



Incline Village Crystal Bay Citizens Advisory Board

DRAFT: Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB.

Minutes of the Incline Village/Crystal Bay Citizens Advisory Board meeting held via teleconference on November 1, 2021

- 1. CALL TO ORDER/ ROLL CALL/ DETERMINATION OF QUORUM** – Diane Becker opened the meeting at 5:30 p.m. Members in attendance included: Kevin Lyons, Kathie Julian, Diane Becker, Denise Davis, Judith (Judy) Simon, Roxanna Dunn (Alternate) and Chris Wood (Alternate).
- 2. PLEDGE OF ALLEGIANCE** - The pledge of allegiance was recited.
- 3. GENERAL PUBLIC COMMENT** – Limited to no more than three (3) minutes. Anyone may speak pertaining to any matter either on or off the agenda. The public are requested to submit a Request to Speak form to the Board Chairman. Comments are to be addressed to the Board as a whole. Additionally, during action items public comment will be heard on that particular item before action is taken.

Jean Diaz (via email) attached hereto.

Carole Black (via email) attached hereto.

- 4. WHAT IS DEVELOPMENT (TRACK 2)?** – Trevor Lloyd, Washoe County Planning Manager, Planning and Building Division, provided a brief overview on development and what's coming down the line.

NOTE: The Zoom recording began during this item.

Trevor Lloyd provided an overview of upcoming developments and meeting formats to receive feedback on development projects.

Kathie Julian said she had questions and concerns about Track 2. She had shared these concerns about Track 2 and development projects in emails to both the Communications and the Planning Staff. She asked who will ensure that the developer-initiated neighborhood meetings will be held at a reasonable time; invite the community to attend and not just the surrounding neighbors. It impacts more than just those within 750 ft away. Mr. Lloyd stated there is staff oversight and staff makes sure neighborhood meetings are noticed in accordance with requirements. It will go out to parcel owners within 500-750 ft of the project. He added that this community is very active and helps disseminate information. He stated we can utilize the GIS HUB software to get the word out. He stated he believes the neighborhood meetings will be well attended. He stated will make sure it's held at an appropriate time and place. It's a work in progress. Kathie Julian stated it's about the process, and the public hasn't been consulted about the process. She said she questions how people are noticed, who will take the minutes, and how will be sure that the public's voice is appropriately heard. She asked what the community's recourse is when the developer doesn't listen. It would be much more effective if the County could notice the community and not have to rely on the volunteers in Incline Village to get the word out. There are second homeowners who may not receive mail notifications. She asked if there is an email noticing process. She would appreciate a dialogue with the County. Mr. Lloyd stated it's a dynamic process with adjustments and improvements made during the process. He stated the development projects are already on the website for the public's review. He stated expanding the noticing requirement is very costly. He said we are happy to listen and consider ideas as we aren't finish with the processes. Kathie Julian asked about the 40-unit condo development. Mr. Lloyd stated they have already submitted the application and will be required to host a recorded meeting.

Kevin Lyons stated it would be helpful to have a refresher about has-right, will-right part of the process and the public's involvement in that. He said it would help explain the noticing requirements. He would appreciate that explanation.

Commissioner Alexis Hill stated it's a process that all the commissioners will be watching to see if we need to make changes or gather additional feedback. She said we could look at expanding noticing if that is something you want to talk about. She said she will have better definitions of larger developments. She said getting input prior to submission will be beneficial.

Diane Becker stated she is personally concerned with the process. She stated the community has knowledge and information that the planners don't have because they don't live here. She said she would like to make sure we have input with larger developments. The CAB is the perfect opportunity to hear projects and provide input. The Track 2 program puts a lot of responsibility on the developer. Mr. Lloyd stated affected parcel owners would receive notice ten days in advance. She asked where the meetings will be held. He stated that is what we are still working on. He spoke about the hybrid approach with the opportunity for zoom meetings and the ability to attend in person. Those are the things we are discussing. She said on-site meetings in the winter wouldn't work because of the snow and lack of parking. She stated there are a lot of issues. She asked the County to consider including representatives from the community to be involved with the development of the process as it affects our lives. Some of the communications can be difficult, but we would like to be part of some of these matters. Big development projects need input from the entire community. For instance, Boulder Bay needs input from the entire community, not just the neighbors who live 300-500 feet from Boulder Bay. For the smaller projects, please consider setting up a meeting for us to come and provide the realities and issues. There are issues here that aren't relevant to Sparks or Reno. She stated only having 3-minutes during public comment is not a good presentation. She asked if they would consider a real presentation such as hiring a professional to provide a real presentation that addresses our concerns and issues in lieu of the 3-minute public comment.

Judy Simon stated we have a few community centers such as the Library and Community Center in the old US Forest Service office which has parking that might be considered to host meetings.

Public Comment:

Ronda Tyner asked the criteria to determine which projects require a neighborhood meeting. She asked how we find out about the projects that don't require a neighborhood meeting. Mr. Lloyd stated we are still ironing out those details. He stated big projects will be tentative maps, special use permits, master plan amendments. He said smaller projects might include accessory dwelling or parcel map. He said the medium developments would probably go to neighborhood meetings. We are finishing up on those details. There isn't a one-size-fits-all. It will be case by case. Ronda Tyner asked why ADUs won't need a public meeting. A neighborhood is impacted if an ADU is put in on a parcel smaller than one acre. She said Tier 2 or 3 short term rentals won't need a public meeting. To have a blanket criterion that doesn't take into the particulars isn't the best approach. She said you need to speak with CAB members and communities to see how the projects could best be addressed.

Judy Miller said she read some of the reports given to Board of County Commissioners about Track 2 that a zoom meeting was required for neighborhood meetings since it's difficult for some people to attend. It would also provide the recordings. She said she also read that the County communications staff would be reaching out to the public about all of these community meetings so everyone could be informed and hope that will be the case. They could reach out on social media or Nextdoor. She said if that wasn't already in there, she hopes it would be included.

Steve Bard said in regard to the case-by-case determination on when something is broadly discussed and communicated is scary. He said why not make it objective based on acreage or dollar amount. It's a slippery slope when it's decided on a case-by-case basis. He said today, with social media and electronic communications, communication is free. Broader communication is free. Thank you for putting this together.

Nancy Parker asked if what the CAB is using as best practices to engage the community. Neighbors can provide input and feedback on projects but holistically on impacts on the entire community. Nobody understands what the CAB does or that you even exist. It would be a good idea to broadcast what you are tasked with doing and asked how they engage the community. She said if she hadn't researched the CAB, she wouldn't know about the CAB meeting today. It goes back to the basics of educating on what the CAB does and upcoming projects. Diane Becker stated the CAB just recently changed the format. Mr. Lloyd explained the recent CAB format changes.

Carole Black said the CABs are asking for a broader scope of activities and things to address. They weren't asking for something to be taken away. We have attended the CABs in the past and can provide input about development. She said she is sure about the changes. She stated the County needs to re-think this format on the major projects. The neighborhood meetings are great, but the CAB needs the opportunity to review. She said we will hear about housing during this meeting and we have a major issue in our community to help support our community, such as students and first responders. She said she is curious why we have not seen a moratorium on residential developments until a comprehensive review has been done. The report will address short-term rentals and density. She asked why are we looking at a 40-unit, non-affordable project that could fit this need. We need a moratorium so we can look at these things.

5. WASHOE TAHOE PARTNERSHIP FINAL REPORT – Chase Janvrin, Tahoe Prosperity, was not present. Alexis Hill provided a PowerPoint slideshow.

Kathie Julian thanked Commissioner Hill. She urged everyone to read the report. It's well written and not as long as it initially appears. It's insightful of the community. She referenced a slide about 82% of people are over 65. The figure is actually 25% is over the age 65. It's an 82 percent growth in that demographic. The point is the same; however, there is a demographic shift to older families with kids going to the high school. She asked a question of the Tahoe Prosperity Center: We have a list of publicly owned land for affordable housing, but there was no list of privately held lands. This brings up that 40-unit complex. It's a shame that we aren't approaching our housing problem in a more integrated way. We should look at all properties that we have left in the community and incentivize workforce housing with both public and privately-owned land. Commissioner Hill stated the County has to adopt a policy to help incentivize developers. We don't have inclusionary zoning, but we can do incentives so we can work with private developers moving forward.

Judy Simon stated that as long as it's economical for a developer to build one 15-bedroom house and not 15 1-bedroom houses, it will be a real problem to get a developer to do this type of thing. Developers need to step up. Commissioner Hill stated we need to incentivize and work with TRPA on density for workforce housing. She said we could not change the cost of building materials, but we can try to incentivize development and work on zoning.

Diane Becker stated we need multifamily to meet the needs for those working. She suggested Commissioners go to the State of Nevada and request funding for multifamily as well as single-family. Single-family is real opportunity in Las Vegas because they have the land; however, in Incline Village, there isn't available land. Multifamily is more realistic.

Kathie Julian referenced the 13% figure about STR conversion with renters being asked to move because the property is being converted to STR. She added many folks who are simply asked to move out, the property may also be converted to STR. Those who are moving out often don't know what will happen to the property when they move out. That is why the consultant was conservative with that number. It's likely more. It's buried in that 26% number of people who are asked to move and don't know why. It's perhaps STR conversions. It points to the need for the data of the recently sold houses that end up as STRs. It's important to understand the trends in sales. She said 77% of STR permits are for apartments and condos which is the housing inventory for our workforce. Commissioner Hill stated we are looking at how STRs are affecting this; it's part of the problem, but there are many that we need to fix and take a look at. She said she will work with the housing team on what other communities are doing. It will be part of the conversation.

Kevin Lyons thanked Commissioner Hill. He said he enjoyed the report. He had some comments about the census part. He said the calculation on the housing cost, excluding the land, is a major mistake if we're going to use the data to think about the actual problems. Because housing that's affordable is a solved problem all around the world. He spoke about the how expensive land can be a factor. The questions are - how to do it; where to do that; how to do it efficiently; and how to take away the disincentives, which is the problem that otherwise happens naturally. He volunteered to meet with the housing team. He said it's not rocket science. Look at a few things that could be gumming up the works. He said he looked at the survey. Looking at the methodology without knowing the response rate, how many were invited to take the survey, and how many responded is probably a high number. You do run into self-selection problems there, potentially. It's great objective data. He wanted to flag that information before knowing more about the methodology.

Public comment:

Carole Black stated she wanted to congratulate Alexis for pitch-hitting and presented the last minute. She stated she sent some written materials that she hoped would get passed around to the committee members. She asked why are we discussing a 40-unit condo building on a prime piece of property in the center of town, right by public transportation and transit stop when we have this report in front of us today. She asked why the County has not done what other County's have done around the lake. They have conducted similar types of housing studies. She stated we should look at those and collaborate with some of our neighbors. There are a number of good studies out there. She asked why haven't we temporarily put a moratorium on development to prioritize and think about the right next steps for this land. It's right there on the major route where the buses go by and near all the commercial activities in the area. She said she assumes they will be high-end condominiums. She said she is asking about a moratorium, and it's something to think about. Look at all the opportunities available. It's a complex problem. Same goes for short-term rentals which the report mentions needs more aggressive regulations. We have the least aggressive regulations around the lake. It needs to be looked at. She said she is thrilled to see the discussion. As far as public land, there is a lot of Forest Service land around town that could be looked at.

Judy Miller thanked Commissioner Hill. The report underlines the urgency of the workforce housing shortage. It's true, we cannot build; it sometimes takes years to have a project from first planning phase to final completion. We need to look at what we can do immediately and what other jurisdictions are doing. We need to put a moratorium on Short Term Rentals. We are up to 600 STR applications. There is an estimated 800 that were told last week which is probably conservative; its probably more like 1,000 that our workforce could use. It's one of the biggest sources we have for workforce housing. She said she hopes there is a moratorium on STRs. People are dragging their feet on applying. We need workforce housing now.

Kathie Julian read a question submitted by Doug Flaherty, a member of the public, regarding Agenda Item 5 – Washoe Tahoe Partnership Final Report: "This agenda item mentions the Washoe Tahoe partnership. It is my understanding that the Washoe Tahoe partnership focuses mainly upon the geographical area of Incline Village/Crystal Bay. I understand that there have been several meetings of the Washoe Tahoe Partnership. And my question is, was the general public given the opportunity to join in on and participate in this partnership from its inception. Were the past meetings of the Washoe Tahoe partnership publicly notice so that Incline Village/Crystal Bay residents could take part in the meetings."

Sara Schmitz spoke about topic of government owned land and higher density workforce housing. She said it brings to mind the parcel that is potentially going to be turned into a transit hub and how the community has been saying for many, many years that that particular location is inappropriate for a transit hub but is perfect for workforce housing from a location perspective. She said she would like that to be reconsidered. Washoe County is late to the game as far as short-term rental ordinance. The other communities around the basin are ahead of us in the learning curve including Placer County. Placer County extended their moratorium on short-term rentals because they had concluded that short term rentals were exacerbating the housing crisis. We need to look to our neighbors around the lake and see that they have already reached the conclusion that short term rentals are having a reduction of workforce housing availability. We could learn the same lessons from them. She agreed with Judy Miller. She said people have had plenty of time to do their short-term rental applications. If we put in a short-term rental moratorium, it does give the opportunity to formulate a strategy and a plan going forward.

Pamela thanked everyone for their time. She said she understands data is a really critical factor here and time is of the essence. She asked if this information has gone to any of the other commissioners. Over the past several years, the emphasis has been on how to streamline the process to take housing units off the market and convert them into short-term rentals. The priority should be how do we ensure that we keep the folks who are here in their homes. She said she understands it is a new report and very comprehensive and difficult to get your arms around. She asked if this is a priority for the Commission itself, or is it just considered a pet project to just check the box and see how we can increase our short-term rental and tourism into the Tahoe Basin through Washoe County. Commissioner Hill said the other Commissioners haven't met on this. She said she is hoping TPC can do a presentation. We are looking at an affordable housing policy changes throughout the entire Washoe County. She said she has a meeting with staff about that next week. So, it's on the mind of Reno and Sparks. The big issues is homelessness. We are looking to support people at much lower area of medium

income. It's a drastic issue with permanent supportive housing and section 8 voucher housing, which is not needed in Tahoe. There needs to be information on the specific needs in Tahoe to ensure the economy and local ecosystem can survive up here. We need to move forward with these policies. That is something the rest of Commission will vet on. They don't know the details of the workforce housing issue in Incline Village/Crystal Bay, but they will be interested in finding it out.

Diane Becker said she hopes that when she looks to make the decision on whether or not to allow ADUs in lesser dense parcels, you consider that some people might not want that; however, it's a ready source of workforce housing. Under no circumstances should that be built without addressing the workforce housing issue. She said she doesn't know the timing. It needs to be looked at as a possibility. She referenced the report and the future needs for workforce housing. The ADUs could potentially serve that.

6. CAB BOARD MEMBER/BCC NEWS AND ANNOUNCEMENTS — This item is limited to announcements by CAB members and Commissioner Alexis Hill. (Non-Action Item)

Judy Simon announced our drinking water may be threatened by proposals from the Tahoe Keys Homeowners Association plan to erratic plants. Their detailed proposal includes the use of herbicides in mostly in dilution to dissipate the poisons in the water. The water quality may not be an immediate risk if Lahontan and TRPA approve these tests, but what about the inevitable scaling up at a future herbicide dose. We need to protect our source water for future drinkability. The present proposals do not consider herbicides as the last resort after other test methods. Methods have been scaled up. They also cite an antidegradation analysis designating Lake Tahoe's Clarity as an outstanding aesthetic standard, setting a precedent that deems herbicides acceptable and even beneficial in keeping Tahoe's water clear and blue and leaving behind the standard of water quality rather than mere clarity. The Water Board has received public comment on the proposals. The Tahoe Water Suppliers Association has raised a process point that the application posted on the Tahoe Keys website had an outdated 2019 project description. They have requested an extension of the public comment which ended earlier today. Lahontan and TRPA need to push for ongoing storm water and fertilizer improvements such as removing grass from the edges of water, landscaping and adding storm drain inlet filters, closing off the keys or installing a boat lock system. These could achieve this goal of limiting the spread of invasive weeds from boating activity, as boating is a known vector for spreading invasive animal and plant life. The private community of Tahoe Keys has 11 miles of shallow, inland waterways constructed in the 1960s; it has been called the most damaging intrusion on the lakeshore of Lake Tahoe in human history. The present property owners may not be responsible for the ecological mess that is the keys; however, they should not dictate methods that threaten our drinking water. Lahontan and TRPA are scheduling meetings in January about these proposals. She urged that the CAB find a place in future agendas to alert our community and representatives to the threat. Tahoe Water Suppliers Association has published their concerns. Diane Becker asked where people could send their public comment. Judy Simon stated Lahontan Water Board; however, it wasn't easy to find the link. She said we can send out the link. She suggested IVGID and Tahoe Suppliers need to keep a close eye on this and inform the community.

Diane Becker stated we have an initial list of potential topics. It's on the CAB website. She invited everyone to look at the list and let us know the top four topics that are most important to you. For next month, we have a tentative presentation by NDOT. They have a 3-year road construction project on highway 431 and state route 28. Next month, we will have a Boulder Bay presentation. We will invite as many people as possible. Send your comments to CAB email to update the topic's list.

Denise Davis stated there was a comment in public comment that the community doesn't know about the CAB. She stated she is interested in how the community would like to be notified of things. We are splintered and fractured in how we get information anymore. We don't have a local newspaper. She said she is interested in how the community would like to receive information. Kevin Lyons stated we conducted a survey with the local government on how people would like to receive information. He stated he could share that information.

7. APPROVAL OF MINUTES FROM PREVIOUS MEETING (October 4, 2021) (for Possible Action) - Kevin Lyons stated that there were comments made by himself and others under the section about future agenda items. There were

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recommendations and suggestions made for future agenda topics as opposed to just general comments. He said it wasn't clear in the minutes. Kathie Julian stated when we look at the minutes, we can correct our statements. She asked how can the public correct their statement if they have a correction. Diane Becker stated we can check with Open Meeting Law; however, we can ask the public to let us know if their statements were not accurately transcribed. She noted these minutes have an extreme level of detail. We can add something to the website that invites the public to send an email if they see something that needs correction so we can look at it. There is an audio recording of the meeting we can review. Kathie Julian stated the public comments were not attached to the email.

MOTION: Judy Simon moved to approve the minutes of October 4, 2021 with the comments incorporated by Kevin Lyons and Kathie Julian. Diane Becker seconded the minutes with the inclusion of the comments. The motion carried unanimously.

8. APPROVAL OF THE MINUTES FOR THE MEETING OF MAY 3, 2021 (for Possible Action)

MOTION: Kathie Julian moved to approve the minutes of the May 3, 2021 CAB meeting. Kevin Lyons seconded the motion, which carried unanimously.

9. GENERAL PUBLIC COMMENT — Limited to no more than three (3) minutes. Anyone may speak pertaining to any matter either on or off the agenda. The public are requested to submit a "Request to Speak" form to the Board chairman. Comments are to be addressed to the Board as a whole.

Sara Schmitz stated she wanted to bring to the public's attention something that was shared with all of the CAB members and Commissioner Hill today. It's been discovered that there has been a STR permit issued to a property with a converted garage without a permit. She stated she finds it quite ironic that conversion of a garage, which is an additional dwelling unit that is currently against zoning rules, was done without any county permits. She asked how a short-term rental permit could be issued. That's an example of one of the most egregious health and safety concerns. She said it's ironic that somehow it got through. She stated she looks forward to the CAB becoming more engaged in the short-term rental application review process to ensure that our community is safe and that the people who are renting are safe.

ADJOURNMENT - The meeting adjourned at XX

Submitted by Carole Black, Incline Village resident prior to the meeting – also requesting to speak during the meeting's agenda item #10

Good evening, Thank you for revitalizing the IVCB CAB with hopefully a broader agenda of items critically important to the community. In addition to Commissioner Hill's update regarding STRs, I am hoping that future agendas will calendar items and incorporate community feedback. regarding important priority considerations which WC can impact such as:

- STRs: next steps to address outstanding concerns including adverse impacts on local housing supply, the community, traffic congestion/safety and the lake environment.
- TRPAs Housing Initiative and needed Washoe County elements to ensure objectives of providing more housing for locals, community employees, first responders and other public service/safety providers are actually achieved
- TTD's seemingly out of control pursuit of an unnecessary IV parking/transit hub bringing large numbers of vehicles into IV's small congested central area for Rte 28 Corridor recreation sites when comprehensive Corridor interventions have not yet occurred.
- Significant development along Rte 28 through Crystal Bay appears to potentially place one of the few IVCB evacuation routes at jeopardy.

Now to STRs, and please recall that these comments were written before hearing the Commissioner. This summer

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WC has implemented a significant program which has likely helped to improve safety in STR rentals. Nonetheless, it can be argued ... “too little, too late” and significant adverse community impacts remain and need to be addressed:

- Housing options for community employees, first responders and public service/safety providers, already insufficient, have significantly decreased – more than half of the current STR permits/applications are linked to likely applicable units. And note the recently announced Market closure because of staffing.
- IVCB has few evacuation routes and the added vehicle burden of busy season STR-related vehicles along with the necessary seasonal construction creates added traffic congestion – Rte 28 has become a daily challenge at best!
- Wildfire risk is growing, not shrinking, and means evacuation becomes an increasing concern/reality
- Despite efforts to portray lake water assessments positively, there are indications of adverse trends which are amplified by more tourists flooding the community, eg., trash in water and on shore
- WC Tahoe Area has much less restrictive STR regulations than its nearest neighbors in Nevada. See attached table which provides some comparisons with Douglas County re allowed numbers, distribution requirements, ownership restrictions, etc.
- NV legislature enacted a protective law this year which does not apply to WC based, we are told, on WC objections. Also, NV lacks other protective CA regulations.

Bottom line, without added regulation similar to that enacted in neighboring Douglas County, IVCB will likely remain/become even more an STR mecca of Tahoe further destroying the community and the support system on which all tourism depends.

This board can help the community and WC to effectively address these critical issues.
Thank you.

**COMPARISON OF PRIORITY COUNTY STR REGULATIONS* in NV TAHOE AREA
as of September, 2021:**

Region:	NEVADA		
	Washoe	Douglas**	Carson City
Regulations:			
Cap on #'s	none	600	<i>N/A, no residential areas/ STRs near Tahoe</i>
Density (permits)	none	15% single family areas; 20% multi-fam/ tourist areas (areas as per TRPA PAS's)	
Density/parcel	1/parcel	? (note: County allows total of only one STR permit/family)	
Intensity: quiet hrs	10pm - 7am	9pm - 8am	
Hosted provision	none	“True Host” (tier 1)^	
Owner occupant	none	Unit is used as owner residence	
Renter age	none	≥ 25	
Permit	Yes; (but no # limit/applicant)	Yes; 1 permit/family	
Tiers	1: (1-10) A; 2: (10-20) AR; 3: (20+) SUP	1: (hosted and ≤ 4)^; 2: (4-10) AR; 3: (>10) SUP	
Permit admin	WC staff; BCC	DC staff; Advisory Board <i>(**NB: court stay re Brd membership)</i>	
Liability insurance	\$500,000	\$500K - \$1M	
Ownership	none	New STR: owner/family trust but ...not LLC, commercial business, corporation or partnership	
Owner responsible	yes	yes	
Licensed property mngr	no	yes, if not owner; training required	
Occupancy	yes (1/100sqft habitable space)	yes (2/BR)	
Safety regs	yes	yes	
Safety inspections	yes (every 3-4 yrs)	yes, annual	
Nuisance regs	yes	yes	
No parties, etc	yes	yes	
Parking (site or designated)	yes	yes; owner must issue permit <i>(**NB: court stay re no tandem rule)</i>	
Local contact	30/60 min	30/60 min w written report; county certification req'd	
Not in ADUs^^	Not excluded^^^	Not excluded^^^	
In “more affordable” units^^	Could be a concern re some categories in TRPA reg; ?***	?***	
<p><i>Notes: * Note that focus is on operational items and based on read of Douglas County website materials. Other elements (e.g., fines/enforcement) may vary but are not addressed. ** Includes applicable portion of recent court ordered temporary stay per content in Douglas County website mid Sept 2021. *** County Code not checked. ^ Tier 1, hosted STRs are excluded from Douglas County STR cap; ^^ Re TRPA Housing Initiative & TRPA code changes. ^^ Note: historic 1 acre parcel limit for ADUs temporarily remains in place in NV</i></p>			

From: Doug Flaherty <tahoebblue365@gmail.com>
Sent: Sunday, October 3, 2021 6:52 PM
To: Ramos, Candee <CRamos@washoecounty.gov>
Subject: Public Comment Incline Village / Crystal Bay CAB Meeting 5:30 pm 10-4-21

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

Please include the following public comments in their entirety during the initial public comment period as part of the Incline Village / Crystal Bay CAB Meeting 5:30 pm 10-4-21 agenda Item

3. GENERAL PUBLIC COMMENT AND DISCUSSION THEREOF.

Dear CAB Members,

Please find my public comment below to the Incline Village/Crystal Bay CAB regarding the Tahoe Transportation District property acquisition of the Old Incline School for use as a mobility hub at 771 Southwoods Blvd, Incline Village, NV.

Despite overwhelming citizen objection to this project, Incline Village remains without representation as Commissioner Hill continues to support this project in her role on the Tahoe Transportation District. It seems that Commissioner Hill has forfeited her constituents wishes in favor of another poorly planned government collaborative partnership project.

The following are my direct comments to the CAB and Commissioner Hill regarding the latest, concerning this dreadful attempt by the TTD to gain government control over a vital parcel of land that could be utilized for many other uses including low income or workforce housing. This, especially in light of the closing of the Village Market, which may open up possibilities for a complete overhaul and revitalization of our Incline Town Center. With TTD in the way, the maximum and highest use of this parcel which would otherwise favor keeping the "Village" in Incline Village will not become a reality.

Therefore, going forward I allege the following with regard to this project:

1. The stated Tahoe Transportation District reasons for the need for a mobility center in the center of Incline Village as supported by Commissioner Hill's numerous past voting records are **vague, arbitrary, highly controversial, highly uncertain in both context and intensity, subjective and opinionated without any supporting data whatsoever**. The 9th Circuit Court of Appeals and other courts have warned government agencies against this type of baseless, opinionated foundation bias in order to achieve government projects in this manner.
2. The project, as supported by Commissioner Hill on numerous voting opportunities is **highly controversial** as indicated by the December 2020 signatures by more than 190 Incline residents against a bus hub at the Old Elementary School and as indicated within the link to the Change.org petition signed by 1,310 Incline Village residents against the TTD hub in that location. [Petition · Say NO To A Transit Hub At The Old Elementary School · Change.org](#)
3. The TTD's proposed mobility hub in the centre of Incline Village, NV as supported by Commissioner Hill during numerous voting opportunities will cause, among other adverse environmental singular and cumulative effects, additional human capacity, increased parking capacity, increased air pollution, create additional fine sediment loading during the summer and winter months, cause increased polluted runoff at one of the busiest intersections in Incline Village during summer and winter months including pollution from increased sediment during summer and winter runoff, cause increased adverse noise, vibration, vehicle trips, congestion, increase total vehicle miles traveled, delay evacuations due to wildfire, cause the **continual and**

cumulative degradation of local community village enjoyment and lifestyle and continue to pre-empt and degrade the pursuit of happiness and well being, all of which represent a significant adverse environmental impact and effect on the immediate surrounding and adjacent neighborhoods within Incline Village, Incline Village itself and the Lake Tahoe Basin and as stated, add to a long list of cumulative adverse impacts on Incline Village and Lake Tahoe.

4. **As you may be aware, cumulative environmental effects occur when agencies, like the TTD, which Commissioner Hill serves as a Board Member, enjoy the tyranny of impact on the environment which results from the incremental impact of their actions when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such action.**
5. Further, per my recent email to Ted Mately of the Federal Transit Administration and Graham Dollarhide of the Nevada Department of Transportation (NDOT), state that the Categorical Exclusion (CE) and determination in favor of a protective property acquisition process between NDOT, the FTA and the TTD was fundamentally flawed and therefore should be voided by the FTA. This CE and protective acquisition process has been supported by Commissioner Hill during numerous voting opportunities.
6. The FTA, NDOT and the TTD (of which Commissioner Hill is a Board Member) individually and collectively failed to comply with § 1506.6 Public involvement which states Agencies shall: Provide public notice of NEPA related hearings, public meetings, and other opportunities for public involvement, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected by their proposed actions. When selecting appropriate methods for providing public notice, agencies shall consider the ability of affected persons and agencies to access electronic media. (1) In all cases, the agency shall notify those who have requested notice of an individual action. (2) In the case of an action with effects of "national concern", notice shall include publication in the Federal Register.

Thank you for making this public comment part of public comment and minutes for the October 4, 2021 CAB meeting.

Please see my very recent email below to Mr. Ted Matley of the Federal Transit Authority.

Sincerely,

Doug Flaherty

Resident

Incline Village, NV

TahoeBlue365@gmail.com

775-386-5113

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

From: **Doug Flaherty** <tahoeblue365@gmail.com>

Date: Sun, Oct 3, 2021 at 3:26 PM

Subject: New Request For FTA Reconsideration of CE Determination 774 Southwood Blvd Incline Village NV

To: Matley, Ted (FTA) <Ted.Matley@dot.gov>

Cc: Mazur, Jean (FTA) <Jean.Mazur@dot.gov>, <Darin.Allan@dot.gov>, <Angela.Gates@dot.gov>, <Ray.Tellis@dot.gov>, <roxana.hernandez@dot.gov>

To:

Ted Matley, US Federal Transit Administration, San Francisco, CA

NDOT = Nevada Department of Transportation

TTD = Tahoe Transportation District

FTA = Federal Transit Administration TRPA

= Tahoe Regional Planning Agency SEZ =

Stream Environmental Zone

SEZ Lands = Stream Environment Zone Lands

CE = Categorical Exclusion

NEPA = National Environmental Policy Act

Project and Property in Question = TTD CE protective property acquisition for the eventual funding and purchase by the TTD of the Old Incline Elementary School at 774 Southwood Blvd, Incline Village NV.

Sir,

I have reached out to Mr. Ted Mately on several occasions regarding my request for a reconsideration of the CE issued by the FTA per 23 CFR 771.18(c)(6) in connection with the NDOT and TTD protective property acquisition for the eventual funding and purchase by the TTD of the Old Incline Elementary School at 774 Southwood Blvd, Incline Village NV.

While Mr. Mately has been cordially responsive, the FTA appears to have failed to formally answer whether or not the FTA will consider my reconsideration request or provide a list of substantive reasons as to why the CE Protective property acquisition in question has been allowed to proceed.

In this case, please consider the TRPA information regarding the Burnt Cedar Creek SEZ Lands discussed in **Allegation #1 A** of this email **as new information**.

This further includes the failure on the part of NDOT and the TTD to call out the adjacent Wood Creek SEZ within the original grant application in question which includes the NDOT and TTD request for a CE and protective purchase acquisition for the property in question.

The Wood Creek SEZ is directly adjacent and at the entrance to the property in question as noted in **Allegation#1 B** of this email.

Mr. Matey, I allege that from the beginning of the CE process NDOT and TTD have not complied with various Federal process requirements in order to be justifiably granted a CE for the protective acquisition and funding of the stated property.

Therefore, I once again request, based on the information provided below, that the FTA reverse it's determination for the granting of a valid CE in connection with this process and void the requested NDOT and TTD federal funding for the project in question. In addition, I request that NDOT withdraw their original grant application.

I allege that the CE process was fatally flawed from the beginning for the following reasons:

Allegation #1

The FTA, NDOT and the TTD individually failed to make an adequate determination that the property in question was not within or adjacent to recognized environmentally sensitive areas (e.g., wetlands, non-urban parks, wildlife management areas).

- A. Specifically, the property in question contains stream environmental zone land, widely recognized as an historical ephemeral creek and earthquake fault known as **Burnt Cedar Creek**. This historical ephemeral creek is recognized within the **1)** Washoe County, NV land map base, **2)** USGS Hydrographic mapping and **3)** as part of the Burnt Cedar watershed as depicted in "Estimates of Fine-Sediment Loadings to Lake Tahoe from Channel and Watershed Sources Andrew Simon, USDA-Agricultural Research Service, National Sedimentation Laboratory, Oxford, MS 38655; asimon@ars.usda.gov".**

Further the Burnt Cedar Creek SEZ land upon and adjacent to the property in question, **specifically fits** within the description of the "TRPA definition" of "**SEZ land**" (SEZ 1.1 below) that has not undergone TRPA restoration of which **SEZ land** has been previously disturbed, developed or subdivided. As the TRPA notes below, many acres of **SEZ lands** were modified or disturbed before adoption of the TRPA Regional Plan. This most certainly seems to be the case with the Burnt Cedar Creek Stream Environmental Zone land.

Just because the TRPA has failed to fulfill it's responsibility to restore this particular **SEZ land**, which is within 1/4 mile of Lake Tahoe's waters from the property in question, and empties directly into Lake Tahoe waters, does not mean that the **SEZ land** does not exist, to the contrary, the **SEZ land** continues to be recognized by three other credible sources, i.e. 1)the Washoe County mapping base, 2) the USGS Hydrographic Mapping Base and 3) the Simon report noted above.

It is a false narrative and represents desperate dialogue on the part of the TTD and NDOT that the ephemeral and historic earthquake fault Burnt Cedar Creek **SEZ land** is an artifact which suggests that it does not exist.

Simply because TRPA has failed in it's mission to restore the chopped up parts of this ephemeral stream zone does not mean that it has magically disappeared from the landscape.

Much to the contrary, this historical **SEZ land** ephemeral stream and earthquake fault, "recognized" as Burnt Cedar

creek still provides downgradient flow of seasonal water,. This, by transporting seasonal water from the property in question, downgradient under the Incline Village Center Market Building, continuing below the adjacent condo complex property across Mays Blvd, and continuing onto portions of a visible open ephemeral stream, which continues seasonal water flow and continues to deposit fine sediment into Lake Tahoe, as depicted in the Simon report noted above.

Further NDOT and the TTD are fully aware that this process falls under NEPA and NEPA does not give NDOT or TTD the regulatory authority to pick and choose a single source for what describes a "recognized" environmentally sensitive area". In this case, three other credible sources noted above, in addition to the TRPA "SEZ lands" description herein, recognize the presence of the ephemeral and historical earthquake fault **SEZ land** and stream known as Burnt Cedar Creek. Any handwritten past markups on the TRPA maps by inspectors were simply in error.

I personally followed portions of the visible Burnt Cedar Creek and SEZ Land again yesterday, 10-2-21 and witnessed the obvious and visible Burnt Cedar Creek **SEZ Land** (photos attached) upon and beyond the property in question (Photos attached).

Chapter 4 of the TRPA Regional Plan - Conservation Element States

Stream Environment Zones (SEZs) and related hydrologic zones consist of the natural marsh and meadowlands, watercourses and drainageways, and floodplains which provide surface water

conveyance from upland areas into Lake Tahoe and its tributaries. Stream Environment Zones are determined by the presence of riparian vegetation, alluvial soil, minimum buffer strips, water influence areas, and floodplains. The plant associations of Stream Environment Zones constitute only a small portion of the Region's total land area, but are perhaps the single most valuable plant communities in terms of their role in providing for wildlife habitat, purification of water, and scenic enjoyment. Protection and restoration of Stream Environment Zones are essential for improving and maintaining the environmental amenities of the Lake Tahoe Region and for achieving environmental thresholds for water quality, vegetation preservation, and soil conservation.

TRPA GOAL SEZ 1 - Chapter 4 of the Regional Plan -
Conservation Element

SEZ-1.1 RESTORE ALL DISTURBED STREAM ENVIRONMENT ZONE "LANDS" IN UNDEVELOPED, UNSUBDIVIDED LANDS, AND RESTORE 25 PERCENT OF THE SEZ LANDS THAT HAVE BEEN DISTURBED, DEVELOPED, OR SUBDIVIDED. Many acres of **SEZ lands** were modified or disturbed before adoption of the Regional Plan. Considerable progress has been made to restore disturbed **SEZ lands**. TRPA shall continue to monitor the status of **SEZ lands** and identify restoration priorities and activities through actions and programs including the Environmental Improvement Program.

Per TRPA, Stream Restoration Plan Areas are "Stream Environment Zones" along major waterways that have been substantially degraded by prior or existing development. Individual Restoration Plans should be developed for each Stream Restoration Plan Area in coordination with the applicable local government and property owners in the plan area. Restoration Plans may be developed as a component of an Area Plan or as a separate document and should identify feasible opportunities for environmental restoration.

B. The Lower Wood Creek SEZ Restoration Project is directly adjacent to the property in question within feet of the two driveway entryways to the property in question (photos attached). [LT Info | 01.01.01.0175 - Lower Wood Creek Water Quality Improvement Project - Phase 1](#) (laketahoeinfo.org)

Therefore, while the Lower Wood Creek Stream Restoration project may mitigate some sediment flow issues directly into the Wood Creek, the failure on the part of NDOT and TTD during it's initial grant application process demonstrates the lack of thoroughness, planning as well as potential concealment of this important "Environmentally Sensitive Area" piece of information directly applicable to 23 CFR 771.18(c)(6).

If NDOT and the TTD had within it's original grant request reported the **adjacent Wood Creek** "environmentally sensitive area" this would have most likely jeopardized the FTA determination of approving the CE in question. The FTA granting of the CE process of course cleared the way for the FTA

approval of the protective property acquisition of the property in question by the TTD.

By way of further explanation, the Wood Creek Watershed and restoration boundary lines up approximately at the entrance to the property in question on Southwood Blvd in Incline Village (photo attached). The Burnt Cedar Watershed boundary, which contains Burnt Cedar Creek SEZ land, begins and encompasses the property in question and extends to the waters of Lake Tahoe a short distance away. Both watershed areas deposit fine sediment into Lake Tahoe waters per the Simon report above and attached.

As noted directly above, per the TRPA, **Stream Restoration Plan Areas are Stream Environment Zones.**

Allegation # 2

Despite the NDOT and TTD claim that the project will not result in a substantial change of functional use of the property the contrary appears to be true.

The project will in fact result in a substantial change in the functional use of the property.

NDOT and TTD claim to the contrary fails to comply with 23 CFR 771.18(c)(6) in order to qualify for a CE and protective property acquisition request.

NDOT and the TTD collectively and individually were aware that the described **past** functional use of the property **was not a permitted use of the property per the TRPA Code of Ordinances and therefore an illegal use.**

NDOT, via Mr. Graham Dollarhide, submitted the FTA application for the CE protective acquisition Grant Funding in connection with the property in question based on foundational reasoning that the functional use of the property in question would not change.

Based on documents obtained from the TRPA, the TTD has for the last 10 to 15 years operated **on the property in question without the required use permits in violation of the TRPA Code of Ordinances**. Only recently has the TTD requested a seasonal required temporary use permit from the TRPA.

This means that the TTD has been conducting an illegal past use per the temporary use requirements of the TRPA.

NDOT and TTD should not have indicated that the past functional use of the property will not change after the acquisition, since the **past TTD use was illegal**, including the fact that any permitted use would have required TTD to complete, and for TRPA to provide an environmental determination.

In short, Federal funding should not be provided to any government applicant who builds it's FTA funding request based on the foundation of an Illegal and unpermitted past "functional use".

Allegation #3

The FTA, NDOT and TTD individually and collectively violated NEPA § 1506.6 Public involvement, by failing to provide proper public

notice of the CE in question in the Federal Register.

Based on Allegation #1 and #2 the issuance of the CE by the FTA for this project should not have occurred and the FTA, NDOT and TTD individually and collectively failed to comply with Part 1506.6 (b)(2) which requires notice in the Federal Register of any action with effects of National Concern as follows:

§ 1506.6 Public involvement. Agencies shall:

- (a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures (§ 1507.3 of this chapter).
- (b) Provide public notice of NEPA related hearings, public meetings, and other opportunities for public involvement, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected by their proposed actions. When selecting appropriate methods for providing public notice, agencies shall consider the ability of affected persons and agencies to access electronic media.
 - (1) In all cases, the agency shall notify those who have requested notice of an individual action.
 - (2) In the case of an action with effects of "national concern", notice shall include publication in the Federal Register.

According to Public Law, Lake Tahoe and the Lake Tahoe Basin are of National concern as follows:

U.S. Public Law states that:

Lake Tahoe, one of the largest, deepest, and clearest lakes in the world, has a cobalt blue color, a unique alpine setting, and remarkable water clarity, and is **recognized nationally** and worldwide as a natural resource of **special significance**;

(2) in addition to being a scenic and ecological treasure, Lake Tahoe is one of the **outstanding recreational resources of the "United States"**, offering skiing, water sports, biking, camping, and hiking to millions of visitors each year, and contributing significantly to the economies of California, Nevada, **and the "United States"**;

Several instances of various public law and state regulations cite Lake Tahoe as a "national" treasure and is designated by the Environmental Protection Agency as an **Outstanding "Natural" Resource Water**, famous for its clarity and pristine beauty.

In closing, I once again request, based on the information provided above, that the FTA reevaluate and reverse its determination for the granting of a valid CE and protective property acquisition in connection with this process and void the requested NDOT and TTD federal funding for the project in question. In addition, I request that NDOT withdraw their original grant application process.

In addition, I request that NDOT and TTD withdraw their original grant application.

Sincerely,


Doug Flaherty


Incline Village, NV Resident

Tahoeblue365@gmail.com


775-386-5113

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 771_Southwood_Burnt_Cedar_Creek 1 WashoeCnty Map Base.png 336.6kB

 771_Southwood_Burnt_Cedar_Creek_w_pavement 2 Washoe Cnty Map Base.jpg 135.5kB

 Wood_Creek_SEZ_Project_Front_Gate_771_Southwood-2.jpg 144.4kB

 Wood_Creek_SEZ_Project-Front_Gate_771_Southwood.jpg 114.3kB

 Burnt_Cedar_Creek-2.jpg 204.9kB

 Burnt_Cedar_Creek_-1.jpg 189.5kB

 Burnt_Cedar_Creek-3.jpg 199.3kB

 simon_2006.pdf 4MB

 Attachment A - USGS Hydrographic Blue Line Stream Adjacent and Within OES.pdf 314.5kB

DRAFT

From: Aaron Vanderpool <Aaron_Vanderpool@snc eagles.sierranevada.edu>
Sent: Monday, October 4, 2021 1:00 PM
To: CAB <Cab@washoecounty.gov>
Subject: IVCB Cab Meeting Oct 4 2021

[**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,

In years past I have filled out the form to speak at CAB meetings and there was an option to submit comment without having to speak.

That is what I would like to do for the following.

I Aaron Vanderpool wish to submit comment to IVCB Cab meeting Oct 4th 2021 agenda item #8 "*UPDATE FROM WASHOE COUNTY COMMISSIONER ALEXIS HILL on the Short-Term Rental Program." As a long-term full-time resident of Incline Village, I believe all STRs should be banned outright in Washoe County residential zoning. Placer county has put a moratorium on these things. They area detriment to communities in more ways than can be expressed here. We the residents should not be forced to become police officers to obtain evidence, uphold and report constant nuisances created by party houses next door. I am having to do this with a property I own in Washoe County on Mt. Rose highway that has wedding parties weekly, tourists trespassing, and disrespectful behavior. It has absolutely ruined the neighborhood I planned to live in. I am having to constantly encounter tourists and remind them of private property, respect, trash/bears/wildlife and wildfire dangers. Incline Village is failing as a community and a large part of this is improper zoning plans that are allowing residential neighborhoods to be transformed into commercial tourist STR districts. This is NOT how you plan future tourism while protecting the workforce and economy. Especially given the limited number of parcels in our area and dangers (wildfire, wildlife, pollution), tourism must be contained to specialized zoning that offer safety and services.

PS: People are buying up so many properties that the voices of long-term rentals and the majority are being drowned out by wealthy multi-parcel owners looking to make a buck at the expense of community health.

Aaron Vanderpool 806

Oriole Way #20

Incline Village, NV 89451