



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 and in-person at the Incline Village Library on January 3, 2023.

1. CALL TO ORDER/ DETERMINATION OF QUORUM – Chair Becker called the meeting to order at 5:30 p.m. The following CAB members were in attendance: Denise Davis, Kevin Lyons, Chris Wood, and Diane Becker, Judy Simon, and Roxanna Dunn.

2. PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was recited.

3. GENERAL PUBLIC COMMENT –

Ronda Tycker, a 32-year resident of Incline Village, said on the first page of the current 2021 Tahoe Area plan is the following quote, "The purpose of this area plan is to implement the planning concepts contained in the TRPA regional plan in a manner that is consistent with the desired community character and vision as expressed by the community throughout the development of this plan." I would like to point out that our community has in the past and continues today to express hopes for a different vision than is reflected in the current plan. I mentioned this to Eric Young as he painstakingly revised the 2021 plan. In one instance, he told me he was required to put a bus hub at the old Incline Elementary school, no matter what Incline residents wanted, because that's where the bus hub was located in TRPA's regional plan. I pointed out that in both the 2007 and 2012 community wide visioning meetings, the community agreed that a mixed use village center should be built at the old elementary school site. Additionally, since 2019, the Incline community has been united in opposing a bus hub at the old elementary school site. So even the current 2021 Tahoe area plan falls short of reflecting our community's desired character and vision. Relative to the currently proposed plan revisions related to the 947 condo project, since August 2022, we residents have given public input at every opportunity, with residents voicing our greatest concerns about luxury condominiums being permitted in a zone intended for affordable and mixed use housing only. In fact, since August, an analysis of the public input from the Washoe County records shows that the vast majority of public input is against changing the Tahoe area plan to allow developers to build luxury condos in our commercial zones. So simply holding public meetings like this to allow public input does not ensure changes to the plan are consistent with "the desired community character and vision." Until our input is actually reflected in the Washoe Tahoe area plan, we residents will not believe your public input process meets its stated purpose.

Ann Nichols said after this big storm, these pothole Highway 28 are just going to be a nightmare. I wish Washoe County would do something. It's the Ho Chi Minh trail. We talked to the sheriff two Fridays ago to check the tires of people coming over Mt. Rose. Our residents are being killed or hurt. There should be someone checking to make sure they have at least snow tires, and there isn't anyone.

Kathie Julian said I'm making a personal comment, not as a member of the Board of Adjustment. I go back to the evacuation plan being worked on by Washoe County and the assumptions behind the plan. I do understand it is a phased approach. And I do understand that there is a plan for some test evacuations this coming summer. My concern about that county plan is that its assumptions need to be revisited vis-a-vis Incline Village/Crystal Bay because the original first phase of the plan has not counted the tourists or tourist traffic. And we have 1000s upon 1000s of people who come on an average summer day or summer weekend, and they have not been factored into the number of people that would need to be evacuated. Again, my request is for community participation early on, looking at the assumptions behind any evacuation plan applicable to Incline Village.

Public comment received via email:

Hello, We continue to oppose zoning changes, as 947 Tahoe Blvd offers zero benefit to the community, increases traffic, eliminates any chance for workforce housing, and decreases safety in the event of a fire and need for evacuation. Currently there is a workforce housing crisis, and a huge issue with Short Term Rentals,

and this luxury condo complex will only add to the problem. If this zoning is approved, there is zero chance for developers to have any reason to even consider building much needed workforce housing. At a minimum, please at least postpone any zoning changes, until Washoe County makes their separate amendments to the Tahoe Area Plan. Honestly, I do not understand why this zoning change is even being discussed. How did this developer purchase a property with zoning that did not allow for this complex, yet he went forward with all the plans and it's only at the final hour that a zoning change came up. Thank you for protecting the Incline Village community, and for considering all of the negative impacts of this zoning change before making a final decision. Please consider the future of Incline Village, the future of the Tahoe Basin. Kind Regards, Nicole Roberts

Diane Becker said I'd like to make one public comment that someone has requested that I make. That is a request that the people who are doing the snow removal service work be a little more careful about moving the snow and ice in front of the driveways. I've received three calls from people who said that the snow was piled in front of their driveways which turned to ice, and it was a mountain. Marc can you please send this request over to the public works.

4. TAHOE REGIONAL PLANNING AGENCY: PROCESS TO AMEND THE TAHOE AREA PLAN - Jacob Stock, Senior Long Range Planner, Tahoe Regional Planning Agency, will explain to the community the TRPA process to amend the Tahoe Area Plan. The IVCB community will give input on the Tahoe Area Plan; which allows single family homes (condominiums) in Incline Village Commercial Regulatory Zone-Special Area 1. (Non-Action Item)

Chris Wood said it was confusing, at least in my mind, about what a condominium is? It seems to be different under the original special area one definition, as opposed to what was proposed for 947 Tahoe Boulevard. There needs to be some clarification.

Mr. Cowen said that this presentation today was meant to dovetail with a presentation from Washoe County. Mr. Stock said as far as the specific definition that Washoe County proposed; I can't really speak to that because I haven't been able to do my full review of that yet. If you can talk to Courtney about that, that would be great. But generally speaking about condominiums as a use in the Tahoe Basin, we have what's called the two-step subdivision process. It's a way for us to allow ownership of condominiums in the basin, without subdivision, because there's no land subdivision in the basin. And so, in order to do condominium development, we have defined this two-step subdivision process which defines a condominium as a single-family use. When I came here, it wasn't very clear to me. Because anywhere else in the country, or the world, for that matter, a condominium is multifamily because it's defined by the use, not by the ownership. But this is a quirk of the Tahoe basin and one that can lead to a lot of confusion. Maybe Courtney will be able to answer better than I can. Mr. Wood said I just want to say thank you for trying, and I'm sure we'll get to the bottom of that soon. Mr. Lyons requested the same definition.

Chair Becker asked if you could tell us the requirements for public meetings, the public process for the amendment of the Tahoe Area plan, and what it was when the area plan was adopted back in 2020 before the January 2021 adoption. There were public meetings at one of our large facilities here, where we had the opportunity to ask a lot of specific questions and to give a lot of input, and there has been no public process. On the amendment process, is there a required public process?

Mr. Stock said as far as the TRPA process, we have three public hearings that are baked into the process and then an informational item. That's part of some area plan amendments that allow for public comment. As far as public workshops, generally, that's at the county level. The county is the one proposing this amendment. They had a requirement for a public workshop as part of that, which they did. But again, I can't speak to the county's process. Chair Becker asked if there was no county workshop, does that mean that then there needs to be one? Mr. Stock said I couldn't speak to the county process. We don't have a requirement for the county to have a public workshop.

Chair Becker asked what the standard is regarding the conflict of interest for someone making a decision or recommendation at TRPA or the governing Board? If someone has made comments in the past about opinions on things, are they still able to vote on them? How do you determine if there's a conflict of interest in a board

member?

Mr. Cowen said that regarding the conflict of interest codes, TRPA follows the Nevada Revised Statute, and the requirements are to disclose real estate and business interests in the basin. So all the governing board members file statements that show what they have interests in real estate or companies that are coming to the Board, then they recuse themselves. And many times, the governing board members will use their comment time during open sessions to let everybody know they've had conversations with an applicant. Chair Becker said if there's no special type of type rule, it just falls in Nevada Revised Statutes. Mr. Cowen said if someone had spoken in support of a project at one point, that doesn't constitute a conflict of interest when there's no financial relationship.

Chari Becker asked is it usual to have an amendment proposed by a developer when the county is looking into an overall amendment process but hasn't completed it yet. Because at this point, the county is looking at an amendment process related to affordable workforce housing which is completely separate from this process. I'm just wondering, how does TRPA work with dividing that up? Mr. Stock said TRPA does not accept area plan amendment proposals from private developers.

We don't accept a proposal for area plan amendments from anyone except for the owner of that area plan. So, in this case, Washoe County. So we received a letter of intent from Washoe County for this amendment, and we're processing the amendment according to our process. As far as how to split up this stuff, that's the determination of the applicant.

Ms. Simon said this was a little bit surprising to the community because the area plan that we were working with had workforce housing as an exception to the commercial core in Incline Village. It used to be the workforce. Workforce housing could be the only kind of residential development in that area. And now we see a proposal to ignore workforce housing in the commercial core. Thank you for outlining how we could address this, but it was just kind of surprising that decision seems to have happened. Mr. Stock said I couldn't speak to that decision specifically since it was the county's decision. I also wasn't involved in the development of the area plan, because I'm relatively new. Ms. Simon said we thought the area plan would protect the workforce housing we so desperately need.

Mr. Stock said I could tell you that the intent of the community was translated into special area one by allowing multifamily housing. The zoning for special area one allows multifamily housing. In my professional opinion, I would not consider that to be an affirmative affordable housing policy necessarily to allow multifamily housing. There are a lot of other jurisdictions, such as Placer County, that are working on some affirmative policies for affordable housing. I know from speaking with Commissioner Hill and the Washoe County staff that they're also looking into affirmative policies for affordable housing. And so that's me speaking my professional opinion as a planner.

Chair Becker said a number of us were here at the time. One of our concerns is that when the area plan being developed, it was developed with input, we had meetings, and many of us expressed concern that there was going to be an allowance of reduced coverage requirements, the allowable height was increased, and much more density was allowed. We wanted other things that would protect the community and the environment, including working on how they were going to deal with the traffic and the lack of parking and parking requirements. We were told, no, the County and TRPA can't address those things because the whole purpose for this change was for affordable housing, which is why the area plan says multifamily housing, which is affordable housing. It doesn't say all multifamily housing. There was a lot of public input and discussion on it. In 2019 and 2020. And now we've had no public input. And actually, the community understood that this was being put forward for this one developer. We should present this history to you and the concerns we put forward in the beginning when these decisions would be made. We don't have enough parking. Our streets are too crowded and there is too much traffic. We've got many problems, none of which are being addressed at this point.

Roxanna Dunn said thank you for the information you provided. I have two comments. One is on your presentation. I found there are several slides where you're discussing the process. It's confusing because no agency was declared. It just said, presentation given, proposal submitted. It didn't say who did what. So I would like to see you enhance that so that it's very clear who we need to talk to if we want to provide input.

Then the second thing is this proposal itself. I read the Tahoe area plan last summer cover to cover and was very heartened by it because I thought it was very well thought out, and it gave a lot of consideration to all of the stakeholders, which I think is always a challenge here. In particular, I was comforted by the section that talks about the commercial zone and the fact that the emphasis would be on affordable housing. When this was first proposed at a couple of CAB meetings ago, where it was first given to us, I think somebody said the developers were asking for exclusion or dispensation from the policy. That's a dangerous precedent. The next thing I hear is it's going before the Planning Commission as a proposed change. I find that very disconcerting and a big step away from what I think the community needs.

Chris King said I haven't read through the entire plan. I have a long career in public policy and regulation. I want to bring up a topic that doesn't get enough attention, which is the follow up, and the measurement and the verification. We have these best management practices. I know these developments come in and claim they are going to reduce sediment load in the lake by so many tons per year. My question is, what are we doing to make sure that those BMPs are actually being implemented and we're actually achieving the goals that they're claimed there? Because it's very easy to approve the project and the project gets built, everybody sort of forgets about all the promises made during that process. Mr. Stock said I'm not an expert on BMPs. The goal of the area plan system is ultimately to enter into a permitting MOU with local jurisdictions whereby local jurisdictions can be responsible for the enforcement of BMPs within their own jurisdictions. We don't have a permitting MOU in place with Washoe County. So TRPA is responsible for that enforcement. And we have limited enforcement capacity. That's a problem. The system we're trying to develop through the area plans ensures that folks abide by these principles. Mr. Cowen said I would add the total maximum daily loads is a modeling component for all the fine sediment reduction in the basin. The local jurisdictions help the states and scientists through the Tahoe Advisory Council put together reports and measurements on the fine sediment reduction has actually been following the modeling and the investments by the private and public sectors as well as the BMPs and roadway fine sediment management, and stream restorations. The report shows a 23% reduction in fine sediment loading over the last 10 years, which is slightly above the goal. The goals are being met. And Jacob is right that enforcement of BMPs and checking to ensure the BMPs are being maintained is a really big next step in the evolution of our TRPA's stormwater management. We spent many years getting property owners to put their BMPs in, and the maintenance requirements have always been there. So now, going back and finding out how we're going to move into the next phase of ensuring those are maintained is the next phase. Larger scale projects are a lot easier because we can require through the permit conditions that they supply reports, and then we can audit those through our compliance team. The one place we do have enough staffing when it comes to compliance is reviewing the auditing reports from local jurisdictions and private property owners who are required to submit their reports.

Phil GilanFarr said I appreciate that. It's interesting listening to the process because of this particular project proponent. This developer moved forward with a project proposing these luxury condos on this parcel and didn't realize that they had proposed a project that didn't work within the Incline Village commercial regulatory zone, special area that precludes and excludes single-family as a use. I spoke with the attorney in February of 2022, made them aware that there was an issue there. As a community plan team member in the past, I felt I couldn't support luxury units inside the town center, especially when we were trying to create a town center. And luxury condos were not the answer to the town center. This was an applicant-proposed project. They submitted a plan area amendment application to the county, and the county has moved it from there. They did not have any public workshops, even though we spent many years, most of which we didn't get paid to do. I didn't get paid to spend six years on the original committee plan and then another two or three years on the Tahoe area plan. I spent a lot of my time and expertise trying to help design and develop our community to be what we want it, and then a project applicant can submit an application just railroaded through. There has been no public comment. I was looking to do an affordable housing project on the former Lumberyard site in the Ponderosa subdivision. I was told that the county didn't want me to submit an application because they were working on a plan for every amendment as a whole county. They wanted to incorporate my stuff into that application and not take a single one-off application process. I think it's really important that we think about how this process occurred and how we need to ensure community involvement. It took a lot of community input and expertise from TRPA, planners, architects, and the county in many workshops to develop the town center and the community plans. We can't just have one applicant try to make a change that will affect the entire community. That question keeps coming up, 'what's a condo?' People don't understand a multifamily unit is multiple units on one property owned by one person and rented to multiple people. If you do a conversion to a

condominium, it becomes single-family, and now, multiple people own multiple units within one parcel. It's just an interesting scenario here in Lake Tahoe and how it gets done.

Ann Nichols, North Tahoe Preservation Alliance, said we have been reaching out for the last two months to TRPA. They say development is capped, but they have been unable to provide us the verification that's the case. And the way it looks to us is actually more density coverage in height and then they call this workforce housing. It's deed-restricted housing, which, if you make \$462,500 a year in Washoe County, you qualify. It's for the uber-rich. This is a complete failure. They call it achievable for the missing middle. This is only 1.8% of the working public that make over 400,000 a year. This is nuts. This whole thing needs to be rethought. By the way, our PIC is seven people from the governing Board. And they are all over this. More height in density. This is not what we need in the North Shore, and they're really unkind to those who spent time going through 800 documents. This has to stop. Joanne Marchetta guaranteed we'd have a public process and we could direct the way this goes. It's not happening.

Ms. Julian said I'm not speaking as a member of the Board of Adjustment. Mr. Stock, your reading of the Tahoe area plan is not consistent with my reading of the Tahoe area plan. On page 44, it clearly says that single-family dwellings shall only be allowed in the Incline Village commercial regulatory zone when they are part of mixed-use development or affordable housing units. Then there's another section of the plan that says, 'preferred areas for affordable and employee housing are Incline Village commercial.' It's clear when you read the plan it was aimed at workforce housing and affordable housing. I couldn't agree more with what Mr. GilanFarr has stated. There has been no public input of a substantial nature in this. Holding up these various meetings at a county level or TRPA level and expecting individual residents and voters to come and be knowledgeable and speak out about these things without having the information provided at the start is ludicrous and disingenuous. If I were a developer and I bought this property at 947 Tahoe Blvd., any conscientious purchaser of the property would have looked at the underlying plans and the requirements. And I find it astonishing that it's a surprise. Our multimillion-dollar \$2.5 to \$5 million condos aren't consistent with the plan even though he spent all this money to purchase the property. Something is wrong here. Something is very wrong here. And I would urge the county and TRPA to pay attention to the community and what the community needs and concerns are.

Christa Hill said I'm a planning consultant. I'm concerned about the lack of the CAB's advisory powers to the Board of County Commission. My question to Jacob is, where are we in the process? Has the county submitted the supporting materials that would support their notice of intent? Apparently they haven't, because I asked Jacob earlier today, if they had submitted findings. There are a lot of findings that need to be made. And I think it's absurd that we wouldn't even consider such a project until we see the findings aren't going to exceed the thresholds that were established to ensure that our environment was going to be protected. Another question is will the supplemental materials be available online? If they're submitting an application, can you review applications online? So I'd like to see the supplemental materials that they're supposed to submit. It seems like a pretty fast timeline for them to put this together for approval in April or May. That's just ridiculous. I'm wondering how it is going to be enforced? I really would like to know how they're going to review, do these findings, and determined that they're not going to exceed the thresholds. How is that going to be determined that they're complying with that finding? I am very concerned, and I hope that the community and Citizens Advisory Board can advise the Board of County Commissioners that this should not be approved.

Judith Miller said thank you, Jacob, for the excellent presentation. I think we need some changes to the area plan, but the one being proposed certainly isn't something that aligns with the community's desires. One of the things I noticed is there doesn't appear to be a definition of mixed-use. And I think people have mentioned this before, but a 40-unit condominium development with a single small office space certainly doesn't seem to bring up what I envision as mixed-use. I hope the county and TRPA will come to a definition that would preclude this project. When we talk about workforce housing here, we really are talking about for the most part, people who work in the hospitality industry. They don't have the wages to necessarily afford any type of purchase. They're looking for apartments. I think that was the motivation behind calling it multifamily instead of single-family because we know most hospitality workers can't afford to buy. They are renters for some period of time. And that's where the real shortage is. We have no dearth of condominiums. Jacob, I know you're new to the area; nearly half the housing units in Incline are condominiums. We don't need more of them. We have very few apartments and very few rentals available now that short-term rentals are so prolific in the condominium that is

here. Yes, we do need some modifications of our area plan, perhaps more incentives to encourage multifamily over other already allowed uses, but allowing single-family units is a great disincentive for our workforce.

Pamela Mahoney Tsigdinos said thank you, Jacob. As Judith and others have mentioned, I really would encourage you to learn the history of this area. I'm a full time resident. We've owned our home for almost 19 years. There's a lot of history that's really going to be critical for you to take into consideration. Regarding this 947 proposal, it's a poster child in everything that could be done wrong. First of all, I'm not sure if you're aware, but the 947 developer is heavily marketing and promoting this project. If you go online, you can see all about it. This is putting the cart in front of the horse. There is no project as I understand it. This amendment does not take into consideration anything about the project proposal that you just laid out. So according to the process that TRPA envisions, this should be respecting the local rural heritage. There is nothing in this project that respects the local heritage. TRPA in this case, with all due respect, has paid lip service to engaging and listening to the community. What you need to add to your slide is engaging, listening, and then ignoring the community. Because every time we have spoken up about concern for protecting our ecosystem, concerns about the infrastructure, concerns about traffic, congestion, public safety, and health, the community gets overruled by outside developers who only care about making money. Jacob and Jeff, I would encourage Jacob, Jeff, the entire TRPA of Board, and Alexis to think about this community. We couldn't drive down Highway 28 this weekend, and you want to put in more units, congestion, and people. This needs a complete rethink. Please take this proposal and this amendment off the table. Do the homework first.

Brooke Samson said we have a property in Incline Village. First of all, thank you, Jacob, for your informative presentation. It was very nice to understand the structure better. I also want to mention that I agree with Mr. GilanFarr's points. Jacob, in your presentation, you stated that the Tahoe Basin is already fully over built. You stated that TRPA seeks to protect the Tahoe environment and development needs to address this protection. Does the proposed amendment to our plan and the proposed high end development do that? Secondly, you also stated that other counties with amendments were specifically for religious assembly, environmental protection, and affordable housing. The proposed condominium development is not in the same arena as these amendments. And I would like to have some feedback on these points.

Doug Flaherty said first of all, I found it interesting that there's a letter of intent submitted to TRPA from the county to go ahead with the area plan amendments when we haven't even had the final approval from the County Board of Supervisors. That sounds like bad faith to me. Second of all, with regards to 947. 947 sits at an intersection with an F rating for traffic. I want to tell you a little story. So in June of 2009, a Butte County civil grand jury report concluded that roads leading from Paradise and upper Ridge communities have significant constraints and capacity limitations, much like ours, on their use as far as fire evacuation routes. The report noted a combination of road conditions which increases fire danger, and the possibility of being closed due to fire and or smoke and accidents and roads being closed for fire apparatus, sharp curves, inadequate shoulders, and fire hazard adjacent to shoulder such as steep slopes. The report also recommended a moratorium on new home construction in fire-prone areas and a halt to multi-family projects. In September of 2009, the friends of the public, the Butte County Board of Supervisors, and advisors called the grand jury report 'not reasonable,' citing improved building codes and fire prevention requirements as arguments against the moratorium. Ten years later, the Campfire caused at least 85 civilian fatalities, with one person still missing as of August 2, 2019, and injured 12 civilians and five firefighters. As a retired fire battalion chief living and working in the Santa Ana Canyon in Orange County, I believe it's important for the public to understand the difference between a common fire evacuation plan and a true road-by-road evacuation assessment that helps determine fit-for-purpose, public safety, evacuation capacity, effectiveness, and workability. TRPA, Washoe County, and Placer County, thank you for galvanizing the community. You went way past the tipping point. The 38 people on this call are just the tip of the iceberg of people who are upset now.

John Eppolito said I've been a local homeowner and real estate broker in Incline for 24 years. I would first like to thank Phil GilanFarr. I think I learned more from Phil in three minutes than I did the other three hours. I agree with you. Second, it sounds like we're jumping through all these hoops and making changes because the developer made a mistake. I don't think that's the county's role. It's not TRPAs role. I don't know how much authority this Board has. Please listen to what people are saying. As a real estate broker for a long time, I was telling people, 'Tahoe will not be overdeveloped in our lifetime.' I've been rethinking that. I no longer tell clients that because it looks like we may be over developed in our lifetime. We have moderate and low income

housing and nobody's policing it. The two people I know that live in moderate-income housing have lots of money. There's a moderate income unit right here on Northwood right now for around \$850,000. That's not moderate income for people. I don't think most people have any idea what's going on. I didn't, and I'm just starting to now. And Phil, thank you very much.

Chair Becker said for those with additional comments, we'll put Jacob's email address up on the CAB website again so that you can send him your comments. Thank you both Jacob and Jeff.

5. WASHOE COUNTY SHERIFF'S OFFICE AND COMMUNITY CONCERNS – Sheriff Corey Solferino will have a discussion regarding conditions in Incline Village/Crystal Bay related to special regulation of businesses which provide services and facilities that may leave patrons impaired when driving. (Non-Action Item)

Captain Cory Solferino, Captain Incline Village substation, said I want to thank you guys for inviting me this evening. I reached out individually as a request of Commissioner Hill regarding some of the community's anxiety, let's just call it what it is, regarding the potential declaration of consumption lounges. I am hesitant to do a presentation because these venues are often better for conversation and discussion rather than giving you guys a bunch of facts and figures about what we're currently doing to combat impaired driving in Northern Nevada. Although marijuana is new in the recreational sense, it is not new in the policing sense. We have been dealing with it for several years. In 2015, the Washoe County Sheriff's Office saw something that concerned us while DUI arrests overall were going down. The amount of polydrug use was going up. So we saw not just alcohol impairment, we saw alcohol impairment, married with other narcotics, marijuana, Ambien, methamphetamine, heroin, cocaine recreational drug use, and we were finding it in our polydrug use. So rather than just do the NITSA-approved standardized field sobriety tests, which had been NITSA approved, which you see as the walk and turn, the one-legged stand, and the horizontal gaze nystagmus for ethanol alcohol, we honored our officers with what we call ARIDE: Advanced Roadside Impaired Driving Evaluation. So we gave them the tools they need to go out and actively determine if somebody is under the influence of alcohol, alcohol and some other narcotic that's out there. Do we have things to test in the field? No, we do not. But all I need for our officers to be able to go out and make a probable cause arrest to show impairment. If they fail the field sobriety tests, the medical questionnaire, or the battery of tests collectively, the officer has reasonable suspicion to believe that the person they've detained is on is unauthorized to operate a motor vehicle. They can make an arrest based on that. What happens in the courts is not our purview. That's up to the judge, the jury, and how that client goes through the court process. But our officers have been prepared and will continue to be prepared to combat impaired driving in Northern Nevada. Earlier in this meeting, you talked about specifically how the cannabis consumption lounge was initially vetoed by the planning commission earlier this month and is now going to be appealed by the Board of County Commissioners. In my other role in the sheriff's office, I'm also the Sheriff's Department's government affairs director for sheriff Baalem. So based upon that, I and our legislative team, consisting of Mary Sarah Kenner and Sergeant Jason Walker, will replace me as the day-to-day lobbyist down in Carson City since I will be taking a different role here at the end of the month. We are armed to prepare and deal with the marijuana industry on what those local regulations will look like and what we will require of them. And I can tell you this: having dealt with them since 2015, in the medicinal and recreational sense, they listen to our concerns. They're a business. We're in the event of public safety and want to make sure that our voices are heard just as much as there are. Sheriff Baalem cares about public safety in this community. I can tell you that the men and women of the sheriff's office are out there routinely, bolstering our patrol numbers. The county commission has been gracious and listening to our pleas for help. We've been grossly understaffed for a very long time. We are in the recruitment efforts. We have 22 individuals that just graduated from the December Academy, and we have another 25 that are going to the academy starting next Monday. So the relief is there. We are getting the people we need to go out and actively ensure that our streets are safe. I want to put people's collective minds at ease that we are ready and willing and able to go out into the public and ensure that our pedestrians and vehicular traffic are safe.

There were also a couple of comments this evening about checking for snow chains and snow tires and highway 431. While the sheriff does have constitutional jurisdiction in all of Washoe County, highway 28 and highway 431 belong to the Nevada Highway Patrol. That is their primary jurisdiction. So when NDOT makes those difficult decisions for public safety to shut down Mt. Rose, that is NDOT's purview to set up those roadblocks and individuals to check to ensure that people have the proper equipment. That's not to say that a

sheriff who conducts a traffic stop and sees people on 431 or 28 with improper equipment can't make enforcement action. But that is not our primary jurisdiction. We're secondary to the Nevada State Police. So I just wanted to put that out there and let you guys know we are looking at that. But that sits within another agency's purview to take that action. We have got a bad weather system coming. We saw three feet of snow after this last storm. We've have an atmospheric river coming at us. I just drove up from the valley from another meeting of Mt. Rose this evening. It is in pretty bad shape. So if you don't have to be out there, please stay home, and be safe. Take it slow; about 20 miles an hour, given the conditions out there and in some areas that's even too fast. Just ensure you have enough time to react. And it's not necessarily how you guys are driving. But how other motorists are driving as well. I had to come to a dead stop and watch while a vehicle was sliding into me. Luckily, they stopped about six feet before they hit me. But when somebody lose rear-end control of their vehicle and oversteer, you're just along for the ride. So I just encourage everybody out there to plan extra time. Make sure that you have winter conditions in your vehicle, extra bottled water, food, and layers, because if you do get stuck in a snowstorm, we had to rescue 17 people off the mountain on New Year's Eve with our Piston Bully snowcat.

Mr. Wood said (inaudible) field sobriety tests have been out there for long, and now we've got marijuana. Is that test as effective? Do you find that the tests you've traditionally used are effective as a drug impairment tests? Mr. Solferino said there are additional tests if I believe that there are other narcotics involved. The specific battery of tests that was developed for the standardized field sobriety tests are specific to alcohol. We're looking at divided attention test. Can you follow a set of instructions, and can you perform those instructions without error? So whether it's alcohol or another narcotic, we're looking for that divided attention tests. What my officers are trained to do. There's different things that they look for: pupil dilation, reaction to light, lack of convergence, and people under the influence of marijuana. If I make a series of small circles, and I bring it towards the bridge of your nose when one eye will kick out. No other drug in the world does that other than marijuana, or slight head trauma, and it's in less than point 5% of the population. So those are different things in different batteries of tests that we can do while we're doing our field sobriety tests. We also do the Romberg balance test in addition to the one-leg stand and the walk and turn or the HGN test. Romberg balance looks for body tremors, body sways, eyelid tremors, and things that are significant to cannabis consumption. Mr. Wood said how effective in court are these tests holding up?

Mr. Solferino said in court, I'm not looking for an evidentiary standard, I'm looking for the ability to make it probable cause arrest. Once I make that arrest based upon a substance other than alcohol, I have to go and apply to the court for a warrant for a blood test. And that blood test will reveal what's internally going on with that subject. So when the crime lab analyzes that blood, and they give us back the report, it'll tell us nanograms per milliliter of specific narcotics in that blood, and then that's presented to the district attorney. Based upon that, the district attorney determines whether or not they want to file charges, and then our officers are either subpoenaed to go to court and present their case or vice versa.

Denise Davis said I'll add that Captain Solferino and the Sergeant talked to the forum about this topic not long ago. If we run out of time and you have more questions, we have a written recap of everything the Captain shared with us. So, send an email to IVCBcommunityforum@gmail.com. And we will forward you that written recap.

Chair Becker said I'm not personally opposed to cannabis use. I am completely opposed to the cannabis lounges in this community. I ask you to think about and protect us because you know this community, our streets, and how there's no parking on most of the streets in the snow. All of the literature I've read talks about a certain age group, which is the age group that comes here to ski and do all the watersports. The large percentage of the tourists in that age group tend to have more impaired driving accidents. I feel that the way this ordinance has proceeded is dangerous to the public because the County has not even checked what are other small mountain communities that have snow and ice doing in terms of protecting the residents. The Staff statement says that we need to adopt this Ordinance to give the tourists who cannot smoke cannabis in their rental units, STR and hotel rooms a place to smoke cannabis. Why are we worrying about the tourists ability to get high more than our public safety? And I feel the only people that can help us are the sheriff's. Even if it's not prohibited, I'd raised why don't we have limitations that the individuals wanting to get high cannot drive to and from that the lounges or require the lounges to provide shuttling the people? That would be a huge difference. But there is no regulation on that. And when we asked at the one presentation what safety

precautions the Staff is going to put into the ordinance, the Staff member said, 'well, we're going to put in the safety precautions they're doing in Las Vegas.' A flat, hot area with no snow differs from Incline Village. I ask that the sheriff's think about really proposing what will protect us. That's what we need. And I hope the sheriff's Department will think about it.

Ms. Simon said But my question is about the next several days and the last few days. Have you noticed that it is any safer for to take TART Connect? Have there been incidents with them slipping and sliding around these roads that are in such bad conditions? Captain Solferino said I'm unaware of anything going on with TART as far as any accidents. I can tell you last night that RTC vanpool hit one of our officers when they lost control of its vehicle. Luckily it was a small size SUV but had to send two of our deputies to the hospital to get checked out. So again, just too fast for conditions. People think that the speed limit is the speed limit. Speed limit is for dry pavement in good driving conditions. You can be given a ticket for driving too fast for conditions on a 45 mile an hour road for doing 40 miles an hour if the situation dictates it. Now our officers aren't out there doing that. We have had hard snow packed roads. Our officers watched as the vehicle slid into them and they had nowhere to go. So those are the worst types of accidents. I'm not aware of anything that happened up here specifically to that but we just encourage people if they can stay home to please do so, and only go out when they have to and conditions like this.

John Eppolito said regarding the cannabis lounges, we have three schools in this town. The cannabis lounges will be close to those schools because our commercial core is small, so the kids will be walking by those places. That's one of the things that I object to the most is the kids. If it was not right next door to the high school and was an upper Tyner, I don't think that would be a problem to me.

Captain Solferino said I appreciate the statement. While the sheriff is absolutely in full effect with public safety, we don't have a huge role in the governing and licensing of that. We work hand in hand with with business licensing, and what that looks like, and to make sure that they're meeting their statutorily mandated provisions. But we do have concerns. I have concerns with more bars going in too. I am concerned with people drinking, watching the Superbowl all day and then driving home. And unfortunately, we're not set up as a metropolitan area like New York or LA where it's easy to get on mass transit and get to one location to another. It's very cumbersome, even down in the valley to navigate public transit and even tenfold up in Incline Village. I sympathize and share your concerns. Because at the end of the day, for the novice user versus the experienced user, the way that THC is made today is 10 times more potent than it was in the 70s. And a lot of those single dosage units are not single dosage units. They're multiple dosage units. So if they're eating a brownie or gummies, it packs more punch. So we do share the community's concerns and impaired driving. I know that the state legislature is trying to regulate it, like alcohol, although it metabolizes in the fat and gives a different high than alcohol in impairment and delayed reaction. So while we look at the science of it and everything that's going on out there and the ability to 'use responsibly,' we do worry about people getting behind a vehicle and going out there and driving, regardless of what they're using, be it alcohol or other recreational drugs.

Helen Neff said thank you, Captain Solferino, I appreciate everything that you said and especially pointing out that the Nevada Highway Patrol has jurisdiction over 28 and 431. Most of the people here on this call know that I was hit as a pedestrian on 28 in a crosswalk by a driver who had many of the indications of impairment and was not tested. I was told by the Highway Patrol that it was at the discretion of the trooper. One of the signs of marijuana impairment is distorted senses, delayed reaction time, confusion, red eyes, and impaired coordination. The driver was turning East in the afternoon and said the sun was in her eyes. She was not tested. I think the issue is that you often don't know that someone's impaired until they've injured an innocent person, whether it's me, a mother with a baby in a stroller, or a student. That person, that family is affected. It's huge costs to society. I have to agree with Commissioner Hill and being pro business. I am pro business but also smart business. And I do appreciate everything the sheriff does. I have to tell you, you were the first responders in the body cam video. Unfortunately, there was a robbery at the same time, and all your men left to deal with the robbery. So I was left with one highway patrolman who clearly did not see any indication of impairment. He asked a negative question, 'No, you haven't had anything to drink today,' is what he said. And the trooper that came to the hospital asked me twice if I had been drinking. I found that very ironic. To everyone on this call, think of your family and loved ones for when this proposal comes in front of the Board of commissioners, thank you.

Kathie Julian said I'm speaking personally and not as member of the Board of Adjustment. Two points. One, I'm curious if cannabis lounges are allowed in Incline Village, how far away would be to the next cannabis lounge? Douglas County or are we talking Sacramento? How will this be such a magnet for folks from the California side could come here for that entertainment? I don't know if the sheriff's Department would be able to answer that. A suggestion is that we should request the highway patrol to come and speak to us about what methods they have for testing for cannabis consumption if some incidents might happen on highway 28, or highway 431.

Captain Solferino said regarding your first question. That's probably a better question for business licensing. The State basically delegates the rights to license consumption lounges to local jurisdictions. So if Washoe County, Douglas County, Carson, or whoever wants to make that designation, that's up to the Board of County Commissioners and licensing and how that moves forward. During the 2021 legislative session, when we thought it was coming in that direction, we wanted to get in front of it. We were seeing what the City of San Francisco was doing with some of those so we could take that as a base model and figure out how we would navigate that in Nevada. Outside of that, I'm not aware of any outside of California. There are some in Colorado. It lies with a business licensing with Board of County Commissioner approval. Regarding your second question, NHP has the same access to the same training as we do. ARIDE I spoke of earlier, is an advanced FST course. I'd be hesitant to speak on behalf of the Sergeant, but I would give his contact information to the Board. He could do a similar presentation to see if the troopers signed in North command have the same training as Washoe County. I would be remiss if I didn't offer him an opportunity to stand up here and present to you guys. I don't know what the State Police do as part of their mandatory training because this is above and beyond what the base level would be.

Captain Solferino said Denise has my contact information. Please feel free to share it with anybody; however, I won't be the Captain up here any longer. I'll let you guys know that my replacement is going to be Captain Blane Beard. The good news is while I have to leave the beautiful confines of Incline Village, I will still be very much involved in the day-to-day operations. As my Chief retires, I'll replace him as part of Sheriff Baalam's executive team and be Chief over operations starting January 17.

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

Commissioner Hill said thank you for the accommodation. And I want to give a huge shout-out to the library. The setup looks beautiful there. And that was done without Marc or without me going up there. And so I just really appreciate the library staff for accommodating this meeting. And I look forward to going up there when the roads are not as crazy.

I wanted to wish everyone a Happy New Year and give you some updates. I think that Jacob will give you an update on the 947 Tahoe Area Plan update and the timing of that. I thought that the second reading was on the 15th. But it may not be, so I don't want to speak out of school if there's a scheduling change.

I know there were some questions about the workforce and affordable housing. And as you all know, the county has entered into an agreement with the Tahoe prosperity center. They have put together some policy recommendations for the county commission to consider. We will be looking at workforce housing policies as a board on January 25. Our strategic planning session will be an all-day session that you can watch on YouTube. I'm looking forward to that part of the discussion. 2023 is my housing year after we've really tackled homelessness in Washoe County.

The other question was on consumption lounges. I think that the first reading will be on the 25th with the new Board. I'm sure it will be a very robust discussion on that issue.

And the next issue that I wanted to make sure that this group knew about is that on December 20, is an opportunity for board members to bring up new agenda items. I asked for a moratorium on short-term rentals to be brought to the Board in 2023. I've spoken to staff, they're pulling that together to see what that looks like, and the Board will be considering it. I know that there's a concern about the proliferation of STRs. And making

sure that Incline Village and Crystal Bay keep up with the rest of the lake. And so that is in response to that and ensuring that we also get our workforce housing programs up and going and working with Tahoe prosperity to make that happen.

And I wrote down the folks' concerns about the potholes on Highway 28. I will pass that on to CSD. And I'm not sure about checking tires, but I will talk to the sheriff about that. And the evacuation plan, I will bring up to Kelly. And happy to address any questions that anyone may have.

Chris Wood said thank you, Alexis, Happy New Year. Just coming over here, we noticed people walking on Incline's streets, and none of the sidewalks had been plowed. We were trying to sort out who's got that responsibility. This has come up before and I know you've heard this before. Maybe you can remind us of whose court that ball is in?

Commissioner Hill said that's a great question, Chris. So that is mainly Washoe County, if the trails are within Incline Village and Crystal Bay, and according to our team, we just have not had the staff to get to the pathways. And I know that's a priority because folks don't want to drive when it's that bad. So I'm pushing on the team but we also have snow down in the valley. It's a team being pressed both in the valley and Incline. According to the community services director, he has built new equipment and staff to handle trails into the budget. They know how important that is, not just in Incline but throughout the county, and ensuring that those get cleaned up. So that is something we'll be looking at during the budget process. I hope my other board members will support me. I don't see why that would be a concern, but that is something that we are working on. We had built that in as part of Amy Cummings work with the transportation study. And this was one of the kind of rushed elements that we asked her to put together so staff could get that budget before the December deadline. The Tahoe Transportation study that will be coming to the Board for adoption and consideration as well. I'm not sure if in January or early February, but the draft is out and staff is reviewing that. So that hasn't been lost. That's still being considered.

Kevin Lyons said when you say Tahoe Transportation plan, are you talking about the thing we saw a month ago? Commissioner Hill said yes. Mr. Lyons said that's horrifically underqualified for any kind of review or adoption, as we reviewed last time. There's no data in there. That was my main question unless that's been changed since I've seen it.

Commissioner Hill said the Board would review a full plan. Those transportation plans are very detailed. So stay tuned. Mr. Lyons asked if we would have the data that was missing from it. Commissioner Hill said I have not seen the draft, and I understand your concerns. I heard them at that meeting.

Chair Becker said I'd like to address Chris's question and add something to what Kevin said. So Sara Schmitz, IVGID Trustee, and I spoke with Dave Solaro about the streets. Dave Solaro advised us that the reason they haven't been able to plow the sidewalks is that he had put out the snow removal work for bid, but nobody bid on it. Sara referred Mr. Solaro to IPM and there was an arrangement made with one of the local companies, IPM, on an emergency basis. And they did a beautiful job after the heavy Christmas storms of plowing, and I don't know everywhere, but they did a beautiful job on both Lakeshore and on Village. It was very important because there are two schools on Village and those kids were actually walking in the street with the snow. It was pretty awful. Dave did get on that right away. So perhaps, I don't know what happened after that. It may be that they have not had the ability to get a full contract with IPM or someone up here. Dave was very excited to get IPM in, but I didn't know what happened afterward because it was done really well once. It hasn't happened in January.

Commissioner Hill said I'll follow up, but my understanding is that budgets need to be allocated, and bids need to be formally approved by the Board, which I haven't seen any of those. I did offer to the staff to contract it instead of hiring more staff and more equipment, but they did the analysis for the budget to say that that's the way that they wanted to go. But perhaps there was discretionary. And they could do that without Board approval. But I don't know exactly what happened with that. But I wrote down a note, and I'll follow up with Dave. Thank you for that, Diane.

Chair Becker said I'd like to add to what Kevin just said about the transportation study. I think the lack of data is a concern. Amy Cummings and Dave Solaro, at the last meeting, said that there had been no budget approved

for that, but that it was possibly going to go forward. So perhaps it's some input you could put in that we would appreciate if that could occur, because there were a lot of assumptions made without data.

Mr. Lyons said I was just verifying that from the minutes. They said, "yes, we are fully aware that we need additional data." And they would need some funding. So that's that would be nice.

Chair Becker said I really appreciate it getting the advance notice of these dates. That gives us the opportunity when we only know one or two days before it's impossible to plan. So greatly appreciated getting those dates.

Judy Simon asked if Jacob could address some of this in his remarks. What's been very confusing about TRPA in general, not only the housing, but some of the other items in the area plan, is how the various subcommittees of TRPA feed into you Alexis as a board member, and as a relatively new member of the APC. I find it a little bit puzzling about what comes before us and what goes directly to TRPA. Commissioner Hill said this is a question I have as well. So I can't wait to hear. I think that there have been some changes in how that process goes. But yes, I want Jacob to address that. That would be good to know.

Denise Davis said I just want to follow up on Diane's comment about the advanced warning about meetings. Tonight, you had a hard time getting to our meeting. In the same respect, our citizens often have difficulty getting down to County Commission meetings. And the reason I say this is because, during COVID, call-in public comment was allowed. And then, after COVID, it's not allowed. I just like to point out that a lot of our issues get scheduled for our winter months. And we have a hard time getting down to the Commission chambers to make live public comments. And it's not that we don't care. It's not that we haven't submitted a written comment. But we can't always get there when a snowstorm blows in Monday night, and your meeting is on Tuesday morning. So I would just like to ask you to bring it up with the commissioners or whoever decides policy or procedure that, especially when we have winter, and there is an Incline item on the agenda, that there'll be some way for us to give public comment live, but not in-person.

Commissioner Hill said this is something I advocated for previously. The chair did not want that. But I will bring that up again to our current chair. Thank you for bringing that up. I think that's a really good point. And we have all sorts of far-flung areas in the county that would appreciate that opportunity. So that's great input.

Public Comment:

Chris King said I live right up the hill here in Incline. This is in the same vein as Chris Wood's question and comment. This is about the Tunnel Creek parking area by the east shore trail. And my question is, who has jurisdiction over that parking area? And what would be great is if we can have that plowed, because that's a really important recreation resource for the community. Commissioner Hill said I agree. That's a TTD oversight. And actually, the last meeting, Denise tuned into that meeting. We are asking the staff to look into that. Whether we need to contract or how to ensure that that lot stays open. So that is something we are looking into because they essentially are like, if it's winter, we're not dealing with it. Well, we need to do better for our community than that. So we're working on that. And hopefully, we'll have something brought to the next TTD board meeting.

Ann Nichols said Alexis, you throw around this term TRPA does to the prosperity center like it's some fabulous entity, and they are not elected. They are a group of self-appointed people that are well-meaning and have collected some data, which is important, but I don't understand why they are suddenly determining our future and how we plan. It's real frightening now. I know that back in 2008, they thought we needed eight Boulder Bay projects, trying to fix our economy now they're trying to fix our housing. I just think that they're helpful, but to be cited as the end-all, I think, is a mistake, especially with the debacle over the achievable housing deed restriction which is just silly. Commissioner Hill said I'm certainly not saying they're the end-all. They're contracting to get some policy work done for the county, and we are limited with our staff. It always has to go before the Board of County Commissioners. No one's deciding these things without the Board and obviously the community. So thank you for your feedback.

Helen Neff said my question is for Commissioner Hill. And I don't want to put you on the spot. So if you're unable to answer, just say so. My question is about the cannabis consumption lounges. I know you voted with two other commissioners to direct the planning department to re-propose the changes that needed to be made

to the development code. And the planning commission did not pass that. It was appealed so now it's coming back to the Board of Commissioners. And I'm just wondering if you can explain your position on cannabis lounges? I know you said there'll be a robust discussion at the meeting. But is it possible for you to explain why you directed the Department to do that? And what is the reasoning for wanting cannabis consumption lounges in places like Incline Village, where we're focused on destination stewardship? Commissioner Hill said the State of Nevada gave the right to consumption lounges in the last legislative sessions. I want adults to be treated as adults. And so if people want to open up a business, I am also pro-business. And if they want to do it in a way that follows the law, mostly state laws that need to be enacted, then that's something I'm open to looking at. Staff has to look at all of the things that people are concerned about: the driving, do we look at fewer parking spots, do we have more regulations on those kinds of things. And that the type lounge and where it's located, and all of those things that need to go into it. But I'm open to looking at something like a new business model, because I believe in people being responsible, I believe in people following laws. And I also believe that the State gave the right to the counties to look into these things. It will be a good discussion. We'll see what the staff has come up with. I haven't even seen a staff report or the regulations. So we'll see what they are coming with. Ms. Neff said not mandated by the State. Commissioner Hill said no. Ms. Neff said it's up to the counties to allow it as part of their plans for their area. The majority of people are not in favor of it, not only for the driving but the health effects, the smell, the type of people that attracts. In the case of Incline Village, it's for visitors, and people that rent are not allowed to smoke in their homes. So the ideas for attracting tourists. And does that mesh with destination stewardship? Commissioner Hill said we all live in destinations, whether we like it or not. And so I think it's figuring out how we best ensure that people travel safely, which is why I am a huge proponent of public transportation. I hear you, which is something we disagree on. Ms. Neff said housing and consumption lounges is that all happening on January 25? It would be the first reading for the consumption lounges. Ms. Weiche said it's scheduled for the 17th.

7. APPROVAL OF MINUTES FROM PREVIOUS MEETING DECEMBER 5, 2022 (for Possible Action)

Chair Becker said on the approval of the minutes from the previous meeting, since they came out so late, I don't even know if they got on the CAB website. I want to suggest that we move it to next month. Is that acceptable to the CAB members? Mr. Wood said Marc did send them around. Mr. Lyons said here is one thing. There were comments **from** Mr. Lyons, but it wasn't me. I believe it might have been Chris Wood. Could we have someone review that? Chair Becker said we'll look at that, and we're going to move the approval of the minutes from **the** last meeting to the next meet meeting.

8. GENERAL PUBLIC COMMENT — There were no requests for public comment.

9. ADJOURNMENT – the meeting adjourned at 7:45 p.m.