



## **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 February 7, 2022

**1. CALL TO ORDER/ROLL CALL/DETERMINATION OF QUORUM** – Diane Becker opened the meeting at 5:31 p.m.

Members in attendance included: Denise Davis, Kathie Julian, Kevin Lyons, Diane Becker, Judith Simon, Chris Wood (alternate), Roxanna Dunn (alternate).

**2. PLEDGE OF ALLEGIANCE** - Diane Becker led the Pledge.

**3. GENERAL PUBLIC COMMENT** – There were no requests for public comment.

**4. BOULDER BAY/RESORT AT TAHOE PROJECT** – Ebbie Nakhjavani, President and CEO, EKN Development Group, will present regarding the Special Use Permit application and will provide an overview of the proposed development project at Boulder Bay. (Non-Action Item)

**Tom Jacobson**, EKN representative, provided a presentation.

**Kevin Lyons** asked what is the latest on the number of residents versus resort? Rooms at this point? Mr. Jacobson said we're still in the process of refining that as far as the number of residents and hotel keys. He said he doesn't believe we're ready to announce that exact ratio. So as soon as we are, we'll share that with you.

**Kathie Julian** said, following up on what Kevin Lyons just asked. I know it might be difficult to give the exact breakdown now, but going back to the 2011 approval, what was approved in terms of the mix of the hotel and the condos? Mr. Jacobson said there were 334 total units, including the already built 18, as a total build-out of the project, and there was an allocation associated with that, but can't remember off the top of my head. Alex, another EKN representative, said the original allocation was 59 condo units and 275 hotel rooms. Kathie Julian asked if those numbers were to change significantly would this require going back to the TRPA for an amendment or further approvals? Mr. Jacobson said I would propose that there is a higher probability that we'll build less than what's approved if that's your question. Kathie Julian said for traffic, I think one of the concerns is traffic during construction, after construction, and evacuation routes. What is the timing of the traffic study that will be updated to inform the project? And who will be doing that paying for it, and who will be reviewing it? Mr. Jacobson said as far as traffic study timing, we'll be working with Washoe County and also NDOT. The traffic study will be associated with any encroachment permits for the project. Kathie Julian said when you say timing in relation to encroachment permits, does that prompt the traffic update? Kathie Julian asked if it will be a traffic study of the current traffic, including the proposed units? Or is that not for inclusion in this traffic study? Mr. Jacobson said we'll prepare a detailed traffic report by a licensed group. The traffic study will be in accordance with Washoe County and NDOT's requirements. We will fully comply with that, and it will be based on today's traffic. It would be on the current situations that are out there. I'm not a traffic engineer, but I can assure you that our consultant will do it to the standards of NDOT and also Washoe County. Kathie Julian asked if there will be a left-hand turn lane and turn signal eventually on SR 28 at the entrance to the hotel? Mr. Jacobson said that's a great question. We'll look at the recommendations that NDOT and Washoe County come up with. In the beginning, we are a community development company, and we're going

to be here for a very long time. We're as concerned about traffic as anybody else's. And so we will work with those agencies and come up with the best management plan and the study's recommendations and incorporate them into our future development.

**Judy Simon** asked when do you think you will have a handle on how many people will be in residence there? I think I heard you say 59 residential units? Are those family-units, large units, or condos? And the same with the hotel. So how many people would you envision would be in residence there if everybody came at once? Mr. Jacobson said we're working on that. And once I have that information, I can assure you will offer that up as updates come. But currently, today, I'm not prepared to answer that question. I don't have that information. Judy Simon asked if he could describe the traffic situation as you see it now? Most of us drive that corridor quite a few times during a given week. And there's a lot of speeding and congestion now; not to mention the peak times in the summer. Mr. Jacobson said we are familiar with the traffic conditions there today. And we would like to try to work with what we can with the different agencies, NDOT specifically, because all these things will have to work with NDOT and also the County. So yes, we agree that traffic is a major concern and something that this project is committed to work with what constraints we have to make it better if possible. But right now, it's hard for me to answer that question because we don't have a traffic study to work with recommendations. There are some ideas that we've kicked around internally. But at the same time, we're waiting to have an expert work with us as we get closer and have the right information. Judy Simon asked, when do you think that traffic study will happen? Mr. Jacobson said I would anticipate that we would initiate that once we have consensus with Washoe County and NDOT, and the community on what we want to look at. So we're in the process right now. We are working with our internal staff, consult, Washoe County and NDOT to develop a scope of work and what will be used to create the study. Once the study is completed, we will look at those recommendations, which ones we can incorporate with the existing conditions, and what we can do as best practices. It's going to be a lot more than just more improvements as far as tangible roadways and things like that. It's going to be a lot of things with management practices; it's going to be a complete process. So I can't answer your question about how we are going to make the traffic better today because we're in the process of researching that with experts to come up with a plan. Judy Simon said you are located on the state line, and so how are you coordinating with Placer County or Caltrans or any of those entities? Mr. Jacobson said we are in an area where we would work with Caltrans. We've had discussions with Caltrans, NDOT, Placer County, and Washoe County about that intersection and what we can do working with all parties involved to hopefully make it better. But once again, until I have a traffic analysis and work through with the coordination of all those parties, it's really me just guessing things. And so I'd wait till I have some experts to give us advice. Judy Simon said I would like you at some point to discuss the process that you went through at the Washoe County Board of Adjustment because many of our community members did go to Reno to participate in that. So, just briefly say what they approved and what we can expect. Mr. Jacobson said I would leave that to anyone who wants to look up the staff recommendation that Washoe County prepared. That was a recommendation to approve the Special Use Permit (SUP) associated with the site. It was referred to a SUP associated with grading activities which was approved. And as a result, it's part of the process of us getting ready to put the improvement plans associated with the connector roads and the phase grading plans associated with prepping the Biltmore site for redevelopment of the Biltmore.

**Denise Davis** said for the level of luxury that has been discussed, it seems there'll be quite a bit of workforce required. Have you addressed traffic and workforce housing for your staff? Mr. Jacobson said it's something that we're struggling with along with the rest of the community. We commit to bringing a level of workforce housing to offset the need for our project, but we also think there could be larger projects that will actually help the community as a whole. I can state today with a surety that we will meet our approved or our conditioned workforce housing requirements without question. However, I will tell you as a community developer, we are researching options that we believe would

actually go above and beyond that, but I don't want to commit to that because we're still in the process of reviewing that and figuring that out because it's a very complex problem, as I'm sure everybody on this call knows.

**Chair Becker** said I had just questions in two areas. You mentioned that the project would bring enhanced emergency evacuation possibilities for the community. Have you spoken with the fire department or the County about what kind of enhanced emergency evacuation procedures would be available? Or is that something that you will be speaking about in the near future? Mr. Jacobson said I'll defer you to listen to the staff recommendations, the staff report that's available in reference to the proposed connector roads. Currently, the existing legacy conditions of the roadways associated around this property that access and service the community to the north into the east of this property and even to the west, are not to the current standards that we'd want them to be at. We're proposing to improve the roadway access that will substantially increase egress to the community, including emergency access. So we believe in the roadway and the circulation system. We believe that the project will revive and help the community get better evacuation for emergency access by having these roadways be substantially brought up, improve the legacy roads, and bring them up to higher standards.

**Chair Becker** said my question is slightly larger. I live in Incline Village, and a number of the people on this meeting also live in Incline Village. I think one of the concerns that I have heard is the locals already have a concern about what would happen in an emergency. And there is some concern about the additional traffic being added. And I'm wondering, will you be working with the fire department and Washoe County to update whatever procedures. We don't yet know what their procedures are, but they are going to present them to us at the next meeting in March. She asked if he will you be working with them further, besides updating the road access, which is important. Mr. Jacobson said you're talking a much broader basin discussion. The answer is yes; we've already met with the Fire Department and will continue meeting and working with the fire department. Once again, we are becoming a neighbor with you. We have the same concerns as you do. So I can assure you that we will work diligently with the fire department and follow the procedures and be actively part of that. Alex said I'd like to push back against the assumption that traffic was going to increase. The original traffic study for the original approvals showed the traffic would go down under the proposed project. And while we're still working through everything, we don't know how it's going to shake out. But I think that it's a misconception to state that traffic will increase. Mr. Jacobson said we just purchased the property in September 2021. We're a brand new neighbor; we're still figuring out where the mailbox is. So we're in the process of understanding these. We will commit to you that we will work with you; we'll work with the best minds that are out there to work with this great, epic project. We believe that this project has a lot to bring to the community. I think that you'll find that if you work with us and give us your insights, we're very good listeners and people who like to learn and bring more to the value of the project. And this is just the first of many opportunities for us to talk and communicate. And I encourage people, if they have a question, to visit our

<https://tahoeluxuryresortandresidences.com/faq/>

website; the address is on my screen still you can see it. Please visit that. Ask your questions. We will do our very best to answer them and to communicate with you. We encourage you to come out in the middle of March when we have a community meeting where you can come and spend time with me as the project manager and the owner of the project will be there. You will have an opportunity to voice your concerns or your ideas of improvements. We're all interested in talking to you about it. And we appreciate your patience as we move through this very complicated project. But just to point out, one of the questions that I get often is why do you start demoing now? Why are you starting so quickly on these roads? Well, this isn't quickly. This has been under discussion and has been approved multiple times. This is a process where we have six and a half months to construct and grade the basin. We need to get going on this project. And we have a proposal where we have these connector roads that are actually going to be substantially better for the community. The County also

concur with the approvals that we received from that. We have an approved project that's fully vested with the TRPA, and we intend to build substantially to that. Do things change? Absolutely. And we are willing to consider options to make it a better project. So we appreciate the CAB and the community. And we were really looking forward to working with you on it. Thank you.

**Chair Becker** said I had one request, when do your traffic study, we would hope that it would be done in the summer when the traffic is very difficult throughout SR 28. We've seen a number of Transportation Studies that were done in the winter or in the fall, and we questioned it. We hope that you do it during high traffic. Thank you, Tom, for answering questions and listening to comments because people are very interested in this project.

**Mr. Jacobson** said we appreciate the opportunity to be here at the CAB. And thank you for having us. And we look forward to having more of these with you, and also, we hope to have more people come out and visit us in the stakeholder meetings that we'll be publishing and bringing forth. I would ask written format is our preferred form of communication. It is a format that brings more clarity, and it also allows everybody to see and hear at the same time. So other people probably would like to hear the answers to these, and that's why we have found that communicating in a written format is our preferred format. So I would encourage people to voice their questions at our web page or funnel them through either the CAB or through other forms that will get to us, such as Washoe County. We get quite a few good questions and suggestions through that process. I'm not prepared to answer questions other than from the board at this time.

**Kathie Julian** said I have a follow-up question on your answer that you gave to our chairman on the traffic study. It sounds like you answered the question about the timing of the traffic study. It would depend upon, in a sense, on the design that evolves out of consensus with the County, community, and various parties. And then that would then lead to asking for a traffic study to be done. Once you are a little more sure of exactly what this project will look like in terms of the revision from whatever was approved in 2011. I am confused by that because I would think that a traffic study is a critical element to feed into what the design should look like, and specifically, perhaps the mix of residential, commercial, or perhaps just the size of the commercial areas or the size of the hotel versus the residential area. So it would seem that a traffic study needs to have the design settled. Well, the traffic study should feed into what that design will be. Because you could design something and get consensus on something but then when the traffic study comes in, it says that we'll have a serious problem in the event of an evacuation. And again, the issue is not those access roads leading up to the neighborhoods above the proposed resort. The issue is basin-wide. How will we get people from Incline Village past Stateline to highway 267 in the event of a fire? Thank you. So if you could address that conundrum that I'm looking there. Thank you.

**Mr. Jacobson** said he would try his best to answer the question. There is a traffic study. And it was based on the time when this project was reviewed. The concern is that things have changed. So there'll be an update to the traffic study with the defined terms of the approved project. However, things have changed, so NDOT and Washoe would like to be involved in writing what that study asks and how you ask it. So we have to go through those processes and procedures, and the community will be a big part of that. And then, we will bring in an updated traffic study based on the approved project. There's 18,752 square feet of commercial; there's a 10,000 sq. ft casino. All those things hold solid, but what's around it is changed. We would all like to see the recommendations based on the current. The project's there; it's approved. Now the outside world has changed around it. So how do we make recommendations and the best way to deal with this today? Maybe it's transit; maybe it's an accommodation of other traffic mitigation. I can assure you we already have a local group hired that's working on this who are familiar with the Tahoe Basin and understand the traffic patterns. They're well aware of this evacuation we're all working on, which is a big concern now with the most recent events. All those will be taken into account, and then they'll have a report with updated numbers that

will make recommendations and mitigations. Then NDOT, Washoe, and the community will all have to agree on how we can best utilize those. So we're hoping to get that resolved this summer. It also depends on priorities with other groups such as Washoe County and NDOT. But that's our intended plan right now in traffic.

**Kathie Julian** asked if this traffic study factors what the neighbor, Larry Ellison, is doing with CalNeva property because they're proposing another large resort. So there are lots of moving parts here. Have you any thoughts on that? Mr. Jacobson said I don't. As far as anticipation future, that's a tough one. And traffic engineers have to deal with that all the time. That's why we have to get an expert who knows the area, knows the circumstances, and what would be part of what we pay them is to figure out plans. Anticipating the future is a big difficult mess for traffic engineers. We'll get the very best people on board and see what kind of reports and recommendations they come back within regards to mitigation measures and things like that.

Public Comment:

**Sara Schmitz** said thank you to, Marc and Tim, and CAB for hosting this presentation. It's been informative. I think one of the concerns of the community is the broader issue. And that has to spill over into Kings Beach. In the summertime, any of us know that traffic from Kings Beach back up into Incline Village in the late afternoon or early evening, even sometimes in the middle of the day. It can take an hour to get from the edge of Incline Village to Stateline. And I appreciate you're looking at things within NDOT. But I think that Placer County, and whether Caltrans gets involved with this, my perception is that the issue is from the traffic circles in Kings Beach. Because the pedestrians can cross at any time and there's a constant flow of pedestrians, and the traffic just sits. It is an issue of just moving around and doing our normal daily business to the fear of evacuation. And I understand this isn't a problem that this particular project needs to solve, or it should be on your shoulders per se, but the reality is that we have an extreme issue with traffic in the summertime due to Kings Beach. And I think that we need to work collaboratively across state lines to solve that problem because if you have hotel guests coming here, and they can't even get to Kings Beach, it's an issue. There isn't a sidewalk to Kings Beach from Stateline. There are issues that it's not pedestrian-friendly and not car-friendly. So I think that that should be something that Washoe County has to try to address with the fire district, and if this project tips the scale and says something has to be done in Kings Beach to alleviate that bottleneck. It needs to be done. It's a serious issue, and it's a concern for our community related to evacuation.

**Helen Neff** said I echo what Sara just said about the issues with Kings Beach. I would also like to add in terms of the traffic study for this project that it takes into account the complete streets. The transportation studies that I've seen often overlook a complete street. It would take into account pedestrian traffic, bicycle traffic, someone trying to cross the street in the wheelchair, a mother with her stroller. TRPA has a policy for it. And I believe Washoe County does as well. I'm sure Placer County uses complete streets, and also, TRPA has a study about mobility 2035 for the Tahoe Basin, which should also be part of the traffic study you do. Thank you.

**Tim Delaney** said I just wanted to point out some issues with the traffic and numbers of people. Just thinking about the scope of your project, it looks like the number of vehicles will be somewhere between 60 and 120. And the number of people will be somewhere between 250 and 400 people. Conditions have changed dramatically in Incline Village. As you know, we had COVID and all these folks buying real estate up in the area and fleeing the Bay Area. And before there are fewer numbers of people in town, and now we have large numbers of people in town all the time. Ponderosa forests don't behave like other forests; they do kind of go off like a hydrogen bomb in a swift wind. We have three routes out. And also, our east shore beaches are being epically destroyed. We have massive, gigantic waves of people just walking right off the road, ripping up the forest, jumping into people's backyards. It's horrendous. The place is being totally destroyed. Even if you approve this project, I'm

wondering at what point do we stop this. It's getting a bit ridiculous. And has the development considerations off a highway 267 on the other side, heading out towards Northstar been considered. All these folks will be storming through the forest up on Rifle Peak and Rose Knob and everything, and they're going to be doing all sorts of environmental damage behind my home on federal lands. I think folks have to have some honest conversations about all this. People have to control themselves. You should look at foreign countries and see what they've done in other these other countries where they had a nice lake, a million and a half people eventually sprouted up around it. They totally depleted the water resources and totally destroy the environment to the point where it's unlivable. So how are you going to make it stop after you do this? And the traffic considerations are real. We all don't want to be trapped in a firestorm and Incline Village. Thank you very much.

**Ann Nichols** said It seems to me that if you don't know what you're really going to build, and it's going to be different from what it was approved, it is very premature to take away our roads and get this grading permit on a site plan that you supplied that's different from what was approved. So this is just the cart before the horse. The TRPA sent out a message today that said from what they've seen in meetings, this is substantially different from what was approved in 2011. So you need to figure out what you're going to do first before you take one of our exits out of the neighborhood. You need to have your analysis come forward and get it reviewed. This is completely backward, and there's no reason for it. If you're trying to make safer roads, don't take our fourth exit. And how do you know you're grading 400,000 square feet of land, 200,000 cubic yards? How do you know that's what you're going to need to do really for this plan that you haven't come up with yet? Figure out your plan, do it the right way. Be transparent with us. Let us ask you questions. Thank you.

**Susan Sanders** said I live right at this corner. So I'm very familiar with the traffic patterns because I deal with it every day. And they have increased since COVID. You mentioned 59. And I wasn't sure what that number was referring to? is that units? condo units? Because it's not going to be one person per condo, and hotel rooms. Also, you purchased a property in Tahoe Vista, which will be your beach club, which means that you will be adding to the westbound traffic away from Incline and into Placer County and the West Shore. Are those people going to be in their cars? If you have a three-bedroom unit, there probably will be three cars for that unit when they're visiting, which will add a lot more daily trips. And you have to be realistic about all of this. I agree with everybody that the Cal Neva is going to add more people when and if that ever gets done. But just the general demographic and in a larger population that we've experienced in the last two years is severely impacting everything. I believe that there is an opportunity here if you say you really want to be part of the community and work with the community. To number one, create at least a turnaround for mass transit to get to Kings Beach, your beach club, and Sand Harbor. I know they're talking about this Incline transit hub, but we need to get people off the road before that because they will be going in both directions.

**Diane Wallace** said I've been a 41 year resident of Crystal Bay up on Tuscarora. I've really used Lakeview as my primary exit because it has good southern exposure so if you get some sun, it melts. Beowawie and Amagosa are nightmares in the winter. So you don't want to have to use those plus Amagosa; it's terrible from Crystal Bay. So from Tuscarora, if the exit during all this construction is Beowawie, that's one exit. And I don't quite understand the zigzags behind the existing development where the Mariner was and what you call the nail; the temporary road seems so incredibly steep. I can't even imagine how that works in the winter. So anyhow, that's just one comment that I see. The egress is huge because you have to cross traffic if the evacuation is going left. If there is a fire, people are either going right or left from Incline and Crystal Bay. As Ann Nichols said, we're putting the cart before the horse. I think there should be a pause button to get the traffic study figured out to see what. I think we should be you should be talking with Larry Ellison on his plans and figuring out together how to mitigate the impact of that level of development up on the hill and how it's going to

impact Kings Beach. It's really hard to imagine the future's going with a two-lane road around the lake. And that's the limiting factor.

**Pamela Tsigdinos** said I'd like to thank the CAB and Washoe County for being on this call. I think it's really important to understand that the EKN executives in both this meeting and the auditor discussion that happened earlier this week. These meetings aim to give the executives the script that is going to get the means to an end. And it's one thing to refer to yourself as a resident for PR value. It's one thing to refer to yourself as a neighbor for PR value. It's another thing to live next door to someone 24/7. And with all due respect, none of the EKN executives actually live here. This past summer was absolutely terrifying. And I just want to make it absolutely clear that it's within Washoe County's purview to right-size this particular property development to ensure that they are not actively contributing to the dangers of the Tahoe Basin during wildfire season. It is insulting and, frankly, really disrespectful to assume that those who live here will not be dramatically affected by an event that none of us can foresee. But if you bring more people with more cars into an already congested Tahoe Basin, we are going to live the results. And I just want to put the EKN executives on notice. We see you, we hear you, listen to us. We live here. We ask for your real serious consideration of what we're asking for. And that is to right-size this project and to consider the safety and welfare of the people who actually live here, not just those who call themselves a neighbor.

**Lara Pearson** said Pamela put it really well. I don't know if there's anything more to say besides Ditto. I agree with what most of my neighbors and folks on this call have said. It doesn't feel like we're being heard by the project managers and the folks in charge of this project. It feels like they're saying, 'hey, we've got a plan, it's been looked at a couple of times, and we want to go forward, but we can't exactly tell you that we're going to have the same structures in the same location or really anything about the prior plan will be the same.' We just want to rely on it as we proceed. I've been a full-time resident since 1998 who owns a law firm here. I do appreciate that you're present physically. Still, it doesn't feel like your presence is actually here and that you're listening; it feels like we're being told what you think we want to hear, including the use of the messaging, referring to yourselves as neighbors when, as Pamela said, none of you actually lives in the basin. So we do appreciate the hearings; we hope that they continue. But more so, we want to actually see action. We want to see action in a responsible, sensible manner. I think it would first include showing us the revised plan before we start doing studies about theoretical plans that aren't real. Thank you so much for your time. And thanks for hosting us.

**Adam** said I wanted to echo concerns regarding the traffic in Kings Beach and Crystal Bay. I'm also curious what's being done to solve that same problem for Crystal Bay if you're adding these units. The Cal Neva is reopening at some point. Is there going to be some sort of other access for pedestrians to cross 28 without actually stopping traffic, something potentially over the road? Or along those lines? That's certainly a major concern. Many neighbors have brought it up a few times; if you're considering yourselves as neighbors, what are you doing for the community, aside from shoring up the land and the easements and water egress, etc. for your own profit?

**Chair Becker** said I would encourage anyone who has comments to send them to Mr. Jacobson in writing because my understanding is they're going to answer questions. I have gone on the website. There's a lot of information there. And I think if we ask questions, they're going to answer them. The more question, the more likely they consider in their work.

**Chair Becker** thanked Tom for being here. And we really encourage you to listen to the questions that have been asked. It will be beneficial for all to consider the concerns and let us know how you think you can address them. And we do appreciate your taking the time to come here tonight. Mr. Jacobson said we appreciate the opportunity to be here. We took good notes, but we will try to respond to these questions on the web page, as we said, in a written format.

We look forward to working with you in the future. And we look to seeing you hopefully in our next meeting.

## 5. SHORT TERM RENTAL UPDATES –

**Commissioner Hill** provided an update regarding the STR policy, affordable housing, and ADUs.

**Kathie Julian** said thank you, Commissioner Hill, for the summary. When do you anticipate having the information needed to make recommendations on whether there should be any limitations on the numbers or density of short-term rentals? Commissioner Hill said I'd like to see another season. When I talk to staff about this project, I really want to see how we can regulate the unpermitted short-term rentals. Currently, there's a thought that there are about 800 total short-term rentals. And there are about 200 to 300 of those from my memory that are not permitted. That is a reduction from what we actually saw originally, as short-term rentals being run out of the basin, which was about 1200, when we first got the host compliance software. I want to see how we can regulate those uses. I want to see where the complaints are at, and I want to evaluate the merits of this program. One of the concerns and things that staff has been bringing to me is - this is not a worthwhile program. Keep in mind I am one vote of five. But certainly, that's something I can advocate for. It's not a worthwhile program, you can look at prohibiting short-term rentals, legally, but then you have an underground market and a lot of regulation to ensure that they're not ruining in your community. So I'm also looking at our other communities around the lake who are doing these moratoriums, these caps. I'm seeing how they're playing out. I know that the City of South Lake Tahoe is having huge code enforcement issues with the short-term rentals that have been completely eliminated and parts of the community except if you're in certain zoning districts, so that's what I'm looking at.

**Chair Becker** said we have seen that the commissioners have not wanted to have different ordinance regulations between Incline Village and the rest of the County, particularly with respect to short-term rentals, but with respect to other things that would be protective. We also know that 90 plus percent of the short term rentals are in Incline Village/Crystal Bay. Some of the other Commissioners may desire to increase the number of short-term rentals down in the valley. And I would just ask that if the other Commissioners push additional dwelling units (ADUs), you consider whether there can be a separate regulation ordinance for Incline Village/Crystal Bay. We did have that research by one of these county attorneys back in the very beginning of this ordinance. After quite a bit of legal research presented to him, he agreed that there could be different regulations up here because we were also governed by TRPA. I would request that you confirm if that's correct. And second, if there is a push for ADUs on smaller spaces within the valley, you do whatever you can to get a separate ordinance for up here.

**Tim Delaney** said we've heard from the folks that want to develop over your Stateline. And now I'm hearing about affordable housing and ADUs and everything else. My comment is that a lot of folks are looking for ways to push more people into Incline Village. And it's tapped. It's something that everyone needs to come to terms with. Suppose you put an extra 1000 people in workforce housing with all these other developments, including what's going on at Stateline. In that case, it's going to tip the environment and the quality of life. There are some valuable points there. I grew up in Incline Village, I've lived there since the very early 70s, it might have been the late 60s. I've seen the destruction of the lake firsthand. And I also surf down here in Santa Cruz, and I have friends down there in Orange County, too. We just cannot stand the development and how folks just come in, and wreck environments. I don't want Newport Beach to be an Incline Village with hordes of people. It's so destructive. And eventually all of you folks need to have a heart and take a look at what you have to lose. The environments tapped. I saw wonderful beauty, no footprints on beaches, on the east shore, that's all gone. So you're all these folks will not see any of the things that I saw. And what you're



going to deliver to your children and grandchildren is an environment that's so much worse than what it is now if you keep up the development and keep finding ways to push more people into the region. It's just not sustainable. And you're going to ruin your water supply for Reno and everything else. So that's my comment. I said this before, about 15 years ago, and here we are today. I hope you think about that. And what the future is. Somehow, you need to find a way to temper your expectations and control yourselves.

**Judy Miller** said I wanted to thank the CAB and our commissioner. But I wanted to respond to her comments about getting all of the existing short-term rentals on board. I think there's a problem with enforcement. The vast majority of the permitted short-term rentals do not comply with the advertising requirements. It would make it a lot easier to know which short-term rentals are permitted. And those that are not, if their Airbnb listings would as required by the regulations, post their short-term rental permit number and their RSCVA license number at the very top of their listings. I have found one, and it's the companies that handle short-term rentals that manage them. I think that the one here in town actually puts that information at the top of the listing. Most individual owners are not doing that. And code enforcement simply doesn't have the staff to go and contact each one. The code enforcement officer told me that they couldn't even send out an email to the entire list of short-term rental operators. In this day and age, I find it inconceivable that we couldn't pull that information in an Excel send out an email giving a warning notice to all of these operators. A notice that they need to put on top of the listing on Airbnb or VRBO their permit number that way, you could easily identify the ones that aren't in compliance. The other thing that I have been asking for quite some time is that we have available data downloads of STR information and the map. Unfortunately, the staff doesn't seem to have the bandwidth to put this information out. The maps have not been updated since October 19<sup>th</sup>. The data consists of only about a little over 300 short-term rentals. And now we know that number is probably in excess of 500. So please, can you do something to get these problems addressed? I know the staff is overwhelmed, but you said that you want data, and this data would have been very helpful had you considered it before you approved increasing the maximum numbers. If we knew the square footage of the homes and how many homes were involved.

(inaudible – connection interruption) **Roxanna Dunn** comment was in regarding luxury development and affordable housing units. Commissioner Hill said the connection broke up. I think you're asking, can we tie requirements to the luxury developments for affordable housing. We can through TRPA; however, it's a low requirement. State law does limit our ability to do this. This is something that I'm hoping the bill in the state legislature pushes for this type of requirements. It's very difficult for the County just to put it as a condition without it looking arbitrary and capricious unless it's across the board and we require it for everyone. So I think that there are opportunities both in the policy and state law to make these changes. It's something that we're looking at. But yes, with the Boulder Bay development, for example, they are required to have affordable housing units. It's certainly not enough for the amount of staff that they'll be bringing in. They said tonight they wanted to do above and beyond. So we'll see what we can do in the meantime. Thank you.

**Lyn Karol** said I have two different points. I'm a realtor in town have been since '74. And with all the past requirements that developers created affordable housing units when they were permitted to develop the properties, all those affordable units are now in the public sale domain area. And no one but the lenders is enforcing the rules that were deed restrictions on the property. I don't know whether the County is aware of this or not. But it becomes an issue because I disclose it to prospects that, number one, this property was supposed to be affordable housing. And in those deed restrictions, there was a limit on what price the resale could be. And the sales prices that are taking place far exceed the deed restrictions that were created. I don't know who's in charge of enforcing that. I suspect it's the County, but nobody's enforcing it. And are you aware of that, Alexis? Commissioner Hill said yes, I'm aware of that. And it is both the County and my understanding is, Reno Housing Authority's job to manage that. The affordable housing units have been constructed in the past and

are now being sold for market-rate housing. And so that's part of that strategy that we were looking at when we did this study. I didn't know that they existed. And they were found out as part of this study. And we need to create systems to ensure that those pieces of property don't go back into that market-rate housing stock and stay affordable, which the County has done work with the Reno Housing Authority down in the valley. So I'm not really sure what has happened and Incline, but it's something that we want to correct. Lyn Karol said my second point involves the constable's office. I'm very concerned about abolishing the constable's office here in Incline. But it affects the support systems that the County provides to those of us who do business here. I know you have a backup plan of how the deputies will do this, but I think they're plenty busy doing their jobs. And I just wanted to object to the abolishment even though I'm led to understand it's pretty much a done deal. We pay a ton in taxes, and we don't get enough to offset what we pay. And this seems like a small thing that you could keep a Justice Court and keep the constable's office. I won't go any longer. But Alexis, if you could get back to me with how you're going to handle the people who bought these affordable housing units, whatever disclosure, and let's say the maximum they should have been able to pay because they were all-cash buyers was \$400,000. And they paid \$650,000. How are you going to deal with that?

**Commissioner Hill** said I don't know if we can retroactively on those properties. But I know we can go forward with new properties to my understanding from our study. I'll put my email in the chat, and if you want, we can talk about this further. On the constable topic, I have been voting against this issue. I feel like the community should have been brought in much sooner. And there should have been a holistic plan, so people felt comfortable with this. Yes, the deputies are saying they'll take over, and I'm sure they will do a good job. But I think that the community should have had some more communication on this issue. So I have been voting no on this on the last two meetings, and tomorrow, I don't think my vote will change.

**Andrew Wyman** said I just want to point out a terrible and tragic irony in all of this conversation. The Tahoe Basin has the Tahoe Environmental Center, a world-class research institution. And every year, they publish a paper that is quite extensive and outlines the state of the lake. And every year, they point out how the human load has eroded the state of the lake. And every year, that report indicates things are getting worse. And yet we look at every project that comes along and ask cute, relevant questions about that particular project. I submit that we are missing the overarching issue by simply focusing on the minuscule minor details that are relevant to the lives of the people who live around these projects. But in the life of the lake, the life of the community, the life of the state, the nation in the world, these are minor issues. The issue is what are we going to do about the overpopulation of this region? Every project that comes along that increases the population in this region erodes the quality of that lake, which will be here long after we're gone.

**Doug Flaherty** said thank you, Andrew and Tim, for your comments earlier. I think what we're suffering from is basically the tyranny of government agency-approved, cumulative effects. Unfortunately, the TRPA process that's in place now is destroying what they claim to defend. And that's usually through the process of a very weak environmental checklists program rather than requiring an environmental impact statement on these projects.

**6. WASHOE LEADERSHIP ACADEMY** - Marc De La Torre, Commissioner Support, Washoe County, will present on the Washoe Leadership Academy (WLA) coming the spring of 2022. WLA will showcase a plethora of County department such as the Sheriffs Office, Fire District, CARES Program, Parks, and Rural Washoe County just to name a few. Participants will also demonstrate a mock Board of County Commissioner meeting before graduation. (Non-Action Item)

Marc De La Torre provided a PowerPoint presentation.

**Kathie Julian** said I saw you had public works. Does public works include Planning and Public Works? Mr. De La Torre said we would spend time at the CST community service department. And so that does fall under their umbrella. We want to incorporate the planners because they're a very important part of that department. Public Works also includes our roads our infrastructure. These are the folks who are out making sure our roads are cleared and the other infrastructures throughout the County. Kathie Julian said one suggestion for the program is that you include some aspect that deals with the interface of the County, its state, and other regional bodies. And that's kind of a subject heading because it's unique that Washoe and Douglas interface with TRPA. And, of course, the interface with NDOT and state authorities. So that would be of interest.

**Kevin Lyons** said it's nice to see the progress since we first talked about this way back. Quick question - Is the Certified Public Official certificate UNR a new thing? Or is that pre-existing that you plugged into? Mr. De La Torre said, as far as I know, with the County, it's a new thing. We haven't had a Leadership Academy with UNR in the past. This is brand new.

**Chair Becker** said there was a desire to have representation from every district. So this is a good opportunity for us to all get involved. Mr. De La Torre said we would like CAB members to be part of this; the idea is to educate the public and join the CAB so they have the background. We want that door open as well.

Public comment:

**Tim Delaney** said in the Washoe Leadership Academy, and the whole concept here, if there could be a way to incorporate the concept that I heard from some other folks that mentioned this during our meetings. These people come into our community that doesn't live here, and then these projects are forced on us. The whole community is vulnerable to them, and we can't steer things more in our favor. And is an interesting point that whether it's Donald Trump or Joe Biden or Larry Ellison or Elon Musk, they have ways to escape. They have peace and tranquility. He owns his own island out there in Hawaii and can get away from tourism and stuff. We're all the rest of us, we can't. Someone comes into our community, and they overdevelopment and push all this population in rural areas and trash on our environment to water supply. Who picks up the garbage on the beach? It's a little me. I'm the one that picks it up. Donald Trump and Joe Biden don't come out to the beach and pick it up. When it comes to leadership, it would be nice if part of these programs, folks start talking about this. And so this way, you and I and everyone else here, we're not vulnerable and subject to all these other folks in a world that are much wealthier than us. And we're not living at their whims.

**Barbara Pearl Whyman** said I wanted to just mention that you're talking about the Leadership Academy. We have had a Leadership Academy, and I was in the second graduating class. The only person from Incline that was involved. And I have to tell you; it was one of the most helpful and actually exciting things done up there. And I've done a lot of things in both Incline and Washoe County and State of Nevada and represented Nevada back in Washington. What you get from that insight and the people you participate in are invaluable. And to this day, I still praise that opportunity. I encourage you to, one, recognize what has been done and was successful. And when the downturn came in the middle of the last decade, they didn't have the funds to continue it. But if you can do as well as they did, you will be very successful. So just wanted to add that and encourage people to pay attention. And also if they have an opportunity to go in and participate in it. Everyone wins. Thanks.

**Mr. De La Torre** said I did look at some of the old archives. The other Academy, I believe it was about 15 years ago. We looked at how it was structured and what we can do to enhance it. How can we bring it into the 2020s now. It was really exciting to see that as the foundation and the model, and then bringing it up to 15 years later and utilizing the technology that we have and additions that we've

had to the account the County since then. And then the other thing too, is you're right; you built a free report with the other participants. Our county manager was part of an academy in another town and they still have reunions. There are many things this can accomplish. Ms. Whyman said many went on to have significant leadership levels and stayed within the system or utilize what we learned from the system in places that impacted the system. And you might go back and take a good look at who those people are. You'll recognize many of those names and get some feedback from those of us who did that and find out what we needed, what we benefited from, what we could use more of, and add that to the information you're gathering now. Don't overlook some of the good things that came out of Washoe County regarding this type of thing for leadership. Mr. De La Torre said I looked at all the resources because I wanted to know how it was done in the past and then what we can do today and we're going to enhance it next year and the year after. We're always going to find something to make a change and to improve upon it. I'm excited about it. There's always room for improvement.

**7. CAB MEETING DATE CHANGES** – Due to Monday holidays in 2022; the July and September meetings will be moved to Tuesday, July 5th and Tuesday September 6th. (Non - Action Item)

Chair Becker highlighted the updated schedule with the holidays in July and September.

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

**Kathie Julian** said I just would like to request that the CAB be allowed to have some input into the rules and regs for the neighborhood meetings that the planning department is planning. It would be great if the planning department sought our feedback based on what we've heard from the community about just how these neighborhood meetings might be improved, and how they can be effective. And to understand, in particular, when a neighborhood meeting is appropriate to have were required to have by a developer. I think that would be very helpful. And perhaps in our next CAB meeting, we can have some sort of presentation by the Planning Department on the issue of neighborhood meetings and how that's being developed. Chair Becker said I've requested such a presentation actually a little more in depth than covering that and other issues. We have not gotten that set up yet, but I will continue to work on that. And as soon as we find out the final word on the CAB handbook, I want to put that up, but I want to get it corrected for Incline Village.

**Judy Simon** said I just wanted to report briefly about the herbicides on the Tahoe keys. So, scientists answered and essentially debunked many public comments about the pitfalls of using herbicides in Lake Tahoe at both the Lahontan Board and TRPA. I raised some issues at the Advisory Planning Commission and the TRPA attorney stated that the only issue before the APC was the technical adequacy of the various environmental impact reports. So given that, I abstained from that vote. I also posed the question about what happens if things go wrong and who pays. Attorney Marshall responded that the permits include a standard indemnification clause with this permit. The anticipated effects and chances of anything going wrong with need to be indemnified are very small. In digging further, and the CAB might be interested in this, indemnification only covers TRPA; it does not cover IVGID. So that's something that we might want to look into because it appears that this is going forward. And I think there are still serious questions about monitoring and reporting out to the various agencies affected by this decision. Chair Becker said I wrote that lengthy request on indemnification of IVGID. I believe that Madonna Dunbar from IVGID also made a presentation, and she requested the indemnity after some conversations with IVGID. And then I was told that they were taking it under submission. I don't know if that's it or the lawyers were going to talk. Have you heard if they are going to indemnify? Judy Simon said that's what I heard that, that they were taking it under advisement. I think that really is something to follow up on. And what Madonna Dunbar said publicly at the meeting was that this is one for the attorneys to work out. I don't know just where that is. So that might be

something that we should follow up with IVGID. Chair Becker said I would follow up and report on that.

**Chair Becker** said I have one matter I just wanted to report to the CAB and the public. And that is last week; there was an abandonment of a very small piece of beach access available to the public. And there's still a small piece that has been left for access to the public. It is in a very rocky area, and I don't know how accessible it is. But there have been three abandonments of direct beach access for the public. No notice goes to any of us. I have requested that be something that will come before the CAB. I will report the responses to that request at the next meeting. Some other beach access points are where they're talking about abandoning those beach access points to either adjacent HOA or adjacent neighborhoods in Incline Village/Crystal Bay, and we do want to look at that. I know that we have our own private beaches, but areas like Crystal Bay don't. And it happens in the area where there just was the abandonment is not within the beach access at Incline Village. And that is an issue that I think we may want on the agenda next month to get public input so that might help us have some more ideas on how to approach the County. So just wanted to report that to everyone. Kevin Lyons noted they had come up to the CAB in the past when they were on the agenda.

## **9. APPROVAL OF MINUTES FROM PREVIOUS MEETING JANUARY 3, 2021** (for Possible Action)

**MOTION:** Judy Simon moved to approve the minutes of January 3, 2021. Kevin Lyons seconded the motion which carried unanimously.

**10. GENERAL PUBLIC COMMENT** — Limited to no more than three (3) minutes. Anyone may speak pertaining to any matter either on or off the agenda. Please raise your hand on your computer and then you will be called one by one. 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.

**Judith Miller** said I did just want to give a shout out. I remember the name of the short-term property manager; it was Sun Bear Realty; I believe they also are represented on the IVGID Ordinance 7 committee. Their advertisements consistently comply with the short-term rental regulations were clear and right at the top of their listings; they state the permit number, the license number, and all of the other required information. If all of them did that, we would have no problem identifying just which advertisers are not in compliance and which ones don't have permits. I hope Commissioner Hill is still on, but if she could just encourage or send a notice out to the others that they need to comply, I think that would go a long way towards actually regulating short-term rentals.

**Chris Wood** said, so what I'd like the CAB to consider if it hasn't already put affordable housing on its agenda. We have heard from the commissioner tonight, and she was expounding on these programs that have already been taken up in her capacity of some sort. It would be good to have some further discussion of that. And any other items regarding affordable housing. We heard from Mr. Butler a month ago from 947 Tahoe Blvd Development. He's talking about property in Incline that could that he's looking at for development and a partnership with the government for affordable housing. So there's a lot of potentials out there. California just passed Senate Bill 9 which may revolutionize the real estate market and that state. There's a lot going on, and I think this is an issue that CAB needs to be on top of if you haven't already planned to do that.

**Chair Becker** said we put that on our agenda or list of future projects. And we've asked for a speaker from the County to come and address that. The status is that the County is focusing on homelessness and that's where it's focusing its efforts. And it is doing an excellent job, if anyone has looked at what they're doing. But the County and the city of Reno have divided it up. So the city of Reno is taking the lead on affordable housing through its affordable housing agency. And some meetings Incline Village

is not a part of it in that group. And that is something we are hoping that we can find out how Incline Village could be a part of that and those discussions because right now, the County is going to need to focus its efforts and its financial wherewithal on homelessness. I wanted Commissioner Hill to report to us because I wanted her to tell you all at least that she's trying to get the budget to start a strategic plan. But hopefully, we will get a speaker on it at some point in the not-too-distant future. And it's a very good suggestion.

**Tim Delaney** said I heard the comment about Senate Bill 9 in California. That is destructive to the environment. And I was against that. Down here in Santa Cruz, I had these things called condors, and our water table or water supplies is very limited. I'm sure all of you heard about Woodside, and they're looking for ways out of this, and they've cited mountain lions. But whether it be condors or water supply, there are limitations to every environment. You can't just solve your problems by pushing for affordable housing and building many new units and everything and increasing more toilet bowls, people, and so on. It's not going to fix any problems. It's just going to make things much, much worse. And it will put much more pressure on wildlife and the overall environment to the detriment of everybody. I would encourage people to rethink a lot of things when it comes to development and more people. I understand affordable housing does affect Incline Village, it's hard to get people to work at Diamond Peak, and it affects us all, but I think we need to look at this a little harder than just building more units and ripping up more land and putting more pressure on wildlife. Thank you.

**ADJOURNMENT** – The meeting adjourned at 7:40 p.m.

Submitted By: Misty Moga