



## **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 November 4, 2019, 5:00 P.M.

**1. \*CALL TO ORDER/ PLEDGE OF ALLEGIANCE** – Pete Todoroff called the meeting to order at 5:32 P.M.

**2. \*ROLL CALL/DETERMINATION OF A QUORUM** - Pete Todoroff, Kevin Lyons, Michael LeFrancois, Mike Sullivan. A quorum was determined.

Absent: Judy Miller(excused)

**3. \*PUBLIC COMMENT** –

With no requests for public, Chair Todoroff closed the public comment period.

**4. APPROVAL OF AGENDA FOR THE MEETING OF NOVEMBER 4, 2019** – Kevin Lyons moved to approve the agenda. Mike Sullivan seconded the motion to approve the agenda for **NOVEMBER 4, 2019**. Motion carried unanimously.

**5. APPROVAL OF THE MINUTES FOR THE MEETING OF JUNE 3, 2019** – Mike Sullivan noted he is an alternate and the minutes noted he was absent/not excused, but alternates don't need to be excused. He requested that to be reflected. Kevin Lyons moved to approve the minutes of **JUNE 3, 2019** with correction that Mike Sullivan was absent. Mike Sullivan seconded the motion to approve the minutes as corrected. Motion carried unanimously.

**6. DEVELOPMENT PROJECTS-** The project description is provided below with links to the application or you may visit the Planning and Building Division website and select the Application Submittals page:  
[www.washoecounty.us/comdev](http://www.washoecounty.us/comdev)

**6.A. Special Use Permit Case Number WSUP19-0006 (Verizon Monopole)** - Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request for a special use permit for the construction of a new wireless cellular facility consisting of a 45-foot-high stealth monopine structure (aka cell phone tower disguised to resemble a pine tree) designed as a collocation facility and a small cabin structure to house the wireless equipment. The monopole is proposed to be located on the southern portion of the 3 acre parcel at 1200 Tunnel Creek Road. (for Possible Action)

- Applicant\Property Owner: Epic Wireless for Verizon Wireless\Tunnel Creek Properties, LLC
- Location: 1200 Tunnel Creek Rd.
- Assessor's Parcel Number: 130-311-17
- Staff: Julee Olander, Planner; 775-328-3627; [jolander@washoecounty.us](mailto:jolander@washoecounty.us)
- Reviewing Body: Tentatively scheduled for the Board of Adjustment on December 5, 2019

Buzz Lyn, Applicant representative, provided an update with the changes since the last time it was proposed.

Mike LeFrancois asked if there are any proposed trees in the area that are similar to the proposed tree. Buzz said the monopine is much shorter, and mimics the jeffery pine in the surrounding area.

Kevin asked if there were any other changes to the application

Public comment:

David Geddes said it's important to include the pad elevations for the mechanical room and the tower. He spoke about fill that isn't depicted in the plans. He said the simulation pictures show the roadway. It's not realistic. Realistically, someone can see the entire tree. He said the pine tree tapers naturally, but the tower has a box at the top. It's important to see what it actually looks like. He spoke about the mechanical room on the roadway. It needs to be clarified. The pad elevation is very important. The most important simulation is simulation from the residence. This will obstruct the multimillion-dollar view. The board needs to consider these things. He said it would be helpful to put stakes in the ground to show the location of the pad and depict the height of the tree to show the structure.

Pricilla O'Leary provided a written comment – The cell tower produces a lot of trash in the form of plastic looking blades. We picked up approximately 2,300 pieces of trash produced by the cell tower.

Alec Flores held up a jar with pine needles. He spoke about the materials from the pine tree on the Mountain Golf Course. He asked how this will impact the Lake. If it will be constructed to mimic the monopine, he asked how it will be constructed and with what materials. He said we need cell coverage but not at the expense of the lake.

Hillary asked if there is limit on expansion. She said Scientific American article spoke about impact of cell towers. She asked if the tower can be limited to 4G. She asked that this is not a blanket approval and limit usage. Please research human safety. She said she doesn't care what it looks like but sympathize with the neighbors who have to look at it, and it should be screened with other natural trees. She said it should be designed for one usage. Look at the impact on humans before expanding.

Craig Olson, Tunnel Creek owner, he said he has done cell sites on property before. He said he put Verizon through the ringer about the appearance. He said this is his property. He said if he was concerned about radio waves, he wouldn't put it on the property. He said he wants it to look good. He said he is concerned with the materials falling off as well. He said he spoke with Buzz about the tree shedding. He said there will be strong language in the contract. He said he doesn't want to put trash in the lake either. He wants to reduce waste and protect the lake. He said cell towers are NIMBY. It won't impact Mr. Geddes or his mother-in-law. He said he met with Duffield's representative. He invited everyone to meet and talk to him. He said he doesn't need the lease money, but we need to coverage. He said they are accepting comments about the look and how to protect the environment.

John Finney, neighbor of Craig Olson, spoke about 5G technologies. It will be distributed on smaller posts around town. It's not a larger tower for 5G.

Hillary asked if another company gets added to the same location, does it increase the cell tower power. Mike Sullivan said the other cell tower proposed was 125 feet. This one is 45 feet. Buzz said carriers like to co-locate so they don't have to recreate cell towers, but at 45 feet, there isn't the opportunity. He said if that is to happen, it would come back to the CAB.

Mike LeFrancois asked about the proposed changes. Buzz said it wasn't to the pole or antenna which will remain the same. He said the structure would move downhill to reduce the view shed by 12 feet vertical and horizontal.

Pete Todoroff asked if it was staked out. Buzz said no. Pete said it would be helpful.

Julee Olander said there are 3 distinct trees where it will be located. She would be happy to send pictures.

Craig Olson said equipment shed with air conditioning units didn't go over well with him since it doesn't look like a log cabin. The air conditioning unit will be on the inside. Craig said he is doing everything to make it look like it belongs there..

Kevin Lyons explained wave length and energy between 4G and 5G technology. He said he would live next to this tower.

**MOTION: Kevin Lyons moved to recommend approval and recommend it being staked. Mike Sullivan seconded the motion to recommend approval and to forward community and Citizen Advisory Board comments to Washoe County staff on a request for Special Use Permit Case Number WSUP19-0006 (Verizon Monopole). Mike Sullivan noted Craig Olson will be the first person to approve or deny the final project. The motion passed unanimously.**

**6.B. Abandonment Case Number WAB19-0002 (Romance Ave.)** – Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request for an abandonment of Washoe County's interest in ±3,231 square feet of the southern portion of the unimproved right-of-way of Romance Avenue between Lake Tahoe and Lakeshore Drive to the property owner at 1713 Lakeshore Drive (APN: 130-331-05) to the south of the abandonment site. (for Possible Action)

- Applicant\Property Owner: Lee Herz Dixon\Washoe County
- Location: Adjacent to parcels 130-331-04 & 05 off Lakeshore Drive
- Assessor's Parcel Number: 130-331-05
- Staff: Julee Olander, Planner; 775-328-3627; [jolander@washoecounty.us](mailto:jolander@washoecounty.us)
- Reviewing Body: Tentatively scheduled for the Planning Commission on December 3, 2019

Art O'Connor, applicant representative, provided a PowerPoint slide show.

- Requesting abandonment of south half of Romance.
- He provided a map of the location south of Incline Village.
- Romance pre-dates the dam in 1909
- He spoke about the lake levels
- In 1933, a new map was recorded with new alignment of Highway 28
- Washoe County has already abandoned 3 roads in Rocky Point
- He reviewed Rocky Point Topographic map
- Romance contours are steep slopes
- He said the property line crosses through the neighbor's property. It's an encroachment.
- He showed pictures and a video of existing public access
- He showed pictures of Romance parcel and property line of the Dixon's, IVGID Pump station, and storm drain treatment system
- He spoke about hill scar and erosion. He said they are proposing turfstone/gravel and access for IVGID access to lift station where the hill scar is located.

#### Benefits of abandonment:

- Dixon deck encroachment resolved
- 3,200 s.f. added to tax roll
- Erosion mitigation
- Repair access to lift station
- Automatic backup power for lift station
- IVGID lift station protected with fencing
- Public access built to current code
- Turfstone path environmentally friendly

Pete Todoroff said he went down there Saturday and agrees with the erosion issues. Art said they will clean that up and include a utility board to replace the old plywood.

Kevin asked the history of the dock structure. Art said the people across the street built that many years ago. You cannot receive prescriptive right on public property. Everyone can access that dock. The County expressed the desire to obtain it and updated it to code. He said he believes it was 50 years old. Kevin asked how wide. Art said 50 feet. He said IVGID will take 20 for access to lift station, with 5 feet for public access. Kevin asked if the appraisal was done. Art provided background on the nearby abandonment, and the County did not get money. Half will be valued for Dixon on boundary line and increase their evaluation of taxes and County will start to collect. Art said it probably wasn't surveyed. Kevin spoke about paying fair value of the land unless it was a mistake by the County. Kevin said you are taking public property and transferring it private owner. He said it's curious behavior without fair compensation of public funds. He said appraisals might equal the improvements. Art showed the map of their deck and shed and reconstruction of the property. He said it use to be a larger encroachment. He spoke about an established buoy and right to build a community pier. He said the Dixon's want to build a community pier to be used by the Steinheimers and Finney property. Art spoke about fencing and screening with vegetation. He said they will have to do a boundary line adjustment. This property has been in the family since 1926. Kevin said there needs to be an appraisal; it's public property. He asked how there can be transfer public land without appraisal. Art said the County hasn't been collecting taxes on this property. It's being put on the tax roll. Art spoke about application appendix of previous abandonment.

Mike LeFrancois asked how they will maintain the land. Art said IVGID will maintain it. Julee Olander said IVGID will maintain fence around lift station, and nothing else. It's not IVGID property, its Washoe county property, but can't find interest in maintaining this land. Art said IVGID didn't repair the scar after replacing the lift station. Julee Olander said she wasn't sure if the County wants liability of this access. She said it's currently public access.

#### Public Comment:

Richard Dixon said he doesn't mind paying for appraisal, but it's a non-buildable lot. People have been using that street as access to the lake. We have started to see deterioration and there is soil erosion. He said he doesn't mind leasing or renting it. He said the County isn't taking care of it. He said they won't build on it, but rather landscape it. He said we spend our money to maintain County land with native vegetation. He said across the street neighbor had pipes and electrical lines run down there. He said we have problem with exposure liability to the County. The people across the street wants to access the lake. He said we are trying to satisfy, but the county doesn't know what they want. We are trying to rectify the erosion and abide by TRPA strict guideline. He said we won't build on it, but we want to plant vegetation to prevent erosion.

Matt Callahan said his father built the cabin across the street in 1958 and installed the pipes. That is why that structure was built originally for a pump house. He said 4 generations have used that dock. He said they have maintained that dock. He said they have a problem with meeting noticing. He said we found out last Friday about this meeting. The neighbors emailed him. He said there isn't delivery of mail to physical address. It's lack of legal notice since they just found out about it. The abandonment of Romance will take away their access. Matt said he has IVGID water. The piping was taken out at that time. Art said their dock is not part of the abandonment. Mike Sullivan asked about noticing. Julee Olander said it's a courtesy notice; it will be required noticing when it goes to Planning Commission. Julee noted she sent it to PO boxes, not to physical addresses. She said they use the tax bill address. The official notice will go out when it goes before the Commission. Matt said he didn't talk to the Dixons. They aren't on the best terms.

Derek Callahan spoke about how his grandfather built the cabin and pumped water since early 60s. There has been no notification that it's not supposed to be there. He asked why does the Dixon have say of what happens of the northern section of Romance avenue. It's disingenuous to say it's not upkeep. He said his mom spends time and money to keep it maintained.

Pete Todoroff asked for clarification about being what is being maintained. Derek said they maintain the dock structure. They use the slope to access. Pete said the slope is not being maintained. He said there is an issue with erosion. Matt said he has been asking the County to replace the steps for 5 years now.

Jenette Finney, neighbor, said TRPA should go after Washoe County and IVGID for BMPs. It's not the Callahan/Herz to maintain that hill cut. She said there were old wooden stairs that disappeared that was the access. It's been removed on public land. IVGID needs to access the lift station.

Lee Dixon, 1713 Lakeshore, said she refuted what has been said. The wooden stairs were built by her uncle on the south end. It was removed by IVGID because they felt it was endangering their staff down to the lift station. There has been steps carved out illegally. She said she saw Matthew and Derek dig out those stairs which increased erosion. The property is not maintained. The only maintenance added was caution tape added two years ago that said use at your own risk.

Catherine Julian asked if this dock permitted on public land or private land. She asked who is allowed to use it. She asked for clarification. Lee Dixon said its Washoe county property with unpermitted structure. Kevin Lyons provided a similar situation with Crystal Bay public access to the lake. She said she can use it. Richard Dixon said he called Joe Pomroy when they were doing this, and Joe said he was tearing it down because it was unsafe. Richard Dixon said he can use his stairs as easement. He said Joe is concerned about someone messing with the plumbing and so it will be fenced and landscaped. It's not safe currently. Not one wants sewage in the lake. Richard said he would put a generating source so that would not happen. He said he will spend so you won't have to look at it.

Tina Williams said spoke about how she doesn't see a difference between the docks both encroaching into public land. It's public access land being cleaned by a private owner. She said anyone would love to receive an abandoned piece of land on the lake. She said no one has maintained it. She said someone was struck and killed on the highway. Its public access with no proper access and parking. She said we want access to the lake, but any person acquiring land from public should go through process of being purchased as a lot on the lake that someone has the right to buy. Lee Dixon said its public access now. It's no different than abandonment than Twain or Reno in which the abandonment was approved. We are asking for that same courtesy.

Jeanette Finney, neighbor, said he knows about the abandonments. He provided history of the abandonment.

Mr. Connor said the last previous abandonment portion of Romance across the road was for absolutely no money. He said they built illegally on County right-a-way. County gave them the land instead.

Julee Olander said the County abandons without charging a fee. It's a piece of property the County doesn't want to maintain. She provided clarification of why we are abandoning it. She said there are plenty of ways abandonment can be done. It's proposed for 25 feet. But it can be only 10 feet, 25 feet, or nothing at all. She is trying to take in all the voices and comments.

Pete wanted clarification regarding noticing per NRS. Julee Olander said this is courtesy notices, but required notices will go out for the Planning Commission and Board of County Commissioners.

Lee Dixon said this is decades of resentment and familial objections.

Tina Williams said abandonment can take place in different ways. This is a special and unique case on the Lake. As a member of the public, there is already limited lake access for public. This is going from public to private.

Jeannette Finney said no one at Rocky Point has access to IVGID beaches. This is Callahan/Herz' access to the beach.

Susan Herz Callahan read a letter her brother wrote. They are requesting postponement. She said she can provide invoices of maintenance of the dock. A dock was created back in the 60s. She reiterated they haven't had time to digest what is this application so they can seek council.

Mike LeFrancois said Washoe County doesn't have a lot of land on the lake. He said there are options for public access. Erosion can be solved. There is lack of maintenance.

Kevin Lyons spoke about typical abandonment cases. He spoke about the land swap proposed for bull wheel for lake access in Crystal Bay. He said there is a lot of opportunities. IVGID should be held responsible for repairing the land. The County isn't maintaining it and they aren't getting money generated from it. He suggested perhaps an endowed park. He said make sure this land of value is being done properly. It doesn't feel ready. There could be a good solution here.

Mike Sullivan said it's been sitting for so long, let IVGID do what they want. IVGID was wrong on the whole deal. I'm surprised the County isn't upset about it. Art said IVGID didn't cut those stairs.

Pete Todoroff said Planning Commission will hear this on December 3<sup>rd</sup>. He invited them to attend the Commission meeting to state their concerns. Matt asked for extension. Julee said they can discuss this further after the meeting, and we can come forward with something to agree with all parties.

MOTION: Kevin Lyons recommended the neighbors talk with the County. Kevin Lyons moved to recommend further work on this before the Planning Commission hears this item, and forward minutes and comments to County Staff. Pete Todoroff seconded the motion. The motion passed unanimously.

**7. \*WASHOE COUNTY COMMISSIONER UPDATE-** Commissioner Berkbigler was not available to address questions and concerns from the CAB and the audience. Commissioner Berkbigler can be reached at (775) 328-2005 or via email at [mberkbigler@washoecounty.us](mailto:mberkbigler@washoecounty.us).

Julee Olander announced there will be a Tahoe Area plan neighborhood meeting with Eric Young after Thanksgiving. She said there will be a notice sent to the community. They are still having conversation about where that meeting will be located.

**8. \*CHAIRMAN/BOARD MEMBER ITEMS-** This item is limited to announcements by CAB members. (This item is for information only and no action will be taken by the CAB).

There were no updates

**9. \* GENERAL PUBLIC COMMENT AND DISCUSSION THEREOF –**

With no requests for public comment, Pete Todoroff closed the public comment period.

**ADJOURNMENT** – meeting adjourned at 6:41 p.m.

Number of CAB members present: 4

Number of Public Present: 12

Presence of Elected Officials: 0

Number of staff present: 1

Submitted By: Misty Moga