



## 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 at Incline Village General Improvement District, 893 Southwood Blvd, Incline Village, NV 89451 on July 28, 2014 - 5:30 P.M.

1. \*CALL TO ORDER/ PLEDGE OF ALLEGIANCE - Chairman Mark Alexander called the meeting to order 5:31pm. Bill Devine led the pledge of allegiance

2. \*ROLL CALL/DETERMINATION OF A QUORUM - Alexander, Mark; Eick, Gerry; Miller, Judy; Todoroff, Pete; Devine, Bill. A quorum was determined. Absent: Kevin Lyons. Excused absence: Deborah Nicholas.

3. \*PUBLIC COMMENT –

**Margaret Eadington** – Spoke about the propose trade of easement. Margaret said a 1926 map showed 3 public accesses. This access was the reasons why she bought the property. David Duffield owns that property and he knew this property had public access. She asked, “why would the County entertain trading this easement; millions of dollars have been invested to be put into gaining more public access, so why would they trade public access?”

**Ann Nichols** spoke about Lake access trade. She took pictures of potential lake accesses. She spoke about the other accesses and their conditions and gave handouts regarding the accesses. She said these need to be taken into consideration when making a decision.

**Andy Whyman** spoke about the Lake access trade issue. He said he is deeply troubled by this proposed trade agreement and there needs to be an open dialogue of this option. He said it's a curtailment of the rights of the public.

**Frank Wright** spoke about the lake access trade. He said he is appalled by the trade of community asset with something in Incline. It's not justifiable, unacceptable, and unrealistic. He asked, what happens to the property value to those who lose this public access? If they do lose this, there must be some kind of compensation – reduced tax base. You are going to lose county tax money. He said there is much that needs to be addressed.

**Shirley Kliman** spoke about beach access. She said it was reported that 800 people on speedboat beach on 4<sup>th</sup> of July. People need access to the lake.

**David Zeigler** said he was surprised we are revisiting to this topic. Public access is so precious.

**Suzanne Love** said she is a 50 year resident, and they have watched the town to change from residential town to mostly comprise of short term rental property and rental homes. She read from County memo document regarding Vacation Rental Issues. She said there was the La Crosse tournament this past weekend. She said they would like to see a recommendation from this group. She gave an example, if you have a small home, you can't lease it to a wedding or big group. She said she went online to see these small homes are renting saying they sleep '12 people.' Effective, July 1 – rentals had to be licensed with the county – tax. However, many of these use other sources to advertise rentals – VRBO, Craigslist, etc. She said she would like this group to peruse this issue.

**Tom Kenna** spoke about the Vacation Rental issue. He said Realtors and merchants run this town. He spoke about the beach access property issue. He said Duffield made a joke of a deal. Make a real offer.

With no more Public Comments, Mark closed item 3.

4. APPROVAL OF THE AGENDA FOR THE MEETING OF JULY 28, 2014 – Bill Devine made a motion to approve the agenda for the meeting of July 28, 2014. Pete Todoroff seconded the motion. The motion passed unanimously.

5. APPROVAL OF THE MINUTES FOR THE SPECIAL MEETING OF MAY 6, 2013 – Pete Todoroff made a motion to approve the minutes from the May 6, 2014 special meeting. Judy Miller seconded the motion. The motion passed unanimously.

6. ELECTION OF OFFICERS - Elections will be held to elect the Chair and Vice Chair to serve for the 2014 - 2015 term of office which will be effective from time of election through June 30, 2015 or until a successor is elected.

Chair, Mark Alexander, 775.772.9128 Recording Secretary, Misty Moga – mistybray33@yahoo.com CAB Program – 775.328.2720

Bill Devine made a motion to have Mark Alexander be the Chair. Pete Todoroff seconded the motion. Mark Alexander agreed to be Chair. Motion passed unanimously.

Pete Todoroff made a motion to have Vice Chair be Deborah Nicholas. Bill Devine seconded the motion. Motion passed unanimously. (Post Meeting Note: Deborah Nicholas' accepted the position).

7. \*UPDATES/ANNOUNCEMENTS AND CORRESPONDENCE – This item is limited to updates and announcements from CAB members, or review of correspondence received by the CAB.

Mark Alexander said he had received correspondence regarding Vacation Rentals, Martis Valley West Project, and the Land Exchange issue.

Bill Devine said he wanted clarification regarding the chairman's roll in establishing the agenda items/process. Marsha said she will give us an updated on that.

With no more further announcements and correspondence, Mark closed Item 7.

8. \*PUBLIC OFFICIAL REPORTS

A. Washoe County Commissioner Update – Commissioner Marsha Berkbigler will provide updated information on discussions and actions by the Board of County Commissioners (BCC). Following her presentation, Commissioner Berkbigler will be available to address questions and concerns from the CAB and audience. Commissioner Berkbigler may be reached at 775-328-2005 or [mberkbigler@washoecounty.us](mailto:mberkbigler@washoecounty.us).

**Update on restructuring the Animal Services Department:** Commissioner Marsh Berkbigler gave an update regarding the Re-structuring the animal services department which had been under the Sherriff's offices previously. She said they took a broad look at these services and thought it would be best as an independent department.

**Update on puppy mills and puppy shops:** She gave an update regarding changing ordinance regarding puppy mills and puppy shops and violent dogs; an ordinance will be put into place saying puppy mills aren't legal in Washoe County. Additionally, regulations will be put into place regarding pet stores from purchasing puppies from other puppy mills.

**Update on dangerous dog issue:** Marsha said regulations have been increased for a dog that has attacked or killed another animal. These ordinances/regulations will be up and running between November – January. We need to do public hearings regarding these regulations and ordinances. Please get in touch with Marsha regarding input for these issues. Judy Miller said she had read the proposed regulation and had a clarifying question regarding the leash law across the County. Marsha clarified that these laws were mainly for city parks and public areas. Judy was concerned for open forest land, and Marsha said it didn't apply there. Mark asked if Sarah Tone can send this to the CAB members. Coral Amende said she works with an animal rescue in the area. She asked the County please consult with rescue places before making new regulations, and before laws are final. Marsha said this is about aggressive dogs, not about that particular breed. It's about incidences of aggression. Andy Whyman said he applaud the County about addressing this issue. Also, there are certain breeds are more vicious than others. Happy to hear the County is more proactive about this.

**Update on Medical Marijuana – Dispensaries.** Washoe County has been assigned 10 dispensaries. 2-3 people are looking into getting one in Incline. Growers and bakeries are not limited. The law says it must be grown in a concealed warehouse. 15 – 20 warehouses possible. Dispensaries/Warehouse has to get a letter from County to get correct zoning – commercial/industrial. The dispensary has to be so many yards from school, etc. August 5-18<sup>th</sup> application dates for dispensaries. County needs to review them. A requirement for the County is a legal review of the people running a dispensary and a State on background check. Marsha said the State will have control. She said if you have concerns, please let us know. We have had several hearings, and no one has been negative about this topic so far. This will go fairly smoothly. Tom Kenna said we don't want one up here. Please leave it down in Reno. Marsha said the State determines if Incline gets one. Al Rogers clarified the timeline August 5-18<sup>th</sup> state application process, and designation is made on the 12<sup>th</sup>. He said if we don't designate a community, then we won't get all 10 dispensaries. Mark Alexander asked if these are money makers for the County. Marsha said not really. Some tax, distributive School funds and some goes to the State.

Marsha said the Budget is online for the new fiscal year.

**Update on land swap:** Marsha said she has asked staff to do a complete legal review to see if we have a right to do this. We have asked an assessor to assess the property values how they would be impacted. The Duffield property would be assessed, but we won't re-assess every house. She said the assessor is to take a broad picture. Duffield hired an

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archeologist from State of Nevada and a team who will be reviewing the artifacts and historical value to the Western United States. Duffield is paying for all of this process. We haven't had an appraiser to come one yet – may be next year. No firm commitment. It's just a review.

Ann Nichols asked what is taking so long. Marsha said we aren't asking this in a bill draft. Marsha said it's her fault, she wants to know the legal right to this exchange, and if there is a value to the County as a whole.

Margaret Eadington said there is no reason to trade away public land. We want to follow this closely. Marsha said the process has to be done at public hearings. There have been a number of community members who are active in this process. There is a value to the County as a whole to protect the Bull Wheel. Marsha said the Forest Service doesn't want a part of it. It would probably be a State park. Margaret said we aren't opposing this, it's the method of which you are approaching this. Marsha said she understood and spoke with TRPA, and asked what Duffield's plans are. We don't want them to build anything to block the view. Marsha gave example of Winnemucca water rights and said it's not uncommon. However, it takes a long time to review; and need to understand what we have on both sides. No one in the County are representing the Duffield's. We are taking a serious look at this.

Andy Whyman asked how did these two issues become conjoined. If this is a valuable relic, there could be a different way to get it rather than taking the access away from the public. Marsha said they are paying for the research, but they aren't choosing the people who are doing the assessment.

Andy Whyman said money will flow through Nevada when we make Marijuana legal in Nevada.

Margaret Eadington said we are forced to spend money. And we need to defend our rights. Duffield is a millionaire and we are not.

Frank Wright said this conversation happen a year before we knew about it. This wasn't public, it slipped out. He said you are doing an assessment of Duffield's property, but who is paying for our appraisals of our properties with or without access. The county doesn't have authority to do this. There isn't any relationship.

Shirley Kliman said she has attended all the meetings regarding this issue. The deal is - Duffield won't make this agreement unless this exchange happens.

Mark Alexander asked about the money for permitting process for CB and for IV. Money is designated for a park. There is \$900,000 sitting in an account; only used for specific purpose. \$400,000 for Incline sitting in the reserve accounts. Judy Miller said she looked into the permitted uses. The money can only used for 'neighborhood parks.' I wouldn't consider a bike path as a neighborhood park. Mark said he is working with TTD on the bike path.

Rick Jones said they were aware of this fund to do improvements in the past. These funds are earmarked for Recreation. Funds used for construction, but not the maintenance. We explored these funds when we had a lot on Gonowabi. We were going to be sued, so we deeded it back to the State. Those funds are available.

Update on CAB meeting agenda setting: Marsha said the CABs discuss the footprint they are responsible for. Martis Valley isn't within the footprint and doesn't impact the IVCB footprint. The chairman sets the agenda.

With no further updates and discussion, Mark closed Item 8.

#### 9. \*PUBLIC SAFETY AND COMMUNITY REPORTS/UPDATES

A. Washoe County Sheriff Office (WCSO) – Report on public safety issues and concerns. Information about WCSO is available online at [www.washoesheriff.com](http://www.washoesheriff.com) or 775-328-3001.

Sheriff's Deputy reported that Bear calls are on the rise, and we are working with NDOW to educate residents. Road construction on Mt. Rose will be stopped until August 4<sup>th</sup>.

B. North Lake Tahoe Fire Protection District (NLTFPD) – Report on fire issues and concerns. Information about NLTFPD is available online at [www.NLTFPD.net](http://www.NLTFPD.net) or 775-831-0351.

Mike Brown, IV/CB Fire Chief reported they received 1001 calls year to date. July is a busy month for us. He thanked the community for coming the pancake breakfast; it was very successful. He said there have been two significant fires – Allen Court structural and Tahoe blvd at Mexican restaurant, which was believed to be arson. Arson is very hard to prove. 3

people were arrested for this. We work with the Sherriff's department. He said they helped out in Oregon and in El Dorado County with fires. We have a great fire adaptive community. Give us a call for chipping and defensible space.

Dave Zeigler said he would like to thank the fire department for fire detector installation.

Mike Brown reminded everyone of the 'Knock Box' program – easy access for fire department. Secure program. Only the Fire Department has access.

With no further updates or comments, Mark closed Item 9.

10. \*ELECTION MAILING PROCESS – A representative from the Washoe County Office of the County Manager will provide an update on sample ballot mailing process. Information about the Registrar of Voters is available online at [www.washoecounty.us/voters](http://www.washoecounty.us/voters).

Al Rogers from the County Mangers office gave an update regarding the Sample ballot issue. He was presenting for the Registrar of Voters office. He said 324 register voters of Crystal Bay didn't receive the sample ballot. He said approximately 15-20K addresses were 'bumped'...addresses where the person has moved. Unfortunately 324 Crystal Bay zip code addresses were included on that 'bumped' list. There isn't a failsafe process, and we are looking into putting things in place for checks and balances. We were made aware of the mistake when the issue was filed with the Secretary of State. We will get an update of the processes. It's an unfortunate incident and fail safes will be put into place. Bill Devine asked if it was June 10 when they looked into it, or after Frank made them aware of it. Al Rogers said the due diligent happened at that time. Incline Village residents with CB Post Offices didn't receive it as well. Judy Miller asked if Washoe County has authority to run another election. Al Rogers said we can look at that. We are conferring with the Secretary of State for a solution. Frank Wright said that it was between 14 votes of who was elected, and the election was tainted. Register of Voters has to take action to correct this. We don't have anyone from CB representing on the BOT. Issues could be smoothed over if someone from CB could be a rep on the BOT. The secretary of State can fix this issue by putting everyone back on the general election. Al Rogers thanked Frank and everyone. He said we will work to get the right thing done.

Mark closed item 10.

11. \*MARTIS VALLEY WEST PARCEL PROJECT, PLACER COUNTY – Citizen Advisory Board members will discuss the potential to follow the Martis Valley West Parcel project. Martis Valley West Parcel project is located within Placer County and Nevada County, California between Kings Beach and Northstar resort straddling State Route 267. The project is within the Placer County and the Tahoe Regional Planning Agency jurisdiction. Additional information is available at [www.placer.ca.gov/departments/communitydevelopment/envcoordsvcs/eir/martisvalleywestparcel](http://www.placer.ca.gov/departments/communitydevelopment/envcoordsvcs/eir/martisvalleywestparcel) Individuals interested in receiving updates on this project may sent their request to Placer County Staff Planner: Stacy Wydra at [swydra@placer.ca.gov](mailto:swydra@placer.ca.gov).

Mark Alexander gave a brief update why this project was on the agenda. He said he was concerned regarding access and flow in emergency situation. He said we have a lot of knowledgeable residents and advocates in our community. Mark asked if the CAB board wanted to form a committee and give input to Marsha for her roll on the TRPA. He asked if this project is an impact on our community. Pete Todoroff said it has an impact here. Bill Devine said it does impact us, but questioned if we will make an impact over there. Mark said it was a community basis issue. Marsh said she doesn't know if this community would make an impact, however, if you provide feedback and concerns, she could bring it to TRPA. Judy Miller said it will take someone to study this project and get a handle on the potential negatives and positives. Gerry Eick, IVGID, spoke about how emergency agencies have resources and study exits and entrances into/out of the basin. They spend a lot of time studying different roadways, and they already meet regularly regarding this. Gerry said the CAB would have minimal impact on the projects outcome. Christina Hill explained the Martis Valley Project on Brockway – timber development zoned. Timber harvesting. They will rezone and transfer the zoning into Tahoe basin. She showed the projects/units plan. As a planner in Tahoe for 35 years, she said this is scary. In order to do this project, they have to do so many amendments to codes and to the new TRPA regional plan. There is only one road in and out of this development. It will be a gated community. It's not affordable housing. Christina said this impacts our community. The environment doesn't know political boundaries and it will impact everyone. David Zeigler asked why there is already a variance request after years of making a TRPA regional plan.

Mark Alexander said this is outside WC, however, it allows us to express our positive or negative feelings on this project. Mark asked the public if they believe this a forum to explore effect on our community. This can be an advisory voice. CAB can have more positive impact. Ann Nichols said she believes the CAB will be listened to. It will be 1million square feet in the basin. Ann handed out information. She encouraged the CAB to pursue this. Andy Whyman said we should be

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cautious when using the words 'mansion.' TRPA can address Basin wide issues. Any way we can communicate basin wide issue is very relevant. The dialogue might help. Frank Wright spoke about agendizing this item. These issues need to come to meetings such as CAB. This development will impact everyone. There needs to be a bi-state agency to discuss this, like TRPA.

Mark asked the CAB what is the path forward? We need to allow a group to get together or single CAB member and public members to be part of this project. Mark asked the community to work with Judy Miller to participate on a special meeting.

Interested community members:

Coral Amendy  
Christina Hill  
Ann Nichols  
Dave Zeigler

Ann Nichols said August 1<sup>st</sup> is deadline for comments regarding the area plan with more opportunities.

**Motion: Pete Todoroff made a motion to form a group to follow and research the Martis Valley development project; Bill Devine seconded the motion to form the group. All in favor. Motion passed unanimously.**

Gerry Eick said there CABs can have a 'special meetings' or 'forums' possibly for this topic. Mark agreed and said he spoke with Marsha about possible special meetings.

Mark closed item 11.

12. OLD BUSINESS: VACATION RENTALS IN INCLINE VILLAGE/CRYSTAL BAY – A follow-up discussion regarding the community concerns and social issues associated with neighborhood home rentals in Incline Village/Crystal Bay including the possibility of recommending Washoe County develop a related ordinance. This issue was previously addressed at the March 24 Citizen's Advisory Board meeting.

Mark Alexander said he hadn't realized the County did a staff report at March meeting while he was out of the country. Mark reviewed the memo; the Sherriff said to file a complaint and sign it and they will handle it. He said the intent of this item was to focus on our community specifically and wanted to bring it back to ask if there is a community interest or concern regarding this issue – is there more that we can do. Is filing a complaint adequate enough? Bill Devine asked for clarification. The BCC decided not to adopt modifiers in laws. We need to find out if that is still the case. We need to find out if we can do something specific to this area. Andy Whyman said this statement in the memo is factually wrong. David Zeigler said he agreed. Andy said his recollection is very different. Legal counsel said area modifiers were permissible and encouraged them, and is amazed at this misinterpretation. They supported us at the time. Gerry Eick said he remembers that both sides were right. He said we could have area specific ordinances and legal counsel encouraged us to develop those and we went through the process. However, the DA said they couldn't be enforced the same way. There was an enormous amount of time to develop, and DA disagreed with adopting them/enforcing them. Bill Devine said it would be prudent to get some answers before doing more work.

Mark Alexander said he wanted to look at this focused topic, vacation rentals, our community spoke about in September 2013; the single most critical issue impacting their quality of life in this community. It's larger in scope than the question brought forward. Strict focus on vacation rentals and bring forward to county Commissioners, and as a group, and put together a fair and equitable way to address this issue. Dave Zeigler asked did they go to the Sherriff's department and what was the solution? Bill Devine answered Dave's question regarding the Sherriff's response. Nobody was willing to file the complaint because you have to sign the citation. That is where the problem arose. Retribution was an issue. The Sherriff is the answer to a certain degree. Suzanne Love said it's not just internet rentals, there are issues with Realtor/broker rentals as well. The broker never answers.

Rick Jones said he attend a stakeholder meeting 10 years ago where City of South Lake Tahoe worked on Vacation Rental issues. The memo outlines it. There are effective points. El Dorado County has done the same. He said Bill Devine has the right idea with asking if the County would allow us to address this again. There are a lot of people up here enjoying Tahoe and renting. We have to approach the county and let them know we have serious concerns. At the March meeting, community voiced their opinion and some are now selling their dream home due to this issue. When our quality of life is threatened by someone who doesn't care, we as community members have be heard. The CAB is the correct venue and we need to come up with ordinance. Bill Devine said we need to find out where legal counsel stands on this topic.

Andy Whyman agreed with Rick Jones. He said there is a process that happened for many weeks before going to the County Commission. We made sure legal and staff was on board. However, there was a member of the real estate board who threatened to sue the county for making ordinances at the Commissioners meeting. Robert Law spoke about the problem with rental properties and property values.

Rick Jones said there is an impact on the infrastructure. We are really close to the saturation point. As a community, we need to decide the economic benefits by bringing money to the area. There is a bigger picture that needs to be examined. He said here might not be an answer and but is willing to help create a plan. Make certain if we come up to something that we won't get sabotaged.

Gerry Eick said two things: these things are often controlled through zoning – parking limited to property. It's a factual issue according to zoning opportunities. Community plan for IV/CB for TRPA – is there something we can get in there regarding density, parking, anything with enforceability. That plan is going through planning process – linkage to zoning, endorsement, and enforcement; unique to this community. Bill Devine said we have to be aware of enforcement. Mark said we are hearing from the community, and do we want to move forward. Bill Devine said yes, it needs to be addressed.

Judy Miller read zoning laws regarding 'non-transient.' Judy asked Marsha about current zoning that doesn't have enforcement. Marsha said she can research this.

Mark Alexander asked the board if we have consensus regarding addressing vacation rental issues. We need to ask the questions and don't go through months of work, and ask quick, specific questions. We challenge that this paragraph in the memo is correct. We need to get answers before moving forward. Marsha can respond to us to give us a better roadmap to go about this. Mark asked the Board members to volunteer to head the research on this issue and invited the community to be involved on the process to resolve these issues.

Bill Devine said he feels he has a bias to be part of champion this due to the law enforcement involvement.

Judy Miller said she can champion this issue as well. Mark advised Judy to speak with Deborah Nicholas. Mark asked the community if they would like to participate.

Interested Community members:

Rick Jones

Andy Whyman – Input

Rick Jones said we should see what the County says. Andrew Mayrol said he said he supports, however, VRBO has been around forever and is a huge fight. It will take awhile. It's a big fight.

**Motion: Judy Miller made a motion to pursue a solution to the vacation rental issue. Bill Devine seconded the motion. All in favor. The motion passed unanimously.**

Mark closed item 12.

13. CAB Meetings – For discussion and possible action, the Washoe County Citizen's Advisory Board will discuss the necessity to request an increase the number of special meetings available to the CAB.

Mark said that has been addressed. They aren't schedule meetings, but specific to address special topics.

Mark closed item 13.

14.\*CHAIRMAN/BOARD MEMBER ITEMS - This item is limited to announcements by CAB members of topics/issues posed for future workshops/agendas.

Pete Todoroff wanted to talk about NRS statue, regarding giving advanced notice to that town on board agendas, specifically speaking about the ATT tower. Marsha said that ATT towers go to Board of Adjustments and will only go to BCC meetings if there is an appeal. They take it to the Board of Adjustment because it will be on public land. It has to be appealed within 10 days. Bill Devine said he remembered the appeal was too expensive for the HOA. It needs to be addressed through the correct avenue. There were no violations. Marsha said she will look into the cost of appeal to see what it is.

Pete Todoroff said he went to a meeting regarding the Land Swap issue. We are representing this community and no one wants land swap. Why are we still doing this? Marsha said that isn't accurate to say that everyone opposes the swap. There are a large number of trails people who support the swap. This is a key location to complete the flume trail.

Mark Alexander said during Marsha's townhall meeting, Mark spoke with Bill Whitney regarding the alternative on Gonowabi and would like Bill to do his due diligence on that. Mark said he also brought to his attention regarding the Tyrolian trail and would be happy to show him this trail. There are issues with this, including erosion control. Marsha said she will speak with Bill about this. Bill Devine said there is different mountain biking groups. Mark Alexander asked Marsha to speak with Bill Whitney regarding his due diligence.  
Mark closed item 14.

15.\*PUBLIC COMMENT – Limited to no more than three (3) minutes. Anyone may speak pertaining to any matter either on or off the agenda. Members of the public are requested to submit a "Request to Speak" form to the Board Chairman. Comments are to be addressed to the Board as a whole.

Al Rogers, County Manger Office. Said this program will hopefully communicate more and have better dialogue. Al said he is a resource and encouraged people to call him. He said his roll is to solve problems. Sarah Tone will have more time to work on issues in Incline Village/Crystal Bay.

Rick Jones spoke about trail maintenance. He said by this weekend, the fire department/police department will have reference along the flume trail to help location troubled bikers/hikers.

Andy Whyman thanked the CAB to make this a meaningful meeting.  
Mark closed item 15.

16. ADJOURNMENT – Pete Todoroff made a motion to adjourn the meeting. Bill Devine seconded the motion. All in favor. The motion passed unanimous. Meeting adjourned at 8:33pm.

Number of CAB members present: 5

Number of Public Present: 20

Presence of Elected Officials: 1

Number of staff present: 3

Submitted By: Misty Moga