



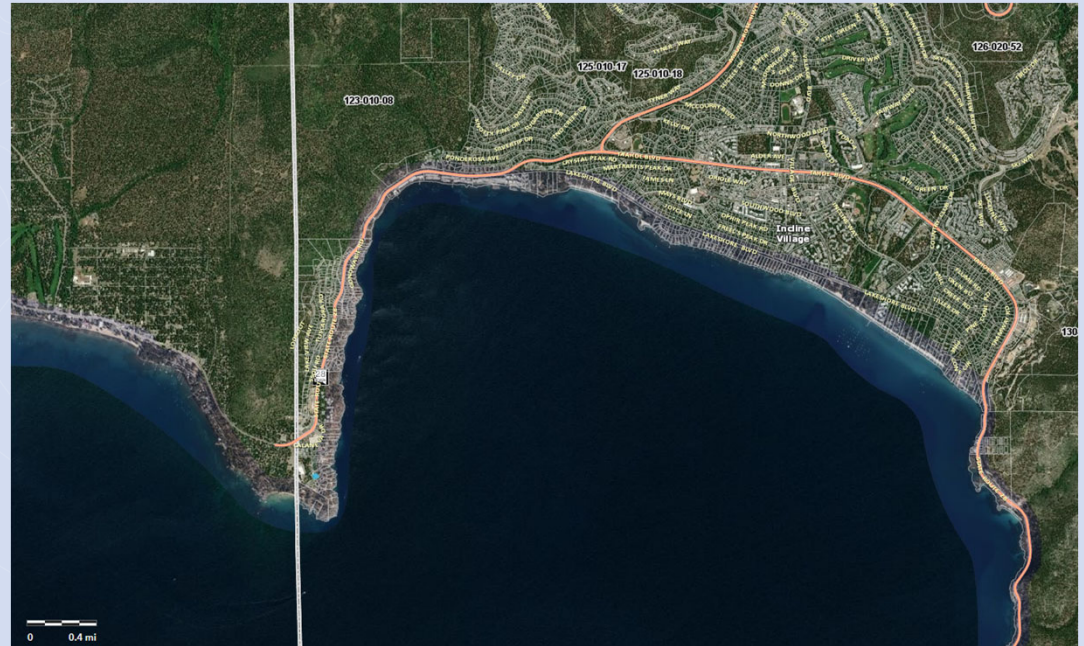
# WAB21-0002 & WPVAR21-0001 Boulder Bay Abandonment and Variance



***Washoe County Planning Commission  
June 1, 2021***



# Vicinity Map





# Abandonment Request

- The Applicant is requesting to abandon Washoe County's interest in 60,291 sf of public right-of-way in accordance with NRS 278.480 and related provisions in the Washoe County Development Code
- The roadways where sections are proposed for abandonment are Wassou Road; Lake View Avenue; all of Reservoir Road; and a sliver of Stateline Road.
- As part of the abandonment, replacement roadway alignments are proposed to perpetuate access.

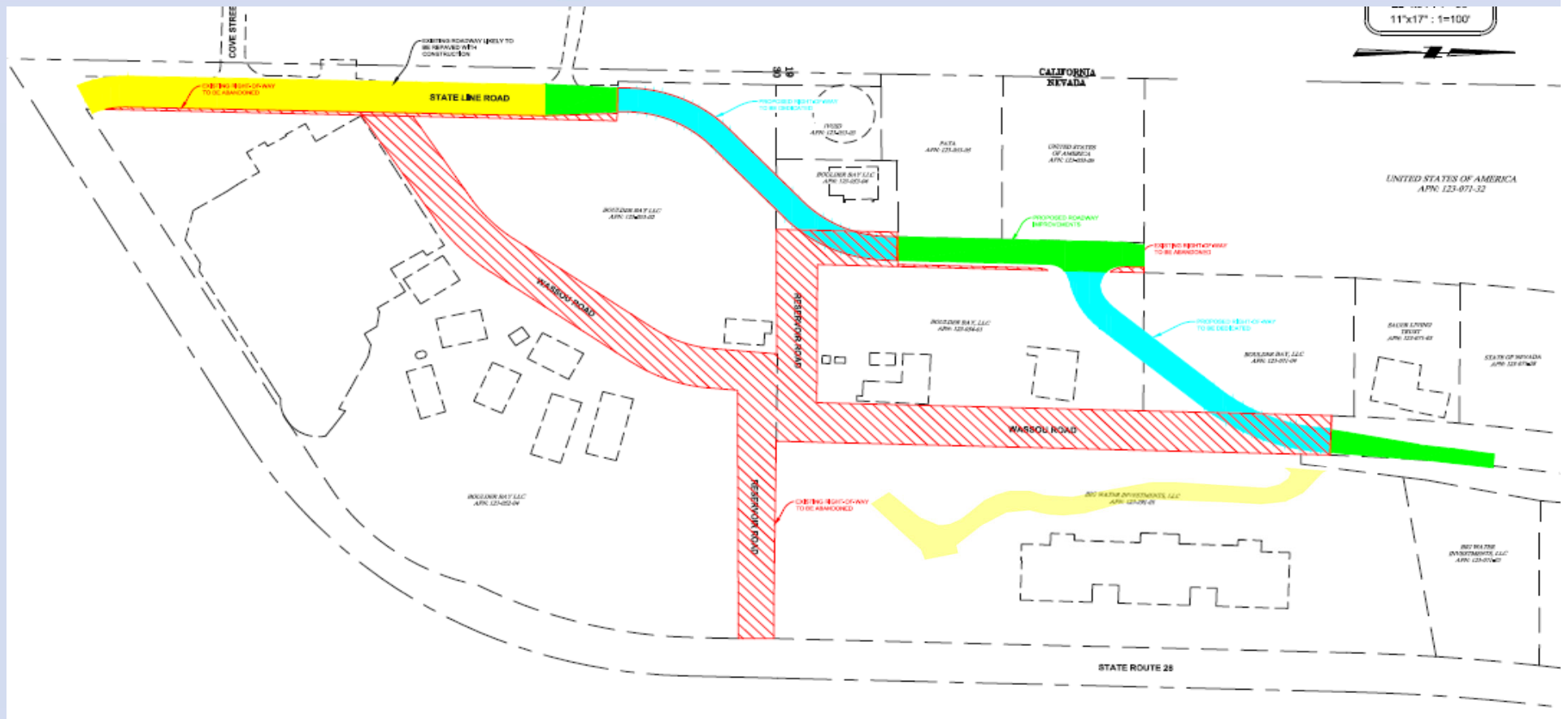


# Abandonment

- The applicant is proposing to eliminate access from Stateline Road onto Wassou Road and access from State Route 28 to Reservoir Road
- The existing roads proposed to be vacated are not developed to current County standards. They are narrower and steeper than allowed
- A new roadway is proposed to extend Lake View Avenue and connect to Stateline Road and Wassou Road would be realigned to State Route 28
- The new portion of Lake View Avenue is proposed to be dedicated to the County as a publicly maintained street



# Site Plan



Red = Roadways to be abandoned; Green = Roadways to be modified; Blue = New roadways



# Abandonment

- Abandoning **60,291** square feet of public rights-of-way
- The total area of new public rights-of-way is **25,578** square feet
- The developer will be building the roadway connector from Lake View to Stateline;
- The roadway Washoe County is receiving is for public benefit

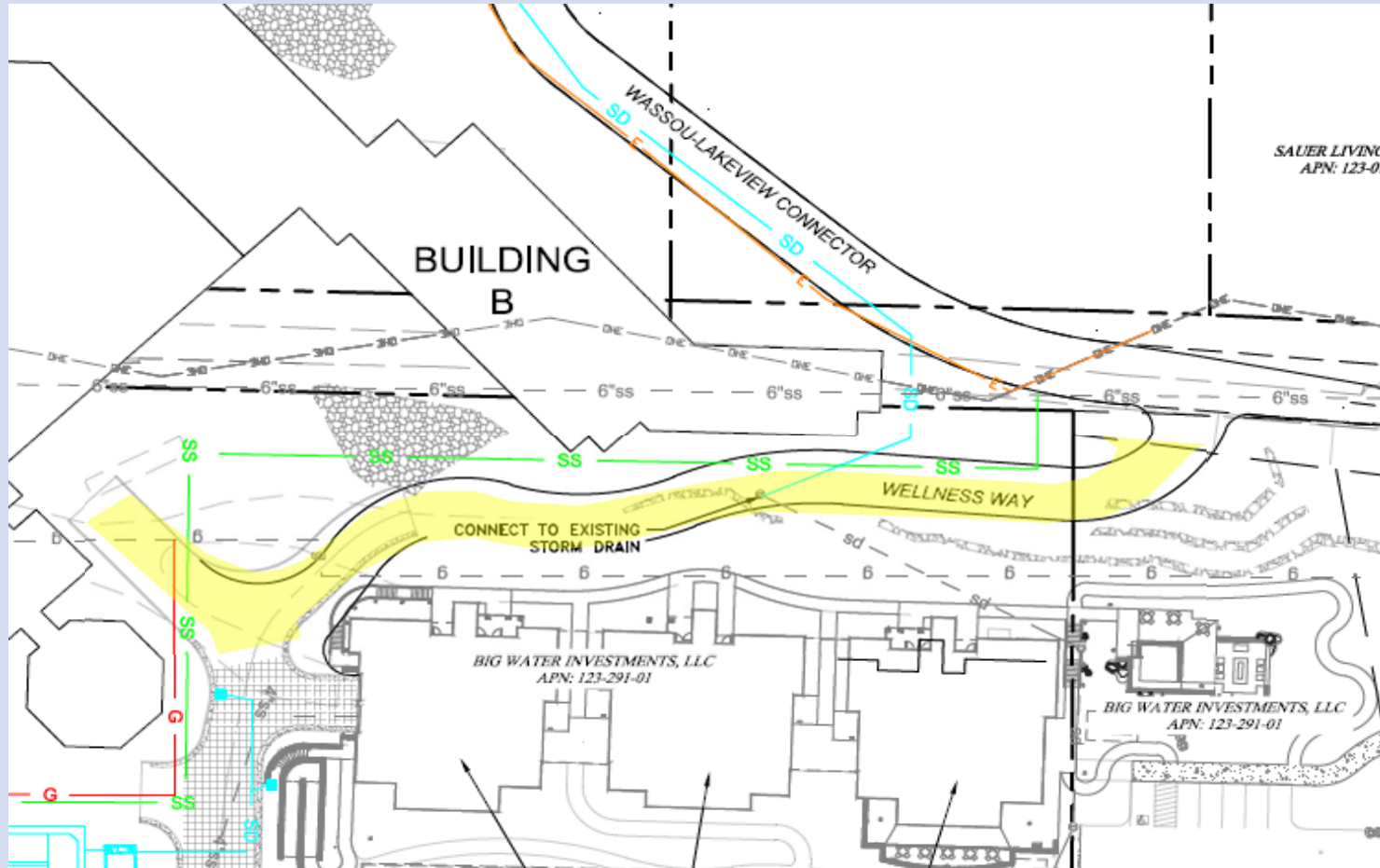


# Wellness Way

- Wellness Way is part of this application
- Proposed to be a roadway with a public access easement, in which the public can utilize
- Width is proposed to be 20 feet
- Wellness Way **will be required to be heated.**



# Wellness Way







# Variance Request

- Request to vary certain Washoe County Code (“WCC”) Article 436 standards to address Street Design Requirements as allowed under 110.436.15(a).
- The specific variance request is related to right-of-way width, maximum road grades, street grade at intersections, street curves, vertical curves, and curve separations.
- The applicant is also requesting to vary WCC Article 438 Grading Standards to accommodate future driveway locations.



# Variance Request

- The specific sections of Article 436 – Street Design Standards, being requested for variance are:
- Table 110.436.25.2 – Roadway Sections B – Requires a 42-foot right-of-way for local roads.
- 110.436.30(b)(4)(i) – Maximum Grades – Streets with a northern exposure may be allowed a maximum grade of nine (9) percent.
- 110.436.30(b)(4)(ii) - Maximum Grades – Streets with a southern exposure may be allowed a maximum grade of ten (10) percent.
- 110.436.35(a)(2) – Street Grade at Intersections – Street grades on the minor legs of intersections shall not exceed 4% for a minimum distance of fifty (50) feet, measured from the extension of the face of the curb of the primary street through the intersection as improved to full County standards.
- 110.436.45(a) – Vertical Curves - Vertical curves shall be provided wherever the algebraic difference between two (2) intersecting grades is 2% or more, excluding intersections, unless otherwise approved by the County Engineer.
- 110.436.45(c) – Curve Separations - Curves on any street, except local streets, shall be separated by a tangent of not less than one hundred (100) feet.



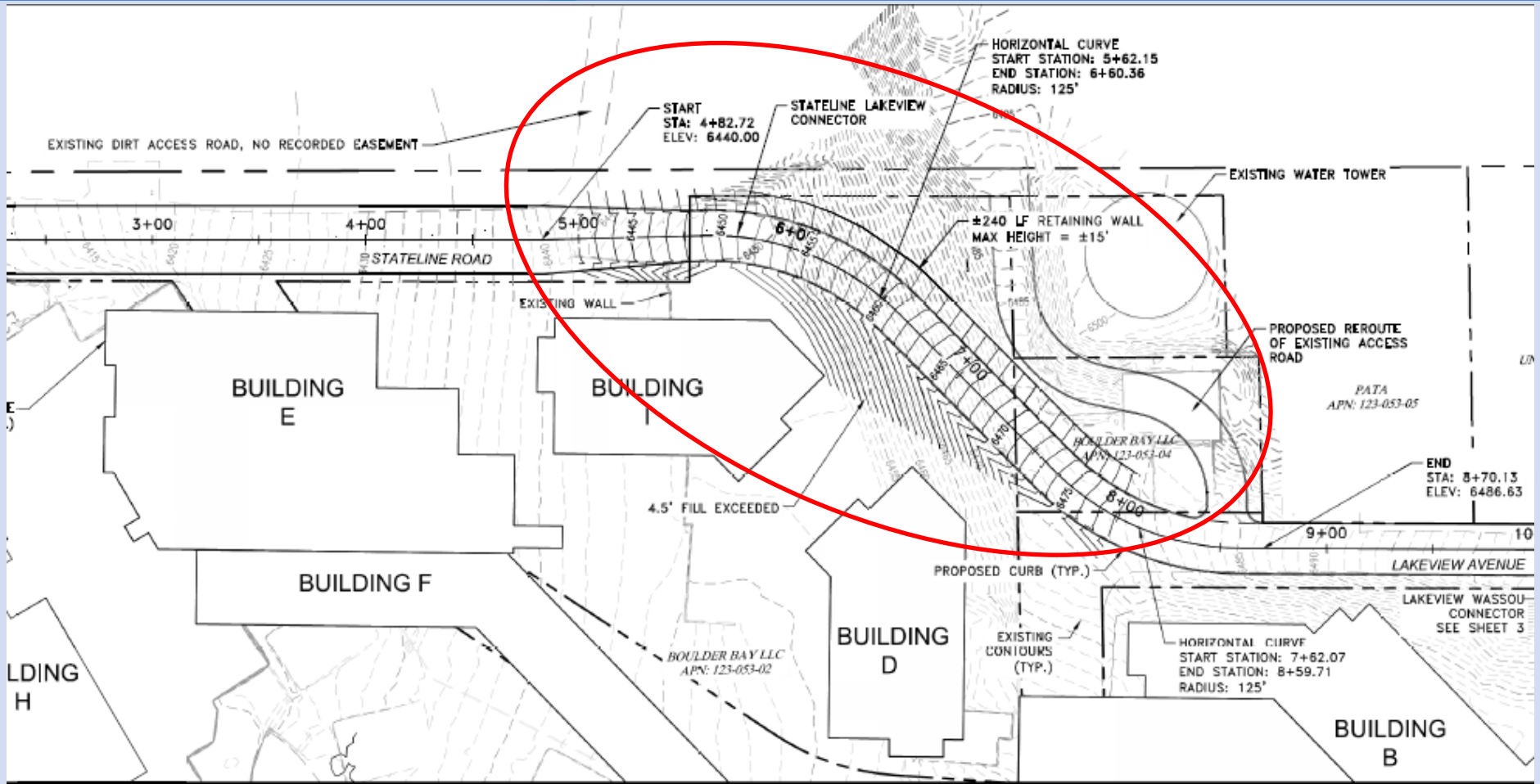
# Variance Request

- **110.438.35(a)(4) – Grading to construct a permanent earthen structure greater than four and one-half (4.5) feet in height within the required front yard setback, or greater than six (6) feet in height on the remainder of the property. The height of an earthen structure is measured from existing grade at the time of permit issuance.**
- **110.438.45(c) - Finish grading shall not vary from the natural slope by more than ten (10) feet in elevation**

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# Variance Request (Grading)



LAKEVIEW TO STATELINE CONNECTOR PLAN VIEW



# Article 804 - Variance

- **Variance requires making all 5 of the following findings**
  1. Special Circumstances
  2. No Detriment
  3. No Special Privileges
  4. Use Authorized
  5. Effect on a Military Installation



# Special Circumstances

## 1. Shape of Property

1. The shape of the property does not apply

## 2. Topographic Conditions

- There **are** slopes greater than 15% that preclude creating a road that meet current WC standards.

## 3. Other Extraordinary and exceptional situation



# No Detriment

- The proposed relief will improve the public safety of the new roads by bringing the alignment closer to county standards
- The relief will not create a substantial detriment to the public good, substantially impair affected natural resources, or impair the intent or purpose of the development code in accordance with WCC 110.804.25(b)



# Traffic Study

- As part of the Occupancy Permit Process, NDOT **requires** applicants to submit a traffic impact analysis for review and approval **prior** to NDOT accepting an occupancy permit application when a project is anticipated to generate 100 trips or more in the peak hour, or contributes traffic to an area that is already experiencing congestion/high crashes
- The requirement for submitting a traffic study to NDOT includes developments that use a previously permitted access point or **remove an existing access point**





# Traffic Study Conditions

- **Washoe County Engineering – Condition 3 (r)**
  - A traffic study and report addressing level of service at intersections and turning movements shall be submitted to NDOT and Washoe County Engineering with the submittal of plans for review



# Traffic Study Conditions

- **Nevada Department of Transportation Condition**
  - b. An NDOT occupancy permit will be required for the proposed improvements adjacent to and within the SR-28 right of way. This includes the proposed new/modified access connections to SR-28 and the removal of accesses proposed to be abandoned.
    - i. As part of the occupancy permit process, NDOT will require an updated traffic impact analysis be submitted for approval to determine the impact of the abandoned and new/modified accesses on the state highway system and required mitigations.
    - ii. This project proposes noteworthy changes to access and circulation along SR-28 through Crystal Bay. As part of the occupancy permit process, NDOT may require the applicant to perform additional analysis such as an intersection control evaluation (ICE) to determine the safest control method for new/modified accesses.



# No Special Privileges

- The applicant is not requesting to change any land use standards.
- There are no special privileges inconsistent with the limitation upon other properties in the vicinity and identical regulatory zone in accordance with WCC 110.804.25(c)



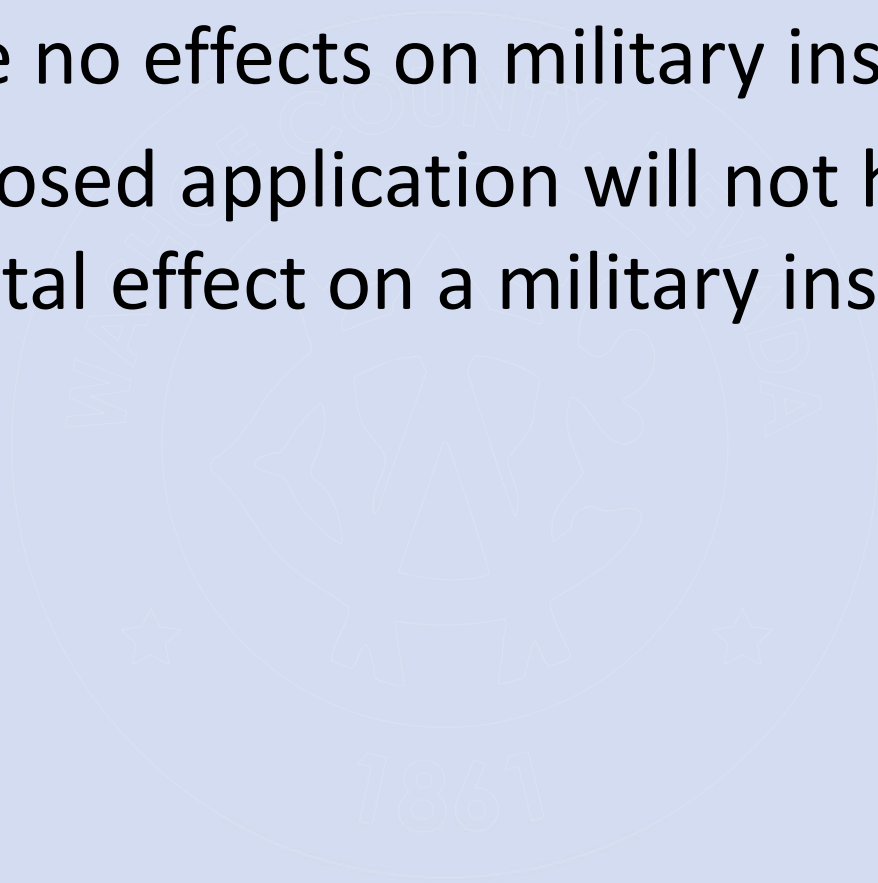
# Use Authorized

- The construction of a street and grading are not uses, but standards regulated under Article 436 and 438 respectively.
- Grading property and street construction is allowed within WC standards
- The proposed variances will not authorize a **use** or activity that is otherwise not expressly authorized in accordance with WCC 110.804.25(d)



# Effect on a Military Installation

- There are no effects on military installations.
- The proposed application will not have a detrimental effect on a military installation.





# Citizen Advisory Board Meeting

- **Incline Village/Crystal Bay CAB met March 1, 2021**
- **CAB voted unanimously to recommend bringing the application back to CAB when they have a full proposal that addressed issues from residents**
- **Issues included changes of design from previous approval**
- **Pushing through prior to adoption of new Tahoe Area Plan**
- **Wellness Way**
- **Lack of traffic related studies and the full development application**



# Variance Public Notice

- Notice was sent to 75 affected property owners (blue) within 500 feet of the site.





# Abandonment Public Notice

- **Notice was sent to an additional 101 affected property owners (blue).**







# Public Comment

- **Staff had received 29 emails in support of the project; and 27 emails in opposition.**
- **Staff also received 2 general comment emails**
- **6 Voicemails in support of the project**
- **1 Voicemails in opposition of the project**



# Engineering Condition Change

- **Existing Language: 3 (i)** A public access easement shall be granted over the private roadway (Wellness Way) and any roadway portion exceeding a grade of 12% shall be permanently heated.
- **Proposed Language:** A public access easement shall be granted over the private roadway (Wellness Way) and shall be permanently heated.



# Abandonment Findings

1. **Master Plan**. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the applicable area plans;
2. **No Detriment**. The abandonment or vacation does not result in a material injury to the public; and
3. **Existing Easements**. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.



# No Detriment Finding

**No Detriment.** The abandonment or vacation does not result in a material injury to the public;

- a. The proposed vacation does not result in material injury to the public. The applicant is proposing a replacement access easement from Lake View Avenue to Stateline Road, Wassou Road is intended to connect to Lake View Avenue. The new roadway is intended to be wider, less steep, and will have a greater stopping distance for users.



# Variance Findings

1. **Special Circumstances.** Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
2. **No Detriment.** The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. **No Special Privileges.** The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. **Use Authorized.** The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
5. **Effect on a Military Installation.** Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.



# Abandonment Recommendation

After a thorough analysis and review, Abandonment Case Number WAB21-0002 is being recommended for **approval with conditions**. Staff offers the following motion for the Commission's consideration



# Variance Recommendation

After a thorough analysis and review, Variance Case Number WPVAR21-0001 is being recommended for **approval with conditions**. Staff offers the following motion for the Commission's consideration.



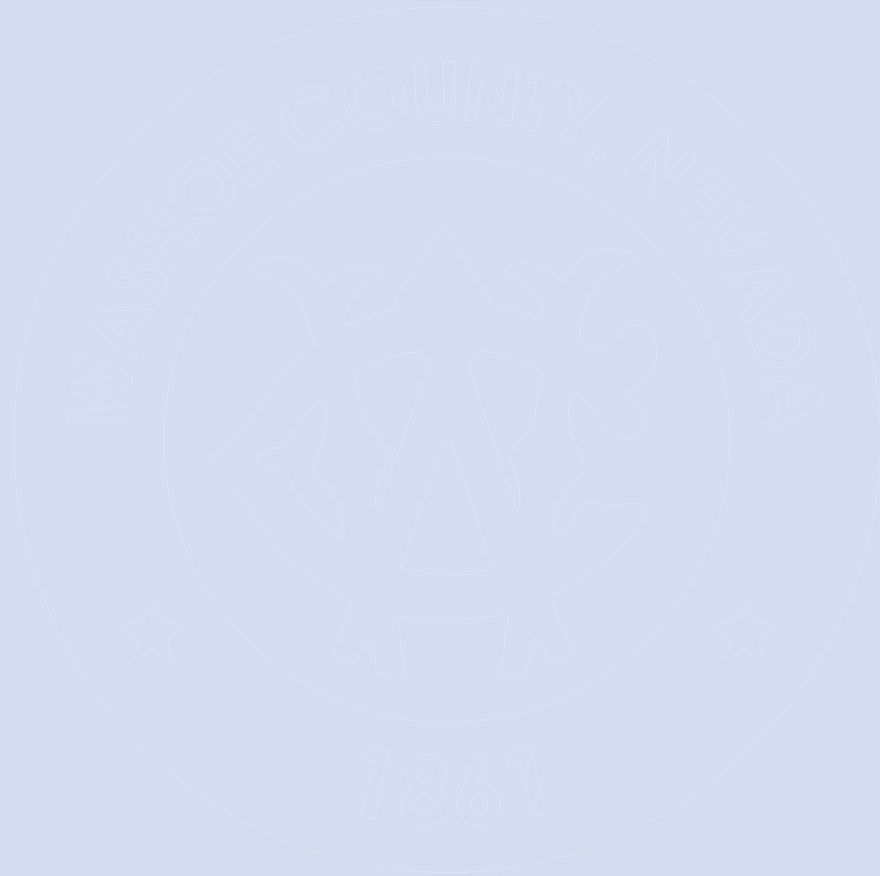
# Motions

- **Abandonment** - I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Abandonment Case Number WAB21-0002 for Boulder Bay, LLC, with the amended Conditions of Approval included as Exhibit A for this matter, having made all three findings in accordance with Washoe County Code Section 110.806.20.
- **Variance** - I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Variance Case Number WPVAR21-0001 for Boulder Bay, LLC, with the amended Conditions of Approval included as Exhibit A for this matter, having made all four required findings in accordance with Washoe County Development Code Section 110.804.25:





# Questions?





# Case History

- June 15, 2008 – Boulder Bay submitted for Abandonment and Variance (AB08-009 and VA08-014)
- May 6, 2008 – Washoe County Planning Commission approved both cases.
- June 24, 2008 – Washoe County Board of County Commissioners heard an appeal and overturned the Planning Commissions approval.



# Case History

- August 15, 2008 – Boulder Bay submitted a revised abandonment and variance application.
- November 5, 2008 – The Washoe County Planning Commission unanimously approved both applications.
- January 13, 2009 – The Board of County Commissioners heard an appeal and denied the appeal, upholding the Planning Commissions decision.
- The 2009 approval for AB08-009 and VA08-014 have since expired, therefore the Abandonment and Variance requests have been submitted once again.