



TAHOECLEANAIR.ORG

March 22, 2023

To: The TRPA RPIC Members and Clerk of the Board Marja Ambler
mambler@trpa.gov

Please make this written comment part of the minutes and the record in connection with Item 3 on the March 22, 2023 RPIC Agenda.

Dear RPIC Members:

TahoeCleanAir.org is opposed to Agenda Item 3) Recommendation regarding Proposed Amendments to Washoe County's Tahoe Area Plan to Allow Single Family Condominium Uses in Special Area 1 of the Incline Village Commercial Regulatory Zone for the following reasons:

A. Washoe County, the TRPA and the developer have failed to provide substantial evidence as required by the Bi-State Compact, that address, or support Required Findings/Rationale i.e. Chapter 4 Findings 1 (**Staff report, page 414**), that the Plan Amendment is consistent with applicable TRPA Code of Ordinances, and Finding 4 E. (**Staff report, page 420**). This, in connection with the **cumulative 40+ parcel** cutting of Eastside Forest trees greater than 24" in diameter, of which the cutting of trees over 24" in Eastern Forests, requires compliance with TRPA Code of Ordinances set forth in the Regional Plan.

Further, The Initial Environmental Checklist (**Staff Report page 430**) findings 4 G. does not provide sufficient information to fully assess the proposed code amendment impacts of **40+ parcel** Eastern Forest tree cutting of trees over 24" in diameter.

In this case, the IEC fails to provide sufficient information to determine the **40+ parcel** cumulative impact of Eastern Forest tree removal over 24" in diameter as connected with private ownership, limiting discussion only to what appears to be Western Forest tree removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications.

Therefore, an **Environmental Assessment (EA)** is required to analyze and address the cumulative impact of removal of Eastern Forest trees greater than 24" in connection with the proposed Area Plan amendment within the Area Plan boundaries.

Per the TRPA Code of Ordinances ***an EA is required when TRPA determines that an Initial Environmental Checklist (IEC) does not provide sufficient information to fully assess a project's environmental effects.***

Additionally, Washoe County and TRPA have failed to provide substantial evidence to support the Initial Environmental Checklist finding item h, (**Staff report, page 430**), which is marked NO in response to whether the proposed amendments cause a ***"change in the natural functioning of an old growth ecosystem?"***

Further Environmental Checklist Item 21 c. fails to discuss the potential **40+ parcel cumulative impact** of the cutting of Eastern Forest trees over 24" inches in diameter, therefore failing to provide substantial evidence to justify the NO response to the following question: *Does the project have impacts which are individually limited, but*

cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

As connected with **only 2** of the parcels (947 Tahoe), out of the **40+ cumulative parcels** in question, records indicate (June 15, 2022, TRPA Consent Item Staff Report) that, **"approximately 44 trees are proposed for removal with this project, 20 of which are greater than 24" diameter"**.

However, then leading contrary to the on the record statement above, required Area Plan Finding 4. E. Vegetation (TRPA RPIC packet page 402) states:

"The proposed amendments would not alter or revise the regulations pertaining to native vegetation protection during construction. Adding SFDs, limited to condominiums, would not increase tree or vegetation removal. SA 1 is not within TRPA's, Conservation or Recreation land use classifications".

In this instance, yes, (stated cleverly), the proposed amendments would not alter or revise regulations...

However, at issue is not whether the proposed far-reaching amendments would "alter" or "revise" regulations but whether or not the proposed 40+ parcel cumulative impact on Eastern Forest Tree cutting, is following the letter, processes, and the spirit of the TRPA Code of Ordinances with regard to private ownership tree removal.

In this case, an EA is required to identify the **40+ parcel cumulative impact**, as a result of the proposed Area Plan amendments and, assess whether the proposed cumulative project would qualify for Eastern Forest tree removal over 24", based on an "active" or "limited" Forest Plan, taking into account the cumulative environmental impact of all Eastern Forest tree removal over 24", within the Area Plan Boundaries, since the adoption of the Washoe Tahoe Area Plan.

I point the TRPA RPIC members to the following TRPA Code of Ordinance Sections

14.2.2. Special Uses States:

The uses below require approval of either a specific or master plan.

"On private lands a forest management plan developed pursuant to this chapter and Section 61.1 may allow for the cutting of trees larger than 30 inches in westside forest types or trees larger than 24 inches in eastside forest types on private land".

61.1.5 F. Tree Removal for Development States:

Tree removal for development in conjunction with a TRPA permit shall be in accordance with the provisions of this chapter and Section 33.6.

61.3.7 States 10. Private Landowners States:

Private landowners may fell, treat, or remove trees larger than 30 inches dbh in the westside forest types and larger than **24 inches dbh in eastside forest** types provided the landowner follows one of the planning processes set forth in subparagraph C.

Paragraph C requires an "active" or "limited" Forest Management Plan.

Therefore, the required findings in connection with the **40+ cumulative parcel** Eastern Forest Tree removal over 24", lack sufficient data to support the findings, and are therefore arbitrary, capricious, and highly controversial. If the TRPA accepts this finding without, at minimum, an Environmental Assessment (EA) to determine the cumulative adverse effects on old growth Eastern Forest trees within Special Area 1, TRPA will be practicing prejudicial abuse of discretion.

B. Based on the information offered below, discussing the impact of short-term rentals, TahoeCleanAir.org disagrees with the Initial Environmental Checklist Item 21 d. Findings of Significance, (Page 442 of the Staff Report), which states: "d. **Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly? Answered NO (Page 442 of the Staff Report).**

The proposed amendments will allow a **40+ parcel cumulative** public safety impact up and down Tahoe Blvd, in the center of Incline Village. This, by allowing significantly increased human and traffic capacity, safety impacts associated with a potential dramatic increase in single family condominium short term rentals. This will further exacerbate the already demonstrated and significant public peril which exists during a wildfire evacuation and winter peril emergency. Additionally, these perils are further compounded by already over capacity intersections along highway 28, including an "F" rated intersection at Southwood and Hwy 28, of which will hamper safe wildfire evacuation.

In this instance, Washoe County has:

1. Failed to provide a data driven roadway by roadway wildfire evacuation capacity assessment analyzing the potential cumulative human safety impacts associated with approval **40+ cumulative parcels** potentially providing Short-Term Rental use in single family condominiums up and down Tahoe Blvd.

At minimum due to the potential adverse safety impacts from Short Term Rental overcapacity, an EIS should be required, including a roadway by roadway wildfire evacuation capacity assessment to determine the safety impacts on residents and visitors alike, resulting from this far-reaching proposed 40+ parcel cumulative plan amendment which will allow for a potential dramatic increase in Short-term rentals.

In closing, since the finding of item d. of the environmental checklist lacks sufficient data to support the finding, the finding is therefore arbitrary, capricious, and highly controversial. If the TRPA accepts this finding without, at minimum, an EIS to determine the cumulative adverse effects on old growth Eastern Forest trees within Special Area 1, TRPA will be practicing prejudicial abuse of discretion.

Sincerely,
Doug Flaherty, President
Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)
A Nevada 501(c)(3) Non-Profit Corporation
774 Mays Blvd 10-124
Incline Village, NV 89451

TahoeCleanAir.org Organizational Purpose

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.Org) is a Nevada 501 (c) (3) non-profit corporation registered to do business in the State of California. Our organizational purpose extends beyond protecting clean air. For complete information regarding our organizational purpose please refer to "TahoeCleanAir.org Organizational Purpose at the end of this written public comment. and includes, among other purposes, protecting and preserving natural resources, including but not limited to clean air, clean water, including lake and stream clarity, soils, plants and vegetation, wildlife and wildlife habitat including wildlife corridors, fish and fish habitat, birds and bird migration, insects, forest and wilderness from adverse environmental impacts and the threat and potential of adverse environmental impacts, including cumulative adverse impacts, within the Nevada and California Sierra Range, and its foothill communities, with corporation/organization geographical purpose priority being that of the Lake Tahoe Basin. Our purpose further extends to all things incidental to supporting environmental impact assessments and studies, including the gathering of data necessary to analyze the cumulative adverse environmental, health and safety impacts from public and private projects inside and outside the Lake Tahoe Basin, and addressing and supporting safe and effective evacuation during wildfire. Our purpose further extends to

supporting transparency in government to ensure that our purpose and all things incidental to our specific and primary purposes are achieved.

From: [Aaron](#)
To: [Marja Ambler](#)
Cc: [John Hester](#); [Cindy Gustafson](#); [Shelly Aldean](#); [Vince Hoenigman](#); jdiss.trpa@gmail.com; [James Settelmeyer](#); [Alexis Hill](#)
Subject: TRPA March 22nd public comment
Date: Wednesday, March 22, 2023 10:11:01 AM

Please enter this into record for

TRPA Regional Plan Implementation Committee: Item 3 March 22nd 2023

I completely oppose the item of

"Recommendation regarding Proposed Amendments to Washoe County's Tahoe Area Plan to Allow Single Family Condominium Uses in Special Area 1 of the Incline Village Commercial Regulatory Zone (action)"

I disagree with the environmental checklist answer of "NO" for

"Item D (Page 442 of the Staff Report), which states: "d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly? (Page 442 of the Staff Report)."

This change directly affects me because I live adjacent to the proposed zone. It affects properties adjacent to me and it affects my daily travel. This change will increase carrying capacity of the basin and therefore obviously increase traffic and pollution of all kinds. This change to the area plan demands an environmental impact statement or at least environmental assessment.

I am offended that projects and changes are continually being approved claiming no "substantial adverse effects on humans". TRPA must be a world leader in upholding thresholds that they are tasked with by an act of congress. TRPA is one of the only special agencies in this regard implemented by US congress for good reason.

I do not approve of the changes to the area plan. I do approve of bold moves towards the holistically sustainable world we need. One of the biggest steps toward doing this is bringing about wealth equality and reversing the growing wealth gap. Changes such as outlawing short-term rentals in residential, Increasing taxes on multi-parcel owners, and Increasing taxes and costs to lavish and expensive properties. Residential does not belong in mixed use zoning. The lower wealth earners should not be ever more forced into industrial living.

The last time I checked, the Earth is not gaining land mass while the human population is growing. The answer to the problems created by development and too many people is not approving more development and change that allow for more people. It is unfair that the poor side of the wealth gap is forced into crummier living conditions in mixed industrial zoning. It is not wise economically or environmentally. Living in these conditions has lower quality of life because of all pollution types (light, noise, fumes) associated to chronic health problems. This

reduces productivity, increases healthcare, and indirectly burdens the environment. Meanwhile, the rich side of the wealth gap lives in more and more spacious extravagance that is disconnected from the workforce.

There is a great deal to consider in these changes. It's unfair that the people making the laws are supposed to represent the people, but are not representing us or our best interest AND they get paid for it while "the people" they represent have full lives and don't have time or get paid to fight against bad changes, let alone understand them. I barely have time to compose this comment. Most of these meetings happen during the work day. The people pushing for the changes are also profiting and getting paid. All of this goes on while the population is just trying to live.

Sincerely, Aaron Vanderpool, 806 Oriole Way, Incline

Marja Ambler

From: Tobi Tyler <tylertahoe1@gmail.com>
Sent: Wednesday, March 22, 2023 10:24 AM
To: Marja Ambler
Cc: Cindy.Gustafson; Shelly Aldean; Belinda Faustinos; jdiss.trpa@gmail.com; Francisco Aguilar; Hayley Williamson; Vince Hoenigman; Alexis Hill; Julie Regan; John Marshall; Ashley Conrad-Saydah
Subject: Gov. Bd. 3.22.2023 Public Interest Comment

My name is Tobi Tyler and I am representing the Tahoe Area Group of the Sierra Club. We've stated before that we have a carrying capacity issue here in the Basin and the trajectory of increased density and height throughout the Basin are on a collision course with increasing environmental degradation. I bring your attention to the excellent opinion piece in the Reno Gazette Journal, [Tahoe's Future Hangs in the Balance – Again](#), which I include here for the record.

The cumulative impacts from the numerous development projects and the allowance of greater density and heights are not being evaluated, which violates the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) in CA. These developments do not address affordable housing needs and will result in increased population and transportation pressures at a time when we already exceed anyone's vision of maximum carrying capacity with the 60 million visitors per year. The TRPA has basically eliminated the VMT standard and now is opening the door to increased traffic nightmares and environmental degradation from the additional people in the Basin. TRPA is not complying with NEPA and CEQA with your Environmental Checklist, which most projects are approved under. Increased density puts the entire community at risk in the event of an evacuation because of fire or other disasters. It also increases air and water pollution because of increased fossil fueled bikes, cars, boats, and snowmobiles that come with increased density.

Tobi Tyler

Vice Chair, Tahoe Area Group of the Sierra Club