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PC Item 1
12/8/15

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December 3, 2015

VIA U.S. MAIL

Douglas County Planning Commission
P.O. Box 218
Minden, NV 89423

Re: *Concerns and Objections of the Tahoe-Douglas Fire Protection District regarding the proposed Redevelopment Plan for Douglas County Redevelopment Area No. 2*

Dear Planning Commission Members:

This firm represents the Tahoe-Douglas Fire Protection District ("TDFPD"). We understand that, in connection with the proposed Highway 50/South Shore Community Revitalization Project (the "Project"), a preliminary Redevelopment Plan has been proposed for Redevelopment Area No. 2 within the Lake Tahoe Basin area of Douglas County (the "Redevelopment Plan"). It also is our understanding that the preliminary Redevelopment Plan has been submitted by the Douglas Board of County Commissioners (the "BOCC") to the Douglas County Planning Commission for its report and recommendation pursuant to NRS 279.570. The Planning Commission will be discussing the adoption of that report and recommendation regarding approval of the Redevelopment Plan to the Douglas County Redevelopment Agency, at the Planning Commission's next meeting on Tuesday, December 8, 2015, at 1:00 p.m. at the Douglas County Historic Courthouse in Minden.

The TDFPD has serious concerns about the impact that the proposed Redevelopment Plan would have on the TDFPD. Specifically, under the provisions of NRS 279.676, adoption of the Redevelopment Plan would effectively cap, at the rate in effect on March 15 prior to the BOCC's adoption of the Redevelopment Plan, the revenues that the TDFPD receives from ad valorem taxes, or at least severely limit any future additional tax revenues that otherwise would go to the TDFPD. Concurrently, the TDFPD anticipates that implementation of the Redevelopment Plan will increase the number of calls for service that the TDFPD will receive. The combination of increased service calls and reduced revenues would put a profound strain on the TDFPD and its ability to adequately serve Douglas County. Indeed, an inability of the TDFPD to fund necessary services, and to attract well-qualified firefighters, paramedics, and other personnel, could negatively impact the safety of

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the citizens and property within the area served by the TDFPD. The anticipated impact on the TDFPD of the proposed Redevelopment Plan is further exacerbated by the fact that the TDFPD's ad valorem tax revenues were already down significantly in Fiscal Year 2015 over Fiscal Year 2014.

For all of these reasons, the TDFPD objects to the adoption of the Redevelopment Plan to the extent it limits the TDFPD revenues from ad valorem taxes while simultaneously increasing the burden on the TDFPD to perform services for Douglas County.

Given the TDFPD's concerns about the Redevelopment Plan, from this point forward, the TDFPD would like to ensure that its voice and concerns are heard, and solutions considered, during the Redevelopment Plan discussion and approval process. The TDFPD would prefer to become a participant and/or partner in this process so that its concerns can be heard and addressed, rather than become an adversary to the Redevelopment Plan and its proponents. **Accordingly, the TDFPD hereby requests that its concerns and objections discussed herein be included in the agenda and discussed at any future meetings of the Douglas County Planning Commission.**

Thank you for your attention to this matter. If you have any questions, or would like to discuss the TDFPD's concerns, please do not hesitate to contact me.

Sincerely,

DEVON T. REESE, ESQ.
dreese@rkglawyers.com

cc: Douglas County Planning Commission Members (via email):
Frank Godecke, Kevin Servatius, James Beattie,
Jo Etta Brown, Anje de Knijf, James Madsen, Margaret Pross

Douglas Board of County Commissioners (via mail)

Commissioners/Members of the Douglas Board of County Commissioners
and Douglas County Redevelopment Agency (via email):
Doug N. Johnson, Nancy McDermid,
Steve Thaler, Greg Lynn, Barry Penzel

Chief Ben Sharit, TDFPD (via email)

Sullivan, Hope

From: Jim Slade <sladejim@gmail.com>
Sent: Tuesday, December 01, 2015 2:31 PM
To: Sullivan, Hope
Subject: PC meeting, Dec. 8, 2015
Attachments: PC, Dec. 8, 2015.docx

Please make sure that the Planning Commissioners receive my comments, and that they are made a part of the public record. Letter attached. Thanks.

To: Douglas County Planning Commission

RE: Agenda item No. 1 – Dec. 8, 2015

Redevelopment at Tahoe

From: Jim Slade

I have some general concerns about redevelopment areas.

First: They usually rely on tax increment funding, taking tax monies that would otherwise go to the county, and giving it to the redevelopment area to spend as they choose. Our county has priority-based budgeting: spending tax revenues on what the Board decides are the counties highest priorities, which is appropriate. It looks out for what is most important to the county as a whole. Establishing a redevelopment area essentially creates a slush fund that they can spend as they see fit, just to benefit their area, in this case the casino corridor.

Secondly: Look at a recent example of redevelopment in the north part of our county, specifically the Riverwood project. They pledged \$24.7 million in tax benefits to Riverwood in exchange for building 30,000 square feet of commercial space, less than a third the size of the average Wal-Mart Superstore. How did that work out? A decade later we have a dust-filled, weed-choked, garbage-strewn huge empty space. The county has spent over a million dollars on lawsuits, and is still not done.

I also have specific concerns about the proposed redevelopment area in the casino corridor at Tahoe.

First: Redevelopment is allowed in Nevada under NRS 279, which requires that it be for blighted areas, defined as areas that are “unfit or unsafe ... and conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime.” There must be a “growing menace to public health, safety and welfare.” Does that sound like the casino corridor? Not at all, and hence that area should not even be considered for a redevelopment area.

NRS 279 also states that “such conditions of blight are chiefly found in areas subdivided into small parcels, held in divided and widely scattered ownerships. Here we are talking about the vast majority of the area suggested to be in this redevelopment area being owned by Edgewood and a handful of casinos, hence, again, completely contrary to NRS 279.

The small portion of the area being considered for inclusion in the redevelopment area that possibly could be considered “blighted” is the area being discussed and approved by the Board (LDA 15-026), hence that issue has already been rectified before the redevelopment area is created.

Clearly the casinos just want to get control of tax revenue so that they can spend it as they see fit, just to benefit their struggling businesses. That would be inappropriate and contrary to the county’s priority-based budgeting. The county has recognized the goal of transforming that area from its “dependence on gaming to an outdoor recreation based economy.” The South Shore Vision Plan has recognized that, as well, and that document, working with and through the county, with its myriad priorities, is the best way to proceed with improvements to this area.

Creating a redevelopment area, dominated by the Edgewood and the casinos, would be the wrong way to go about it, and would be contrary to the letter and intent of NRS 279. I urge you to deny this application because it is not in the interest of the majority of citizens of Douglas County.

The Record-Courier

P.O. Box 1888 Carson City, NV 89702
(775) 881-1201 FAX: (775) 887-2408

Customer Account: # 1067157

Legal Account

Douglas County Planning Dept.
P.O. Box 218
MINDEN, NV 89423
Attn: Linda Doherty

Kristin Ritter says:

That (s)he is a legal clerk of the **Record Courier**, a newspaper published at Gardnerville, in the State of Nevada.

Copy Line

PC Agenda Dec 8th

PO#:

Ad #: 11720793D

of which a copy is hereto attached, was published in said newspaper for the full required period of 1 time(s) commencing on **11/27/2015**, and ending on **11/27/2015**, all days inclusive.

Signed: _____

Date: 11/27/2015 State of Nevada, Carson City

Price: \$ 347.50

Subscribed and sworn to before me this ____ day of _____

Notary Public

Proof and Statement of Publication

Ad #: 11720793D

Douglas County
Planning Commission Meeting
Public Hearing

A meeting of The Douglas County Planning Commission will be held Tuesday at 1:00 pm, December 8, 2015 at the Douglas County Administrative Building, 1816 Eighth Street, Minden, Nevada. The applications below will be considered under the Public Hearing portion of the meeting and is a partial list of items to be considered by the Panel. Please consult the Douglas County Community Development Department, Planning Division Counter, Minden Inn, Room 202 for a final agenda. The final agenda is also posted on the County's website at: www.douglascountynv.gov

- 1. For Possible Action.** Discussion of Redevelopment Plan for Redevelopment Area No. 2, and adoption of Report and Recommendation regarding approval of the Redevelopment Plan to the Douglas County Redevelopment Agency pursuant to NRS 279.570.
Deputy District Attorney: Zach Wadle (775) 782-9803 zwadle@douglas.nv.gov
- 2. For Possible Action.** Discussion on a request for approval of a private roadway, pursuant to Douglas County Code 20.100.090, to be built at-grade to County Rural Local Road Section (DC A02) for the first 100 feet and County Unpaved Road Section (DC A26) for the remainder of the road. The private road would be used to access a total of 5 parcels (ranging in size from 1.37 acres to 80.67 acres) to be created by LDA 15-013 and LDA 15-014 (approved by the Administrative Hearing Panel on November 12, 2015). The subject parcel is located on the east side of Foothill Road approximately ¼ mile south of its intersection with Genoa Lane, within the A-19 (Agricultural-19 acre minimum parcel size) zoning district, and in the Genoa Community Plan Area. The applicant is Mark Nouffer of Alta Consulting, Ltd. APN 1319-15-000-039.
Case Planner: Heather Anderson (775) 782-6210 handerson@douglas.nv.us
Case Engineer: Barbara Resnik (775) 782-6234 bresnik@douglas.nv.us
- 3. For Possible Action.** Discussion on a request for a Planned Development Application PD 15-002, for the following: 1) a Planned Development Overlay Zone; 2) a Tentative Subdivision Map to subdivide 18 +/- acres into 47 parcels for multi-family residential development, the smallest being 1,546 square feet in area and a 15.1 acre common open space lot; 3) a request for approval of a private road; 4) DA 15-083, a variance to improvement standards for the road right-of-way width (less than 60 feet) and roadway width (from 24 feet to 20 feet); 5) DA 15-082, a variance to improvement standards for intersection spacing; and 6) DA 15-084, a variance to reduce the useable open space. The subject property is located approximately 750 feet from the southeast corner of U.S. Highway 50 and Lake Village Drive within the R-073 SA1 (Special Area 1 of the Lake Village Area Plan) zoning district in the Tahoe Basin. The applicant is Steve Konninger. APN 1318-23-301-001.
Case Planner: Ted Kozak (775) 782-6212 tkozak@douglas.nv.us
Case Engineer: Barbara Resnik (775) 782-6234 bresnik@douglas.nv.us
- 4. For Possible Action.** Discussion on a Zoning Text Amendment to Douglas County Code (DCC) Section 20.714.040, Agricultural 2-acre parcels to allow the creation of three 2 – 5 acre parcels every fifteen years in the A-19 and FR-19 zoning districts provided the owner creates a conservation easement preserving 100 or more acres of irrigated agricultural land. The current regulations allow for the creation of one 2 acre parcel every five years in the A-19 and FR-19 zoning districts provided the owner creates a conservation easement preserving 100 or more acres of irrigated agricultural land.
Case Planner: Hope Sullivan (775) 782-6200 hsullivan@douglas.nv.us
- 5. For Possible Action.** Discussion on a Modification to the Sierra Country Estates Planned Development (PD) 15-003, a Zoning Map Amendment Development Application (DA) 15-081 and Parcel Map (LDA15-029) creating three parcels as follows:
A) Development Application (DA) 15-081, a request for a Zoning Map Amendment to re-designate three portions (0.16 acres, 0.27 acres, and 0.53 acres) of the existing Sierra Country Estates "meadow" parcel from SFR-2 PD (Single Family Residential, 2-acre minimum parcel size in a Planned Development) to PF-PD (Public Facilities in a Planned Development) for proposed Parcels 1, 2, and 3 of LDA 15-029;
B) A major modification to the PD for Sierra Country Estates relocating and increasing the area of the Conservation Easement. The proposed easement boundaries result from (a) adding portions of the "meadow" parcel which contain the ponds at the entry of the subdivision as well as portions along the northern and western boundary of the "meadow" parcel not currently included in the boundaries of the Conservation Easement; and (b) removing the proposed Parcels 2 and 3, utility system parcels (ref. LDA 15-029) where the wells exist, and removing the area of the Conservation Easement in the vicinity of the existing barn/employee living quarters (4.4 acre building envelope). This modification will allow for an increase in the single family residential unit count of the PD by one additional primary residence, so as to yield 24 units rather than 23, to be located within the building envelope.
C) A Tentative Map (LDA 15-029) proposing the creation of three new community facility parcels and a new public utility easement for access over Sierra Country Circle. Proposed Parcel 1 (0.53 acres in size) will be utilized for future utility system improvements, proposed Parcel 2 (0.27 acres in size) will contain an existing community well and future utility system improvements, and proposed Parcel 3 (0.16 acres in size) will contain another existing community well. The intent is to deed these improvements to Douglas County. The subject property is located at 281 Sierra Country Circle in the SFR-2 PD (Single Family Residence, 2-acre minimum parcel size in a Planned Development) zoning district in the Foothill Community Plan. The applicants are Jeffrey Wassa, Trustee of the Jeff and Jodi Wassa Family Trust, Michael McAllister, Trustee of the Michael McAllister 2000 Trust Agreement, and Douglas County Public Works. APN 1219-10-002-082.
Case Planner: Heather Anderson (775) 782-6210 handerson@douglas.nv.us
Case Engineer: Erik Nilsson (775) 782-9063 enilsson@douglas.nv.us
- 6. Not for Action.** Discussion and solicitation of Commissioner and Public Comment regarding locational and supplemental criteria for Utility Scale Photovoltaic Solar Facilities.

The files associated with this hearing are available for public inspection at the Douglas County Community Development Department, Planning Division Counter, Minden Inn, Room 202, 1594 Eamerakda Avenue, Minden, NV. Questions can be directed to the Planning Manager, Hope Sullivan at 775-782-6200.

Pub: November 27, 2015

Ad#11720793

Title 20 Consolidated Development Code

20.20 Notice Provisions

- 20.20.010 Public notice sign
- 20.20.020 Published notice
- 20.20.030 Personal notice of public hearing
- 20.20.040 Personal notice of filings for minor variance and design review applications
- 20.20.050 Notification following decision
- 20.20.060 Notification of appeal or revocation
- 20.20.070 Costs of notice

20.20.010 Public notice sign

A. Prior to holding a public hearing, the applicant shall provide evidence that a public notice sign on the subject site has been posted in accordance with the following:

1. The sign shall be posted on the site of a development application at least ten days prior to any public hearing. The purpose of the public-notice sign is to notify the community and residents in the effected area of the proposed development and the time, place and date for consideration.

2. The sign shall be posted in the form established by the community development department (see figure 20.20.1). The number and location of the sign placement shall be determined by the director. The sign shall be removed by the applicant within 72 hours of the decision or the date of withdrawal. (Ord. 801, 1997; Ord. 763, 1996)

<p>NOTICE of PUBLIC HEARING</p>
<p>SITE ADDRESS:</p>
<p>APN:</p>
<p>PROPOSAL:</p>
<p>PUBLIC HEARING:</p>
<p>DATE:</p>
<p>TIME:</p>
<p>LOCATION:</p>
<p>DEVELOPER:</p>

Phone:

For further information, please contact:

Case Planner:

Douglas County

Community Development Department

P.O. Box 218

1594 Esmeralda Avenue

Minden, NV 89423

(702)782-_____; fax (702)782-9007

(Ord. 763, 1996).

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20.20.020 Published notice

Except as otherwise specifically provided in this title, in any instance in which it is required by law that an advisory body, director, the planning commission, board, or any other final decision-maker must hold a public hearing, a notice setting forth the date, time, place and purpose of the hearing, the name of the applicant, and identification of the subject property must be published once in a newspaper of general circulation published in the county, at least ten days before the date set for the hearing. The notice shall be prepared by the county. (Ord. 763, 1996; Ord. 610, 1993; Ord. 608, 1993; Ord. 607, 1993; Ord. 605, 1993; Ord. 539, 1991; Ord. 494, 1989; Ord. 390, 1981)

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20.20.030 Personal notice of public hearing

A. Whenever personal notice of a public hearing is required by this title or by chapter 278 of NRS, in addition to the notice requirement of section 20.20.010, notice must be mailed, or if requested by a party, provided by electronic means if the electronic notice can be sent and its receipt can be verified by the county, at least ten days prior to the hearing to:

1. The applicant;
2. Any person who has filed a written request for the notice;
3. Surrounding property owners within a radius drawn from the perimeter limits of the property that is subject of the application as follows:
 - a. If the subject property is one acre or less in size, all properties within 300 feet shall be notified.
 - b. If the subject property is more than one acre and less than 40 acres in size, all properties within 600 feet shall be notified.
 - c. If the subject property is 40 acres or larger, each property owner within 1,320 feet shall be notified.
 - d. Or to each owner of at least the 30 parcels nearest to the project parcel, as listed on the county assessor's records, if it is a greater number of parcels than required by

subsections (a), (b), or (c), and to the extent it does not duplicate notice given in subsection (a), (b), or (c).

4. If a zone change, variance or special use permit is proposed within 300 feet of a mobile home park, each tenant of the mobile home park must be notified.

5. Any advisory board, which has been established for the affected area by the governing body.

6. Where the site contains any type of conveyance ditch or easement which requires a hearing before the water conveyance advisory committee, notice shall be provided to any conveyance ditch user within Douglas County adjacent to or downstream of the proposed map as determined from the list of water rights owners compiled by the Federal Water Master's Office, or for those conveyance facilities not covered by the Alpine Decree from the list of water right owners maintained by the state engineer.

B. The notice must include the name of the applicant, the time, place and purpose of the hearing and a physical description of, or map detailing the proposed change of the property. The notice must include a section that an owner of property may complete and return to the governing body to indicate his approval of or opposition to the proposed amendment. The notice of zoning permits must indicate the existing zoning designation, the proposed zoning designation, and contain a brief summary of the intent of the change of the property. (Ord. 984, 2001; Ord. 943, 2000; Ord. 801, 1998; Ord. 763, 1996; Ord. 641, 1994; Ord. 610, 1993; Ord. 608, 1993; Ord. 607, 1993; Ord. 605, 1993; Ord. 539; 1991; Ord. 494, 1989; Ord. 390, 1981)

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20.20.040 Personal notice of filings for minor variance and design review applications

Upon the filing of an application for a minor variance or design review, excluding minor design review, the community development department shall send, by first class mail, notice of the filing of an application to all contiguous property owners. Contiguous for the purpose of this chapter includes those properties which touch the parcel which is subject to the land use request including those which would touch the property when projected across a public or private easement or right-of-way. The notice shall contain a brief description of the request, the location of plans for review and a deadline for comment. (Ord. 801, 1998; Ord. 763, 1996; Ord. 501, 1989; Ord. 400, 1982; Ord. 199, 1973)

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20.20.050 Notification following decision

Within three working days of the date of the final decision-maker's determination on the development application, written notification of the action shall be mailed to the applicant, stating the action taken and including all conditions imposed and times established for satisfaction of such conditions, if any. If the final decision-maker denies the application, a written statement setting forth the basis for that decision to deny the application shall also be included. If the decision is on a zoning permit application within a town's boundary that the town has reviewed under section 20.08.010, a copy of the decision must be sent to the town board at the same time. The record of the notification shall be filed with the clerk of the board. (Ord. 972, 2001; Ord. 763, 1996; Ord. 608, 1993; Ord. 607, 1993; Ord. 390, 1981)

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20.20.060 Notification of appeal or revocation

Whenever a notice of appeal is filed or whenever the county determines to revoke a development permit which was obtained following a public hearing pursuant to chapter 20.24, personal notice of the appeal or revocation shall be prepared and made in the manner prescribed by section 20.20.030. (Ord. 801, 1997; Ord. 763, 1996; Ord. 641, 1994; Ord. 614, 1993; Ord. 613, 1993; Ord. 608, 1993, Ord. 607, 1993; Ord. 167, 1968)

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20.20.070 Costs of notice

The applicant is responsible for providing the required mailing list, labels and stamped envelopes, and for payment of any fee for the list and labels, for any proposal requiring personal notice. (Ord. 801, 1997; Ord. 763, 1996; Ord. 608, 1993)

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