

Submitted By: Doug Flaherty, Incline Village, NV Resident

August 4, 2025

RE: Objection to Agenda Items D, E and F, Washoe County Planning Commission Meeting, August 5, 2025 as follows:

- *Agenda Item D - Master Plan Amendment WMPA25-0001 (2025 Tahoe Area Plan Update) [\[link\]](#)*
- *Agenda Item E - Master Plan Amendment Case Number WMPA25-0002 and WRZA25-0002 (700 Harper Court) [\[link\]](#)*
- *Agenda Item F - Development Code Amendment Case Number WDCA25-0004 (560 Lakeshore) [\[link\]](#)*

Dear Washoe County Planning Commissioners:

As a citizen of Incline Village, NV, for the reasons listed below, I object to the adoption Agenda items D, E and F above. These amendments, individually and cumulatively will make it harder for Incline Village/Crystal Bay residents and visitors to escape a fast-moving wind and slope driven wildfire. These type of increased height, density and coverage amendments are highly controversial^{1, 2, 3}

A. While the amendments may not exceed the TRPA regional growth caps, the amendments will result in denser and concentrated public peril development by altering the physically built environment of Incline Village and Crystal Bay. This through adoption of significant, individually, and cumulatively increases in height, density, and coverage.

Planning Commission staff reports, attachments, and WC website, revealed that Washoe County (WC) has failed to provide the adequate substantial evidence necessary to support how the amendments will comply with the purpose of Article 918 ADOPTION OF THE DEVELOPMENT CODE. (current Planning Commission and WCC staff report language supporting findings are vague, opinionated, arbitrary, and capricious).

¹ Recent Washoe County Staff Reports state a “prominent community concern” regarding impact on evacuation capabilities; impact on community character (e.g., taller buildings); and concerns regarding reduced parking standards exacerbating the already difficult parking challenges faced by residents, businesses, and tourists in the Washoe Tahoe area. There were also general concerns about the definition of achievable housing and its omission of an income-based requirement. **The recent second round Area Plan public outreach meetings consistently** echoed concerns from the first round of public outreach regarding the TRPA Phase 2 Housing Amendments. Recurring topics of comment and concern were short term rentals (STRs) and their impact on housing, wildfires and evacuation, and potential infrastructure impacts of expanded allowances for ADUs and residential uses in Ponderosa Ranch.

² Fast tracking new land use changes would only elevate Tahoe’s already dangerous wildfire threats [\[LINK HERE\]](#) BY: Pamela Mahoney Tsigdinos - January 14, 2025

³ Feb 11, 2025 - Letter of Urgent Concern from five Tahoe Conservation Groups [\[Link HERE\]](#), to TRPA (previously made part of the WC Record) regarding the need to Immediately, but temporarily suspend all current and future TRPA Area Plan Amendment approvals and major projects until a comprehensive Lake Tahoe Basin Evacuation Analysis, as defined above, is completed by each TRPA Area Plan “partner” agency, and made part of their individual Area Plans and major project application environmental review. Absent an Area Plan, project or basin wide evacuation analysis, land use planners and the public continue to be denied a transparent opportunity to test, assess, and evaluate the direct or indirect effects from wildfire in connection with past, current, and future Area Plans or projects.

Section 110.918.10 Purpose of Development Code states. *“There is hereby established a Development Code for Washoe County to:*

- (a) Promote public health, safety, convenience, and general welfare;*
- (b) Lessen traffic congestion in the streets;*
- (c) Avoid undesirable concentrations of population; or*
- (d) Prevent overcrowding of land and facilitate adequate transportation provisions.*

Based on consistent and substantial public comments in connection with increased height, density and coverage ⁴, ⁵ new substantial evidence⁶, since the 2021 Tahoe Area Plan revision, including consistent public concerns about traffic congestion and wildfire evacuation risks within the Incline Village wildfire evacuation choke points, any reasonable person may conclude that the proposed amendments are likely to exacerbate already unacceptable public peril evacuation times in and around Incline Village. This, as currently estimated by Washoe County to take six hours⁷. The Washoe Tahoe constrained roadway system, compounded by public peril "F"- rated intersections and roundabout choke points⁸, ⁹ as well as dramatic increases in North and East Shore and basin visitors, within and adjacent to Incline Village, as well as Crystal Bay, significantly heightens public safety evacuation risks. This by degrading current public peril evacuation times.

Since 2021, updated data, public testimony and reports have consistently documented increases in the number and size of fast-moving no-notice Sierra Range and foothill destructive wildfires under red flag weather conditions.

This includes the recent Reno, NV Davis Creek fire, resulting in the closing of the critical Washoe Tahoe evacuation route of NV SR 431, loss of power and loss of cell site communications.

This, worsens traffic congestion by further constraining Washoe Tahoe roadway evacuation capacity.

⁴ Public Comment [[LINK HERE](#)] - January 27, 2025 – TahoeCleanAir.org Incline Village/Crystal Bay Community Advisory Board Meeting Agenda Item 7 - TAHOE AREA PLAN INPUT SESSION.

⁵ Staff Report Pages 15 and 16, - Consistent public comments “Prominent community concerns included impact on evacuation capabilities; impact on community character (e.g., taller buildings); and concerns regarding reduced parking standards exacerbating the already difficult parking challenges faced by residents, businesses, and tourists in the Washoe Tahoe area. There were also general concerns about the definition of achievable housing and its omission of an income-based requirement.” “**The second round of public outreach** echoed concerns from the first round of public outreach regarding the TRPA Phase 2 Housing Amendments. Recurring topics of comment and concern were short term rentals (STRs) and their impact on housing, wildfires and evacuation, and potential infrastructure impacts of expanded allowances for ADUs and residential uses in Ponderosa Ranch.”

⁶ October 2024 Independent Lake Tahoe Basin Wildfire Evacuation Analyses located at [TahoeCleanAir.org](#) (previously submitted on the record to WC Commissioners),

⁷ Official WC Incline Village Wildfire evacuation time of six hours. [[linked here](#)]

⁸ **Evacuating Tahoe could take twice as long as projected, simulations indicate** - Source Nevada Current News Article Dana Gentry Reporter, August 28, 2024. Nevada Current News Article Dana Gentry Reporter, August 28, 2024 [[LINK HERE](#)].

⁹ Wildfire Chokepoint Letter previously placed on the WC Record - offered as substantial evidence germane to the WC amendments and all Tahoe Basin Area Plans due to TRPA mandated height, density and coverage increases in and around town centers. Letter to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum from Retired or Former Fire Department Professionals [[LINK HERE](#)]

An analysis of Washoe Tahoe Wildfire Evacuation times during a no-notice fire evacuation, with 431 unavailable can be found and is evidenced within the *Independent Lake Tahoe Basin Wildfire Evacuation Analysis* (October 23, 2024) [[Here](#)].

The current limited Washoe Tahoe roadway capacity evacuation infrastructure creates dangerous evacuation choke points, which, as historically documented, has led panicked drivers to abandon their vehicles during wildfire events¹⁰ [[Link Here](#)]. This directly contradicts the stated purpose of the Washoe County Development Code to prioritize public safety.

By cumulatively increasing evacuation risks, the proposed amendments violate residents' right to safety under the Nevada State Constitution. Given this substantial evidence, a reasonable person would conclude that the proposed amendments fail to address critical safety concerns and exacerbate existing hazards. I urge the WC Planning Commissioners to reject the amendments and require a comprehensive Environmental Impact Statement (EIS), including cumulative effects/impacts of the currently proposed Washoe County Area Plan amendment to evaluate the individual and cumulative impacts on the local and regional environment including roadway wildfire evacuation capacity and timing under a variety of scenarios.

Article 1, Section 1 of the Nevada State Constitution, states:

*Art 1. Sec 1. Inalienable rights. All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and pursuing and **obtaining safety** and happiness[.]*

B. Concerns Regarding the Lack of Substantial Evidence in Order to Adopt Proposed Findings

WASHOE COUNTY PLANNING COMMISSION STAFF REPORTS IN CONNECTION WITH ALL THREE AGENDA ITEMS i.e., D, E and F LACK SUBSTANTIAL EVIDENCE TO SUPPORT ANY OF THE PROPOSED FINDINGS, **INCLUDING THE FINDINGS THAT THE AMENDMENT(S) WILL NOT ADVERSELY IMPACT THE PUBLIC HEALTH, SAFETY OR WELFARE.**

Therefore, Agenda Items D, E and F staff report language supporting the proposed findings is vague, opinionated, arbitrary, and capricious and adoption or recommendation in favor of the proposed amendments will represent an act of prejudicial abuse of discretion. The WC Planning Commission must exercise their due diligence and address this substantial evidence deficiency by voting no on all three agenda items and sending this back to the Planning Staff requesting a cumulatively comprehensive EIS.

The Washoe County Planning Commission staff reports associated with Agenda items D, E and F:

- 1. Fail to Promote Development Code Purpose:** The Planning Commission staff reports provided no substantial evidence that the proposed amendments align with the Development Code's purposes (Article 918) or ensure no adverse impact on public health, **safety**, or welfare.

¹⁰ You Tube of abandoned vehicles from panicked drivers who abandoned their vehicles during wildfire events. This is a common historical occurrence during no-notice fast moving wildfire events in connection with public peril limited roadway capacity [[LINK HERE](#)].

- 2. Fail to Respond to Changed Conditions:** The Planning Commission staff reports associated with Agenda Item D, E and F failed to demonstrate how the amendments address changed conditions or studies since the Development Code's adoption or promote desirable land use within regulatory zones. The proposed increases in height, density, coverage, and accessory dwelling units (ADUs) are inconsistent with Article 918, as they would likely worsen Incline Village's already critical six-hour evacuation times, creating a significant public safety risk.
- 3. Fail to Avoid Adverse Effects:** The Planning Commission staff reports associated with Agenda Item D, E and F provided no substantial evidence that the amendments avoid adversely affecting the Conservation or Population Elements of the Washoe County Master Plan, precluding WCC confirmation of compliance.

The draft ordinances are vague and incomplete regarding potential findings.

When making any "finding" in connection with the amendments, the WCC must not only ensure compliance with Article 918, Section 110.918.10 (a)-(d), but also ensure substantial evidence is provided to support all findings. Without clear, complete ordinance and substantial evidence supporting the findings, adopting the amendments would be arbitrary, capricious, and constitute a prejudicial abuse of discretion.

NO GOVERNMENT AGENCY, INCLUDING WASHOE COUNTY OR THE TRPA, HAS THE AUTHORITY TO IMPOSE CODE AMENDMENTS INCLUDING ZONING CHANGES THAT MAKE IT HARDER FOR WASHOE TAHOE RESIDENTS AND VISITORS TO ESCAPE A WILDFIRE.

The Tahoe Regional Planning Agency (TRPA) lacks the authority to impose code amendments on Washoe County or its residents that may compromise public safety and impede safe and timely evacuation during wildfires.

TRPA's own leadership acknowledges the urgency that the initially released Independent Lake Tahoe Basin Wildfire Evacuation Analysis highlights [\[link\]](#). On September 26, 2024, the TRPA Executive Director Julie Regan emailed me, stating, "Your study is raising more awareness of the "urgent" need for regional evacuation planning."

Washoe County is shirking its responsibility to ensure the public safety of Washoe Tahoe residents by endorsing these unsafe amendment proposals. The recent Planning Commission staff report attempts to justify this by claiming the amendments are 'mandated by TRPA and must be adopted to conform to the Regional Plan,' using this inadequate cover for decisions that jeopardize Incline Village/Crystal Bay community safety.

Additionally, when TRPA failed to accept recent Washoe County changes to the TRPA mandated amendments, **TRPA inflicted the maximum public safety peril it could on the Washoe Tahoe residents and visitors.** Such mandates infringe upon the inalienable rights of Washoe Tahoe residents, as guaranteed by Article 1, Section 1 of the Nevada State Constitution, which affirms the right to “enjoying and defending life and liberty” and “pursuing and obtaining safety.”

By adopting TRPA’s amendments, Washoe County would fail to uphold its duty to protect NV residents, by exacerbating the risk of catastrophic injury or loss of life¹¹ during fast-moving, no-notice¹² wind- and slope-driven wildfires under red flag conditions¹³.

Consistent public comment expressing concern over adverse wildfire evacuation public safety effects caused by increased height, density and coverage amendments, new and substantial information, and the cumulative contents of this objection letter, represents substantial evidence of which a reasonable mind might accept as adequate to support the following conclusion:

“The proposed amendments would increase density and population in and around the town centers, already public peril narrow roadways and roundabouts, thereby worsening current wildfire evacuation choke points. These changes would likely exacerbate existing public safety risks by further slowing already perilous wildfire evacuation times, potentially causing panic, delaying emergency response, and increasing the risk of catastrophic injury or loss of life. Such outcomes would conflict with Nevada’s constitutional commitment to public safety.

Daily wind and slope conditions are common denominators within the Washoe Tahoe region and fast moving no-notice rapid fire growth is commonly driven by firebrand or fire ember storms.

Historically, [firebrand storms](#)¹⁴ play a critical role in complicating and necessitating wildfire evacuations, particularly in **no-notice** scenarios. They occur when strong winds and intense wildfire conditions loft burning embers (firebrands) into the air, carrying them miles ahead of the main fire front. Historically **fire embers** ignite numerous spot fires in areas, including residential, commercial, and outbuildings far from the primary fire, creating new fire fronts that spread fire and dense smoke rapidly and unpredictably. **Firebrand storms** heighten the risk of chaotic evacuations by creating hazardous conditions that outpace mitigation efforts and overwhelm preparedness plans.

¹¹ You Tube Video – Family narrowly escapes Paradise Fire [\[LINK HERE\]](#)

¹² US Department of Transportation, Federal Highway Administration [\[LINK HERE\]](#) - A **no-notice** wildfire evacuation refers to an evacuation that occurs with little or no warning due to an unexpected or rapidly developing fire incident. These situations require quick action and immediate response because there is not enough time for emergency responders to prepare or for residents to receive advance notice. **No-notice** evacuations can be particularly challenging because they demand rapid assessment, quick decision-making, and efficient coordination to ensure the safety of affected populations. Examples of such incidents include wildfires that suddenly change direction and or move toward populated areas.

¹³ National Weather Service definition of Fire Weather Watch and Red Flag Warning [\[LINK HERE\]](#).

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This phenomenon significantly impacts evacuations and human behavior in several ways:

1. **Rapid Fire Spread:** Spot fires can ignite in residential areas, forests, or grasslands, blocking evacuation routes and creating sudden, widespread threats that reduce the time available for safe evacuation.
2. **Overwhelmed Resources:** The multiplicity of new fire fronts stretches firefighting and emergency response resources thin, delaying or hindering evacuation support.
3. **Unpredictable Fire Behavior:** Firebrand-driven spot fires can bypass natural or man-made barriers (e.g., thinned forests or firebreaks), making it **difficult to predict safe evacuation paths** or defend communities.
4. **Increased Urgency:** The speed and scale of fire brand storms often necessitate immediate, no-notice evacuations, leaving residents and responders with little time to prepare or coordinate.

Within the Tahoe Basin, common wind, and slope environment, and where fast-moving wildfires have encroached close to and within the Tahoe Basin, local fire authorities commonly state that “fire knows no season” and here in Tahoe regional fast-moving, wind-and slope-driven wildfires have been an unfortunate reality.

- C. **TRPA and WC provide no substantial evidence supporting the claim that TRPA mandated amendments will offset the cost of increased building height and reduced parking standards. This claim is therefore highly controversial, speculative, and therefore arbitrary and capricious.**
- D. **The WC Planning Commission must reject the prosed staff report findings, since they lack Substantial Evidence to support such findings and prepare an EIS.**

¹⁴ [\[Link\]](#) to Firebrand storm Photo 2 – Recent LA Fires].

To help ensure the wildfire evacuation safety of Washoe Tahoe residents and visitors, I respectfully urge the Washoe County Planning Commission to take the following actions before proceeding with further amendment approvals in connection with Agenda items D, E and F.

1. **Reject the Proposed Findings:** Deny the proposed findings. This, due to the failure of WC Planning Commission staff to provide substantial evidence to support the proposed findings. Any eventual (future) findings must be supported by substantial evidence.
2. **Require a Cumulatively Comprehensive Environmental Impact Statement (EIS):** Direct the Washoe County Planning Staff to collaborate with the Tahoe Regional Planning Agency (TRPA) to develop a joint comprehensive EIS as part of this process. The EIS must evaluate cumulative impacts on public safety, wildfire evacuation, and the environment, incorporating a detailed Washoe Tahoe roadway evacuation capacity and timing analysis.

The EIS and wildfire evacuation capacity analyses must include a data-driven, technology-supported evacuation analysis that accounts for:

- **Up-to-date traffic and population data:** Monthly average traffic volumes, year-round resident populations, seasonal visitor numbers, total parking capacity, lodging data (including Short-Term Rentals), and recreation user data.
- **Multiple evacuation scenarios:** Analysis of evacuation times during fast-moving, no-notice Red Flag weather events, factoring in wind and slope-driven wildfires across Area Plan and Stateline boundaries.
- **Realistic constraints:** Scenarios must account for potential road blockages due to accidents, official closures for emergency response access (fire, law enforcement, and public services), and varying wind directions affecting evacuation corridors.

A conservative estimate of no-notice evacuation times for the Washoe Tahoe area is detailed in the Independent Lake Tahoe Basin Wildfire Evacuation Analysis (October 23, 2024, pp. 23–39) [[Link Here](#)]. This analysis continues to underscore the urgent need for comprehensive evacuation analyses to help ensure Washoe Tahoe residents and visitors can safely evacuate the Basin during wildfire events.

- E. **Of final note, to help ensure this information is on the county record, to help establish Washoe County evacuation history, I wish to re-visit the circumstances in connection with the out of date, official Washoe County Incline Village Evacuation time of six hours [[as previously linked here](#)].**

The source for this information is located within the news story *Evacuating Tahoe could take twice as long as projected, simulations indicate* - Source Nevada Current News Article Dana Gentry Reporter, August 28, 2024. Nevada Current News Article Dana Gentry Reporter, August 28, 2024 [\[LINK HERE\]](#).

The story states: “The six-hour estimate was for the resident base, but it is now outdated and we don’t have an updated estimate because we do not have the funding for a study,” Washoe County spokeswoman Bethany Drysdale said via email, adding the county is seeking funds for the study, which she says is expensive. “Make no mistake that the minute the funding comes through we will engage in a study to improve our data, planning, and response actions as appropriate.”

A community member with knowledge of the county’s process who asked not to be identified in order to provide information, says a presentation on the necessity for an evacuation plan “never went anywhere. We were told it was not going to get into the budget. The priorities had already been set.”

Tsigdinos, an Incline Village resident, says Washoe County, by focusing solely on residents, is ignoring “the wildcard of thousands of visitors coming into the Tahoe basin who are unaware what county they’re in —let alone what alert system exists to let them know a hazard or danger exists.”

I trust the WC Planning Commission will prioritize public safety and environmental stewardship in its amendment decision-making process, including findings that must be based on substantial evidence. Thank you for considering this comment and the attached documentation.

Sincerely,

Doug Flaherty ([BIO NARRATIVE](#))

Incline Village, NV Resident