I agree a town center for Incline would be nice and has been considered for many years. As you know it is not the responsibility of the County government to develop a town center as in other vacation location towns these projects are done by private interests. We have discussed a possible town center throughout the development of the new Area Plan and as that plan continues to be finalized you certainly could suggest this location for a potential town center. Your ideas are interesting and certainly getting someone who has an interest in developing a project in this location would be good. And I agree that the old school house area would be a beautiful town center.

I don't believe our planning regulations would allow us to condition Mr. Duffield's variance requests for the Gonawabi properties with a requirement that he purchase and develop another property. Any conditions placed on his variance would have to be tied directly to the property for which the variance is being issued.

Additionally the County really has no oversight of the property since it is owned by the School District and not the County. Yes our team has been working with TTD, WCSD, State Parks, and TRPA to attempt to find the funding to purchase the property from the School District for the purpose of a transportation Hub but I'm relatively certain this will not come before the BCC for approval.

I'm unaware of whether the other location you mention could or could not be considered for a transportation Hub but I've added Carl Hasty to this email so perhaps he might chime in on any issues related to that site.

Marsha Berkbigler
Washoe County Commissioner
District 1
775-843-0150

From: rondatycer@aol.com [mailto:rondatycer@aol.com]
Sent: Monday, January 27, 2020 6:28 PM
To: Berkbigler, Marsha <MBerkbigler@washoecounty.us>; Herman, Jeanne <JHerman@washoecounty.us>; Jung, Kitty <KJung@washoecounty.us>; Hartung, Vaughn <VHartung@washoecounty.us>; Lucey, Robert (Bob) L <BLucey@washoecounty.us>; dmiddlebrook@trpa.org
Subject: Ideal Location for a Transportation Hub in Incline Village

[NOTICE: This message originated outside of Washoe County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear Marsha,

For some time now I've read and listened to ideas about what to do with the Old IV Elementary School on Southwood Blvd and believe I'm up to date on where things are at now.

I understand you want to expand the County's authorization for the TTD to use the site as a transportation hub. For the past few years it has been the site for the shuttle to Sand Harbor. As a hub for other shuttles it would further TRPA's goal of providing convenient non-auto transportation in central Incline.

I understand that because of the environmental issues with the site, it is a “hard sell” to private investors.

- need to dismantle extant building full of asbestos
- oil/leakage from the old Union Station across 28 downhill onto the site
- an earthquake fault running right underneath the site

You said Duffield’s interest in the site for workforce housing has fallen through because there was not enough incentive to deal with all the issues of the site.

Although I admit I don’t have a complete understanding of the situation, I’d like to offer my 2 cents worth.

INCLINE VILLAGE NEEDS A TOWN CENTER

Since the earliest TRPA reports from the early 1970s, mention has been made of the lack of a town center, and the need to provide a “heart” for the village. In all the Vision meetings over the past 15 years, mention is made for the need to create a focal area. Indeed, I was on one of the spin-off committees that explored the idea of promoting a town center.

WE HAVE LIMITED POSSIBLE TOWN CENTERS

ONE - The problem is that we don’t have a lot of options. We basically have the Raley’s shopping center and the businesses along Hwy 28 across from the Raley’s shopping center.

TWO - And we have the Village Market-Post Office shopping center with its adjoining properties.

IMHO THE BEST CHOICE IS TO REMODEL THE VILLAGE MARKET CENTER

I believe the Village Market center and adjoining property is several acres. It would be the most logical as well as most aesthetic town center.

Right now the Village Market Center is dilapidated, and businesses come and go. Only a few (eg., Syzy’s) have managed to survive since I moved here in 1991. The turnover is because traffic is minimal and other than the post office and Village Market there’s little to draw people into the center.

THE ADJOINING ELEMENTARY SCHOOL PROPERTY IS A ONCE-IN-A-LIFETIME POSSIBILITY TO CREATE A TOWN CENTER IN INCLINE VILLAGE

Although it would take considerable cooperation between a developer and TRPA, the school site could be cleaned up and added to the shopping center to create a town center for Incline.

I think I heard somewhere that the owner of the Village Market Center was looking to sell for \$12 million or so... but that may have been in 2007 when I was working on the Vision committee.

But IF we could convince a developer to buy the center and the elementary school property and to revitalize the entire area as mixed-use commercial down/residential up property with underground parking... we would have a village center with a heartbeat.

THE PROPERTY WOULD BE THE IDEAL VILLAGE CENTER

It is a much larger project that just buying the elementary school property and converting it into something. So we’d need a much more committed “investor.” Who would want to spend \$20-30 million to have the IV town center named after her/him?

Crazy Idea: Duffield is currently interested in building on 3 parcels on Gonowabie where he needs variances to create adequate parking. Perhaps a deal could be made to include his purchase of the Elementary School with an eye to purchasing all of the Village Market center and making it into the heart of Incline. (If I had his email I’d suggest it.)

TURNING THE ELEMENTARY SCHOOL INTO A BUS/TROLLEY TURNAROUND IS A WASTE OF THE PROPERTY

I understand the need to get people out of their cars and into public transportation. But I don’t think the Old Elementary School is the best place for that to happen. Already it’s a summer eyesore just with the cars parking there to take the shuttle to Sand Harbor.

And where do people park to take the shuttle? When the lot fills up, they're parking up and down Village and Southwood. This is not an adequate solution.

We need a transportation hub that is on Hwy 28 and large enough to have a turn-around area for trolleys and busses and a building/shelter/public toilets/etc. Busses and trolleys should not have to turn down Southwood. They should be able to access the hub directly from 28.

WE CURRENTLY HAVE A PROPERTY FOR SALE THAT WOULD PROVIDE AN IDEAL TRANSPORTATION HUB.

Currently we have a property for sale on which once stood a restaurant and gas station, but which is now empty at the corner of 28 and Incline Way. This would be the ideal spot for a hub. Buses/shuttles could pull in and out easily. The property has room for a large parking area, and underground parking could be created.

If we were to get professional opinions about how that site could be reconfigured as a transportation hub, we could send it to developers who might be willing to take on the project.

I know a lot of this sounds like pie-in-the-sky construction dreams. But I for one think that Incline Village should stay the prettiest town in Nevada.

PLEASE DON'T SQUANDER OUR PRECIOUS PROPERTY RESOURCE

As I see it, the Old Elementary School is the keystone to giving Incline the facelift it needs and deserves.

Best regards,

Ronda Tycer

-->



INCLINE VILLAGE DEVELOPMENT CORNER

947 Tahoe Boulevard | Incline Village, NV 89451



PROPERTY OVERVIEW

The Property sits at the desirable hard corner location of Lake Tahoe Boulevard [Hwy. 28] & Southwood Boulevard. The overall physical layout of the two parcels is a square-shaped property, with an up-slope east to west. The North property line is approximately 355 feet of highway frontage and Southwood Boulevard frontage being approximately 303 feet in length. The site is serviced by recent bicycle, pedestrian and transit improvements. The property sets at the street level with a good visibility directly adjacent to commercial office buildings and close proximity of the largest shopping center in the village. The larger parcel having a vacant restaurant building built in 1964 that consists of 2,060 square feet has recently been torn down. The smaller corner parcel was the site of a former Chevron gas station with the assurance from Chevron that it will implement environmental response actions necessary to address petroleum hydrocarbon contamination to the extent required by the Nevada Division of Environmental Protection - Bureau of Corrective Action. Upon execution of a confidentiality agreement Seller will release terms of a Settlement Agreement including a provision for payment of a monthly access fee that will transfer to Buyer. The site has 34,411 square feet [39.75%] of existing coverage with a maximum allowable of 52,682SF. Site also includes 5,354 square feet of CFA [commercial floor area] valued at \$35SF.

Incline Village, Nevada is located 30 minutes from the Reno/Tahoe International Airport. Property owners come from all parts of the country and the world. At Incline Village, each property owner has 5 IVGID recreational passes for the village. Recreational facilities include three beaches, one with a beautiful swimming pool with spectacular views, one with a boat ramp, two Robert Trent Jones SR./Jr. golf courses, Diamond Peak downhill ski area, tennis complex, indoor recreational building with Olympic-size pool, health club and gymnasium, and beautiful parks. Incline Village on the north shore is minutes away from world class ski resorts such as Squaw Valley USA, Alpine Meadows, NorthStar, Heavenly, Mt. Rose & Sugar Bowl.

PROPERTY SUMMARY

SALE PRICE:	\$3,000,000
LOT SIZE:	1.99 Acres
APN #:	132-231-09 & 10
ZONING:	GC [General Commercial]
MARKET:	Lake Tahoe, Nevada
SUB MARKET:	Incline Village
CROSS STREETS:	Lake Tahoe Boulevard & Southwood Boulevard

PROPERTY HIGHLIGHTS

- Hard Corner of 1.99 Acre
- 5,354SF of Existing CFA [Commercial Floor Area]
- 34,411SF Existing Coverage Area
- Last Incline Village Commercial Development Site



JACK BROWER, CCIM

Senior Advisor / 775.883.3936 X104 / browerj@svn.com



FOR SALE | LAND

INCLINE VILLAGE DEVELOPMENT CORNER

947 Tahoe Boulevard | Incline Village, NV 89451



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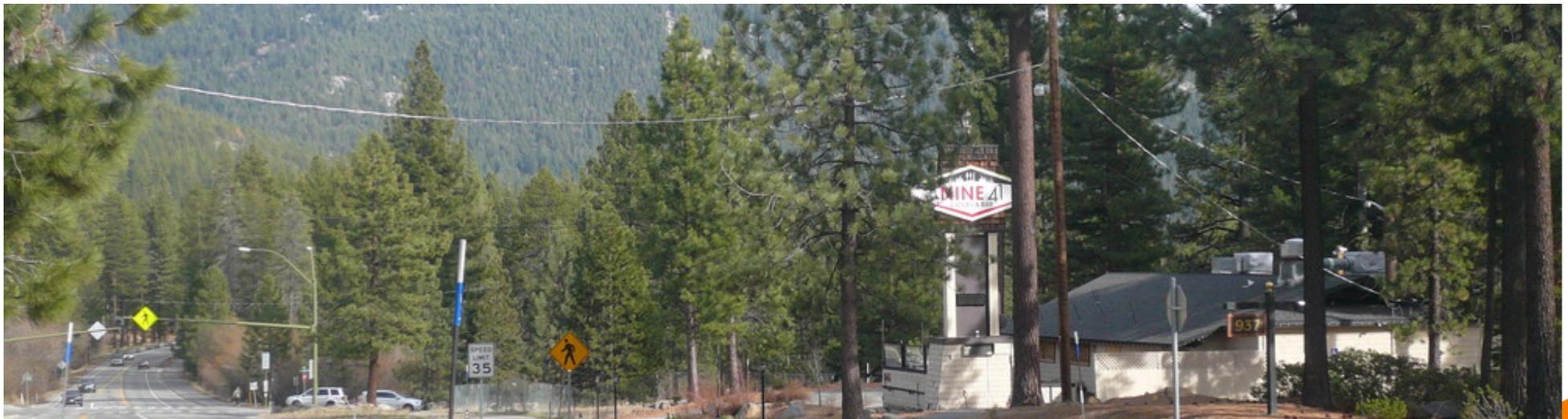
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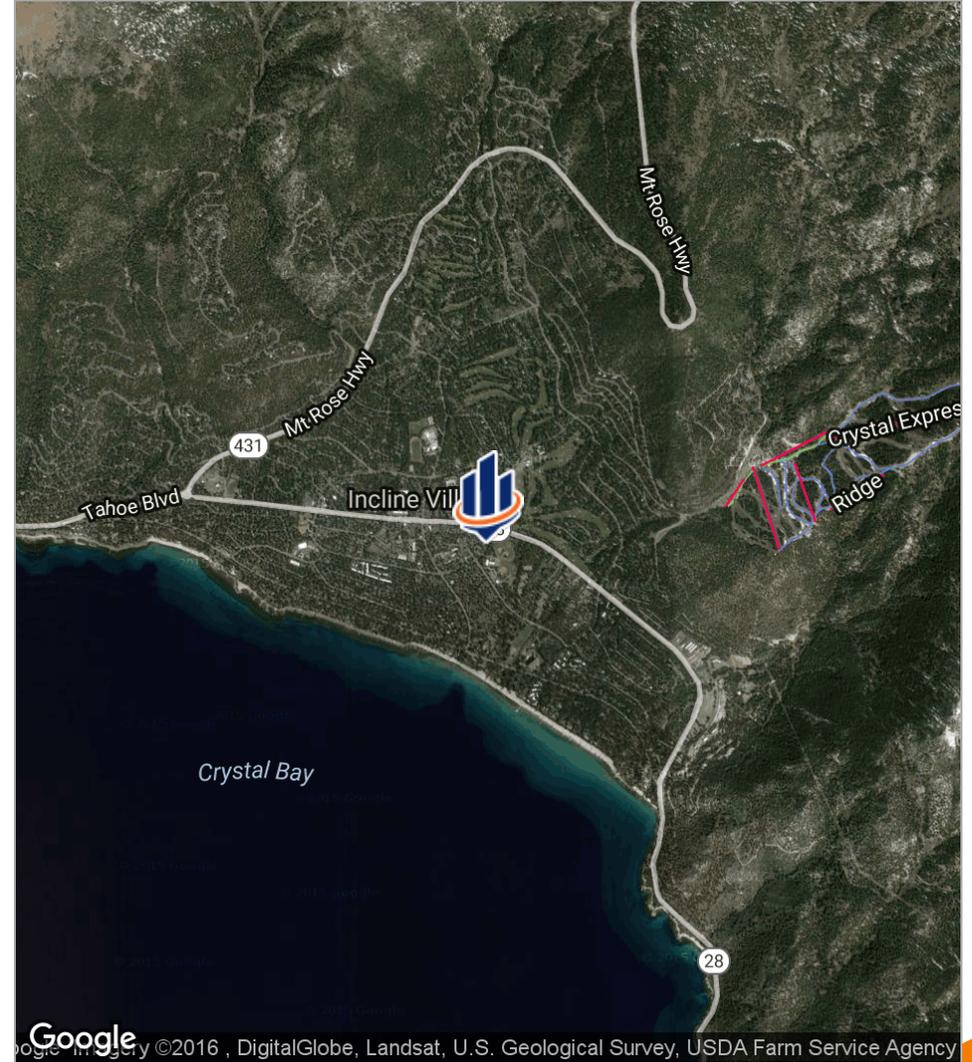
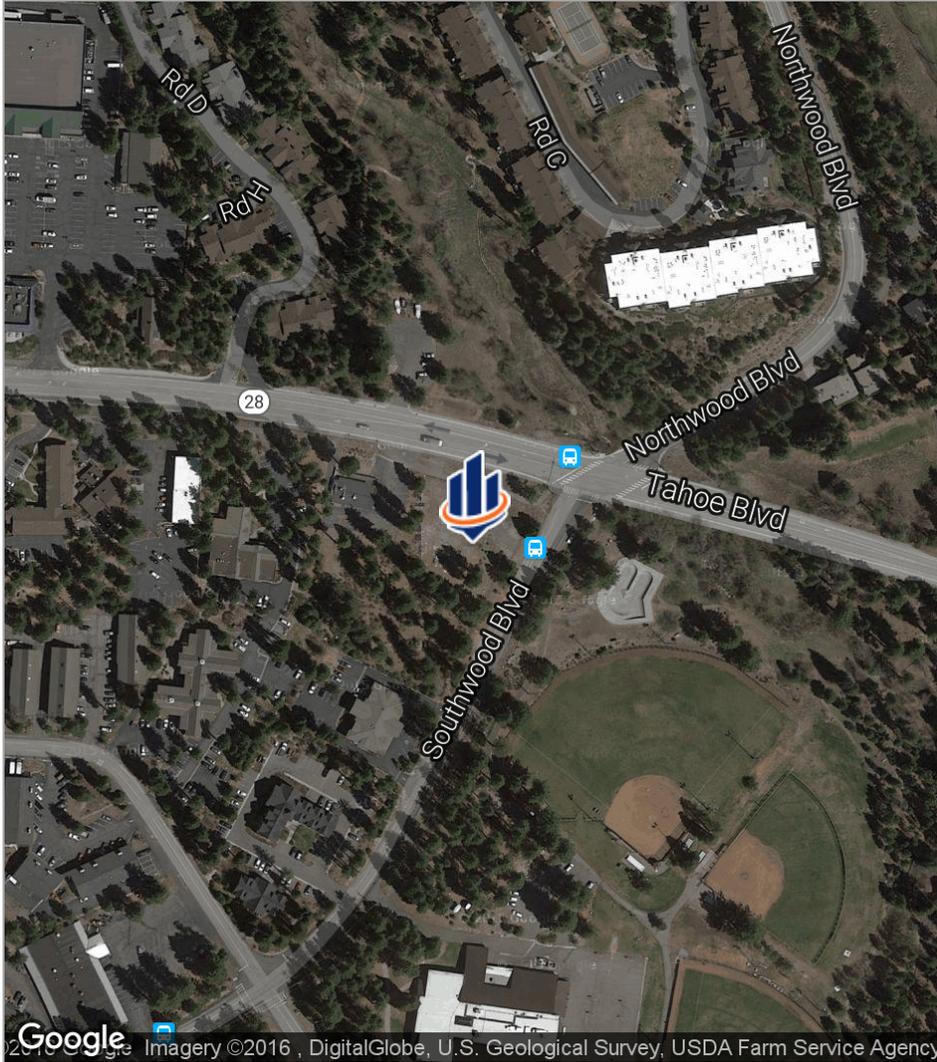
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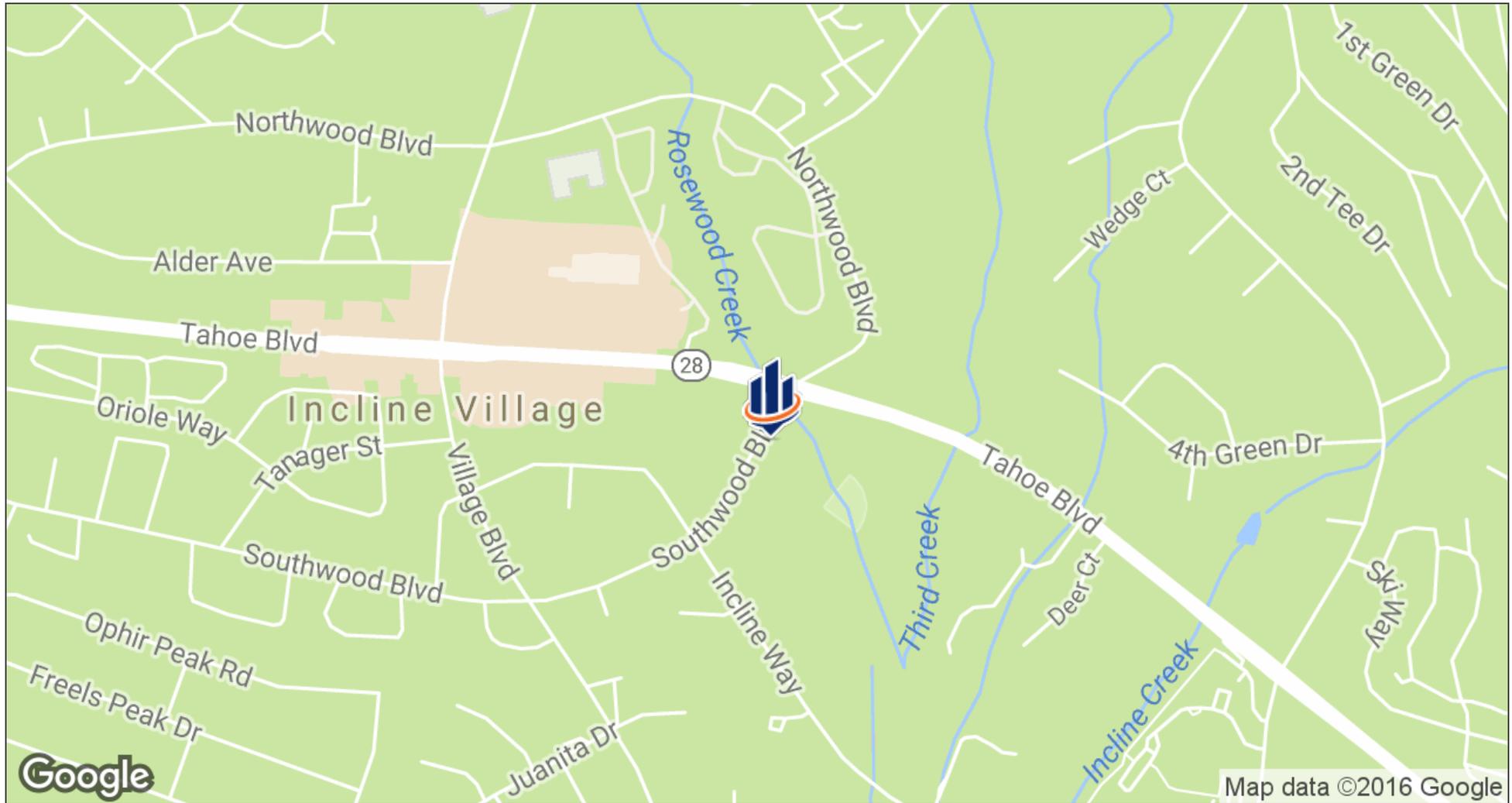
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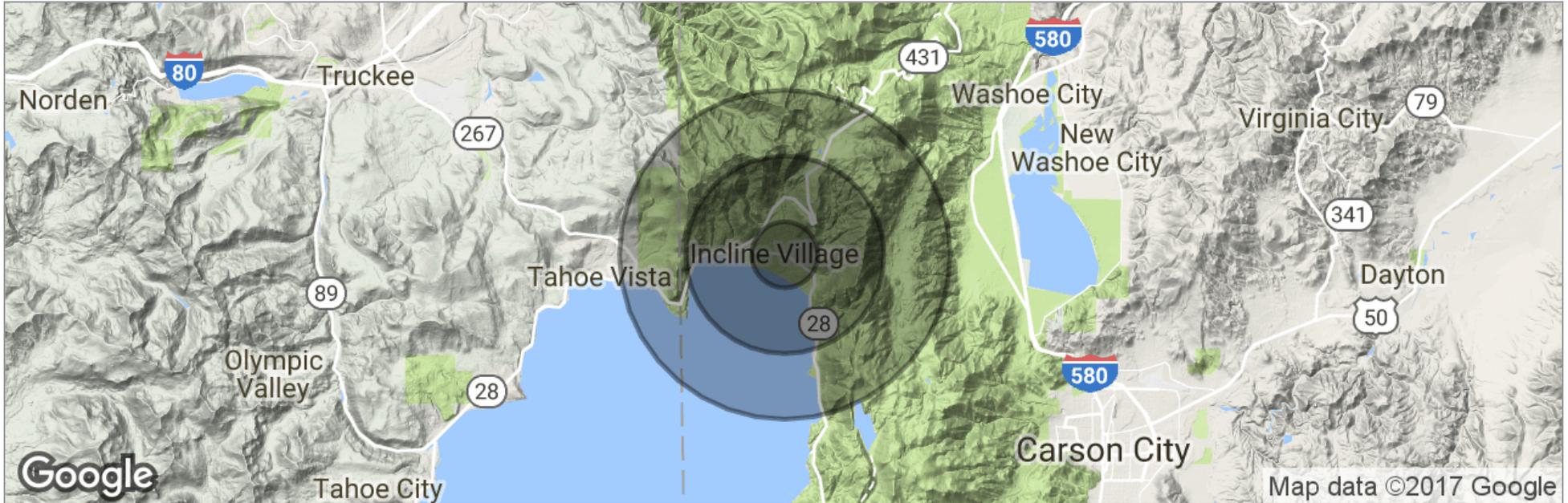
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FOR SALE | LAND

INCLINE VILLAGE DEVELOPMENT CORNER

947 Tahoe Boulevard | Incline Village, NV 89451



	1 Mile	3 Miles	5 Miles
Total Population	3,515	8,306	13,924
Population Density	1,119	294	177
Median Age	38.4	40.4	39.2
Median Age (Male)	36.4	38.2	38.1
Median Age (Female)	42.1	43.0	40.0
Total Households	1,431	3,413	5,578
# of Persons Per HH	2.5	2.4	2.5
Average HH Income	\$91,385	\$113,284	\$110,547
Average House Value			

* Demographic data derived from 2010 US Census



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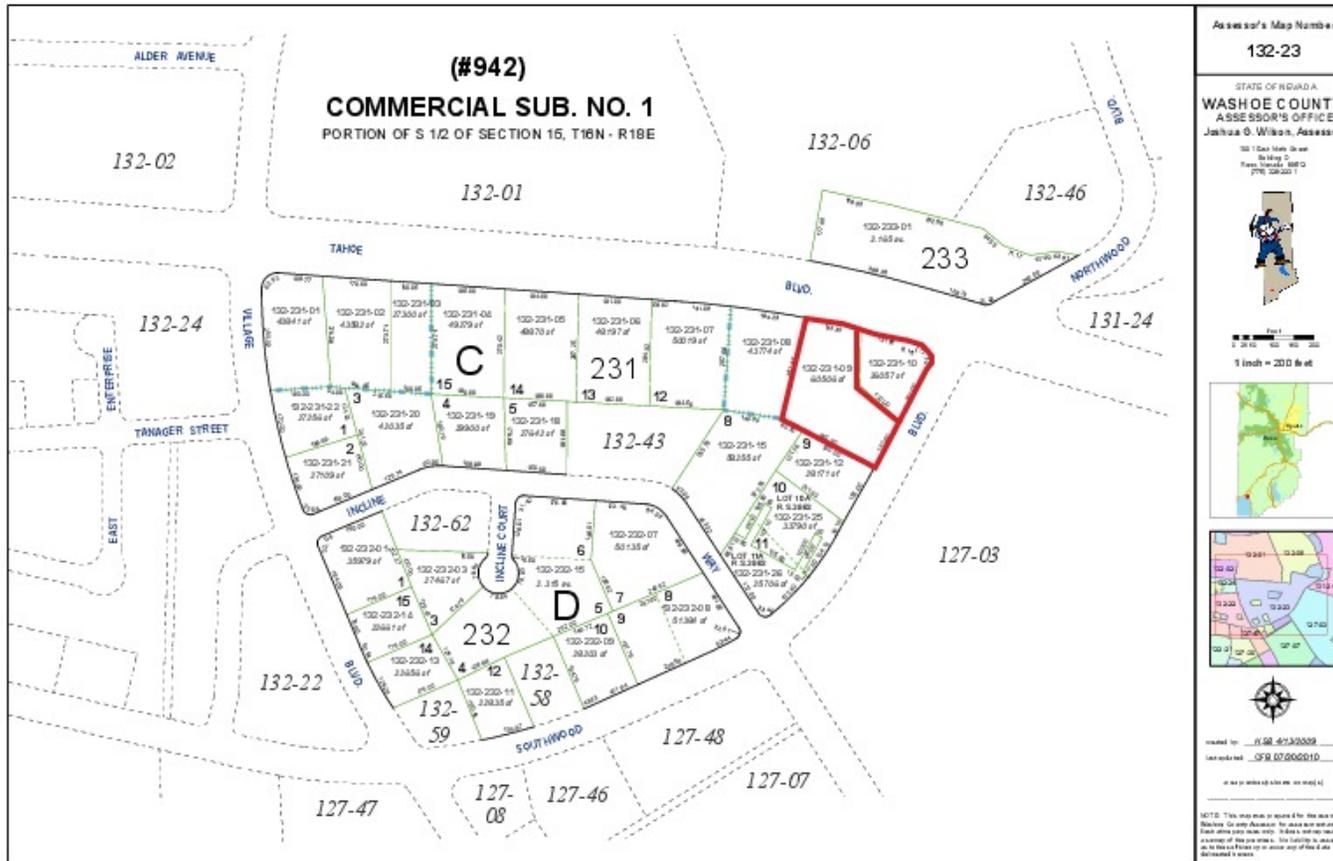
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FOR SALE | LAND

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947 Tahoe Boulevard | Incline Village, NV 89451



Assessor's Map Number:
132-23

STATE OF NEVADA
WASHOE COUNTY
 ASSESSOR'S OFFICE
 Joshua S. Wilson, Assessor

101 East Main Street
 Building 5
 Reno, Nevada 89501
 (775) 786-2021

Scale:
 1 inch = 200 feet

Created by: J158-6730309
 Last updated: 07/02/2021
 as per Nevada Public Law 700 (07/02/21)

NOTE: This map was prepared for the use of the Washoe County Assessor. It does not constitute a survey of the premises. Its liability is assumed by the Assessor and is not a warranty of any kind.



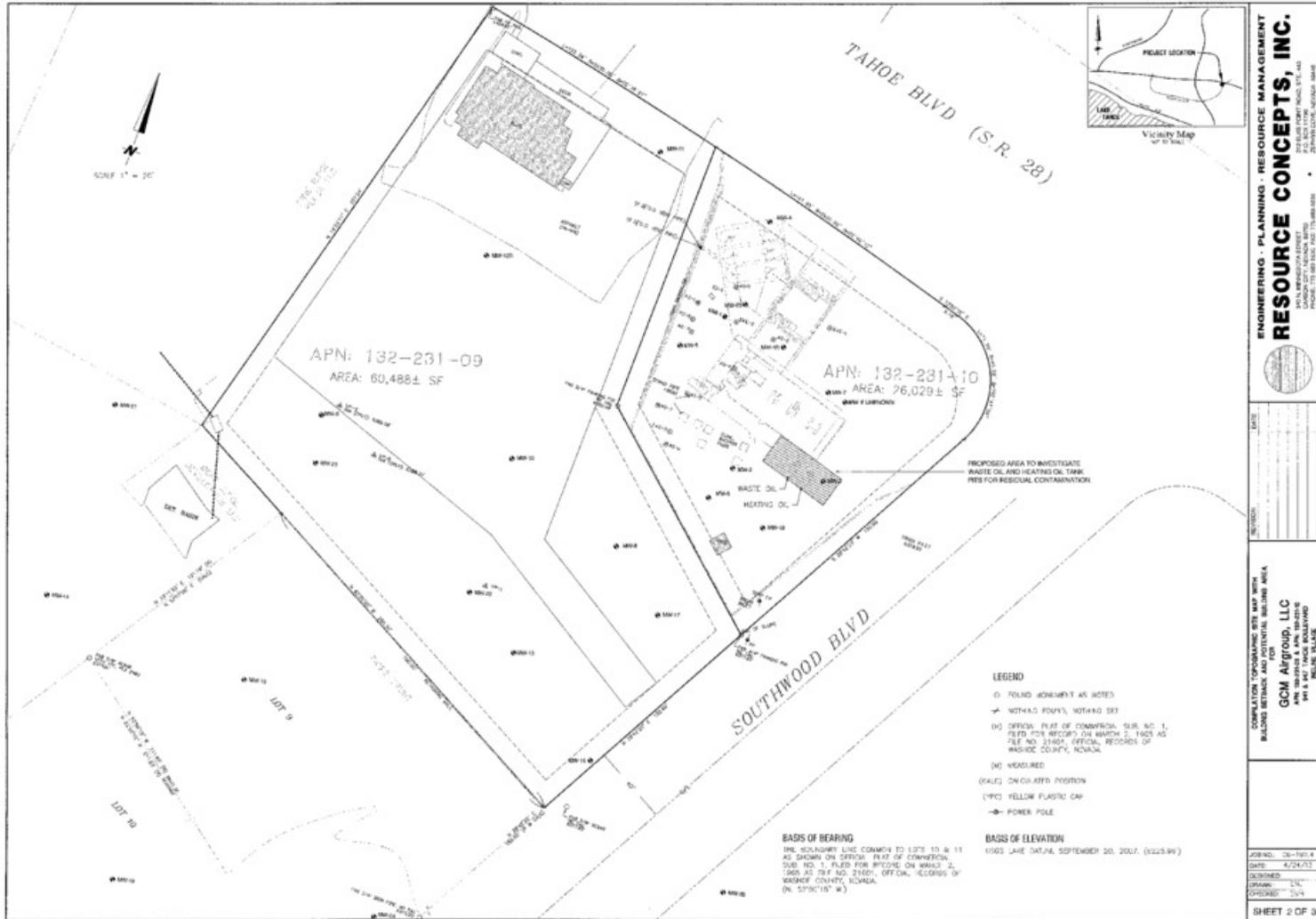
JACK BROWER, CCIM

Senior Advisor / 775.883.3936 X104 / browerj@svn.com



INCLINE VILLAGE DEVELOPMENT CORNER

947 Tahoe Boulevard | Incline Village, NV 89451



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JACK BROWER, CCIM
 Senior Advisor / 775.883.3936 X104 / browerj@svn.com

Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Tuesday, February 18, 2020 8:26 AM
To: Eric Young; Marsha Berkbigler; Pete Todoroff; Ronda Tycer; Sara Schmitz; Diane Heirshberg; Michael Conger
Subject: No response to concerns: TRPA should not adopt a new Community Plan that has in it a violation of Nevada Law.

Eric Young Senior Planner/ Commissioner Berkbigler:

Eric Young: Section 110.220.60 Change in who can allow for a front yard setback change

from Zoning. The 15 foot set-back in the front yard for parcels 20% or over is clear in the code as a established zoning for single family parcels. The section 110.220.60 goes beyond setbacks as established and vest the power to make findings up to a "0" setback in the Engineering Division.

It is clear in the NRS 278.315 that power to alter is vested in "Board of Adjustment, Planning Commission or Hearing Examiner."

Currently the County vests the power in the Board of Adjustment for the process of a

hearing. It should stay that way, the process is not without some issues at certain times , yet is a public process as intended by the NRS in Section 110.220.60

Even if that was changed to the Planning Commission or a Hearing Examiner the process

required under State Law a Notice to all property owners within 300 feet is required.

The current attempt to grant the power to the Engineering Division does not have a public notice process established per NRS 278.315 2. (b). That is not legal under Nevada Law.

The process suggested in the determination of a front-yard setback change also violates

hearing schedules as set-forth in the NRS. That is in violation of Nevada Law.

Section 110.220.60 needs to be removed for the Department of Engineering cannot be given the power to alter a front-setback as proposed. In addition detached structures in the front yard need to be required to obtain a variance for a front setback changed to less than 15 feet.

All parcels should have to consider guest parking that is not in the County Right-Of-Way due to the following adopted Codes 70.425, 430,437. where on "Red" days no on street parking allowed. The Code should condition any "0" setback of the front yard for a garage to have two on site parking spaces in addition to the garage for guests. This also reflects the current proposed adoption of the STR Codes for home use where all guest parking is to be provided on the site and not in the County Right-Of-Way. (Page 7 Parking . No STR Parking is allowed in the Right-Of-Way.").

Adoption of Code Changes do not take place without impacts good and bad on other adopted codes. In this case changes to 110.220.60 will have negative impacts in the ability to enforce other codes. It will also impact added parking on dirt on roadways, traffic issues and the cleaning of roads by the County.

Wayne Ford

Michael Conger

From: rondatycer@aol.com
Sent: Tuesday, February 18, 2020 10:09 AM
To: Carl Hasty
Cc: mberkbigler@washoecounty.us; BLucey@washoecounty.us; Devin Middlebrook; Eric Young; isw@ivgid.org; ptodoroff1@sbcglobal.net; acumming@rtcwashoe.com; Michael Conger
Subject: Re: Ideal Location for a Transportation Hub in Incline Village

Dear Carl,

Thank you for considering our suggestions. My understanding is there's lots of coverage on the lot, so that shouldn't be an issue.

Best regards,
Ronda

-----Original Message-----

From: Carl Hasty <chasty@tahoetransportation.org>
To: rondatycer <rondatycer@aol.com>
Cc: mberkbigler <mberkbigler@washoecounty.us>; BLucey <BLucey@washoecounty.us>; dmiddlebrook <dmiddlebrook@trpa.org>; eyoung <eyoung@washoecounty.us>; isw <isw@ivgid.org>; ptodoroff1 <ptodoroff1@sbcglobal.net>; acumming <acumming@rtcwashoe.com>; mconger <mconger@trpa.org>
Sent: Tue, Feb 18, 2020 7:43 am
Subject: Re: Ideal Location for a Transportation Hub in Incline Village

Good morning,

Thank you for the information and reaching out. My team and I will review what you have included here. We are interested in a suitable location. Like any project size and coverage capacity are critical to a project success.

I will be back in touch with you.

Regards,

Carl Hasty

Sent from my iPhone

On Feb 17, 2020, at 10:46 PM, rondatycer@aol.com wrote:

Dear Marsha,

Following up on a better alternative to the Old Elementary School for Incline's new transportation hub, I attach more information about the property I referenced at 947 Tahoe Blvd (corner of Hwy 28 and Southwood Blvd).

As you'll see the property is **preferable to the Old Elementary School in a number of ways**, not the least of which is it's now being offered at a premium by the owner according to my contractor friend: It belongs to Guy Williams, (775) 721-8939, but I believe Standard Oil was going to buy him out, and they want very much to sell it... **I think at a discounted rated of \$1.5-\$2 million.** Guy's Realtor is Jack Brower.. his sign is posted, and I can get you his phone number on the way home if you like.."

There's no building to be torn down, and the 2-acre lot is otherwise ready to be occupied and used. It is advertised as "the last IV commercial development site."

As I mentioned previously, **the advantages of this site include:**

- the corner is the most central to all of Incline
- the site sits directly on Hwy 28, the main thoroughfare through IV
- the site is on a corner that allows a trolley/bus/shuttle to conveniently pull into the hub, drop off/pick up passengers, and pull out the other side onto Southwood Blvd with easy return to Hwy 28
- the site is nearly 2 acres and the Old Elementary School is only .598 acre
- it's a short walk across the street to the Raley's shopping center which has the most services in Incline
- the site is closer than the Old Elementary School to the East Shore multi-use path and East Shore beaches; closer to the college; the Hyatt, the beaches, the golf course, the tennis complex, Diamond Peak, etc.—the places people want to go—
- it's in a commercial area (no nearby condo/apartment residences to be bothered by the constant traffic coming and going at the hub)
- no competition for parking with high-density residential areas
- it can be designed with an attractive waiting station" (with restrooms, information kiosk, maps, packaged food/drinks, wi-fi, chairs/benches, etc.) and landscaping
- there's room for on-site "paid" parking (can a level be developed underground?)
- the site is an eyesore and can be made into a beautiful well-landscaped corner hub
- the site is ready for building; no need to wait for a much needed hub in central IV

Most importantly, the site satisfies the Tahoe Area Plan Goal LU2: "Create land use patterns that are consistent with the community's vision, reduce the need for travel, and increase access to transit."

• **The Community Vision as stated in 2007 and 2012 has always been to make the Village Market Center and Old Elementary School a mixed-use commercial and residential center with a central green park area for community gatherings.** Using the 947 Tahoe Blvd site as a transportation hub would preserve the Old Elementary School for that better long-desired village-enhancing purpose.

Thank you for reconsidering your use of the Old Elementary School as a mobility hub. It has many disadvantages that 947 Tahoe Blvd does not have. And it is key to a renovated Village Mkt Center with mixed use including employee and senior housing.

Best regards,

Ronda Tycer

-----Original Message-----

From: Berkbigger, Marsha <MBerkbigger@washoecounty.us>

To: rondatycer@aol.com <rondatycer@aol.com>

Cc: Lucey, Robert (Bob) L <BLucey@washoecounty.us>; dmiddlebrook@trpa.org <dmiddlebrook@trpa.org>; Carl Hasty <chasty@tahoetransportation.org>

Sent: Thu, Jan 30, 2020 10:48 am

Subject: RE: Ideal Location for a Transportation Hub in Incline Village

Good Morning Ronda and thanks for your email.

I agree a town center for Incline would be nice and has been considered for many years. As you know it is not the responsibility of the County government to develop a town center as in other vacation location towns these projects are done by private interests. We have discussed a possible town center throughout the development of the new Area Plan and as that plan continues to be finalized you certainly could suggest this location for a potential town center. Your ideas are interesting and certainly getting someone who has an interest in developing a project in this location would be good. And I agree that the old school house area would be a beautiful town center.

I don't believe our planning regulations would allow us to condition Mr. Duffield's variance requests for the Gonawabi properties with a requirement that he purchase and develop another property. Any conditions placed on his variance would have to be tied directly to the property for which the variance is being issued.

Additionally the County really has no oversight of the property since it is owned by the School District and not the County. Yes our team has been working with TTD, WCSD, State Parks, and TRPA to attempt to find the funding to purchase the property from the School District for the purpose of a transportation Hub but I'm relatively certain this will not come before the BCC for approval.

I'm unaware of whether the other location you mention could or could not be considered for a transportation Hub but I've added Carl Hasty to this email so perhaps he might chime in on any issues related to that site.

Marsha Berkbigler
Washoe County Commissioner
District 1
775-843-0150

From: rondatycer@aol.com [mailto:rondatycer@aol.com]
Sent: Monday, January 27, 2020 6:28 PM
To: Berkbigler, Marsha <MBerkbigler@washoecounty.us>; Herman, Jeanne <JHerman@washoecounty.us>; Jung, Kitty <KJung@washoecounty.us>; Hartung, Vaughn <VHartung@washoecounty.us>; Lucey, Robert (Bob) L <BLucey@washoecounty.us>; dmiddlebrook@trpa.org
Subject: Ideal Location for a Transportation Hub in Incline Village

[NOTICE: This message originated outside of Washoe County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear Marsha,

For some time now I've read and listened to ideas about what to do with the Old IV Elementary School on Southwood Blvd and believe I'm up to date on where things are at now.

I understand you want to expand the County's authorization for the TTD to use the site as a transportation hub. For the past few years it has been the site for the shuttle to Sand Harbor. As a hub for other shuttles it would further TRPA's goal of providing convenient non-auto transportation in central Incline.

I understand that because of the environmental issues with the site, it is a "hard sell" to private investors.

- need to dismantle extant building full of asbestos
- oil/leakage from the old Union Station across 28 downhill onto the site
- an earthquake fault running right underneath the site

You said Duffield's interest in the site for workforce housing has fallen through because there was not enough incentive to deal with all the issues of the site.

Although I admit I don't have a complete understanding of the situation, I'd like to offer my 2 cents worth.

INCLINE VILLAGE NEEDS A TOWN CENTER

Since the earliest TRPA reports from the early 1970s, mention has been made of the lack of a town center, and the need to provide a "heart" for the village. In all the Vision meetings over the past 15 years, mention is made for the need to create a focal area. Indeed, I was on one of the spin-off committees that explored the idea of promoting a town center.

WE HAVE LIMITED POSSIBLE TOWN CENTERS

ONE - The problem is that we don't have a lot of options. We basically have the Raley's shopping center and the businesses along Hwy 28 across from the Raley's shopping center.

TWO - And we have the Village Market-Post Office shopping center with its adjoining properties.

IMHO THE BEST CHOICE IS TO REMODEL THE VILLAGE MARKET CENTER

I believe the Village Market center and adjoining property is several acres. It would be the most logical as well as most aesthetic town center.

Right now the Village Market Center is dilapidated, and businesses come and go. Only a few (eg., Syzy's) have managed to survive since I moved here in 1991. The turnover is because traffic is minimal and other than the post office and Village Market there's little to draw people into the center.

THE ADJOINING ELEMENTARY SCHOOL PROPERTY IS A ONCE-IN-A-LIFETIME POSSIBILITY TO CREATE A TOWN CENTER IN INCLINE VILLAGE

Although it would take considerable cooperation between a developer and TRPA, the school site could be cleaned up and added to the shopping center to create a town center for Incline.

I think I heard somewhere that the owner of the Village Market Center was looking to sell for \$12 million or so... but that may have been in 2007 when I was working on the Vision committee.

But IF we could convince a developer to buy the center and the elementary school property and to revitalize the entire area as mixed-use commercial down/residential up property with underground parking... we would have a village center with a heartbeat.

THE PROPERTY WOULD BE THE IDEAL VILLAGE CENTER

It is a much larger project that just buying the elementary school property and converting it into something. So we'd need a much more committed "investor." Who would want to spend \$20-30 million to have the IV town center named after her/him?

Crazy Idea: Duffield is currently interested in building on 3 parcels on Gonowabie where he needs variances to create adequate parking. Perhaps a deal could be made to include his purchase of the Elementary School with an eye to purchasing all of the Village Market center and making it into the heart of Incline. (If I had his email I'd suggest it.)

TURNING THE ELEMENTARY SCHOOL INTO A BUS/TROLLEY TURNAROUND IS A WASTE OF THE PROPERTY

I understand the need to get people out of their cars and into public transportation. But I don't think the Old Elementary School is the best place for that to happen. Already it's a summer eyesore just with the cars parking there to take the shuttle to Sand Harbor.

And where do people park to take the shuttle? When the lot fills up, they're parking up and down Village and Southwood. This is not an adequate solution.

We need a transportation hub that is on Hwy 28 and large enough to have a turn-around area for trolleys and busses and a building/shelter/public toilets/etc. Busses and trolleys should not have to turn down Southwood. They should be able to access the hub directly from 28.

WE CURRENTLY HAVE A PROPERTY FOR SALE THAT WOULD PROVIDE AN IDEAL TRANSPORTATION HUB.

Currently we have a property for sale on which once stood a restaurant and gas station, but which is now empty at the corner of 28 and Incline Way. This would be the ideal spot for a hub. Buses/shuttles could pull in and out easily. The property has room for a large parking area, and underground parking could be created.

If we were to get professional opinions about how that site could be reconfigured as a transportation hub, we could send it to developers who might be willing to take on the project.

I know a lot of this sounds like pie-in-the-sky construction dreams. But I for one think that Incline Village should stay the prettiest town in Nevada.

PLEASE DON'T SQUANDER OUR PRECIOUS PROPERTY RESOURCE

As I see it, the Old Elementary School is the keystone to giving Incline the facelift it needs and deserves.

Best regards,

Ronda Tycer

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<CornerProperty.pdf>

Michael Conger

From: Pete Todoroff <ptodoroff1@sbcglobal.net>
Sent: Friday, February 21, 2020 3:54 PM
To: Nancy McGill; Will Dawson; Linda Newman; Kathie M Jullian; Lettie Miller; Steve Miller; Santa Claus; Steve Dolan; Tom&lyn Cardinale; Wayne Ford; Susan Sanders; Rich Thomsen; Ken Cash; Laney Griffio; Kira Smith; Todd Lowe; RenoTax Revolt; Sierra Nevada College; Stephen Barney; Wayne Conrad; Sean Kosinski; Peter Hennessey; Karli Epstein; Robert Galloway; Omer Raines; Tracy Chapman; Sara Schmitz; Michael Abel; Lisa Krasner; Sherri Kleinman; Ramona Bigelow; Patrick McBurnett; Stuart Yount; Tom & Ronda Kenna; Maria Kiss; Priscille; Reiny Moeller; Todd Acker; Mike Archer; Mike Hess; Philip Horan; Robert Green Jr. CFA; Melissa Hellmuth; Linda Offerdahl; Kaye Shackford; Mike Brown; Kristina Hill; Matthew Dent; Susan Herron; Ronda Tycer Phd; Svata Trossen; Roger Leach; Louise Cooper; Michael Conger; Ron Stanger; Mike Clark; Mark Ghafourpour; Wayne Yarbrough; Tony Lillios; Michelle Geary; Tia Rancourt; Kendra Wong; Meera Beser; Kevin Lyons; Lyn Karol; Millie Carter; Tim Callicrate; Matthew Buehler; Marsha Berkbigler; Tom Heck; Mark Regan; Sherman Boxx; Kelly Mullin; Rajashree Karwa; Sherri Klein; Lee Herz Dixon; Nick Nordyke; Tahoe Daily Tribune; Sandra Borboza Lt.; Mike Sullivan; Steve Price; Peter Morris; Michael Clark; Paul Klein; Lawrence Hawkins; Tim Carlson; Katy Simon Holland; Margaret Martini; Ryan Sommers; Miren Hower
Cc: Pete Todoroff
Subject: TAHOE AREA PLAN

Discussion Points re Tahoe Area Plan (“Plan”)

1. At the one and only noticed public meeting at the Chateau in December, 2019 we were told that there were no changes in zoning in the Tahoe Area Plan except two that were mentioned.
 - a. Wayne has discovered a major zoning change at Plan Section **110.220.60** which allows for “0” setbacks without any variance process or public input, in two situations, garages and 20-degree slopes. There is no explanation as to why these two instances are different and deserve to eliminate public comment.
 - b. The public deserves to have a list of all changes in zoning being made in the Plan. Most of us are not capable of ascertaining what zoning and other changes are being made ourselves. The County needs to present the changes at a public meeting(s) and to get public input on the proposed changes.
 - c. I was told that the reason for the setback change to allow the Washoe County Engineering Department to decide to grant the ‘0’ setbacks without public comment is that the Board of Supervisors does not want to have public comment at the Board of Adjustment on these requests, that then must be heard on appeal at the Board of Commissioners. The desire is to resolve these matters at the Engineering Department, at a time that the public will not even be aware that there is a request for “0” setback. NRS provides for a noticed hearing and public input at the Board of Adjustment on variances.
2. There need to be actual meetings with the community. The only noticed public meeting was in December, 2019, a time when many residents are absent. The one

other meeting in 2019 where the Plan was discussed was at a CAB meeting that was cancelled due to lack of a quorum and there was no public notice of the meeting discussing the Tahoe Area Plan. There has been little community input in the current Plan. This is contrary to TRPA Code of Ordinances Section 13.1.1 on Area Plans which expects significant public involvement in the drafting of the Area Plan, and states “In order to be responsive to the unique circumstances of communities of the region...”.

3. The Plan describes issues of concern by the local community that will be monitored and addressed, but fails to even mention community concerns about short term rentals, and whether the new Washoe County Short term Rental Ordinance will be effective to eliminate or minimize these concerns, or whether the Ordinance will be effectively enforced. The community requested at the one public meeting on the Plan held in December, 2019, that there be monitoring of the effectiveness of the Short- Term Rental Ordinance in addressing community neighborhood concerns and the County has not included that or any reference to public concerns about short term rentals in the Plan.
4. While the Plan mentions a lack of workforce housing as a problem or a potential problem, it does not mention the impact of short-term rentals on this problem, or undertake any monitoring of the lack of workforce housing problem or offer actions to address the problem.

5. Plan Section **110.220.05** states:

“Land owners in the planning area should be aware that some of the originally platted subdivisions in the planning area have names similar to the names of the zoning districts, yet with different boundaries. Some of these plats have various restrictions that were recorded with the original map. ***Washoe County does not enforce or otherwise act to implement these deed restrictions.***”

- a. The public should have the ability to discuss this most recent addition with the County and TRPA.
 - b. To date the County has taken the position that the deed restrictions are private rights of action to be enforced by the County. At least that additional statement should be included, as this sounds like even Washoe County courts will not enforce the deed restrictions.
6. The language of the Plan describing the community as being relatively happy with current conditions and having limited concerns such as making development easier and addressing parking problems, and this description is inaccurate. More community input should be obtained on what our current concerns are, and the Plan should not decide the conditions and concerns from 5-10 years ago.
 7. There need to be actual meetings with the community. The only noticed public meeting was in December, 2019, a time when many residents are absent. The one other meeting in 2019 where the Plan was discussed was at a CAB meeting that was cancelled due to lack of a quorum and there was no public notice of the meeting

discussing the Tahoe Area Plan. There has been little community input in the current Plan.

8. When Eric Young presented the Plan in December, 2019, he explained that the County is not agreeing to do or pay for any large capital improvements that are described; rather, the County is committing to talk to other agencies and sources to get funding for major projects like public transit, etc. For the Plan to have any meaning there should be a discussion of what is just flowery language and what the County is really going to do.
9. TRPA is replacing the prior Plan Area Statements with regulatory zones. The names of many but not all of the former Plan Area Statements, and now the regulatory zones, are identical to the names of subdivisions., but the areas covered are not identical. The names of the regulatory zones are therefore confusing. Eric Young has stated that he understands that this is confusion, and that he had suggested naming the regulatory zones differently than the subdivisions (i.e. #1, #2, etc.) to avoid confusion with the subdivision names. We need to ask TRPA to allow Washoe County to make this less confusing by adopting names that are generic.
10. The Plan allows for substantial increased density and height in the town center areas. According to Eric Young, this is a direction from TRPA for town center areas around the Lake. There deserves to be public discussion of what this means and how this will affect transportation, traffic, public services, etc. This should be thoroughly explained to the local community and public input obtained.

All of the above said, the Plan shows a great deal of work and is well written. There just needs to be community input in such an important document. To our community.

iMac 3.06

Pete Todoroff

ptodoroff1@sbcglobal.net

Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Sunday, February 23, 2020 5:17 PM
To: Eric Young; Michael Conger; Marsha Berkgigler; John Marshall; kjung@washoecounty.us; vhartung@washoecounty.us; jherman@washoecounty.us; bluecey@washoecounty.us; Tim Callicrate; Kristina Hill; Joanne Marchetta
Subject: Fw: TAHOE AREA CODE

Change in Zoning needs to be a public process. If a set-back is changed it is a Change in Zoning.

WAYNE FORD

A major change has been made to the Tahoe Area Plan that will affect not just me as a Residential Designer, but all Incline Village and Crystal Bay citizens henceforth. For this reason I need to make an issue of it to the TRPA Advisory Planning Commission. I've already lodged my concern with Washoe County's Eric Young and Mike Conger of TRPA.

TAHOE AREA PLAN CODE PROBLEM

I want to mention two concerns with the change in the Tahoe Area Plan Page 7-4 dealing with Washoe County Building Code 110.220.60 (1) (2) (3) (4) (5) (6) Setbacks. My concerns are:

- changing the code so no variance is needed for a 20%-sloped lot to qualify for a zero-setback from the street; but a variance is still required for slopes of less steepness (15% or 10%)

- eliminating the variance review process by giving the decision to an engineer in the Washoe County Engineering Department

Problem #1 - Zero Setbacks on 20%-Sloped Lots

As now stated in the new Tahoe Area Plan 2020, it's possible for a home builder to request a zero setback of a house or garage on any interior or through lot with 20% slope (on the front of the property).

In the old code, a 15-foot setback is mandatory for all lots.

- with a 15-foot setback between the curb and a 2-car garage, there is room for a driveway
- with zero setback, there is no room for guest parking, and guests will park on the street
- when guests park on the street they impede traffic, street cleaning, and snow removal

In the old code, if a homebuilder wants a variance so they don't have to comply with the 15-foot setback requirement, they go through a review process as required by NRS 278.315 (Granting of variances, special and conditional use permits, and other special exceptions by Board of Adjustment, Planning Commission, or Hearing Officer).

In the new code, the variance process is still required for interior and through lots of less than 20% slope on the front half of the lot, but not for lots with slope of 20% or more. Those other lots will need to comply with Article 804. (See attached.) But for lots of 20% slope (on the front half of the lot), now there will be no variance or review process.

THE PROBLEMS WITH THIS CHANGE IN THE CODE

In the old code, a homebuilder requests a variance from the Board of Adjustment, which then publicizes a hearing date so that public input can be given by neighbors and others affected by the setback variance request. These variances are also heard at Citizen Advisory Board meetings.

In the new code, for the 20% sloped lots, there is no process of review or appeal. Rather the decision is given to an engineer in the Engineering Department where the decision will be made without public oversight or input.

In the old code, the approval of a variance was often based on the finding that the homebuilder experienced a “hardship” due to the configuration of the site (e.g., steepness, odd lot shape, a large boulder, a stream, other features or constraints unique to the property).

In the new code, “Undue Hardship” is no longer mentioned as a criterion for consideration for 20% sloped lots.

The new plan authorizes the Engineering Division to determine whether the setback meets three minimal criteria. The setback will be approved if it does not:

- impede county maintenance and road-work operations
- cause a safety problem for speed or volume of traffic on the street
- prevent the County from widening the street should it decide it needs to

Using these three criteria, most requests for zero setbacks on 20% sloped lots will be approved.

In the old code the variance process involved the public—specifically the neighbors who might be affected by the variance decision. The County was required to notice all persons within a particular distance, and/or to hold a public hearing at which persons could discuss the variance request. Neighbors’ homes may be impacted in a variety of ways including safety, aesthetics, health, and property values, but most often when setbacks are insufficient, neighbors are impacted by cars parking in the right-of-way and on their property.

In the new code, there is no process for public input on the setback decisions of 20% sloped lots. And the decision no longer depends on the concerns of those who will be affected by the decision. The process gives to an engineer in the Washoe County Engineering Department the sole discretion to determine whether to approve the permit with the setback variance. The new code takes away citizen oversight of property development that will affect neighbors.

In the old code, many perspectives are brought to bear on the problem for which a variance is sought. In the new code, only one engineer's perspective will be required. The possibility of "undue influence" affecting the request approval cannot be ignored.

Although the code change may look innocuous and technical at first glance, the effects will reverberate and eventually impact the lake. It is easy to see how a zero setback on a sloped property could result in impediments to street cleaning and snow removal. When county snowplows (which hit 8 cars last season) are damaged, they're unable to clear roads and cost money for repair. When snow plowing results in cars being "plowed in" to the parking spaces, children can't get around them to walk on the paths to school, so they walk in the streets. This simple code change will result in a domino effect.

Please reconsider the decision to eliminate the public-input variance review process for 20% sloped lots.

Thank you.

Wayne Ford

Property owner for over 40 years and I live in my home full time .

Past school teacher and current Residential Designer. Lic. No. 091-RD. Nevada

WMPA19-0007, WRZA19-0007 & WDCA19-0007 EXHIBIT D

[Eric - Good job on this section]

Section 110.220.55 Yard and Lot Standards. Required yards for structures, minimum parcel area and minimum parcel width are determined by parcel size and use type according to Table 110.220.03, *Tahoe Area Yard and Lot Standards*. The use types are defined under TRPA Code of Ordinances Chapter 21, *Permissible Uses*. Standards for development in Town Center overlay districts are found in Section 110.220.35, *Town Center Overlay* and Article 110.220.1, *Tahoe Area Design Standards*. Structures fronting State Routes 28 and 431 shall be set back a minimum of 20 feet from the right-of-way, unless an exception is granted pursuant to TRPA Code of Ordinances Subsection 36.5.4, *Setback Standards*.

Table 110.220.03 Tahoe Area Yard and Lot Standards ^{SEP}

Use Type & Parcel Size	Required setback		
	Front	Side	Rear
Residential			
Greater than 2.5 acres	30	15	30
35,000 sq ft -2.5 acres	30	12	30
12,000 sq ft – 34,999.99 sq ft	20	8	20
5000 sq ft – 11,999.99 sq ft	20	5	20

Commercial	10	10	10	
Tourist Accommodation	20	10	10	
Public Service		20	15	20
Recreation	20	15	20	
Wildlife Management				
Higher than 12'	15	15	15	
12/ or less	5	5	5	

Section 110.220.60 Siting on Corner Lots and Sloped Lots. The following standards apply to any primary building or accessory structure on a corner lot or lot with slopes meeting the thresholds established below.

1. Primary buildings and accessory structures may be built to the front property line on any corner lot when built no closer than sixty (60) feet from the corner, **and on any interior or through lot** where the slope of the front half of the lot is greater than a two (2) foot rise (or fall) for every ten (10) feet above (or below) the established street grade. The structure shall conform to the height and story limits provided within this section. When a primary building or accessory structure is placed within the front yard setback as described in this section, all the following shall apply:

1. **The Engineering Division** must be able to determine that county right-of-way maintenance and road work operations will not be impeded or sufficient measures have been incorporated in the structure’s design to mitigate an impediment to county right-of-way maintenance and road work operations. The county may also require that the county be held harmless from liability resulting from its right-of-way maintenance and road work operations;

2. **The Engineering Division** must be able to determine that the speed of traffic and the volume of traffic on the street is such that the placing of the garage within the front yard setback will not cause a safety problem for vehicles using the street; and

3. **The Engineering Division** must be able to determine that the placement of the structure within the front yard setback will not impede the ability of the county to widen the street in accordance with the adopted Capital Improvements Program, or in accordance with a possible widening of the street as shown in the adopted master plan.
4. The placement of the structure is not sited closer than fifteen (15) feet from the edge of pavement of the abutting street.
5. The maximum square footage of the portion of the structure designed to encroach on the established setback shall not exceed 25% of the size of the primary structure.
6. Structures proposed within 20 feet of the rights-of-way of State Routes 28 or 431 may only be approved pursuant to Subparagraph 36.5.4.A.2 of the TRPA Code of etc.

Michael Conger

From: Michael Conger
Sent: Tuesday, February 25, 2020 9:24 PM
To: Wayne Ford
Subject: RE: Out of the weeds of Code, the real picture of the Washoe County Process. Please let the boards at TRPA know what is going on...

Mr. Ford –

Since Washoe County is the lead agency on the area plan, they take the lead in determining how to approach community outreach. There is a specific process prescribed in TRPA Code Chapter 12 for Community Plans, but this plan is not a Community Plan. It is an Area Plan, subject instead to TRPA Code Chapter 13. Subparagraph 13.6.2.A states that “the lead agency shall follow its own review procedures for plan amendments.” Though the code doesn’t lay out a specific outreach process, that same subparagraph states that plan “shall be prepared in coordination with local residents.” That is the standard that we consider as part of conformance review.

While I personally would have taken a different approach with the outreach, I don’t see any legal deficiencies with the abbreviated process that Washoe County has followed. When the scheduled meeting lacked a quorum, I had expected that the plan would be heard at the next CAB meeting. It doesn’t seem that there’s an explicit requirement in the Development Code for CAB review, though. The December workshop seems to satisfy the “neighborhood meeting” provisions in the Washoe County Development Code and NRS 278. I was glad to see they set up that meeting, as I was concerned they would proceed without even that. I attended the workshop and I thought it was well-attended and there was a good discussion. I took notes that [you can read here](#).

The county seems to feel they have made a good faith effort on community outreach. They paint a picture of significant engagement: many CAB meetings and workshops with the community over a 14-year period. I wasn’t around for these, but, I’m told that the input received went into developing the character and vision and influencing the content of the plan. They’ll also point out that they have been transparent with the plan materials. For example, they released a draft version of the Development Code with the setback reduction provision almost a year ago at the March 2019 CAB meeting and hadn’t heard a negative response until recently.

That said, I get what you’re saying. The outreach since 2018 hasn’t been very robust, and the county could have done a better job of highlighting changes like setback reduction. As I had mentioned before, I do plan to outline community concerns raised as part of my staff summary for the RPIC meeting, and will include outreach-related concerns among them. My hope, though, is that you raise this concern to the Board of County Commissioners and allow them an opportunity to address it before the plan proceeds for TRPA conformance review.

Thanks,

Michael T. Conger, AICP
Senior Planner
Long Range & Transportation Planning
(775) 589-5221



From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>

Sent: Tuesday, February 25, 2020 6:14 PM

To: Michael Conger <mconger@trpa.org>; Ronda Tycer <rondatycer@aol.com>; Diane Heirshberg <dbheirshberg@gmail.com>; Pete Todoroff <ptodoroff1@sbcglobal.net>; Tim Callicrate <callicrate_trustee@ivgid.org>

Subject: Out of the weeds of Code, the real picture of the Washoe County Process. Please let the boards at TRPA know what is going on...

Michael Conger: Out of weeds means that my concern is one of procedure and the ability to really know what is going on. At this point this County is not doing a proper

review and having the workshops for a Tahoe Area Plan, as it should under the TRPA Code . (Chapter 12).

In looking back, and it would take some time to put together the dates, most of the information we all have gotten from the review of the Tahoe Area plan has come

from three meetings. Two at the CAB, one that had some notice two years ago where

some people came that had input and another meeting that had no notice and I just

happened to be there on another matter. (Then one at CAB scheduled and canceled)

There was one workshop and that was limited to a evening time ,that had some good

questions, yet had no follow up to that workshop ,with another one.

So all my involvement has been on line, or going to one County Planning Commission

meeting in Reno and had to be down there at 6:00 pm. Then a few Commissioners

meetings, yet mostly on the STR issue.

Yet the reality is that all these except for one was limited to Public Comment under the

Open Meeting Law and no discussion took place.

So now there is no scheduled follow up to the Tahoe Plan Workshop, that took place

a few months ago.

This is to me a agenda, like the current plan of property owners not being noticed

when the Zoning will change for setbacks. This is not a process to get the public's

input for many areas are not in a format ,that allows for any exchange of ideas.

TRPA needs to tell the County to have a workshop with proper notice on a weekend

and one on a week night so we as a community can go through the plans.

TRPA did a great job in the STR process, yet anything turned over to this County for

a fair review has not been right for the Tahoe Area Plan. The next

meetings not at the Commissioners, needs to be at a workshop. Not just

Mr. Young but Marsha Berkbigler our Commissioner needs to be there to answer questions and get input.

This Community deserves better, when it comes to a plan and what has been left up to

us to find out, on our own.

I have sent many comments to Mr. Young and the Commissioners and yet have not even

got back a thank you. Mr. Conger you are the only one that even response to the dates

for meetings , Mr. Young has not got back to me for over a month. He asked me to

be part of the process for he said he valued my ideas and observations. At this point

that is a bunch of bull.... . The planner has introduced areas into the plan that are changing the right of the public to have proper notice and these Code changes were never brought out in the public meetings for discussion of impacts to our area and established Zoning.

Put this plan on hold, until we can get some proper meetings in Incline. IE : Example

A plan presentation would show the community in the Centers what a development would look like, parking, height and other aspects so we as a community could see what this new direction would do for the town centers. Not just a bunch of words.

I do not have even a hard copy of the plan for I am expected to at my cost run all the 400 pages, many color to be able to look at it , unless I do it on the computer. I do not mind buying a copy , yet it is less expensive for the County to print it out rather than me at a local place. They brought maps to the workshop, yet no copies for the people who attended. One person asked to get a copy and was told that it was not printed for the public yet. Only available on small 8 1/2 X 11 size to review. Eric did bring some 11 X 17 maps to one meeting a year ago to be fair. I got one or two of them, yet no updated copies.

I have gotten frustrated sending a copy to Mr. Young and the Commissioner on these kind of opinions for I never get any response. If you want to forward it to them you have my permission to do so.

Wayne Ford

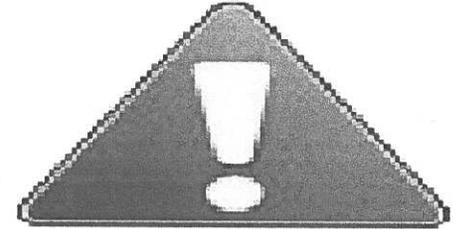
**WASHOE COUNTY STR ORDINANCE,
DEVELOPMENT/CODE ITEMS &
RELATED TAHOE AREA PLAN**

Challenges and Concerns

**TRPA Governing Board
February 26, 2020 Meeting Slides**

Submitted by Carole Black, IV Resident

Boeing Employee*: “Nothing we do is so important that its worth hurting someone”



In Washoe County’s Tahoe Area,

- **We do not want another Orinda or Paradise
OR
Kids finding guns in STR as in South Lake Tahoe;
More unsafe congestion;
Out of character design or uses**
- **We do need Your Support and ...
Tahoe Area Plans/Ordinances that protect us**
 - **Current proposals include significant gaps**

Key Issues – WC STR Ordinance & Tahoe Area Plan

Findings are not met → need some changes:

- STR Ordinance omits key Neighborhood Compatibility items**
 - STR Tiers need adjustment to mitigate significant adverse neighborhood character impact**
 - STR density/intensity regulation is missing**

- Additional areas of concern span both STR Ordinance & Tahoe Area Plan**
 - Collateral public health/safety impacts are not fully addressed**
 - Area occupancy impacts related to tourists/visitors are not considered**
 - Proposed zoning is unnecessary with obscured & adverse impacts**

HAZARD MITIGATION & SUSTAINABLE TOURISM

Emergency Response Capability Is Not Sufficient in Washoe County Tahoe Area



- **Evacuation capacity is known to be inadequate especially during high occupancy periods which also correspond to enhanced natural hazard risk including wildfires, winter storms and the NV Energy PSOM event triggers**
- **Growth in area occupancy based on increased visitors/tourist volumes is significant and has not been considered in the WC Hazard Plan or Tahoe Area Plan population estimates**
- **Emergency Services staffing in the Tahoe Area appears insufficient for the actual population present based on industry benchmarks**
 - ♦ Gap is exacerbated during high occupancy periods related to STR rentals/visitor volumes
 - ♦ Added vehicles and illegal/unsafe parking impact safety and the environment
- **Proposed WC Hazard Plan does not comprehensively address these risks, particularly evacuation capability; and Proposed WC STR Ordinance and Tahoe Area Plan fail to fully assess, address or mitigate these avoidable public safety risks.**
 - ♦ **No Area Occupancy Plan re population risk associated with growth in tourist/visitor volumes**
 - ♦ **No STR Ordinance/Area Plan regs re STR Density; Limits re Neighborhood Compatibility >**
 - More tourists/STRs with More area occupancy, vehicles and hazard risk
 - Less available affordable or rental housing for staff
 - ♦ **NV Energy PSOM events may cause adverse impacts particularly for unprepared tourists without increased WC supports which have not been addressed by WC or NV SB329 planning**

Incline Village Resident Comments re NV Energy PSOM

NV Energy's planned power outage (PSOM) item deserves prompt and comprehensive attention. Clearly the preferred intervention is prevention including under-grounding of power lines, metal power poles, on-going line maintenance, etc. Nonetheless, recognizing that the proposed PSOM outages offer an emergency stop-gap and having experienced such "planned power outages" in CA last summer, I offer a few thoughts re potential local heightened adverse impacts requiring enhanced planning in the NV Tahoe area:

High Priority = Safely Managing Day-to Day Issues:

- **Information/Internet and Cell Phone Connectivity/Charging of Devices:** When the power company made available emergency charging/connectivity/info sites, this provided important support/was very helpful. I think they may have also provided some limited supplies as well, e.g., water bottles. Is this part of the plan? When this didn't occur for one outage, the local government stepped in and provided this support >> What is the Washoe County/IVGID plan for the IV area??
- **Traffic:** this was a dangerous mess and added emergency services support was required - are local emergency services providers actively planning to increase staffing?
- **Supplies:** Some local stores managed to stay open with limited generator power and police presence which was very helpful (supermarket, hardware) - is planning in process in this regard? Note that no refrigerated or frozen items were available, and emergency supply items ran out early. Thus in this remote area enhanced planning for re-stocking is crucial
- **Gas Stations:** Many gas stations either closed or ran out of fuel - in this rural area, without mitigation planning, this will create even more dangerous than usual risk with many people potentially stranded
- **Clean-up:** Added garbage and discarded plastics, etc were created based on food spoilage/drink containers which needed to be addressed.
- **Escapees from Bay Area:** There was a trend of "going to Tahoe" to escape the Bay area power outages - unless managed, this adds unexpected occupants during times of simultaneous expected Tahoe power impacts
- **Winter impacts:** are an issue in the Tahoe area including risk of frozen pipes and property damage from extended periods without heat and injuries related to generator use and fuel storage by inexperienced operators

Highest Priority = Managing Area Occupancy given limited Evacuation Capability:

Last summer fires occurred in CA in areas within or near planned outage areas. In Incline Village in summer/early fall when the fire risk typically heightens during busy tourist seasons, there are already significant traffic delays (one or more hours to get from Kings Beach to Incline Village) as well as well documented inadequate area evacuation capability. Thus planning must include additional precautions re tourists & tourist-serving entities when there is heightened risk including anticipated PSOM events. Suggestions include:

- warn tourists not to enter the area during adverse weather and specifically if a planned power outage notice has been issued
- pro-active coordination with airlines, lodging (including STRs), event/activity vendors to implement expanded cancellation policies
- pro-active cancellation of larger-scale planned events and/or possibly roadblocks to limit/prohibit entry into the area for event attendees
- screening of vehicles entering the area for emergency supplies, an evacuation plan with adequate vehicle fuel and prohibition of entry based on availability of area supplies/supports
- requirements for all tourist serving entities to stock emergency supplies, to provide warnings to current visitors and to pro-actively cancel scheduled arriving visitors

Summary: This presents a very scary potential situation unless managed carefully, comprehensively and effectively! Prior to implementation of PSOM events by NV Energy, Washoe County service plans need to be developed and tested to ensure provision of increased protection and emergency back-up capability. In addition, be aware that there will be significant potential personal property loss and even more significant business losses - estimates can be developed based on impacts experienced last summer in CA. The utility must be held responsible for personal/business loss mitigation given that need for these projected PSOM events is driven by historic failure to make adequate pro-active network interventions.

Submitted by Carole Black, Resident, Incline Village, NV

(Slightly revised version of document presented to NV Energy Reps at IV Meeting 2/6/2020)

Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Wednesday, February 26, 2020 8:36 AM
To: Michael Conger; Pete Todoroff; Ronda Tycer; Sara Schmitz; Diane Heirshberg
Subject: Re: Design section of the new Community Plan: One method is better than another, never was meant by Mr. Hitchcock. I was at the meetings.

I to read the design option that way, yet with the County not having a MOU in place for the near future all design will first go to TRPA for projects. Yet when the MOU does get back in place it may be a good idea to remind the people doing County review for TRPA projects , that "neutral" is the intent by TRPA under Chapter 37.

I will read it one more time and take a look at the over-all direction as outline in the new plan.

Thank You for the quick response.

Wayne Ford

On Tuesday, February 25, 2020, 9:38:58 PM PST, Michael Conger <mconger@trpa.org> wrote:

Mr. Ford –

With the area plan, TRPA Chapter 37, would continue to apply, except in the Town Centers. Chapter 37 provides the option to use segmented building height. In the Town Centers, height requirements are specified in proposed Section 110.220.35 (two stories, with stepped-back third and fourth stories, up to 56 feet max.). In my read of the area plan, it seems neutral on segmented vs. unified design, unless I overlooked something.

Thanks,

Michael T. Conger, AICP

Senior Planner

Long Range & Transportation Planning

(775) 589-5221



From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>

Sent: Tuesday, February 25, 2020 8:35 PM

To: Michael Conger <mconger@trpa.org>; Pete Todoroff <ptodoroff1@sbcglobal.net>; Ronda Tyner <rondatyner@aol.com>; Sara Schmitz <schmitz61@gmail.com>; Diane Heirshberg <dbheirshberg@gmail.com>; Eric Young <EYoung@washoecounty.us>

Subject: Design section of the new Community Plan: One method is better than another, never was meant by Mr. Hitchcock. I was at the meetings.

Clarify: The direction of segment design down a slope VS doing a unified design

with one structure and the ability to cantilever for keeping the low point not too

far down the slope are "options" under the Community Plan for they are still

"options" in the TRPA Code. Is that correct?

I have looked at each system as presented in the Code and I do find there are

good and bad in each. There are different factors that affect which is best.

Yet as stated in the Community Plan it seems that the newest , segmented design

is being suggested to be better than the unified design of the past. I find that the

segmented system causes a great deal of added coverage and thus more impacts

by elongating the project down a slope and in some cases makes the ability to

keep rooms open to light and ventilation more of a challenge.

So I do take some exception that what is in the TRPA Code as a example for a

option now has a value judgement placed on one being better from a visual

standpoint than the other.

I do not believe that one design has a clear benefit over the other for it really depends

on other factors of where the site is seen from. In fact the segmented design can

cause less distance between structures below and thus less open area between

development of structures. (less open space for landscaping).

I believe that this value judgement needs to be removed from that area of the code.

Each parcel should be judged on the merits of the site, not just a blanket statement

one design method is better than another.

Wayne Ford

Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Wednesday, February 26, 2020 10:40 AM
To: Michael Conger; Pete Todoroff; Ronda Tycer; Sara Schmitz; Diane Heirshberg; Eric Young; Marsha Berkbigler
Subject: Issue of timing of set-back issue and my review: Side yards are also on the line.

Why so late to comment and there is more to the story: Mr. Conger /TRPA

Michael I have been mostly the only person looking at the new code which actually does design in this community. I am not sure where the other people are that are RD's and Architects. Maybe they just feel that it just allows for a easier process for someone to get a set-back change and the neighbors do not matter. I am of a different set of values, when it comes to the right to know.

That said I have had to try and balance my time in looking at the impacts of this Code , my own business schedules and a my daughter and her health and surgery recoveries some 5 over the past year.

So now to why I am updating this issue: Just to let you know that at 334 Wassou a

variance was given that was for the front yard. Yet when it was challenged by my client

that the side yards were also adjusted that impacted his property and the entry to his

room above the garage, he was told that once the front yard has been adjusted that the

side yards do not apply as mapped . So they got adjusted to. So that is why it is important,it is not just about the County right of way at all. It is about what happens that is not clear in the Area Plan, that Eric Young has not mentioned.

This is all going to end up in court and the only agency to have a chance to stop the

removal of the property owners right to know about zoning changes, is TRPA. To me that is a responsibility of TRPA to oversee in the Tahoe Area under the thresholds they have projected to meet under the RPU. If not TRPA then who, the County will never do it.

Wayne Ford

Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Wednesday, February 26, 2020 11:15 AM
To: ElleryStahler; Michael Conger; Pete Todoroff; Ronda Tycker; Sara Schmitz; Diane Heirshberg
Subject: Fw: Wayne Ford Tahoe Area Plan Problems
Attachments: WaynefordAreaPlanProblems2-20-20.docx

Alert : the Area Plan for Incline and Crystal Bay has a major flaw that will impact lands owned by the State and are to be protected.

Attached is the latest Code under the Area Plan to not protect State Lands or the right of property owners to know when a developer is going to do something that will impact what property next to a proposed project . No notice to property owners and even State Lands. The review power now vested in the Board of Adjustment to be given to one person in the engineering department of Washoe County. No notice required to be sent.

If you remember that last time this took place Nevada State Lands were given notice on a proposed garage on Carson Court. The States representative was at the Commissioners meeting and her concerns were ignored. Now we have a code that will be adjusted

to not let anyone know about a "0" setback. Just to be clear once the front yard is

changed , then the side yard setbacks do not apply , see variance given to 334 Wassou Road in the past. (findings made in the appeal process).

So I am requesting that Nevada State Lands/ APC send back the current Area Plan so that this part of Chapter 110 be removed for the protection of State Lands under the rights of the current NRS to be noticed, when someone is wanting to do set-back changes / Zoning Changes. If not changed a permit will be issues and then once State Lands finds out about it , they will have to go to court. Our tax payers money does not need to be used this way just because the Commissioners do not want to hear appeals.

Wayne Ford

WAYNE FORD

A major change has been made to the Tahoe Area Plan that will affect not just me as a Residential Designer, but all Incline Village and Crystal Bay citizens henceforth. For this reason I need to make an issue of it to the TRPA Advisory Planning Commission. I've already lodged my concern with Washoe County's Eric Young and Mike Conger of TRPA.

TAHOE AREA PLAN CODE PROBLEM

I want to mention two concerns with the change in the Tahoe Area Plan Page 7-4 dealing with Washoe County Building Code 110.220.60 (1) (2) (3) (4) (5) (6) Setbacks. My concerns are:

- changing the code so no variance is needed for a 20%-sloped lot to qualify for a zero-setback from the street; but a variance is still required for slopes of less steepness (15% or 10%)
- eliminating the variance review process by giving the decision to an engineer in the Washoe County Engineering Department

Problem #1 - Zero Setbacks on 20%-Sloped Lots

As now stated in the new Tahoe Area Plan 2020, it's possible for a homebuilder to request a zero setback of a house or garage on any interior or through lot with 20% slope (on the front of the property).

In the old code, a 15-foot setback is mandatory for all lots.

- with a 15-foot setback between the curb and a 2-car garage, there is room for a driveway
- with zero setback, there is no room for guest parking, and guests will park on the street
- when guests park on the street they impede traffic, street cleaning, and snow removal

In the old code, if a homebuilder wants a variance so they don't have to comply with the 15-foot setback requirement, they go through a review process as required by NRS 278.315 (Granting of variances, special and conditional use permits, and other special exceptions by Board of Adjustment, Planning Commission, or Hearing Officer).

In the new code, the variance process is still required for interior and through lots of less than 20% slope on the front half of the lot, but not for lots with slope of 20% or more. Those other lots will need to comply with Article 804. (See attached.) But for lots of 20% slope (on the front half of the lot), now there will be no variance or review process.

THE PROBLEMS WITH THIS CHANGE IN THE CODE

In the old code, a homebuilder requests a variance from the Board of Adjustment, which then publicizes a hearing date so that public input can be given by neighbors and others affected by the setback variance request. These variances are also heard at Citizen Advisory Board meetings.

In the new code, for the 20% sloped lots, there is no process of review or appeal. Rather the decision is given to an engineer in the Engineering Department where the decision will be made without public oversight or input.

In the old code, the approval of a variance was often based on the finding that the homebuilder experienced a “hardship” due to the configuration of the site (e.g., steepness, odd lot shape, a large boulder, a stream, other features or constraints unique to the property).

In the new code, “Undue Hardship” is no longer mentioned as a criterion for consideration for 20% sloped lots.

The new plan authorizes the Engineering Division to determine whether the setback meets three minimal criteria. The setback will be approved if it does not:

- impede county maintenance and road-work operations
- cause a safety problem for speed or volume of traffic on the street
- prevent the County from widening the street should it decide it needs to

Using these three criteria, most requests for zero setbacks on 20% sloped lots will be approved.

In the old code the variance process involved the public—specifically the neighbors who might be affected by the variance decision. The County was required to notice all persons within a particular distance, and/or to hold a public hearing at which persons could discuss the variance request. Neighbors’ homes may be impacted in a variety of ways including safety, aesthetics, health, and property values, but most often when setbacks are insufficient, neighbors are impacted by cars parking in the right-of-way and on their property.

In the new code, there is no process for public input on the setback decisions of 20% sloped lots. And the decision no longer depends on the concerns of those who will be affected by the decision. The process gives to an engineer in the Washoe County Engineering Department the sole discretion to determine whether to approve the permit with the setback variance. The new code takes away citizen oversight of property development that will affect neighbors.

In the old code, many perspectives are brought to bear on the problem for which a variance is sought. In the new code, only one engineer’s perspective will be required. The possibility of “undue influence” affecting the request approval cannot be ignored.

Although the code change may look innocuous and technical at first glance, the effects will reverberate and eventually impact the lake. It is easy to see how a zero setback on a sloped property could result in impediments to street cleaning and snow removal. When county snowplows (which hit 8 cars last season) are damaged, they’re unable to clear roads and cost money for repair. When snow plowing results in cars being “plowed in” to the parking spaces, children can’t get around them to walk on the paths to school, so they walk in the streets. This simple code change will result in a domino effect.

Please reconsider the decision to eliminate the public-input variance review process for 20% sloped lots.

Thank you.

WMPA19-0007, WRZA19-0007 & WDCA19-0007 EXHIBIT D

[Eric - Good job on this section]

Section 110.220.55 Yard and Lot Standards. Required yards for structures, minimum parcel area and minimum parcel width are determined by parcel size and use type according to Table 110.220.03, *Tahoe Area Yard and Lot Standards*. The use types are defined under TRPA Code of Ordinances Chapter 21, *Permissible Uses*. Standards for development in Town Center overlay districts are found in Section 110.220.35, *Town Center Overlay* and Article 110.220.1, *Tahoe Area Design Standards*. Structures fronting State Routes 28 and 431 shall be set back a minimum of 20 feet from the right-of-way, unless an exception is granted pursuant to TRPA Code of Ordinances Subsection 36.5.4, *Setback Standards*.

Table 110.220.03 Tahoe Area Yard and Lot Standards ¹¹⁻¹⁷ _{SEP}

Use Type & Parcel Size	Required setback			
	Front	Side	Rear	
Residential				
Greater than 2.5 acres		30	15	30
35,000 sq ft -2.5 acres	30	12	30	
12,000 sq ft – 34,999.99 sq ft	20	8	20	
5000 sq ft – 11,999.99 sq ft	20	5	20	
Commercial				
Tourist Accommodation	20	10	10	
Public Service	20	15	20	
Recreation	20	15	20	
Wildlife Management				
Higher than 12'	15	15	15	
12/ or less	5	5	5	

Section 110.220.60 Siting on Corner Lots and Sloped Lots. The following standards apply to any primary building or accessory structure on a corner lot or lot with slopes meeting the thresholds established below.

1. Primary buildings and accessory structures may be built to the front property line on any corner lot when built no closer than sixty (60) feet from the corner, **and on any interior or through lot** where the slope of the front half of the lot is greater than a two (2) foot rise (or fall) for every ten (10) feet above (or below) the established street grade. The structure shall conform to the height and story limits provided within this

section. When a primary building or accessory structure is placed within the front yard setback as described in this section, all the following shall apply:

1. **The Engineering Division** must be able to determine that county right-of-way maintenance and road work operations will not be impeded or sufficient measures have been incorporated in the structure's design to mitigate an impediment to county right-of-way maintenance and road work operations. The county may also require that the county be held harmless from liability resulting from its right-of-way maintenance and road work operations;
2. **The Engineering Division** must be able to determine that the speed of traffic and the volume of traffic on the street is such that the placing of the garage within the front yard setback will not cause a safety problem for vehicles using the street; and
3. **The Engineering Division** must be able to determine that the placement of the structure within the front yard setback will not impede the ability of the county to widen the street in accordance with the adopted Capital Improvements Program, or in accordance with a possible widening of the street as shown in the adopted master plan.
4. The placement of the structure is not sited closer than fifteen (15) feet from the edge of pavement of the abutting street.
5. The maximum square footage of the portion of the structure designed to encroach on the established setback shall not exceed 25% of the size of the primary structure.
6. Structures proposed within 20 feet of the rights-of-way of State Routes 28 or 431 may only be approved pursuant to Subparagraph 36.5.4.A.2 of the TRPA Code of etc.

Michael Conger

From: wayne conrad <wayne_conrad@yahoo.com>
Sent: Tuesday, March 3, 2020 11:19 AM
To: ptodoroff1@sbcglobal.net; Nancy McGill; Will Dawson; Linda Newman; Kathie M Jullian; Lettie Miller; Steve Miller; Santa Claus; Steve Dolan; Tom&lyn Cardinale; Wayne Ford; Susan Sanders; Rich Thomsen; Ken Cash; Laney Griffo; Kira Smith; Todd Lowe; RenoTax Revolt; Sierra Nevada College; Stephen Barney; Sean Kosinski; Peter Hennessey; Karli Epstein; Robert Galloway; Omer Raines; Tracy Chapman; Sara Schmitz; Michael Abel; Lisa Krasner; Sherri Kleinman; Ramona Bigelow; Patrick McBurnett; Stuart Yount; Tom & Ronda Kenna; Maria Kiss; Priscille; Reiny Moeller; Todd Acker; Mike Archer; Mike Hess; Philip Horan; Robert Green Jr. CFA; Melissa Hellmuth; Linda Offerdahl; Kaye Shackford; Mike Brown; Kristina Hill; Matthew Dent; Susan Herron; Ronda Tycer Phd; Svata Trossen; Roger Leach; Louise Cooper; Michael Conger; Ron Stanger; Mike Clark; Mark Ghafourpour; Wayne Yarbrough; Tony Lillios; Michelle Geary; Tia Rancourt; Kendra Wong; Meera Beser; Kevin Lyons; Lyn Karol; Millie Carter; Tim Callicrate; Matthew Buehler; Marsha Berkbigler; Tom Heck; Mark Regan; Sherman Boxx; Kelly Mullin; Rajashree Karwa; Sherri Klein; Lee Herz Dixon; Nick Nordyke; Tahoe Daily Tribune; Sandra Borboza Lt.; Mike Sullivan; Steve Price; Peter Morris; Michael Clark; Paul Klein; Lawrence Hawkins; Tim Carlson; Katy Simon Holland; Margaret Martini; Ryan Sommers; Miren Hower; ptodoroff1@sbcglobal.net; ptodoroff1@sbcglobal.net
Cc: Pete Todoroff
Subject: Re: TAHOE AREA CODE

I would look into this a little deeper this is sometimes an oily trick to change your district marginalizing your opinion. Is incline village incorporated or non Incorporated? Independence is everything. Mr. Ford's concerns are real this guy's pretty Sharp. The district change is not what incline village wants thats all I can tell you now. If somewhere in the back it has that you need to root it out.

Michael Conger

From: Margaret Martini <margaretmartini@liveintahoe.com>
Sent: Tuesday, March 3, 2020 3:41 PM
To: wayne_conrad@yahoo.com; ptodoroff1@sbcglobal.net; 'Nancy McGill'; 'Will Dawson'; 'Linda Newman'; 'Kathie M Jullian'; 'Lettie Miller'; 'Steve Miller'; 'Santa Claus'; 'Steve Dolan'; 'Tom&lyn Cardinale'; 'Wayne Ford'; 'Susan Sanders'; 'Rich Thomsen'; 'Ken Cash'; 'Laney Griffo'; 'Kira Smith'; 'Todd Lowe'; 'RenoTax Revolt'; 'Sierra Nevada College'; 'Stephen Barney'; 'Sean Kosinski'; 'Peter Hennessey'; 'Karli Epstein'; 'Robert Galloway'; 'Omer Raines'; 'Tracy Chapman'; 'Sara Schmitz'; 'Michael Abel'; 'Lisa Krasner'; 'Sherri Kleinman'; 'Ramona Bigelow'; 'Patrick McBurnett'; 'Stuart Yount'; 'Tom & Ronda Kenna'; 'Maria Kiss'; 'Priscille'; 'Reiny Moeller'; 'Todd Acker'; 'Mike Archer'; 'Mike Hess'; 'Philip Horan'; 'Robert Green Jr. CFA'; 'Melissa Hellmuth'; 'Linda Offerdahl'; 'Kaye Shackford'; 'Mike Brown'; 'Kristina Hill'; 'Matthew Dent'; 'Susan Herron'; 'Ronda Tycer Phd'; 'Svata Trossen'; 'Roger Leach'; 'Louise Cooper'; 'Michael Conger'; 'Ron Stanger'; 'Mike Clark'; 'Mark Ghafourpour'; 'Wayne Yarbrough'; 'Tony Lillios'; 'Michelle Geary'; 'Tia Rancourt'; 'Kendra Wong'; 'Meera Beser'; 'Kevin Lyons'; 'Lyn Karol'; 'Millie Carter'; 'Tim Callicrate'; 'Matthew Buehler'; 'Marsha Berkbigler'; 'Tom Heck'; 'Mark Regan'; 'Sherman Boxx'; 'Kelly Mullin'; 'Rajashree Karwa'; 'Sherri Klein'; 'Lee Herz Dixon'; 'Nick Nordyke'; 'Tahoe Daily Tribune'; 'Sandra Borboza Lt.'; 'Mike Sullivan'; 'Steve Price'; 'Peter Morris'; 'Michael Clark'; 'Paul Klein'; 'Lawrence Hawkins'; 'Tim Carlson'; 'Katy Simon Holland'; 'Ryan Sommers'; 'Miren Hower'
Subject: RE: TAHOE AREA CODE

This comment is really true !

There is something underhanded going on through this "redistricting" or "overlay zoning". It is not good. We need to be diligent. Do not trust that the county has our best interests in mind.

It is my opinion that since the majority of the commissioners are in full support of short term rentals, and they have no inclination to protect our subdivisions of residential real estate you will all have to be extra diligent in monitoring what they are doing with our community at the planning dept. and how they are going to support the planning overlay.

I am as concerned with the restructuring of Incline Village and the idea that the final approval of this plan will be on the desk of one person if I understand Wayne Ford correctly. Wayne has all of the information and is very astute in what is going on, planning to be going on and what has gone on in the past. With the county and with the rogue TRPA who was instrumental in determining definitions of residential properties purporting to be the end all and be all of the properties in the basin. I happen to think that they are mistaken in that assumption.

This is going to be a nightmare for all of us if we have to go forward and then have to reverse the damage. It will be another costly endeavor involving the courts and the county.

Margaret

From: wayne conrad <wayne_conrad@yahoo.com>

Sent: Tuesday, March 3, 2020 11:19 AM

To: ptodoroff1@sbcglobal.net; Nancy McGill <NMcGill@washoecounty.us>; Will Dawson <wdawson@dps.state.nv.us>; Linda Newman <linda@marknewman.net>; Kathie M Jullian <kathiejulian@gmail.com>; Lettie Miller <millereight03@sbcglobal.net>; Steve Miller <sm@npri.org>; Santa Claus <santaclaus@usa.net>; Steve Dolan <info@muggsywalnut.com>; Tom&lyn Cardinale <tomlyn.14@gmail.com>; Wayne Ford <waynefordresidentialdesigner@yahoo.com>; Susan Sanders <suemeadesanders@gmail.com>; Rich Thomsen <rthomsen@washoecounty.us>; Ken Cash <Ken.Cash@cbselectre.com>; Laney Griffo <lgriffo@tahoedailytribune.com>; Kira Smith <ksmith@trpa.org>; Todd Lowe <todd@loweharbor.com>; RenoTax Revolt <RenoTaxRevolt@sbcglobal.net>; Sierra Nevada College <marketing@sierranevada.edu>; Stephen Barney <bar7ney@gmail.com>; Sean Kosinski <seankosinski@yahoo.com>; Peter Hennessey <Peter5427@reagan.com>; Karli Epstein <KEPSTEIN@TFHD.COM>; Robert Galloway <rgalloway@tahoedailytribune.com>; Omer Raines <senorains@gmail.com>; Tracy Chapman <Tracy@thecalneva.com>; Sara Schmitz <schmitz61@gmail.com>; Michael Abel <mikeabel900@gmail.com>; Lisa Krasner <Lisa.Krasner@asm.state.nv.us>; Sherri Klein <smeadowk@me.com>; Ramona Bigelow <rbigelow@pyramid.net>; Patrick McBurnett <ktrick44@gmail.com>; Stuart Yount <syount@gaviotacapital.com>; Tom & Ronda Kenna <unoboza@yahoo.com>; Maria Kiss <mariaintahoe@gmail.com>; Priscille <priscillegend@gmail.com>; Reiny Moeller <rmoeller@aol.com>; Todd Acker <Tacker@washoecounty.us>; Mike Archer <archertahoe@gmail.com>; Mike Hess <mike@morshess.com>; Philip Horan <horan_trustee@ivgid.org>; Robert Green Jr. CFA <rgreen@cojobay.com>; Melissa Hellmuth <melissa.hellmuth@uwenns.org>; Linda Offerdahl <linda@offerdahl.com>; Kaye Shackford <mattford@aol.com>; Mike Brown <mike.brown@rrpartners.com>; Kristina Hill <tahoehills@att.net>; Matthew Dent <matthew.ivgid@gmail.com>; Susan Herron <Susan_Herron@ivgid.org>; Ronda Tycer Phd <rondatycer@aol.com>; Svata Trossen <sk8rs@charter.net>; Roger Leach <Luv49er@gmail.com>; Louise Cooper <letusshop@aol.com>; Michael Conger <mconger@trpa.org>; Ron Stanger <ronstanger@att.net>; Mike Clark <clarkforwashoeassessor@gmail.com>; Mark Ghafourpour <mghafourpour@aol.com>; Wayne Yarbrough <dpdog1111@gmail.com>; Tony Lillios <tony.lillios@gmail.com>; Michelle Geary <michellegeary10@yahoo.com>; Tia Rancourt <trancourt@nltpd.net>; Kendra Wong <wong_trustee@ivgid.org>; Meera Beser <mbeser@sbcglobal.net>; Kevin Lyons <kevin@molocopartners.com>; Lyn Karol <lynkarol@aol.com>; Millie Carter <millie.carter@yahoo.com>; Tim Callicrate <callicrate_trustee@ivgid.org>; Matthew Buehler <mattsuebuehler@hotmail.com>; Marsha Berkbigler <MBerkbigler@washoecounty.us>; Tom Heck <tomheckforussenate@gmail.com>; Mark Regan <MRegan@nvenergy.com>; Sherman Boxx <sboxx@sbcglobal.net>; Kelly Mullin <KMullin@washoecounty.us>; Rajashree Karwa <rkarwa@gmail.com>; Sherri Klein <sherri@tahoe95.com>; Lee Herz Dixon <user645137@aol.com>; Nick Nordyke <nnordyke@dps.state.nv.us>; Tahoe Daily Tribune <yournews@tahoedailytribune.com>; Sandra Borboza Lt. <SBarboza@washoecounty.us>; Mike Sullivan <laketahoelockshop@yahoo.com>; Steve Price <pricese@aol.com>; Peter Morris <pwmorris@hotmail.com>; Michael Clark <meclark@washoecounty.us>; Paul Klein <paul@tri-strategies.com>; Lawrence Hawkins <lahawkins@yahoo.com>; Tim Carlson <tc@tcarlson.biz>; Katy Simon Holland <kathryn.holland@washoeschools.net>; Margaret Martini <margaretmartini@liveintahoe.com>; Ryan Sommers <rsommers@nltpd.net>; Miren Hower <mirenh@projectmana.org>; ptodoroff1@sbcglobal.net;

Cc: Pete Todoroff <ptodoroff1@sbcglobal.net>

Subject: Re: TAHOE AREA CODE

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Michael Conger

From: Lynette Cardinale <tomlyn.14@gmail.com>
Sent: Wednesday, March 4, 2020 3:30 AM
To: wayne_conrad@yahoo.com
Cc: Karli Epstein; Kathie M Jullian; Katy Simon Holland; Kaye Shackford; Kelly Mullin; Ken Cash; Kendra Wong; Kevin Lyons; Kira Smith; Kristina Hill; Laney Griffo; Lawrence Hawkins; Lee Herz Dixon; Lettie Miller; Linda Newman; Linda Offerdahl; Lisa Krasner; Louise Cooper; Lyn Karol; Maria Kiss; Mark Ghafourpour; Mark Regan; Marsha Berkgigler; Matthew Buehler; Matthew Dent; Meera Beser; Melissa Hellmuth; Michael Abel; Michael Clark; Michael Conger; Michelle Geary; Mike Archer; Mike Brown; Mike Clark; Mike Hess; Mike Sullivan; Millie Carter; Miren Hower; Nancy McGill; Nick Nordyke; Omer Raines; Patrick McBurnett; Paul Klein; Peter Hennessey; Peter Morris; Philip Horan; Priscille; Rajashree Karwa; Ramona Bigelow; Reiny Moeller; RenoTax Revolt; Rich Thomsen; Robert Galloway; Robert Green Jr. CFA; Roger Leach; Ron Stanger; Ronda Tycer Phd; Ryan Sommers; Sandra Borboza Lt.; Santa Claus; Sara Schmitz; Sean Kosinski; Sherman Boxx; Sherri Klein; Sherri Kleinman; Sierra Nevada College; Stephen Barney; Steve Dolan; Steve Miller; Steve Price; Stuart Yount; Susan Herron; Susan Sanders; Svata Trossen; Tahoe Daily Tribune; Tia Rancourt; Tim Callicrate; Tim Carlson; Todd Acker; Todd Lowe; Tom & Ronda Kenna; Tom Heck; Tony Lillios; Tracy Chapman; Wayne Ford; Wayne Yarbrough; Will Dawson; margaretmartini@liveintahoe.com; ptodoroff1@sbcglobal.net
Subject: Re: TAHOE AREA CODE

Thank you Wayne for your insight and example. I also see this portrayed in a loss of life and or injury scenario including wildlife, residents, visitors, and firefighters, etc. Can you even imagine a fire purposely uncontrolled through an entity that has been ordained to protect through its resources ?!

This is sheer willful harmful ignorance on behalf of the county holding us hostage in "a greasy" maneuver that is abundantly destructive to our homes, welfare and our village This most certainly cannot be allowed. We must galvanize ourselves and protect ourselves in every way possible and not allow this to succeed.

Any typos.. rambling .. please ignore.. wrote this 3:00am furiously from my phone.

Lynette Cardinale

On Wed, Mar 4, 2020 at 2:31 AM wayne conrad <wayne_conrad@yahoo.com> wrote:

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support that comes in with it. Oops epic blunder on the county. So here comes the next round of incline village and many other civil suits against the county for destroying the ambiance of The village.

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[Sent from Yahoo Mail on Android](#)

On Tue, Mar 3, 2020 at 6:42 PM, Margaret Martini <margaretmartini@liveintahoe.com> wrote:

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To: ptodoroff1@sbcglobal.net; Nancy McGill <NMcGill@washoecounty.us>; Will Dawson <wdawson@dps.state.nv.us>; Linda Newman <linda@marknewman.net>; Kathie M Jullian <kathiejulian@gmail.com>; Lettie Miller <millereight03@sbcglobal.net>; Steve Miller <sm@npri.org>; Santa Claus <santaclaus@usa.net>; Steve Dolan <info@muggsywalnut.com>; Tom&lyn Cardinale <tomlyn.14@gmail.com>; Wayne Ford <waynefordresidentialdesigner@yahoo.com>; Susan Sanders <suemeadesanders@gmail.com>; Rich Thomsen <rthomsen@washoecounty.us>; Ken Cash <Ken.Cash@cbselectre.com>; Laney Griffo <lgriffo@tahoedailytribune.com>; Kira Smith <ksmith@trpa.org>; Todd Lowe <todd@loweharbor.com>; RenoTax Revolt <RenoTaxRevolt@sbcglobal.net>; Sierra Nevada College <marketing@sierranevada.edu>; Stephen Barney <bar7ney@gmail.com>; Sean Kosinski <seankosinski@yahoo.com>; Peter Hennessey <Peter5427@reagan.com>; Karli Epstein <KEPSTEIN@TFHD.COM>; Robert Galloway <rgalloway@tahoedailytribune.com>; Omer Raines <senorains@gmail.com>; Tracy Chapman <Tracy@thecalneva.com>; Sara Schmitz <schmitz61@gmail.com>; Michael Abel <mikeabel900@gmail.com>; Lisa Krasner <Lisa.Krasner@asm.state.nv.us>; Sherri Kleinman <smeadowk@me.com>; Ramona Bigelow <rbigelow@pyramid.net>; Patrick McBurnett <ktrick44@gmail.com>; Stuart Yount <syount@gaviotacapital.com>; Tom & Ronda Kenna <unoboza@yahoo.com>; Maria Kiss <mariaintahoe@gmail.com>; Priscille <priscillegend@gmail.com>; Reiny Moeller <rmoeller@aol.com>; Todd Acker <Tacker@washoecounty.us>; Mike Archer <archertahoe@gmail.com>; Mike Hess <mike@morshess.com>; Philip Horan <horan_trustee@ivgid.org>; Robert Green Jr. CFA <rgreen@cojobay.com>; Melissa Hellmuth <melissa.hellmuth@uwvns.org>; Linda Offerdahl <linda@offerdahl.com>; Kaye Shackford <mattford@aol.com>; Mike Brown <mike.brown@rrpartners.com>; Kristina Hill > <tahoehills@att.net>; Matthew Dent <matthew.ivgid@gmail.com>; Susan Herron <Susan_Herron@ivgid.org>; Ronda Tyner Phd <rondatyner@aol.com>; Svata Trossen <sk8rs@charter.net>; Roger Leach <Luv49er@gmail.com>; Louise Cooper <letusshop@aol.com>; Michael Conger <mconger@trpa.org>; Ron Stanger <ronstanger@att.net>; Mike Clark <clarkforwashoeassessor@gmail.com>; Mark Ghafourpour <mghafourpour@aol.com>; Wayne Yarbrough <dpdog1111@gmail.com>; Tony Lillios <tony.lillios@gmail.com>; Michelle Geary <michellegeary10@yahoo.com>; Tia Rancourt <trancourt@nltpd.net>; Kendra Wong <wong_trustee@ivgid.org>; Meera Beser <mbeser@sbcglobal.net>; Kevin Lyons <kevin@molocopartners.com>; Lyn Karol <lynkarol@aol.com>; Millie Carter <millie.carter@yahoo.com>;

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From: wayne conrad <wayne_conrad@yahoo.com>
Sent: Wednesday, March 4, 2020 2:32 AM
To: margaretmartini@liveintahoe.com; ptodoroff1@sbcglobal.net; 'Nancy McGill'; 'Will Dawson'; 'Linda Newman'; 'Kathie M Jullian'; 'Lettie Miller'; 'Steve Miller'; 'Santa Claus'; 'Steve Dolan'; 'Tom&lyn Cardinale'; 'Wayne Ford'; 'Susan Sanders'; 'Rich Thomsen'; 'Ken Cash'; 'Laney Griffo'; 'Kira Smith'; 'Todd Lowe'; 'RenoTax Revolt'; 'Sierra Nevada College'; 'Stephen Barney'; 'Sean Kosinski'; 'Peter Hennessey'; 'Karli Epstein'; 'Robert Galloway'; 'Omer Raines'; 'Tracy Chapman'; 'Sara Schmitz'; 'Michael Abel'; 'Lisa Krasner'; 'Sherri Kleinman'; 'Ramona Bigelow'; 'Patrick McBurnett'; 'Stuart Yount'; 'Tom & Ronda Kenna'; 'Maria Kiss'; 'Priscille'; 'Reiny Moeller'; 'Todd Acker'; 'Mike Archer'; 'Mike Hess'; 'Philip Horan'; 'Robert Green Jr. CFA'; 'Melissa Hellmuth'; 'Linda Offerdahl'; 'Kaye Shackford'; 'Mike Brown'; 'Kristina Hill'; 'Matthew Dent'; 'Susan Herron'; 'Ronda Tycer Phd'; 'Svata Trossen'; 'Roger Leach'; 'Louise Cooper'; 'Michael Conger'; 'Ron Stanger'; 'Mike Clark'; 'Mark Ghafourpour'; 'Wayne Yarbrough'; 'Tony Lillios'; 'Michelle Geary'; 'Tia Rancourt'; 'Kendra Wong'; 'Meera Beser'; 'Kevin Lyons'; 'Lyn Karol'; 'Millie Carter'; 'Tim Callicrate'; 'Matthew Buehler'; 'Marsha Berkbigler'; 'Tom Heck'; 'Mark Regan'; 'Sherman Boxx'; 'Kelly Mullin'; 'Rajashree Karwa'; 'Sherri Klein'; 'Lee Herz Dixon'; 'Nick Nordyke'; 'Tahoe Daily Tribune'; 'Sandra Borboza Lt.'; 'Mike Sullivan'; 'Steve Price'; 'Peter Morris'; 'Michael Clark'; 'Paul Klein'; 'Lawrence Hawkins'; 'Tim Carlson'; 'Katy Simon Holland'; 'Ryan Sommers'; 'Miren Hower'
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Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Friday, March 6, 2020 12:56 PM
To: ptodoroff1@sbcglobal.net; rondatycer@aol.com; schmitz61@gmail.com; Diane Heirshberg; Michael Conger
Subject: Fw: Development code: 110.220.60

Some thoughts on what was said at the Community Meeting today and one or two that was not brought up.

----- Forwarded Message -----

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
To: Marsha Berkbigler <mberkbigler@washoecounty.us>; Eric Young <eyoung@washoecounty.us>
Sent: Friday, March 6, 2020, 12:53:52 PM PST
Subject: Development code: 110.220.60

Thank you for hearing first me , the loud one and the Indra.

So as I said I would be happy to volunteer to take part in review by staff a way to make

the variance process work better. I would also request that you ask others in the design

community to give their ideas.

That could take place in the process of a code amendment such as was done for commercial property setbacks and such areas as storage units. As you know work shops

are held and staff and those interested show up and look at all the issues.

So that said to me there are too many issues as it is currently written to be part of the

adoption of the Community/Tahoe Area Plan and would likely lead to affecting the

adoption of the plans as a hole.

As I have said I support a great deal of what you and Eric Young have done in the overall

plan.

One last area: In trying to help many understand what has been done I came to realize that

I did not know many of the " words or phrases" used in the plan. It would be great to have a section that defines these words as used under planning. I know that TRPA has it's own area that defines terms and certain words, yet to have to go to the TRPA Code and go into it for that understanding is time consuming and also may be misleading.

Do a simple section that defines the main terms used.

So even though President Clinton is back in the news I would not expect "it" to be part of this section.

Wayne Ford

Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Saturday, March 7, 2020 4:35 PM
To: Eric Young; rondatycer@aol.com; schmitz61@gmail.com; ptodoroff1@sbcglobal.net; Michael Conger; mberkbigler@washoecounty.us
Subject: Now spending more time on this? Why. 110.220.60 See previous emails sent March 5th on the code should not be in the Area Plan .

Mr. Young: Remove the code as written. As I spoke with Commissioner Berkbigler yesterday, I will be glad to take part in work shops to up-date to the variance process and the current problems in that review. Yet it needs to be it's own review and not part of the Area Plan . Now IVGID is concerned, and I also believe in my past discussions Nevada State Lands, they also are concerned.

I spoke in the form: The Commissioner sat on my right. This current Code is a major problem. I made my case and the Commissioner responded. Indra Winquest also made his case and the Commissioner responded. It is clear to me she agrees that the way it is written in the Plan, needs to be changed. Get rid of it for now and move the good parts of the plan forward. We have to deal with the current variance process on it's own in some workshops that allow for all affected parties to be noticed and appeal rights kept in place or the County will end up in Court.

Myself and Indra Winquest : Indra yesterday in the Community Form" I want to bring up the same issue. I have concerns that the way it's written it could impact our

parcels. We have lots of parcels with infrastructure-water, sewer. I agree there need to be a level of transparency with the process. I'm managing people. They have to make decisions. If they go sideways, we have to have protection-several layers of protection- so staff gets to review. I think the TRPA is pushing the County to get the Area Plan done, but things have changed.

Indra Winquest. "Well I'm getting up to speed. So I will set up a meeting with Eric advocating on behalf of IVGID and Wayne.

Marsha Berkgigler" I agree the neighbors need to be noticed "

That is a small part of what is not right in the current Coed 1110.220.60.

The area of the three findings and who makes them is all wrong. The findings are to few. Yet

I need to stop. Get the section removed. It will not affect the plan at all. If it is left

in it will affect the plan in a negative way. That should not take place. All the good work will be tainted by this one section. Let all parcels with 20% slope have 15 foot setbacks, that is good enough for now. If someone want less they will have to deal with the current process and apply for a variance until the process can be reviewed and changed ,if needed.

Let me know when it has been removed.

Wayne Ford

Michael Conger

From: Diane Heirshberg <dbheirshberg@gmail.com>
Sent: Monday, March 9, 2020 9:25 AM
To: Michael Conger
Subject: Tahoe Area Plan TRPA RPC, APC and Governing Board Meetings
Attachments: Tahoe Area Plan.TRPA public Comment 3.9.2020.odt

Dear Michael,

Thank you for our several conversations on the subject of the Tahoe Area Plan. I would ask that the attached letter be made a part of the public comments and sent out with the Agenda packets that go to the RPC, APC and Governing Board on the topic of the Tahoe Area Plan. As I told you I am in Los Angeles recovering from surgery at UCLA, and doubt that I will be able to return to my home in Incline Village this month as I have developed an infection.

I apologize for the length of this document, but there were a large number of issues to cover.

I believe that TRPA and Washoe County will be getting further input from IVGID and other agencies on at least the "0" setback issue as I am advised that the agencies were unaware of this change and oppose the change.

I am sending a letter to Eric Young today as well.

Thank you in advance for your anticipated thoughtful review of the concerns I have identified.

Very truly yours,

Diane Heirshberg
805-290-2779

Diane Heirshberg
dbheirshberg@gmail.com
805-290-2779

March 8, 2020

Michael Conger
Tahoe Regional Planning Agency
mconger@trpa.org

Re: Tahoe Area Plan; Public Comment for March and April, 2020 Public Hearings

Dear Michael,

I am writing to summarize concerns that have been expressed about the current draft of the Tahoe Area Plan, and to urge you to cause Washoe County and Tahoe Regional Planning Agency (“TRPA”) to address these and other citizen concerns before proceeding to adopt the Tahoe Area Plan (“Plan”).

1. Inadequate Public Meetings and a Lack of Information to the Public as to Zoning and Other Local Land Use Changes made in the Plan.

The local Incline Village Crystal Bay (“IVCB”) community has requested that Washoe County (the “County”) (i) provide a list of proposed changes to current zoning and other laws made by the Plan, (ii) hold additional meetings to inform the IVCB community as to the reasons for and benefits of the proposed changes, and (iii) gather and address informed public comment on same. There has been inadequate coordination with local residents and stakeholders on this draft Plan as envisioned and required by Chapter 13.

You kindly emailed me a list of the changes you tracked and a copy of the EIS draft prepared by Eric Young which enumerates many of the changes, in response to my communication to you in February that several local residents were concerned that we did not know or understand all the changes being made in the Plan. As discussed in Paragraph 1B below, many of the significant changes you tracked were not discussed, and **incomplete representations concerning the extent of the changes to the Plan were made at the one noticed public meeting on this Plan, namely the representation that there were no changes other than two minor changes (to Fairway and to Ponderosa), and some TRPA mandated changes in the town center areas.** Michael, you were at that meeting and heard the County’s presentation. Also you know that changes were made to the Plan after the December, 2019 public meeting, that were not disclosed to the public, until after the presentation of the Plan to the County’s Planning Commission. You also know that there was a vacancy in the IVCB district appointee to the County’s Planning Commission at the time of that hearing, and thus there was no local resident/ stakeholder/ local public agency representation on the Planning Commission at the time of that hearing. As you know while workshops were undertaken years ago, there have been no public workshops in the last few years since the current version of the Plan began to be drafted.

We are hopeful that TRPA will direct the County to conduct informative, noticed public meetings in Incline Village at the Chateau, to gather public input on the Plan generally and on the Plan’s proposed changes to current law, after providing the public with an explanation of the changes.

A. Chapter 13 of the TRPA Code of Ordinances Envisions True Coordination with Local Residents and Stakeholders and Public Input on an Area Plan, and That Has Not Happened To Date on this Area Plan.

Section 13.6.2 provides in pertinent part:

“When TRPA is Not the Lead Agency. If the lead agency is not TRPA, the Area Plan shall be approved by the lead agency prior to TRPA’s review of the Area Plan for conformance with the Regional Plan under this section. In reviewing and approving an Area Plan, the Lead Agency shall follow its own review procedures for plan amendments. **At a minimum, Area Plans shall be prepared in coordination with local residents, stakeholders, public agencies with jurisdictional authority within the proposed Area Plan boundaries** and TRPA staff.”

Section 13.1.1 provides in pertinent part:

“In order **to be responsive to the unique circumstances of communities of the region**, the Agency finds that there is a mutually beneficial need to provide local, state, federal and tribal governments with the option to prepare Area Plans, provided such Area Plans conform with and further the goals and policies of the Regional Plan.”

B. The December, 2019 Noticed Public Meeting Did Not Fulfill the Local Resident and Stakeholder Coordination Requirement of Section 13.6.2 of the TRPA Code of Ordinances.

There was **only one noticed public meeting**, and that was on a much earlier version of the Plan and that took place at the Chateau in IVCB in December, 2019. One public meeting, before the current version of the Plan document was complete, where incomplete information was given as to the scope of changes in current laws, and where the numerous changes were not explained in detail to get public input, is not sufficient for such an important document.

At the December, 2019 meeting, the public was told there were only two minor zoning changes to Fairway and to Ponderosa, and that TRPA mandated that the Plan include changes to increase height, density and coverage in Town Centers all around the Lake. This is the only public meeting that was held on a version of the Plan similar to the current version. The first two mentioned changes were briefly discussed orally, and sounded insignificant. There was no disclosure or discussion of the numerous other changes to the current codes in the Plan, which are discussed in this letter below.

Several areas of concern raised by local residents with the then version of the Plan which was on line (which has seen many changes since that meeting). Changes were not made in subsequent versions to the following primary public concerns:

- (1) The characterization in the draft Plan that there are currently sufficient public services and there has been no growth in the Area are not accurate. See discussion at Section 4 of this letter below.
- (2) The Plan’s characterization of the local community’s biggest problem being the need to remove development hurdles was felt to be false and inaccurate; the request was made that the Plan **add that the single largest local community concern** which is the **current damaging impact of short term rentals on the local IVCB Crystal Bay neighborhoods**, the resulting need for regulation of short term rentals to retain neighborhood compatibility, the concern that an inadequate short term rental Ordinance would be enacted by Washoe County, and the concern that there would be insufficient enforcement of the Ordinance by Washoe County. See discussion in Section 3 of this letter below.

(3) The language of the Plan makes clear that the County is not required to do fund any major undertakings and is only obligating itself to meet with other agencies and entities to try to find funding for the goals and solutions. When Mr. Young presented the Plan, he repeated to the attendees that the County made no commitment to fund the potential goals, actions and solutions described in the Plan. The request has been made that the County at least obligate itself to use some of the collected transient occupancy tax to fund some of the goals/solutions set forth in the Plan related to transportation, parking and other visitor related activities, if other sources of funding are not found, and that has been rejected by the County. Additionally the request has been made to tie some of the beneficial increased development opportunities in height, density, and coverage in the town center areas to financial contributions to needed projects or to providing workforce housing, and the County has declined to add this.

(4) Several residents questioned if the increased height, coverage and density of construction in the Town Centers had been analyzed in light of the current traffic and parking problems, and the absence of any required replacement workforce housing. The local residents wanted to know what analysis had been done to confirm that this increased height, density and coverage made sense in IVCB. Any change to TRPA's language was rejected as not possible due to TRPA requirements.

(5) A further request has been turned down related to the Town Centers is to have workforce housing goals, including limitations on workforce housing being taken out of the long term rental pool set forth in the Plan, so that before each project is approved the assumptions of adequate public services and the goals and Implementation Items are checked to see if the mitigation activities have actually occurred. The County's response was that the Commissioners do not care about work force housing in IVCB and want the work force housing to be in King's Beach, and that the County believes that the IVCB Community is not concerned about workforce housing either and that we are just pretending it is a concern. The IVCB Crystal Bay communities are truly and sincerely concerned about the decreasing availability of workforce housing.

C. The October, 2019 CAB Meeting for Which There was No Public Notice, and the CAB Meeting Was Not Held

Eric Young came to what was to be a CAB meeting in October, 2019, to discuss the Plan with local community attendees, however the CAB meeting was canceled due to a lack of a quorum, and there had been no actual public notice of Eric Young's attendance. At that meeting Mr. Young spoke for a short time, and several people gave him a few comments on concerns with the then draft of the Plan that was online. Again the attendees were told that there were only two major zoning changes related to Fairway and Ponderosa Ranch, and that essentially the Plan was the same as current zoning. Nothing was handed out and the version of the Plan online at that time was substantially different from the current Plan. Nothing was said concerning the change in setbacks, the cell phone tower location change, etc. We left the meeting unaware of the significant changes being made.

I am advised that there were two additional meetings of the CAB in early 2019, where Eric Young presented aspects of the Plan, but there was no public notice of those meetings.

2. At least one major zoning change made in the Plan was never disclosed, Plan Section 110.220.60; Proposed Section 110.220.60 violates the word and spirit of Nevada Revised Statutes 278.315.

In spite of being told that there were no changes other than the three mentioned, there is at least one other major change which is very objectionable. Plan Section 110.220.60, provides for a major change that a "0" setback is allowed without any variance process or public input in the case of requests on

corner lots and properties with 20 degree slopes. Currently to get a “0” setback, the applicant makes an application for variance to the Board of Adjustment, and there is public notice and a hearing. Also the Fire Department receives notice and attends the Board of Adjustment hearing and provides input on fire lane access, etc. Under the Plan, the decision as to whether to allow a “0” setback on a corner lot or a lot with a 20% slope is made solely by a County Engineer, and there is no public notice or hearing or mandatory Fire Department input, IVGID input, Forest Department input, etc.

I have been told that the reason that this change is being made is that the Commissioners directed the change to reduce the number of appeals from denial of a “0” setback application coming before the Board of Commissioners, as required by Nevada Revised Statutes 278.315. To avoid the public notice, hearing and appeal on allowing a “0” setback on corner lots and lots with a 20% setback, as envisioned by this NRS provision, the County has drafted that the “0” setback is not a variance in the case of a corner lot of 20 degree slope, but a variance is required for other “0” setback requests. Since there will be no variance needed, Washoe County contends that NRS 278.315 is not applicable. The County believes that the County Engineer will make a better decision than the Board of Adjustment with public and fire department and other agency input.

Plan Section 110.220.60 provides for three limited determinations to be made by the Engineering Division in order to grant the “0” setback at Plan Sections 110.220.60(1)(2) and (3) but there is no provision a determinations to be made by the Fire District or other agencies. Fire District input is currently handled by having every “0” lot line request come before the Board of Adjustment in a noticed public hearing.

Further, setbacks are very important issues in IVCB, because of the narrow curving streets, lack of parking and lack of visibility at many locations. Setbacks are also an aesthetic issue. These issues are not even listed in the determinations to be made by the Engineer at (1), (2) and (3).

There has been no public input on or discussion of this change, other than emails to the County from a few of us who have objected to this change. Such a major change should have been pointed out at the public meeting in December, 2019.

3. The IVCB Crystal Bay community has requested that the Plan identify Short Term Rentals as an issue of public concern, and set goals for and monitor this concern.

A. Short term rentals should be identified as a community concern in the Plan.

In the **Environmental Checklist** under “Goals and Policies” the second representation by the County under “Summary of Change” is the following statement: **“Adds or modifies goals and policies to implement the Regional Plan and respond to current conditions.”**

At both the October, 2019 CAB meeting and at the December, 2019 Chateau meeting the public attendees requested that the community concerns about problems caused to IVCB Crystal Bay neighborhoods by short term rentals be identified in the Plan, and that monitoring, goals and policies on this area of concern be set forth in the Plan. **Mr. Young has advised that the response from the County is that there will be no mention of short term rentals in the Plan.** (I note however that there are two discussion in the Plan relevant to short term rentals in the Plan, one at Appendix A Parking Demand Table, and one at 110.220.05, as discussed below.)

Numerous IVCB Crystal Bay residents have attended dozens of public hearings at TRPA and Washoe County to express their concerns on this subject. The local community concerns include but are not limited to:

1. The Ordinance: (i) allows for potentially excessive numbers of short term renters to occupy each rental, (ii) does not consider the potentially excessive number of short term renters to support safe evacuation and/or emergency services in the event of a disaster, (iii) does not prohibit potentially an excessive numbers of cars for available parking, (iv) potentially allows for an excessive number of short term renters to handle enforcement by the limited number of sheriffs in IVCB/Crystal Bay, etc. None of the protections set forth in the TRPA Guidelines were incorporated into the draft Ordinance to address these concerns, because Washoe County does not need allocations from TRPA.
2. The Ordinance does nothing to stop the trend that all virtually all or virtually all workforce and long term rental housing is being and has been converted by property owners into short term rentals.
3. The Ordinance will not be enforced by the County, and there will be inadequate monitoring of the effectiveness and responsiveness of enforcement.
4. There are no density, concentration or limitations on the number of residential units being converted into short-term rentals, in the Ordinance.
5. The Ordinance has been drafted to spend none of the transient occupancy tax to on short term rental inspection, enforcement, monitoring, etc. The current plan is that only license fees and penalties will be used to fund the costs of short term rental monitoring and enforcement.
6. Washoe County has taken the position that since it does not need any building allocations from TRPA, it does not need to concern itself with the TRPA Short Term Rental Neighborhood Compatibility Guidelines (the "TRPA Guidelines"). Currently TRPA only enforces the TRPA Guidelines with allocations to local jurisdictions.

It is respectfully submitted that some list of community concerns should be added and procedures and monitoring added to address these concerns. The list should have some input from local residents and stakeholders and not just be drafted by the County.

B. Plan Section 110.220.05 added in the last draft of the Plan should be deleted in part, or revised.

At the December meeting at the Chateau the attendees expressed confusion over the fact that names of zoning districts were confusing. After that meeting, three sentences were purportedly added to Plan Section 110.220.05 to clarify this issue:

“Land owners in the planning area should be aware that some of the originally platted subdivisions in the planning area have names similar to the names of the zoning districts, yet with different boundaries. Some of these plats have various restrictions that were recorded with the original map. **Washoe County does not enforce or otherwise act to implement these deed restrictions.**”

Eric Young said that he added the first two sentences of the above provision to clarify the public’s confusion between the names of the subdivisions versus the regulatory zones in the planning area. The third added sentence is not relevant to that confusion and is not legally correct and should be stricken entirely or revised. The objectionable sentence effectively is an attempt by Washoe County to make its zoning rules take precedence over restrictive covenants, contrary to established Nevada law. Washoe County has already acknowledged in numerous public hearings that enforcement of these deed restrictions is a matter for legal action in Court between parties to the covenants.

It is respectfully requested that this third sentence should either be revised to either delete the last sentence in bold entirely, or to revise it to more accurately state: “**Washoe County policy leaves enforcement of these recorded deed restrictions to private legal actions between individual property owners and these covenants operate independently of Washoe County zoning and land use decisions.**”

The case law is clear in Nevada (and other states) that zoning ordinances do not supersede private covenants and that they operate independently. See, e.g., Western Land Co., Ltd. vs. Truskolaski, 88 Nev. 200 (1972); Leonard vs. Stroebing, 102 Nev. 543 (1986); and Gladstone vs. Gladstone, 95 Nev. 474 (1979).

This rule is well explained in a leading treatise, 5 Rathkopf, The Law of Zoning and Planning Section, Chapter 82, Public Land Use Controls and Private Covenants, Section 82.2 (4th edition, October 2019 update) as follows:

“Zoning restrictions and restrictions imposed by private covenants are independent controls upon the use of land, the one imposed by the municipality for the public welfare, the other privately imposed for private benefit. Both types of land use restrictions are held by courts to legally operate independently of one another. ... An important implication of the “independent operation rule” is the uniformly held view of state courts that a zoning ordinance does not terminate, supersede or in any way affect a valid private restriction on the use of real property. The fact that a use may be permitted by a zoning ordinance does not relieve an owner of the obligation to comply with a more restrictive private covenant. When a zoning restriction and a private covenant are in conflict, the more restrictive of the two prevails...Zoning ordinances neither terminate nor superseded existing building restrictions. However, where subdivision building restrictions are more restrictive than zoning ordinances, the building restrictions will govern....”

The third proposed sentence in the draft Tahoe Area Plan is unnecessary to clear the confusion in plan areas, and is misleading and not a correct statement of the law.

C. The Washoe County Short Term Rental Ordinance has Not Yet been Enacted as Anticipated; the Ordinance was Sent Back to Staff for Further Drafting at the February 25, 2020 Board of Commissioners Meeting.

At the February 25, 2020 Board of Commissioners meeting, the Washoe County Short Term Rental Ordinance (the “Ordinance”) was sent back to Staff, to further reduce the neighborhood compatibility protections in the current draft Ordinance. The Ordinance as presented at the February 2020 meeting did not contain many of the most important TRPA Short Term Rental Neighborhood Compatibility Guidelines on density, concentration, limitation of total number of short-term rentals, use of TOT funds for enforcement and inspection, protection of workforce housing, etc. The statements made by the Commissioners at that hearing, and their past statements that Washoe County does not need allocations from TRPA and therefore does not need to adopt the TRPA Short Term Rental Neighborhood Compatibility Guidelines, further demonstrates that short term rentals are a very serious concern between the Washoe County local government and IVCB, and this should be addressed as a concern in the Tahoe Area Plan. At the February, 2020 hearing, the Commissioners decided that the Short Term Rental Ordinance needed further work, and made, among others, the following comments which foretell a further weakened Ordinance:

1. One Commissioner stated that in his opinion **Employee Housing takes away housing from tourists**, and he went on to state that he wanted more housing to be available as STRs for tourist use. He emphasized the importance of tourism to the Lake and to Reno, and the need to make accommodations available for tourists. The IVCB community feels that it needs workforce housing which has been all but eliminated by short-term rentals.
2. Another Commissioner stated that she prefers to stay at STRs instead of at hotels, and so **she is in favor of unlimited STRs**.
3. When a County Planner noted that the enforcement procedure was copied from the Board of Adjustment appeal process, and that the procedure would involve the opportunity for STR owners to appeal their violation/fine to the Commissioners, the Commissioners expressed concern about the **burden to hear innumerable appeals by STR owners** wanting their citations and fines retracted.
4. One Commissioner pointed out that there would be no way to enforce the number of cars parking at the STR on the street, and discussion was had that **any STR renter should be allowed to park on the street, implying a lesser need for onsite parking**. The draft Ordinance had contained provisions limiting occupancy if there was not sufficient onsite parking. There was no discussion by the Commissioners of the fact that there is inadequate parking in IVCB, due to: (I) the need to use the streets in the winter for snow storage,(ii) no parking is allowed on the rock culverts to protect them from damage, but in the summer the transient visitors illegally park on them due to a lack of adequate parking, (iii) no parking is allowed on red snow days, (iv) there are currently virtually no signs for no parking, (v) illegal parking interferes with street cleaning, etc. Note that the parking requirement in the Ordinance was that there be parking onsite to cover guests assuming that guests travel 4 in a car to IVCB. We do not know if that is being changed until we see the next draft.
5. One Commissioner expressed the concern that neighborhood vigilantes would misuse the code enforcement reporting system to impede short term rentals, and that regulations were pitting neighbors against neighbors and that “IVCB residents are happy to hire attorneys.” Another Commissioner stated the concern that neighbors would weaponize the complaint reporting system by constantly reporting problems as a way to hassle the STR owners.

D. Current Reference to Short Term Rentals in the Plan.

While the residents have been advised that there will be absolutely no reference to short term rentals in the Plan, please see: Exhibit A Ordinance, Appendix A, Parking Demand Table, which states under “Single Family Dwelling, Vacation Rental “as required by Article 329, Short Term Rental, of the Washoe County Development Code”.

This reference to parking in an ordinance that is not finalized or adopted should be deleted, and not approved by TRPA in advance of knowing what the parking rule is. Among TRPA’s key concerns are land coverage, traffic, and pollution, and TRPA should seriously consider a parking ordinance before it delegates all authority to the County on this issue.

E. Conclusion

If Washoe County does not list the community concern about short term rentals in the Tahoe Area Plan, under Land Use and elsewhere, it is respectfully submitted that there cannot be a fulfillment of the requirements of Chapter 13 for community involvement. The Plan should list and address community concerns, and the most often discussed community concern of short term rentals is unfairly omitted from the Plan.

4. The Plan at Section 6-4 Assumes That There Has Not Been Significant Growth, and Therefore Fails to Address the tremendous Growth in Transient Visitors to Incline Village That Has Been and Continues to Occur

The Plan at Section 6-4 incorrectly states: “Significant growth is not anticipated under this Area Plan. As a result the Plan envisions maintaining existing service levels. No major facility expansions or relocation are envisioned.” As far as I have ascertained from conversations with the County, Washoe County did not undertake any analysis to support this statement, which is, coincidentally nearly identical to a statement in TRPA’s 2012 Regional Plan. The entire discussion in the Plan of there being adequate public services is based on this likely incorrect assumption. Washoe County is not counting visitor increases as an increase in growth perhaps because the increase is transient. However, as Washoe County has previously advised TRPA, short term rentals were illegal in IVCB until 2016, and just looking at the tremendous increase in TOT revenues of Washoe County demonstrates the increase in the number of transient population in IVCB between 2016 and 2019. Since there have clearly been huge increases in the number of people being served if the transient population is included in the calculation, it is respectfully submitted that there should be an actual analysis which includes input from the local sheriff’s office, which has provided a very different staffing position verbally to local residents at our bi-monthly Community Forum Meetings. The local sheriffs are not sufficiently staffed to handle disturbing the peace claims now based on loud parties after 10:00 pm. at night. The Fire Department will be undertaking fire safety inspections, once the short term rental ordinance is passed, and I would suggest that this will be a large work load to add to their work load. **This incorrect assumption and statement in the Plan needs to be investigated, and supported if it is correct, or revised if it is incorrect.**

5. Other Concerns with the Plan Which are Requested be Discussed at a Public Meeting.

A. An Important Existing Wireless Communications Facilities Tower Location Restriction is Omitted at Section 110.220.100

As I read Plan Section 110.220.100, the current Washoe County code’s limitation on cell phone tower location not being within 1000 feet of a trail was removed by Section 110.220.100. The public was not told of this change. We are trying to develop more trails in IVCB as part of the Tahoe Area Plan. There was a very large IVCB community turnout at a Board of Commissioners meeting to appeal a proposed cell phone tower installation that had been approved by a County planner to be next to a trail on Village Blvd in Incline Village, in violation of the 1000 foot statutory prohibition, contained in the current Washoe County Code. The rationale for deleting this public safety provision, and the aesthetic effects of this proposed change should be subject to public comment.

B. Combining of Five Existing Development Rights Pools

The Plan combines the five existing development rights pools, one for each community plan and a fifth for areas outside of community plans, into a single countywide pool, to make CFA available to Town Centers. This is a topic which the community would like to better understand, and it was never

discussed at a public meeting. One question is how does this effect any property owners who do not have permanent development rights secured for their property already? Another question is in the future can the CFAs only be used in Town Centers, or is there an ability to avoid hardship to current property owners who do not have permanent CFA for their property. We would like to understand this.

Of greater concern is that fact that the County has declined to follow the TRPA Short Term Rental Neighborhood Compatibility Guidelines (the “TRPA Guidelines”) in drafting its Short Term Rental Ordinance, stating that the County is not obligated to follow the TRPA Guidelines because Washoe County does not need any allocations from TRPA. Now some version of the Washoe County Short Term Rental Statute will be adopted that will not include any limitations on concentration, density, limitations on the total number of short term rentals, commitments to spend transient occupancy taxes to fund inspections and enforcement, etc. Later, when TRPA is asked to grant allocations for Town Center Development in IVCB, the County will have a non-compliant Short-Term Rental Ordinance, and TRPA will have to decide about granting the allocations in light of the County’s failure to follow the TRPA Guidelines. At a minimum there should be a Goal that the TRPA Guidelines be reasonably adopted by the County in the future if the County desires to obtain allocations for developing the Town Centers.

C. Suggested Additional Areas for Goals to Add to Plan

Among the topics that are potential additional Goals that we would like to discuss adding to the Plan are the following. It is respectfully submitted that if the Plan is carefully discussed with the public, there would be local knowledge of local problems and solutions, rather than a plan drafted by people who live and work in Reno.

1. New Goal LU1-4: “Review compatibility of short term rentals in neighborhoods where the property owner does not personally use the residence as a primary or secondary residence, or use the residence a minimum of ___ days per year.” An alternative would be to review the compatibility of short term rentals owned by LLCs or individuals solely or primarily for investment and rentals.
2. New Goal LU 2-9: “Only allow allocations for increased density, coverage and height in the Town Center Areas, if the County reasonably amends its Short Term Rental Ordinance to reasonably comply with the TRPA Short Term Rental Neighborhood Compatibility Guidelines, as approved by TRPA.” All other local jurisdictions have worked hard to reasonably incorporate these TRPA Guidelines, and there is no rational basis for excluding Washoe County from such compliance when it seeks allocations to develop its Town Centers.
3. New Goal LU 2-10: “Only allow increased density, coverage and height in the township areas, if ___% of work force housing is added by the development in the town center or elsewhere.”
4. New Goal LU 5-4: “Establish additional incentives for affordable, moderate, achievable workforce housing in the planing area that compliments the incentives provided by TRPA.
5. New Potential Areas to Add to Transportation Goals:
 - Use IVGID buses in summer for free visitor transportation between destinations in IVCB, including to trail heads, funded by TOT
 - Open Diamond Peak parking lot to public parking when Diamond Peak is closed for skiing.

Implement regular bus service between Reno and IVCB for workforce living in Reno and working in IVCB

Install covered bus transit shelters in IVCB

Washoe County to provide additional public buses for free visitor transportation between destinations in IVCB, including to trail heads and Diamond Peak parking.

6. New Action C-6: Work with utilities to move utilities that are currently overhead, into underground locations/facilities. Future contracts with utilities to be negotiated to provide for this activity.

7. Add Recreational New Goal 5-7: Develop rules for boats, trailers and RVs, such that the boats, RVs and trailers do not park on the streets in IVCB.

8. Develop mechanism for addressing excessive partying after 10 pm., which could include having the sheriff enforce quiet hours or find alternative method of effective enforcement. This should apply to all residential zoned areas, not just rentals.

9. At Goal 7-2 add “bus service or other form of public transportation” to list of active transportation projects.

10. Implementation IM2: Funding: add that something will happen if the mitigation projects do not get funded and/or do not occur for some other reason.

11. Some of the Plan discussion on IVGID should be reviewed and approved by IVGID’s new General Manager, including but not limited to the reference to developing year round activities at Diamond Peak, the discussion re the adequacy and needs of IVGID’s infrastructure and Plan Section 110.220.60.

The Plan contains thorough and well thought out discussions on many problems facing IVCB, sets many admirable goals to address the identified problems, and sets out many beneficial action items to be undertaken. The County took years to even start drafting the current Plan, and then rushed to finish it without conducting current community workshops and public meetings. It is respectfully submitted that the rush to a final Plan document, without adequate public notice, disclosure and input is not in the best interests of IVCB or TRPA, and is contrary to the intent of Chapter 13 of the TRPA Code of Ordinances. This Plan will govern development in IVCB for many many years to come, and IVCB deserves a carefully thought out, and thoroughly reviewed Plan document, that considers the needs and concerns of IVCB.

Respectfully submitted,

Diane Heirshberg
Full Time Resident, Incline Village, Nevada
805-290-2779
dbheirshberg@gmail.com

Kindly include in Public Comment for the March 11, 2020 TRPA Advisory Planning Commission Meeting, Public Comment agenda item

To: TRPA Advisory Planning Commission Members via J Marshall, M Ambler

Cc: Mike Conger (TRPA Planning)

I am writing today to submit public comment regarding the proposed Washoe County Tahoe Area Plan and related STR Ordinance which will soon be considered at upcoming APC meetings.

I presented similar comments at the TRPA Governing Board meeting on February 26, 2020. My goal today is to provide a high level overview of priority concerns related to these two initiatives. A few illustrative slides are also attached. More information will be presented as the specific topics become APC Agenda items.

SUMMARY: The currently proposed WC Tahoe Area Plan and related STR Ordinance represent an intense effort and encompass broad change with impacts anticipated for many years to come.

Staff has invested much in clarifying content and particularly the diagrams and maps which is greatly appreciated. **Nonetheless, there are significant concerns in two major categories: process and content.**

PROCESS: The Tahoe Area Plan is a long and complex document which has undergone major revision in the last few weeks. For a document of this size, complexity, import and implication, the level of public commentary opportunity provided to date has been insufficient. Though there has been much prior community discussion extending over many years, there has been only one scheduled and noticed public commentary opportunity since the major revisions began in late October, and none to address the current version. By comparison, in another jurisdiction where I own property, a comparable planning process was undertaken via chapter by chapter review over many months in working sessions with extensive public input opportunity/discussion.

CONTENT: While there is much very positive content included in the extensive documents, there are priority content concerns in the categories listed below:

I. The Area Plan presentation at the single public meeting was inaccurate obscuring major proposed changes. Specifically, though there are in fact major changes in zoning approach as well as in concepts and programs included in the proposed Tahoe Area Plan, an inaccurate statement was repeatedly made at the public meeting and included in the document indicating that "there are no zoning changes [except a few related to Fairway and Ponderosa areas]." This is simply incorrect and misleading!

II. The proposals include content which is misleading and/or incomplete - Examples include:

A. The Tahoe Area Plan as currently written obscures major zoning changes: Examples include the incorrect statement listed above, a major change in setback exception approvals, an omission related to cell tower requirements and proximity to trails/public paths. In addition, the interplay of proposed changes with other code elements is not addressed. For example, proposed changes would negate WCC imposed "Transient Lodging" penalties for an STR renter who provides false rental information - a restriction which might help to avoid a mishap such as occurred in Orinda last fall.

B. Incorrect assumptions are included regarding Area Occupancy in both the Area Plan and STR Ordinance:

Only residents are considered and added occupancy impacts of transient tourists/visitors are omitted. These latter groups have substantially increased area occupancy particularly during busy seasons with more vehicles and people crowding the area. Impacts are thus not projected correctly re Safety and the Environment as well as impacts on housing supply.

C. Neighborhood character is valued throughout both documents, yet conflicting perspectives appear:

For example, the STR Ordinance presents STR Tier levels for permitting which do not align with actual resident occupancy and will therefore potentially adversely impact neighbors without any ability to directly respond at the permitting decision point. Further there are no STR density or intensity regulations nor is the "buffering concept" between residents and other uses which might have mitigated impacts considered re STRs in either document.

D. Prioritized Area Plan projects and policies do not reliably address root cause: The most prominent examples are in the areas of Transportation and Parking. There is much emphasis on trails, paths, and public transport systems - yet there is no attention to the underlying root cause of added occupancy/congestion from transient tourist volumes > many more people and vehicles with adverse impacts on safety and the environment. A comprehensive approach to managing safe Area Occupancy with matching emergency services capability and evacuation capacity is a necessary priority in this high natural hazard risk area.

E. Area Plan and STR Ordinance fail to fully address public health/safety risks: If the unnecessary wholesale adoption of TRPA regs proceeds as proposed in the Area Plan draft, STRs will escape public health regulations applied to all other forms of Transient Lodging with similar characteristics and risks. The alternative of designating STRs as Transient Lodging as already noted in WCC Chapter 25 avoids this gap while still allowing in indicated residential areas with permitting requirements like other forms of Transient Lodging. Focus areas include sanitation, pest/vectors and sharps/biohazardous waste, etc.

F. Lack of robust, timely measurement: The Area Plan largely relies on TRPA measurement which, though robust and academically based, is infrequent. To understand impacts of changes and develop any required interim correction interventions, more frequent, focused measurement is required. Further, the impacts of the recent rampant growth in STRs with area occupancy impacts has yet to be seen given TRPA's measurement schedule >>> the environmental impacts of the added people and vehicles related to STR growth need to be explicitly assessed with a formal EIS now!

III. Findings for approval are not met: This conclusion applies/applied to both the WC Tahoe Area Plan and STR Ordinance drafts based on all of the items listed above in the context of the specific findings requirements.

CONCLUSION: As occurred with the draft STR Ordinance recently considered by the WC BOC, I believe that the proposed Tahoe Area Plan is also "not ready" for approval at this time, requiring more detailed review and open public commentary/community input and consideration. Sadly, given events surrounding us, venues should hopefully accommodate remote participation and dialog to allow for needed discussion.

Thank you for your consideration,

Carole Black, 144 Village Blvd. #33, Incline Village, NV 89451

Appendix: Sample Illustrative Slides

Boeing Employee*: “Nothing we do is so important that its worth hurting someone”



In Washoe County's Tahoe Area,

- **We do not want another Orinda or Paradise**
OR
Kids finding guns in STR as in South Lake Tahoe;
More unsafe congestion;
Out of character design or uses
- **We do need Your Support and ...**
Tahoe Area Plan/Ordinances that protect us
 - **Tourism provides benefits but so do residents**
 - **Current proposals include significant gaps**

*6.2018 internal message by Boeing employee quoted by Rep Albio Sires during congressional hearing 10.2019 seen in video on CNN Business 1.9.2020

**As also discussed re the proposed STR Ordinance,
STRs DO NOT Mimic Residential Use:
Need Buffering Between Residents/Other Uses:**

- **Area Plan Policy LU 1-3 intent not matched in STR Tiers**
 - As currently described adjacent residents particularly in denser residential areas will inappropriately be subject to significant adverse neighborhood character impacts from STRs with no input
- **Need to modify Area Plan proposal and STR permit tiers to align with intent of Area Plan and buffering requirements** re neighborhood character:
 - Reduce the Tier 1 upper occupancy limit to ≤ 5 to more closely mirror actual residential use and
 - Require Discretionary Permit (AR) for STRs with $>$ average actual residential occupancy in residential zones

Compare: Short Term Rental Occupancy Levels						
Occupancy	10				~4.5	5
	2.5	2.8	3			
	Tier 1 WC Draft Ordinance	Census Data			Avg Short Term Rentals (VIGIP survey)	Tier 1 Proposed Maximum
		Avg Residence	Avg Family Size	Avg LT Rental		

Incorrect Assumption: Little Population Growth with No Adverse Threshold or Safety Impacts ... NOT TRUE!!

FACT: By 2018 STRs had already **increased Area Occupancy** in WC Tahoe Area adding:

750 People avg/day; 1500 People/peak day (4yrs)*

188-300 Vehicles avg/day; 375-600 Vehicles/peak day**

> 200 Vehicle Trips/day almost every day; ≥ 1200 Vehicle Trips/peak day^

116 Beach Visits/day; 94% Increase in July/Aug (3yrs)^^

FACT: Summer 2019 vs 2018 brought **Further Massive Occupancy Increase:**

27,000 added Airbnb arrivals

23% additional increase RSCVA Vacation Rental Days

FACT: Currently Police and Fire are understaffed for population compared to industry benchmarks AND there is acknowledged inadequate area evacuation capability

FUTURE IMPACT: With Proposed Zoning/Ordinance Changes, STR numbers/density/arriving population & vehicles with their adverse impacts will likely continue to grow significantly as differentiated from limited resident population growth estimates.

Note: Estimates derived from RSCVA & Census data, IVGID surveys & reports, WC staff, Airbnb press release; * 2018 vs 2014; ** avg. 2.5 occupants/vehicle winter; ^/vehicle summer; ^ assumes 2 trips/vehicle/day; ^^ 2019 vs 2016

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Emergency Response Capability Is Not Sufficient in Washoe County Tahoe Area

- Evacuation capacity is known to be inadequate especially during high occupancy periods which also correspond to enhanced natural hazard risk including wildfires, winter storms and the NV Energy PSOM event triggers
- Growth in area occupancy based on increased visitors/tourist volumes is significant and has not been considered in the WC Hazard Plan or Tahoe Area Plan population estimates
- Emergency Services staffing in the Tahoe Area appears insufficient for the actual population present based on industry benchmarks
 - Gap is exacerbated during high occupancy periods related to STR rentals/visitor volumes
 - Added vehicles and illegal/unsafe parking impact safety and the environment
- Proposed WC Hazard Plan does not comprehensively address these risks, particularly evacuation capability; and Proposed WC STR Ordinance and Tahoe Area Plan fail to fully assess, address or mitigate these avoidable public safety risks.
 - No Area Occupancy Plan re population risk associated with growth in tourist/visitor volumes
 - No STR Ord/Area Plan regs re STR Density/Intensity or Limits re neighborhood character >
 - More tourists/STRs with More area occupancy, vehicles and hazard risk
 - Less available affordable or rental housing for staff
 - NV Energy PSOM events may cause adverse impacts particularly for unprepared tourists without increased WC supports which have not been addressed by WC or NV SB329 planning



Documentation submitted in separate materials to WC Manager and Board of Commissioners by Carole Black, IV Resident 2.25.2020; Logos from agency websites

Public Accommodations or Comparable Public Health Regs are Neglected in STRs with the Proposed Zoning, BUT they are used to Decrease Health Risk in all other Transient Lodging Settings with the same characteristics as STRs: focus areas include Sanitation, Pests/Vectors, Sharps/Biohazard Waste, etc.

WHICH OF THESE GUYS WOULD YOU LIKE TO MEET DURING YOUR STR STAY?



BUGS ...



VIRUS VECTORS,...



BACTERIA ...

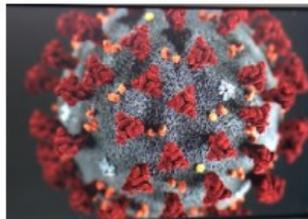
Superbugs kill one person every 15 minutes in US, says CDC report

SHARPS ...

Biohazardous Waste Handling Operation Management Plan

Sources: <https://www.strstatistics.com/worldwide-strs.html>; <https://www.cdc.gov/media/releases/2019/s0918-superbugs.html>; <https://www.washoe.gov/health-services/public-accommodations>

And now there's Coronavirus (Covid 19) ...



- **New Risks and Rapid Spread** with daily evolving case and mortality numbers
- **And Growing Recommendations re Public Health/Safety, e.g.,**
Washoe Health District
6 March 2020
COVID-19 - Tips for Hotel Managers
- **BUT None of the recommendations are required for STRs under current WC Tahoe Area Plan or STR Ordinance proposals**
 - This includes current WC Health District recommendations:
 - “For businesses, go here for cleaning information”
 - And for sanitation covering food service utensils (which are routinely used by STR guests)
 - Solution is classification as Transient Lodging or specific regs for the STR application

Sources: Washoe County web site; <https://www.cnn.com/videos/media/2020/03/08/media-coverage-coronavirus-brian-stelter-rs-vox.cnn>; <https://www.hospitalitynet.org/opinion/4097377.html>

Michael Conger

From: Diane Heirshberg <dbheirshberg@gmail.com>
Sent: Tuesday, March 10, 2020 1:44 PM
To: Brendan Ferry; Jamie Wright; ElleryStahler; Hilary Roverud; Jason Drew; Bruce Grego; Steve Buelna; TRPA; TimCallicrate; Kevin Hill; Ben Letton; eyoung@washoecounty.com
Cc: Michael Conger
Subject: Tahoe Area Plan Has Had Insufficient Local and Stakeholder Input and Public Meetings; TRPA Advisory Planning Commission

Dear Members of the Advisory Planning Committee Members,

I am writing to urge you to address our citizen concerns before proceeding to adopt the Tahoe Area Plan ("Plan"). I have sent a longer letter to Michael Conger citing the lack of community workshops, input and public meetings, and reviewing other problems identified in the Plan, but I ask that you consider the following as just some of the Issues with the Plan and stop the rush to adoption.

CONCERN #1—EXCLUSION OF SHORT-TERM-RENTALS FROM AREA PLAN

The Plan states the local community members have said their biggest problem is "the need to remove development hurdles." That is false and inaccurate. At the December CAB meeting we requested Mr. Young to address the single biggest local community concern, which is the damaging impact of STRs on neighborhood compatibility of local IVCB residential neighborhoods. We requested that the Plan identify STRs as an issue of public concern, and set goals to monitor it.

None of the "best practices" on density, concentration, limitation of total number, etc. set forth in the TRPA Short Term Neighborhood Compatibility Guidelines were incorporated in the Washoe County STR Ordinance to address our concerns about the number and location of STRs in our residential neighborhoods. We need regulation to retain neighborhood compatibility. Neighborhood compatibility is a primary obligation of TRPA enacted through buffering. Since Washoe County does not need any building allocations because IVCB is "built out," Washoe County included only a single guideline limiting STRs to one per parcel to pretend to comply with TRPA's best practices mandate.

CONCERN #2 — SECTION 110.220.05 SHOULD BE REVISED AND THE IRRELEVANT AND INCORRECT SENTENCE DELETED

At the December meeting at the Chateau, attendees expressed confusion over the fact that the Plan's names of IVCB zoning districts were similar to prior TRPA plan area statements that were based on original subdivision names given by the Incline Village, Inc. developers, but had different boundaries from the original subdivisions. In response, Mr. Young retitled the zoning districts as "Regulatory Zones," and added three sentences as follows:

"Land owners in the planning area should be aware that some of the originally platted subdivisions in the planning area have names similar to the names of the zoning districts, yet with different boundaries. Some of these plats have various

restrictions that were recorded with the original map. Washoe County does not enforce or otherwise act to implement these deed restrictions.”

This third sentence is completely irrelevant to the naming of the regulatory zones, is legally incorrect, and is a veiled attempt to make it appear Washoe County’s zoning laws take precedence over IVCB subdivision CC&Rs. The sentence should be stricken entirely from the Plan.

Washoe County’s attempt to give its zoning rules priority over subdivision CC&Rs is contrary to established Nevada law. Washoe County has already acknowledged in numerous public hearings that enforcing these deed restrictions is a matter for legal action in Court between parties to the covenants. The case law is clear in Nevada (and other states) that **zoning ordinances do not supersede private covenants and that they operate independently**. [See, for example, Western Land Co., Ltd. vs. Truskolaski, 88 Nev. 200 (1972); Leonard vs. Stroebing, 102 Nev. 543 (1986); and Gladstone vs. Gladstone, 95 Nev. 474 (1979). This rule is well explained in a leading treatise, 5 Rathkopf, The Law of Zoning and Planning Section, Chapter 82, Public Land Use Controls and Private Covenants, Section 82.2 (4th edition, October 2019 update) as follows:

“Zoning restrictions and restrictions imposed by private covenants are independent controls upon the use of land, the one imposed by the municipality for the public welfare, the other privately imposed for private benefit. Both types of land use restrictions are held by courts to legally operate independently of one another. ... An important implication of the “independent operation rule” is the uniformly held view of state courts that a zoning ordinance does not terminate, supersede or in any way affect a valid private restriction on the use of real property. The fact that a use may be permitted by a zoning ordinance does not relieve an owner of the obligation to comply with a more restrictive private covenant. When a zoning restriction and a private covenant are in conflict, the more restrictive of the two prevails. .Zoning ordinances neither terminate nor superseded existing building restrictions. However, where subdivision building restrictions are more restrictive than zoning ordinances, the building restrictions will govern....”]

CONCERN #3 —THE PLAN INCORRECTLY PROJECTS A LACK OF GROWTH AND NO NEED FOR ADDITIONAL PUBLIC SERVICES BY IGNORING THE INCREASE IN IVCB TRANSIENT LODGERS AND TOURISTS

The Plan at Section 6-4 incorrectly states: *“Significant growth is not anticipated under this Area Plan. As a result the Plan envisions maintaining existing service levels. No major facility expansions or relocation are envisioned.”*

Washoe County did not undertake any analysis to support this statement on area occupancy and growth. The statement is nearly identical to and seems to be a copy of one in TRPA’s 2012 Regional Plan. This statement is critical because the entire discussion of adequate public services is based on this incorrect assumption. Hence, the Plan doesn’t acknowledge the seasonal increased needs in the section on *Safety and the Environment*. Nor does it acknowledge increases in vehicular traffic and need for legal parking. It gives an unrealistic picture ignoring the over-tourism in IVCB, and the overuse of infrastructure, recreational facilities, and public services. This section needs to be reworked with correct estimates of increased transitional occupancy impacts and suggestions for their mitigation.

Suggested Additional Goals That the IVCB Community Should at Least Have the Opportunity to Discuss with Plan Drafters and TRPA

1. New Goal LU1-4: “Review compatibility of STRs in neighborhoods where the property owner is not a permanent resident.

2. New Goal LU 2-9: "Allow allocations for increased density, coverage and height in the Town Center Areas only if the County incorporates TRPA Best Practice Guidelines for limiting location and density of STRs in residential neighborhoods.

3. New Goal LU 5-4: "Establish additional incentives for affordable, moderate, achievable workforce housing in the planning area that compliments the incentives provided by TRPA.

4. New Transportation Goals:

- Washoe County to provide additional public trolleys for free visitor transportation between destinations in IVCB, including to trail heads and Diamond Peak parking. Use TOT to fund trolleys and busses.
- Open Diamond Peak parking lot to public parking when Diamond Peak is closed for skiing.
- Implement regular bus service between Reno and IVCB for workforce living in Reno and working in IVCB
- Install covered bus transit shelters in IVCB

5. New Action C-6: Work with utilities to move utility lines that are currently overhead, into underground locations/facilities.

6. Add Recreational New Goal 5-7: Develop parking rules preventing boats, trailers and RVs parking on IVCB streets.

7. At Goal 7-2 add "bus service or other form of public transportation" to list of active transportation projects.

The Plan contains thorough and well thought-out discussions on many problems facing IVCB, sets many admirable goals to address the identified problems, and sets out many beneficial action items to be undertaken. It is respectfully submitted that the rush to a final Plan document is not in the best interests of IVCB or TRPA, and is contrary to the intent of Chapter 13 of the TRPA Code of Ordinances. This Plan will govern development in IVCB for many years to come, and IVCB deserves a carefully thought-out, and thoroughly reviewed Plan document.

Respectfully submitted,

Diane Becker Heirshberg
Full Time Resident, Incline Village, Nevada
805-290-2779
dbheirshberg@gmail.com

Sent from my iPhone

Michael Conger

From: rondatycer@aol.com
Sent: Tuesday, March 10, 2020 2:16 PM
To: John Marshall; Michael Conger
Cc: Joanne Marchetta; Brandy McMahon; Marja Ambler; callicrate_trustee@ivgid.org
Subject: Public Input for APC Meeting March 11, 2020
Attachments: TycerPlanSTRs3-9-2020.docx

DATE: March 11, 2020

Dear Mr. Marshall,

Thank you for offering to distribute our public input to the members of the APC Committee members as we older IVCB residents avoid large meetings during the COVID19 outbreak. I attach a copy of this email for distribution.

Dear APC,

PROBLEM #1: Mentioning Short-Term-Rentals under Parking but removing STRs elsewhere in the Plan is wrong. STRs exist as a use of a residence, just like B&Bs, which are mentioned in the Plan.

In the current draft of the Plan, when detailing modifications to the design guidelines and standards, the following mention is made of STRs (all *italics* are exact quotes):

“Exhibit A Ordinance, Appendix A, Parking Demand Table, “Single Family Dwelling, Vacation Rental as required by Article 329, Short Term Rental of the Washoe County Development Code.”

Chapter 1 – Site Design – added Standard D (Multi-Modal Circulation Improvements)

Chapter 4 – Parking

i. Modified Standard C4 (Required Parking Space) to allow use of nearby parking study.

ii. Added Guideline 5 (Bicycle Parking)

Chapter 5 – Snow Storage

i. Added Standard A6 (Water Quality Requirements)

Chapter 6 – Landscaping

i. Deleted Standards N1 (Bonding Value) and N2 (Deferrals) as they duplicate TRPA Code.

Chapter 10 – Scenic Corridors

i. Deleted Standard A, as it duplicates TRPA Code

Appendix A – Parking Demand Table

i. Added note that parking requirements may be adjusted.

*ii. Added reference to other code standards for secondary residences **and short-term rentals.**”*

• In the prior draft of the Plan, on page 94, STRs were mentioned; however Eric Young was instructed to remove the paragraph for Section 110.220.435, and did so.

“Section 110.220.435 Short term (Vacation) Rentals. Short-term rentals are an allowed use in some neighborhoods. All short term rentals must comply with the provisions of the Washoe County Short Term Rental Ordinance.”

Why did Eric Young remove STRs from the Plan?

- Supposedly the rationale for removal was because TRPA powers-that-be decided STRs are a hot potato in IVCB.
- Another possibility is that including STRs in the Plan made explicit that it is an *“allowed use in some neighborhoods,”* but not all, which would necessitate further explanation and modification to the land uses allowed in each of the regulatory zones and elsewhere in the plan—such as in the Parking design guidelines modification mentioned above. This would complicate the Plan and slow the Plan’s approval.
- Another possibility is that the Washoe County STR Ordinance has not been completed and therefore should not be referenced in the Tahoe Area Plan until it is approved.

• None of these reasons justify omitting STRs from mention in the Tahoe Area Plan given that STRs are an extant use of residences in IVCB.

PROBLEM #2: STRs conflict with the Goals and Policies of land use for Residential Neighborhoods.

• Throughout the plan when discussing Residential Regulatory Zones and Neighborhoods, the emphasis is on keeping these neighborhoods residential in character.

“TAHOE AREA PLAN, Chapter 2, Land Use, Residential Neighborhoods

“There are sixteen residential designated neighborhoods in the plan area. The **primary vision for these areas is to maintain safe and functional residentially focused neighborhoods, with development that contributes to the desired community character** and attainment of the TRPA environmental thresholds

“Policy LU6-6 Amendments Affecting Residential Neighborhoods

Residential zoning districts should provide complementary civic and minimal commercial uses. **Residential zoning districts should only be amended to further strengthen their residential character** or provide for environmental improvement.

“Policy LU1-1 Buffering

Non-residential, tourist, mixed-use, casino, employee housing, and multi-family residential developments shall provide buffering from existing, surrounding residential uses.

As explained succinctly in this statement from Clark County:

“Clark County is concerned about short-term rentals for numerous reasons:

Short-term rentals disrupt the quality of life in residential neighborhoods. The renters of short-term rentals have no stake in the neighborhood; thus, they **disrupt the peaceful environment** of residential neighborhoods. Neighborhoods where short-term rentals are found deal **with more congestion and traffic**, loud music during the evening hours, and trash/rubbish found at the curb.

As short-term rentals are illegal in unincorporated Clark County, the residential properties that are being used for short-term rental properties have **not been regulated by** the Clark County **Building & Fire Prevention department** to ensure that the residential property is in compliance with the fire and safety codes for transient use.

Short-term rentals **do not adhere to the health and human safety standards** that a hotel or motel would follow. Short-term rentals are not following the standards set by the Southern Nevada Health District **to control the spread of communicable disease** and promote safety and sanitary conditions.

Clark County is concerned about the public safety of guests in short-term rentals. Properties used for short-term rentals **are not equipped with the same security** that is often found in hotels and motels.

Short-term rentals are operating in unincorporated Clark County **without paying taxes that ultimately benefit the entire community.** Without paying taxes, the short-term rental business is ultimately hurting the whole community.

Short-term rentals **artificially inflate rental costs.** Property owners have found ways to make a profit by converting long-term living spaces into the short-term rentals. Thus, there are **fewer homes on the market for those wishing to rent long-term.**”

RECOMMENDATION TO SOLVE PROBLEMS 1 AND 2: TRPA should include STRs in the Tahoe Area Plan as an allowed use of a residence in non-residential regulatory zones, and add additional relevant information about STRs to the Plan based on their impacts to the Lake Tahoe Basin.

Sincerely

Ronda Tyner, PhD
Co-Chair Incline Village STR Citizen Advisory Group

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Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Friday, March 13, 2020 3:27 PM
To: Diane Heirshberg; rondatycer@aol.com; Michael Conger
Subject: Fw: Area Plan Environmental Document Available

This put the cost burden on the property owner to appeal, not good. In addition it does not change the findings that do not meet the standards currently needed to get a setback change. The normal appeal can be over a \$1000 to the Commissioners and can also involve the need to have a attorney for the process. In my opinion it does not change anything as far as the public process, for a lot of people. It may also have problems from the side of notice to the local cab, for as you know that process in some cases is a timing issue and has had problems in being able to get comments back to the County.

----- Forwarded Message -----

From: Michael Conger <mconger@trpa.org>
To: Washoe Area Plan - Area Plans & AP/PAS Amendments <1fe2b174.trpa.org@amer.teams.ms>
Sent: Friday, March 13, 2020, 2:41:46 PM PDT
Subject: Area Plan Environmental Document Available

Good afternoon –

You're receiving this notification, because you're on TRPA's contact list for the proposed Washoe County Tahoe Area Plan. Please let me know if you'd like to be removed from the list.

Environmental Document Available

In advance of the upcoming Regional Plan Implementation Committee review of the area plan, the county has completed the public hearing draft of the Initial Environmental Checklist (IEC) for the area plan. The IEC can be reviewed at this link: https://www.trpa.org/wp-content/uploads/Washoe-Area-Plan-IEC_March2020.pdf . The IEC tiers from the Regional Plan Update Environmental Impact Statement, and concludes that, with the incorporation of Regional Plan mitigation measures, the proposed area plan would not result in significant impacts.

County Adoption Status

Regarding adoption status, the Board of County Commissioners completed the first reading of the ordinance on Tuesday. As part of that action, they made a modification in response to public feedback. The modification is to proposed Development Code Section 110.220.60, which relates to front setbacks on corner and steeply sloping lots. The revision would require that reduced setbacks for primary structures be subject to the county's administrative review process. This process, which the county currently uses for accessory dwelling units, involves notice to neighboring property owners. This provides concerned parties with an opportunity to register their objection. Though a public hearing is not held, an interested party may appeal an administrative review decision to the Board of County Commissioners. For more information on the revised language, please see county staff's presentation at this link: https://www.washoecounty.us/bcc/board_committees/2020/additional/2020-03-10/AgendaItem15.pdf. The Board of County Commissioners is expected to take final action on Tuesday, March 24 at the Washoe County administrative center in Reno.

TRPA Adoption Schedule

Assuming the county takes final action on March 24, TRPA anticipates following this adoption schedule:

- Regional Plan Implementation Committee (RPIC) recommendation – Wednesday, March 25, 2020
- Advisory Planning Commission (APC) recommendation – Wednesday, April 8, 2020
- Governing Board action – Wednesday, April 22, 2020

All of the above meetings are at TRPA offices in Stateline, NV.

Given current conditions surrounding the COVID-19 pandemic, we have received requests for remote participation in the TRPA public hearings (i.e. providing public comment by phone). Our management and technical support staff are investigating options for accommodating this. I'll report back when I have more information.

Latest Information

I will continue to post the latest information in the "Document Library" portion of the area plan story map webpage, which can be reached here: <https://bit.do/TahoePlan?entry=7>

One last thing – if you happened to get an email from me about joining a "TEST" group, please disregard it. This was generated in error when I was trying to set up an email distribution list.

Thanks for your interest and participation.

Sincerely,

Michael T. Conger, AICP

Senior Planner

Long Range & Transportation Planning

(775) 589-5221



Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Friday, March 13, 2020 3:57 PM
To: mberkbigler@washoecounty.us; ptodoroff1@sbcglobal.net; Diane Heirshberg; Michael Conger; schmitz61@gmail.com; rondatycer@aol.com; Eric Young; callicrate_trustee@ivgid.org; Kristina Hill
Subject: You did follow through on public notice: Thanks

Commissioner Berkbigler; Change in 110.220.60 No good enough.
I was copied by Mike Conger of TRPA about the change.

You still do not really get the picture that the "findings" listed in the 110.220.60 are grossly short of what is needed to vary front yard setback.(and side yard) Then , in giving the public the right to know passed on the expense to affected property owners to have to pay a appeal fee (now over \$1000) to the Board of Commissioners.

Unless I hear that there will be no appeal fee, I must assume that it would reflect

the current fee structure. In addition the way the appeal is written in the current

code, a person needs to make sure that it meets a certain level of legal standing and

if not, can be rejected by the County. That has required most people not wanting to

waste the cost of a appeal application to have to retain a attorney.

The administrative process that was never designed to hear a variance unless it was

for a minor change of 10% of less.

Commissioner Berkbigler: If you are going to fix what you think is a problem with

having to hear appeals do it the correct way and take this out of the community plan

and go through a code change process, where we can all look at what the real problem

is and do the correction in a way that does not lay cost on property owners to have to appeal to the Commissioners . You are going to be right back where you started from on this matter, if not worse and that would be a Court of Law.

Wayne Ford

Michael Conger

From: cbwillb@charter.net
Sent: Monday, March 23, 2020 5:52 PM
To: Bill Yeates; Mark Bruce
Cc: Joanne Marchetta; John Hester; John Marshall; mberkbigler@washoecounty.us; Eric Young; Michael Conger
Subject: TRPA RPIC, Governing Board Mtgs 3/25/2020 Public Comment re WC Tahoe Area Plan
Attachments: TRPA RPIC.GB Public Comment re Area Plan.STR March 25, 2020 meeting letter.pdf

To: TRPA Governing Board/RPIC Chair and Vice Chair

Cc: Key TRPA Executives and Staff; Washoe County Commissioner Berkbigler; Eric Young, WC Planning)

As an impacted resident of Incline Village I am writing to present concerns regarding items which will soon be appearing on your committee agendas, namely the Washoe County Tahoe Area Plan and the related STR Ordinance. We have articulated concerns at prior meetings and I include more detail for your consideration at this time in the attached document.

Thank you for your consideration,
Carole Black, Incline Village Resident, 617-312-8834

**** Kindly include this email and the attachment in the public comment for the 3/25/2020 TRPA RPIC and Governing Board Meetings. I will also endeavor to submit forms with brief comments to be read at the meetings****

**Kindly include in Public Comment for the March 25, 2020 TRPA RPIC and Governing Body Meetings:
Re Washoe County Tahoe Area Plan and STR Ordinance – Process and Draft Content Concerns**

To: TRPA RPIC and Governing Body Members via J Marshall, M Ambler

Cc: Mike Conger (TRPA Planning)

Date: 3/23/2020

I am writing to submit public comment regarding the proposed Washoe County Tahoe Area Plan and related STR Ordinance which will be considered at upcoming meetings. I also submitted to the TRPA APC meeting on March 11, 2020 and presented brief comments to the Governing Board in late February. My goal today is to provide a high level overview of priority concerns related to these two initiatives. A few illustrative slides are also attached. More information will be presented as the specific topics become formal meeting agenda items.

SUMMARY: The currently proposed WC Tahoe Area Plan and related STR Ordinance represent an intense effort and encompass broad change with impacts anticipated for many years to come. Staff has invested much in clarifying content and particularly the diagrams and maps which is greatly appreciated. **Nonetheless, there are significant concerns in two major categories: process and content.**

PROCESS: The Tahoe Area Plan is a long and complex document which has undergone major revision in the last few weeks. For a document of this size, complexity, import and implication, the level of public commentary opportunity provided to date has been insufficient. Though there has been much prior community discussion extending over many years, there has been only one scheduled and noticed public commentary opportunity since the major revisions began in late October, and none to address the current version. By comparison, in another jurisdiction where I own property, a comparable planning process was undertaken via chapter by chapter review over many months in working sessions with extensive public input opportunity/discussion.

CONTENT: While there is much very positive content included in the extensive documents, there are priority content concerns in the categories listed below:

I. The Area Plan presentation at the single public meeting was inaccurate obscuring major proposed changes. Specifically, though there are in fact major changes in zoning approach as well as in concepts and programs included in the proposed Tahoe Area Plan, an inaccurate statement was repeatedly made at the public meeting and included in the document indicating that "there are no zoning changes [except a few related to Fairway and Ponderosa areas]." This is simply incorrect and misleading!

II. The proposals include content which is misleading and/or incomplete - Examples include:

A. The Tahoe Area Plan as currently written obscures major zoning changes: Examples include the incorrect statement listed above, a major change in setback exception approvals (only partially addressed), an omission related to cell tower requirements and proximity to trails/public paths. In addition, the interplay of proposed changes with other code elements is not addressed. For example, proposed changes would negate

WCC imposed "Transient Lodging" penalties for an STR renter who provides false rental information - a restriction which might help to avoid a mishap such as occurred in Orinda last fall.

B. Incorrect assumptions are included regarding Area Occupancy in both the Area Plan and STR Ordinance: Only residents are considered and added occupancy impacts of transient tourists/visitors are omitted. These latter groups have substantially increased area occupancy particularly during busy seasons with more vehicles and people crowding the area. Impacts are thus not projected correctly re Safety and the Environment as well as impacts on housing supply.

C. Neighborhood character is valued throughout both documents, yet conflicting perspectives appear: For example, the STR Ordinance presents STR Tier levels for permitting which do not align with actual resident occupancy and will therefore potentially adversely impact neighbors without any ability to directly respond at the permitting decision point. Further there are no STR density or intensity regulations nor is the "buffering concept" between residents and other uses which might have mitigated impacts considered re STRs in either document.

D. Prioritized Area Plan projects and policies do not reliably address root cause: The most prominent examples are in the areas of Transportation and Parking. There is much emphasis on trails, paths, and public transport systems - yet there is no attention to the underlying root cause of added occupancy/congestion from transient tourist volumes > many more people and vehicles with adverse impacts on safety and the environment. A comprehensive approach to managing safe Area Occupancy with matching emergency services capability and evacuation capacity is a necessary priority in this high natural hazard risk area.

E. Area Plan and STR Ordinance fail to fully address public health/safety risks: If the unnecessary wholesale adoption of TRPA regs proceeds as proposed in the Area Plan draft, STRs will escape public health regulations applied to all other forms of Transient Lodging with similar characteristics and risks. The alternative of designating STRs as Transient Lodging as already noted in WCC Chapter 25 avoids this gap while still allowing in indicated residential areas with permitting requirements like other forms of Transient Lodging. Focus areas include sanitation, pest/vectors and sharps/biohazardous waste, etc.

F. Lack of robust, timely measurement: The Area Plan largely relies on TRPA measurement which, though robust and academically based, is infrequent. To understand impacts of changes and develop any required interim correction interventions, more frequent, focused measurement is required. Further, the impacts of the recent rampant growth in STRs with area occupancy impacts has yet to be seen given TRPA's measurement schedule >>> the environmental impacts of the added people and vehicles related to STR growth need to be explicitly assessed with a formal EIS now!

III. Findings for approval are not met: This conclusion applies/applied to both the WC Tahoe Area Plan and STR Ordinance drafts based on all of the items listed above in the context of the specific findings requirements.

CONCLUSION: As occurred with the draft STR Ordinance recently considered by the WC BOC, I believe that the proposed Tahoe Area Plan is also "not ready" for approval at this time, requiring more detailed review and open public commentary/community input and consideration. Sadly, given events surrounding us, venues are just beginning to accommodate remote participation and dialog to allow for needed discussion.

Thank you for your consideration,

Carole Black, 144 Village Blvd. #33, Incline Village, NV 89451

Appendix: Sample Illustrative Slides (Note that the Covid-19 slide was dated several days ago with significant growth in cases and impacted areas since)

Boeing Employee*: “Nothing we do is so important that its worth hurting someone”

In Washoe County’s Tahoe Area,

- **We do not want another Orinda or Paradise**
OR
Kids finding guns in STR as in South Lake Tahoe;
More unsafe congestion;
Out of character design or uses
- **We do need Your Support and ...**
Tahoe Area Plan/Ordinances that protect us
 - Tourism provides benefits but so do residents
 - Current proposals include significant gaps



*6.2018 internal message by Boeing employee quoted by Rep Albio Sires during congressional hearing 10.20.19 seen in video on CNN Business 1.9.2020

As also discussed re the proposed STR Ordinance, STRs **DO NOT** Mimic Residential Use: Need Buffering Between Residents/Other Uses:

- **Area Plan Policy LU 1-3 intent not matched in STR Tiers**
 - As currently described adjacent residents particularly in denser residential areas will inappropriately be subject to significant adverse neighborhood character impacts from STRs with no input
- **Need to modify Area Plan proposal and STR permit tiers to align with intent of Area Plan and buffering requirements** re neighborhood character:
 - Reduce the Tier 1 upper occupancy limit to ≤ 5 to more closely mirror actual residential use and
 - Require Discretionary Permit (AR) for STRs with > average actual residential occupancy in residential zones

Occupancy	10	2.5	2.8	3	~4.5	5
	Tier 1 WC Draft Ordinance	Census Data			Avg Short Term Rentals (VIGID SURVEY)	Tier 1 Proposed Maximum
	Avg Residence	Avg Family Size	Avg LT Rental			

Incorrect Assumption: Little Population Growth with No Adverse Threshold or Safety Impacts ... NOT TRUE!!

FACT: By 2018 STRs had already **increased Area Occupancy** in WC Tahoe Area adding:

750 People avg/day; 1500 People/peak day (4yrs)*

188-300 Vehicles avg/day; 375-600 Vehicles/peak day**

> 200 Vehicle Trips/day almost every day; ≥ 1200 Vehicle Trips/peak day^

116 Beach Visits/day; 94% Increase in July/Aug (3yrs)^^

FACT: Summer 2019 vs 2018 brought **Further Massive Occupancy Increase:**

27,000 added Airbnb arrivals

23% additional increase RSCVA Vacation Rental Days

FACT: Currently Police and Fire are understaffed for population compared to industry benchmarks AND there is acknowledged inadequate area evacuation capability

FUTURE IMPACT: With Proposed Zoning/Ordinance Changes, STR numbers/density/arriving population & vehicles with their adverse impacts will likely continue to grow significantly as differentiated from limited resident population growth estimates.

Note: Estimates derived from RSCVA & Census data, IVGID surveys & reports, WC staff, Airbnb press release; *2018 vs 2014; **avg. 2.5 occupants/vehicle winter; 4/vehicle summer; ^ assumes 2 trips/vehicle/day; ^^ 2019 vs 2016

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Emergency Response Capability Is Not Sufficient in Washoe County Tahoe Area



- Evacuation capacity is known to be inadequate especially during high occupancy periods which also correspond to enhanced natural hazard risk including wildfires, winter storms and the NV Energy PSOM event triggers
- Growth in area occupancy based on increased visitors/tourist volumes is significant and has not been considered in the WC Hazard Plan or Tahoe Area Plan population estimates
- Emergency Services staffing in the Tahoe Area appears insufficient for the actual population present based on industry benchmarks
 - Gap is exacerbated during high occupancy periods related to STR rentals/visitor volumes
 - Added vehicles and illegal/unsafe parking impact safety and the environment
- Proposed WC Hazard Plan does not comprehensively address these risks, particularly evacuation capability; and Proposed WC STR Ordinance and Tahoe Area Plan fail to fully assess, address or mitigate these avoidable public safety risks.
 - No Area Occupancy Plan re population risk associated with growth in tourist/visitor volumes
 - No STR Ord/Area Plan regs re STR Density/Intensity or Limits re neighborhood character >
 - More tourists/STRs with More area occupancy, vehicles and hazard risk
 - Less available affordable or rental housing for staff
 - NV Energy PSOM events may cause adverse impacts particularly for unprepared tourists without increased WC supports which have not been addressed by WC or NV SB329 planning

Documentation submitted in separate materials to WC Manager and Board of Commissioners by Carole Black, IV Resident 2.25.2020; Logos from agency websites

Public Accommodations or Comparable Public Health Regs are Neglected in STRs with the Proposed Zoning, BUT they are used to Decrease Health Risk in all other Transient Lodging Settings with the same characteristics as STRs: focus areas include Sanitation, Pests/Vectors, Sharps/Biohazard Waste, etc.

WHICH OF THESE GUYS WOULD YOU LIKE TO MEET DURING YOUR STR STAY?



BUGS ...



VIRUS VECTORS,...



BACTERIA ...

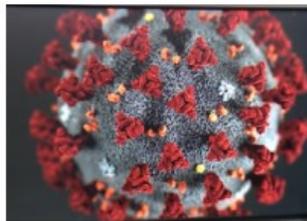
Superbugs kill one person every 15 minutes in US, says CDC report

SHARPS ...

Biohazardous Waste Handling Operation Management Plan

Sources: <https://www.statetimes.com/social/usa/2018/03/08/cdc-superbugs-kill-one-person-every-15-minutes-us/>, Web MD; Washoe County Health District Public Accommodations website

And now there's Coronavirus (Covid 19) ...



- **New Risks and Rapid Spread** with daily evolving case and mortality numbers
- **And Growing Recommendations re Public Health/Safety, e.g.,**
COVID-19 - Tips for Hotel Managers
- **BUT None of the recommendations are required for STRs under current WC Tahoe Area Plan or STR Ordinance proposals**
 - This includes current WC Health District recommendations:
 - "For businesses, go here for cleaning information"
 - And for sanitation covering food service utensils (which are routinely used by STR guests)
 - Solution is classification as Transient Lodging or specific regs for the STR application

Sources: Washoe County web site; <https://www.cnn.com/videos/media/2020/03/08/media-coverage-coronavirus-brian-stelter-rs-vpx.cnn>; <https://www.hospitalitynet.org/opinion/4097377.html>

Michael Conger

From: Diane Heirshberg <dbheirshberg@gmail.com>
Sent: Monday, March 23, 2020 9:51 PM
To: Michael Conger
Cc: John Marshall
Subject: Tahoe Area Plan Comments for March 25, 2020 Governing Board Meeting, If the Subject is Discussed at the Governing Board Meeting

March 23, 2020

Dear Michael,

I am sending this email to respectfully request that if the subject matter of the Tahoe Area Plan comes up at the March 25, 2020 Governing Board, that you report to them that the local Incline Village/Crystal Bay stakeholders will be requesting that TRPA advise Washoe County to address the issues below with the public and stakeholders in Incline Village/Crystal Bay prior to a final vote on and prior to submitting the current Plan to TRPA. I was going to send this to the members of the Governing Board, but felt that this issue is not as urgent as matters related to the corona virus. I do urge you to raise these citizen concerns with the Governing Board if the opportunity presents itself.

CONCERN #1—REFUSAL TO DISCUSS COMMUNITY CONCERNS REGARDING SHORT-TERM-RENTALS IN AREA PLAN

The Plan states the local community members have said their biggest problem is “the need to remove development hurdles.” That is false and inaccurate. At the December CAB meeting, the only noticed public meeting on the Plan, the public comments were primarily requests that Mr. Young to add to the Plan the single biggest local community concern, which is the damaging impact of STRs on neighborhood compatibility of local IVCB residential neighborhoods. We requested that the Plan identify STRs as an issue of public concern, and set goals to monitor it. Later I also raised to Mr. Young that Washoe County did not adopt the density, concentration and limitations of numbers in the TRPA Guidelines on STR best practices (except one STR per Parcel) because Washoe County said that it didn’t need allocations from TRPA, but the County will need and use allocations if it rebuilds the Town Centers using the increased TRPA density, height and coverage provisions for Town Centers. Therefore, this needs to be addressed.

Mr. Young stated to me that the County will not mention STRs in the Plan, and yet the Plan does mention them in setting a parking standard for STRs which is not as protective as that proposed in the TRPA Guidelines, which constitutes an approval of this standard by TRPA for all time. We need regulation to retain neighborhood compatibility.

CONCERN #2 — SECTION 110.220.05 SHOULD BE REVISED AND THE IRRELEVANT AND INCORRECT SENTENCE DELETED

At the December meeting at the Chateau, attendees expressed confusion over the fact that the Plan’s names of IVCB zoning districts were similar to prior TRPA plan area statements that were based on original subdivision names given by the Incline Village, Inc. developers, but had different boundaries from the original subdivisions. In response, Mr. Young retitled the zoning districts as “Regulatory Zones,” and added three sentences as follows:

“Land owners in the planning area should be aware that some of the originally platted subdivisions in the planning area have names similar to the names of the zoning districts, yet with different

*boundaries. Some of these plats have various restrictions that were recorded with the original map. **Washoe County does not enforce or otherwise act to implement these deed restrictions.***”

This third sentence was put in at the last minute and never discussed with the public for public comment, is completely irrelevant to the naming of the regulatory zones, is legally incorrect, and is a veiled attempt to make it appear Washoe County’s zoning laws take precedence over IVCB subdivision CC&Rs. The sentence should be stricken entirely from the Plan.

Washoe County’s attempt to give its zoning rules priority over subdivision CC&Rs is contrary to established Nevada law. **Washoe County has already acknowledged in numerous public hearings that enforcing these deed restrictions is a matter for legal action in Court between parties to the covenants.** The case law is clear in Nevada (and other states) that **zoning ordinances do not supersede private covenants and that they operate independently.** [See, for example, Western Land Co., Ltd. vs. Truskolaski, 88 Nev. 200 (1972); Leonard vs. Stroebling, 102 Nev. 543 (1986); and Gladstone vs. Gladstone, 95 Nev. 474 (1979). This rule is well explained in a leading treatise, 5 Rathkopf, The Law of Zoning and Planning Section, Chapter 82, Public Land Use Controls and Private Covenants, Section 82.2 (4th edition, October 2019 update) as follows:

*“Zoning restrictions and restrictions imposed by private covenants are independent controls upon the use of land, the one imposed by the municipality for the public welfare, the other privately imposed for private benefit. Both types of land use restrictions are held by courts to legally operate independently of one another. ... **An important implication of the “independent operation rule” is the uniformly held view of state courts that a zoning ordinance does not terminate, supersede or in any way affect a valid private restriction on the use of real property.** The fact that a use may be permitted by a zoning ordinance does not relieve an owner of the obligation to comply with a more restrictive private covenant. When a zoning restriction and a private covenant are in conflict, the more restrictive of the two prevails. . Zoning ordinances neither terminate nor superseded existing building restrictions. However, where subdivision building restrictions are more restrictive than zoning ordinances, the building restrictions will govern....”*

CONCERN #3 —THE PLAN INCORRECTLY PROJECTS A LACK OF GROWTH AND NO NEED FOR ADDITIONAL PUBLIC SERVICES BY IGNORING THE INCREASE IN IVCB TRANSIENT LODGERS AND TOURISTS

The Plan at Section 6-4 incorrectly states: *“Significant growth is not anticipated under this Area Plan. As a result, the Plan envisions maintaining existing service levels. No major facility expansions or relocation are envisioned.”*

Washoe County did not undertake any analysis to support this statement on area occupancy and growth. The statement is nearly identical to and seems to be a copy of one in TRPA’s 2012 Regional Plan. This statement is critical because the entire discussion of adequate public services is based on this incorrect assumption. The Plan doesn’t acknowledge the seasonal increased needs in the section on *Safety and the Environment*. The current corona virus epidemic may demonstrate just how incorrect the assumptions are in Section 6 finding public services adequate is. Nor does it acknowledge increases in vehicular traffic and need for legal parking. It gives an unrealistic picture ignoring the over-tourism in IVCB, and the overuse of infrastructure, recreational facilities, and public services. This section needs to be reworked with correct estimates of increased transitional occupancy impacts and suggestions for their mitigation.

CONCERN #4 –THE PLAN INACCURATELY REPRESENTS THAT THERE HAS BEEN PUBLIC COMMENT AND INPUT AND THIS IS UNTRUE; THERE WAS ONLY ONE PUBLIC MEETING AT THE CHATEAU IN DECEMBER 2019 ON THIS VERSION OF THE PLAN

The local Incline Village Crystal Bay (“IVCB”) community has requested that Washoe County (the “County”) (i) hold additional meetings to inform the IVCB community as to the reasons for and benefits of the proposed changes, and (ii) gather and address informed public comment on same. There has been inadequate coordination with local residents and stakeholders on this draft Plan as envisioned and required by Chapter 13. Just prior to the Planning Commission Meeting (which I could not attend as I left town for surgery) Michael Conger kindly emailed me a list of the changes he tracked to current status, in response to my communication to him that several local residents were concerned that we did not know or understand all the changes being made in the Plan. Many of the significant changes Michael tracked were not discussed, or disclosed at the one public meeting at the Chateau, and incomplete representations concerning the extent of the changes to the Plan were made at that meeting. Namely Eric Young represented to the public attendees that there were no changes in zoning or laws, other than two minor changes (to Fairway and to Ponderosa), and some TRPA mandated changes in the new Town Center areas. Not only was there inadequate public and stakeholder input, there was a vacancy on the Planning Commission in the district appointee representing Incline Village/Crystal Bay at the County’s Planning Commission, at the time of the Planning Commission hearing which approved the Plan, and thus there was no local resident/ stakeholder/ local public agency representation on the Planning Commission. As you know while workshops were undertaken years ago prior to submission of a Plan that was rejected by TRPA several years ago, there have been no public workshops in the last few years since the current version of the Plan began to be drafted.

Section 13.6.2 of the TRPA Code of Ordinances provides in pertinent part: **“When TRPA is Not the Lead Agency.... At a minimum, Area Plans shall be prepared in coordination with local residents, stakeholders, public agencies with jurisdictional authority within the proposed Area Plan boundaries and TRPA staff.”**

Section 13.1.1 of the TRPA Code of Ordinances states: **In order to be responsive to the unique circumstance of communities of the region...**

These sections of the TRPA Code of Ordinance envision that there will be significant public input from Incline Village/Crystal Bay community residents and businesses into the Plan. This absolutely did not occur on the current Plan.

___Additionally, after the December, 2019 meeting, many of the residents, including myself, have expressed to Michael Conger that we could not even get through to Eric Young, or get responses to our requests for inclusion of additional matters. The process since December, 2019 has been like a steam roller to get the Plan finished, approved and enacted. That steam roller should stop and true public input should be obtained and discussed.

CONCERN # 5: Suggested Additional Goals. I left a number of messages with Eric Young to discuss adding goals, and the calls were not returned:

1. New Goal LU1-4: “Review compatibility of STRs in neighborhoods where the property owner is not a resident for at least a significant part of the year.”
2. New Goal LU 2-9: “Allow allocations for increased density, coverage and height in the Town Center Areas only if the County incorporates TRPA Best Practice Guidelines for STRs, including limiting location, concentration and density of STRs in residential neighborhoods.”
3. New Goal LU 5-4: “Establish additional incentives for affordable, moderate, achievable workforce housing in the planning area that compliments the incentives provided by TRPA.”
4. New Transportation Goals:
 - Washoe County to provide additional public trolleys and buses for free visitor transportation between destinations in IVCB, including to trail heads and Diamond Peak parking. Use TOT to fund trolleys and busses.
 - Open Diamond Peak parking lot to public parking when Diamond Peak is closed for skiing.

- Washoe County to implement regular bus service between Reno and IVCB for workforce living in Reno and working in IVCB
- 5. New Action C-6: Work with utilities to move utility lines that are currently overhead, into underground locations/facilities.
- 6. Add Recreational New Goal 5-7: Develop parking rules preventing boats, trailers and RVs from parking on IVCB streets, and taking up much of the available public parking in the peak summer season months.
- 7. At Goal 7-2 add “bus service or other form of public transportation” to list of active transportation projects.
- 8. Add to the section on Public Services how to address seasonal increases in visitors/total population, in cases of disasters (such as the current virus), fires, etc.

The Plan contains well-thought-out discussions on many problems and issues facing IVCB, sets many admirable goals to address the identified problems and issues, and details many beneficial action items to be undertaken. The Plan added virtually anything TRPA asked for, including the increased density, height and coverage in Town Centers, **but refused to discuss or include public input from the one public meeting** held. Residents of Incline Village/Crystal Bay were not able to safely attend the Board of Commissioners hearing at the Plan’s first reading due to the corona virus, and although we asked to have the matter postponed or to be given the opportunity to comment by phone, neither request was granted. It is respectfully submitted that the rush to a final Plan document is not in the best interests of Incline Village/Crystal Bay or TRPA, and is contrary to the intent of Chapter 13 of the TRPA Code of Ordinances.

Very truly yours,

Diane Becker- Heirshberg, full time Incline Village resident, 805-290-2779

Dear Board of Governors of TRPA,

I have listed below several Incline Village community concerns with the Tahoe Area Plan. The first two are by far the most critical to the Incline community.

1. Objection to Change in Map 2.4 to provide for Transportation Hub at School Site. A major zoning change was made to the Plan in Map 2.4 at page 2-12 of the Plan, titled "Incline Village Commercial Center" (a copy is attached), which has not been disclosed to the public and which is contrary to past representations to the public. This Map changed the zoning of the former Incline Village elementary school site ("School Site") to "Public Service" under which transportation hub is an "Allowable Use", which is different than the zoning on the maps previously shown to the public at the single noticed public meeting, which took place at the Chateau in December, 2019. There has been no public notice or discussion of this material change. The change was made in response to a request from TRPA, and **in opposition to what the County knew the Incline community wished to do with the School Site, which was find a developer to develop the School Site into workforce/affordable housing for our community. A change in the designation had been specifically requested of the County, and we were advised that that change could not be made on the earlier version of that map.** I believe that the School Site was shown in the earlier maps in light green, in the same color as the adjacent properties. The prior version was Figure 110.220.013 "Incline Village Residential Neighborhood Location Map" and 110.220.235 "Stateline Point Neighborhood". This is from my notes as I do not have a copy of that earlier map. Now the School Site is called "Public Service" and it is in blue, but the adjacent properties are red with a different designation. The change was made at the Washoe County Planning Committee Meeting which reviewed and approved the Plan. The Planning Commission meeting took place immediately before the Board of Commissioners' first reading of the Ordinance. Incline residents submitted written public comments on what we knew was before the Planning Commission, but this was not in the map that was publicly available before the Planning Commission meeting. Incline's District 1 seat on the Planning Commission had not been filled and was vacant at the time, and objection was made to this issue going forward without our representative present. There was no notice to the Incline community before or after the Planning Commission meeting of this material change to the map. Prior to that change, one of our Incline Village community members asked Eric Young in connection with the Plan, that the School Site would be best used for workforce housing to benefit the community, and asked if the zoning could be changed as noted on the Map in the Plan. Eric had explained to the community member when the issue was raised about the possibility of the School Site being designated for workforce housing, long before the new Map, that designating the School Site as workforce housing would not be done on a map in the Plan but should be addressed later with the County. There had been discussion of IVGID purchasing the property for workforce housing at or around that time. At the Planning Commission meeting, unknown to the Incline community (the meeting was not on zoom), TRPA made a presentation to change the designation of the School Site on the Map from town center commercial designation identical to the adjacent parcels (they were all the same color) to "Public Service" (you can see that the School Site is in blue on the attached Map, to allow for the transportation hub at the School Site, while the adjacent parcels are in red). There was no prior notice to the Incline community. This change in zoning and this change is contrary to the representation made by the County representative and concurred in by the TRPA representative at public meeting at the Chateau and at the earlier representation at the CAB (which had no public notice) concerning the lack of zoning changes made by the Plan, except for three (or four) changes which Eric Young described to us and showed us. This change did not come up until much later in early 2020, during the same time that TRPA AND TTD were pushing the County Planning staff to agree that the School Site could

be used as a transportation hub to solve problems outside of Incline. TRPA and TTD were not including any Incline public engagement and were not disclosing these plans to the Incline community, and were ignoring the requests by the then Incline District 1 Commissioner to engage in public outreach so that the community would be aware of these plans. I only discovered this change in reading the Plan when the January 26, 2021 meeting was noticed and I sat down to read the current version. This zoning change was solely for benefit of TRPA/ TTD and there was no public outreach or disclosure in Incline, and as you know the Incline community is strongly opposed to this. You have seen my longer emails (one is also attached) about the secrecy with which Mr. Hasty of TTD has operated and the community urges that the Plan not be adopted with this changed Map pending public outreach and the TTD finalizing selection of a site. We really need workforce housing in Incline and this is the only available site and I would like to discuss the history of the site with you. TRPA, the TTD, and the County have been talking about making the School Site into a transit hub without inviting the Incline Village community or notifying the community since 2019, and the community is almost universally opposed to this site.

2. Objection to Failure to Reference Community Concerns Re Short Term Rentals in Plan. The Incline community has requested that the County add that fulltime Incline residents have a community concern about the negative impacts of STRs on the residential neighborhoods in Incline, a negative impact on traffic, a negative impact on parking, and a negative impact on emergency disaster exit from Incline. This request was made at the time of the first mention of a proposed Plan at the unannounced discussion at the CAB meeting, even though we had never seen any written Plan document at that time. Eric Young has repeatedly explained that the Plan could not refer to short term rentals anywhere in Plan per direction of others at the County. But in a much later draft, the Plan, at the direction of TRPA, he added a single reference to STRs to the parking rules at Appendix A, page BA-1 in the Plan, and allowed 1/2 parking space per bedroom for STRs, which is lower than the number of parking spaces required for residences. Even after the addition of that reference, our requests to add our concerns about STRs to the sections on Land Use, Traffic and Public Services was rejected. You have heard what a huge issue STRs are in Incline and we have only asked that this single community concern be added to the Plan, identified as a concern, analyzed in the future, and addressed if needed in the future. This is an example of how the Plan is a document to satisfy TRPA, but is not a Plan which addresses Incline community concerns.

3. Objection to Failure to Include Mandatory Traffic and Parking Mitigation Measures When Adopting Loosened TRPA Town Center Standards. The plan adopts TRPA standards for town centers which allow for environmental development, channeling development to the town centers by giving town centers increased density and height, and reducing coverage requirements at town centers. There is no mention of or limitation for the concerns raised at the Chateau meeting re providing mitigation measures for traffic and parking in these areas in the Plan. The town center increases were raised at the Chateau meeting, and it was requested by the attendees that parking and traffic mitigation be addressed but we were told that these are TRPA required standards and no changes would be made. We were not asking to eliminate or change the development standards, just to protect this small, mountainous community with stringent parking and traffic standards/mitigation measures at the same time that the other TRPA mandated standards are included. Mandatory traffic and parking mitigation measures could be added, while still accommodating TRPA's desire for dense environmental development focused in town centers.

4. Need for Public Meetings. The community has asked for a public meeting to have the Plan explained to them, and to give public input, since the Plan is so technical, and since it had so

many changes since the one noticed public meeting at the Chateau. That request has been consistently rejected. I even asked if we could have a public outreach meeting on the Plan on zoom during the COVID hiatus of public attendance at the Commission meetings, since we were told that the Plan would not come back to the Commission until the chamber was again opened, and were told no. I would like to review with you if we can speak telephonically, the numerous requests and refusals to have public outreach after the single Chateau meeting, as the Plan changed and became more and more difficult to understand. I would also like to explain that the earlier public meetings many years ago had nothing to do with this Plan. The plan that resulted from the meetings prior to the single CAB attendance in 2019 and the single noticed public meeting at the Chateau in December 2019, was rejected by TRPA and for several years the County did not work on a draft Plan. The prior plan rejected by TRPA was very very different then this Plan, and those meetings were irrelevant to this effort at drafting this Plan. Circumstances in Incline have greatly changed since 2018, and the three issues discussed above were not even issues for inclusion in any plan. This would be a great project to come to our CAB to do public outreach and take public input. This Plan directly effects the citizens of Incline. It is a Plan solely between TRPA and the County, and has excluded Incline interests. It should be a Plan between Incline, TRPA and the County. Please keep in mind TRPA Code of Ordinance 12.7 which provides "In consultation with local governments **and the community**, TRPA shall set priorities for the development and updating of community plans."

5. Add Incline Village Representation to Measures Related to Incline Village. The Plan at page 7-4 discusses establishing cooperation between the stakeholders, and we have seen that this is truly one of your personal goals as our Commissioner, but Incline has never been considered a stakeholder in the past. Would it be possible to add a goal something to memorialize this, like "Include the Incline Village Crystal Bay public in discussions of decisions related to Incline Village Crystal Bay from the outset of projects in that area, for transparency and valuable input."

6. Workforce Housing. At page 7-5, could something be added like "Washoe County shall undertake an analysis of the existing allowable uses of the site of the former Incline Village elementary School to determine if its zoning should be amended to allow for workforce house to better reflect the current lack of workforce housing in Incline."

This Plan relates to Incline Village, and we urge you to consider Incline Village concerns. Thank you in advance for your serious consideration of these points.

Very truly yours,

Diane Becker

805-290-2779

Michael Conger

From: Wayne Ford <waynefordresidentialdesigner@yahoo.com>
Sent: Friday, February 12, 2021 7:58 AM
To: Michael Conger
Subject: Re: Washoe County Tahoe Area Plan

Your notice to me sounds a little contrived. As you know the "mobility hub" was at the last minute put into the Tahoe Community Plan in the form of a note on a transportation map, that we had not seen noted in such a way. So your notice about the review of TRPA on the new plan seems to suggest that the TTD is doing something that TRPA did not know about. TRPA has known all along what the TTD was up to in inserting their agenda into the plan. Just for the record: These are not "workshops". A workshop is where people can exchange ideas about a project proposed. In this case no plans were ever sent out to the public along with other important documents. The meeting last night did not have enough space to take the over 200 people that wanted to attend. The 4 meetings were going to be just the same presentation each time. This is about selling a project and not allowing for real public comment. In fact the real public comment is that this parking lot and bus-hub needs to get out of town. Sand Harbor, State Parks need to take care of State Parks and not put their problems in the middle of Incline. The Path created by TRPA needs to do the same in the area of parking.

No more needs to be said. In addition I just got some response to the issue of the people who in most cases are the back-bone of this area in what they do. They live across from the school in a apartment mess. There are over 150 bedrooms in that complex with many families and they have been left out of the conversation. I wonder why? I believe the answer to that questions is that Mr. Hasty would not like what they would say about his project

Wayne Ford

On Thursday, February 11, 2021, 5:08:59 PM PST, Michael Conger <mconger@trpa.org> wrote:

Good afternoon –

This is an update on the hearing dates for the Washoe County Tahoe Area Plan. The plan is now adopted at the county level. It had been scheduled for review by the TRPA Regional Plan Implementation Committee in February. However, the Tahoe Transportation District has since planned four workshops in February to discuss the transportation in Incline Village and the “mobility hub” concept. To accommodate the outcome of these workshops, TRPA will be postponing hearings on the area plan.

Here are the new tentative hearing dates:

- Regional Plan Implementation Committee – April 28, 2021
- Advisory Planning Commission – May 12, 2021
- Governing Board – May 26, 2021

The first TTD mobility hub workshop starts tonight at 7:00 PM. The workshop will be repeated February 12, February 25, and February 26. If you are interested in participating in one of the mobility hub workshops, you can register at this site:

<https://register.gotowebinar.com/#register/6601519902851723532>

Thanks,

Michael T. Conger, AICP

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