



WASHOE COUNTY PLANNING COMMISSION Draft Meeting Minutes

Planning Commission Members

Larry Chesney, Chair
Francine Donshick, Vice Chair
Thomas B. Bruce
Sarah Chvilicek
Kate S. Nelson
Larry Peyton
Pat Phillips

Tuesday, June 1, 2021
6:00 p.m.

Secretary

Trevor Lloyd, Secretary

The Washoe County Planning Commission met in a scheduled session on Tuesday, June 1, 2021, in the Washoe County Chambers and via Zoom teleconference.

The meeting was televised live and replayed on Washoe Channel at: <https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php> also on YouTube at: <https://www.youtube.com/user/WashoeCountyTV>

1. *Determination of Quorum

Chair Chesney called the meeting to order at 6:00 p.m. The following Commissioners and staff were present:

Commissioners present: Larry Chesney, Chair
Francine Donshick, Vice Chair
Sarah Chvilicek
Kate S. Nelson
Larry Peyton (via teleconference)
Pat Phillips

Commissioners absent: Thomas B. Bruce

Staff present: Trevor Lloyd, Secretary, Planning and Building
Chris Bronczyk, Planner, Planning and Building
Courtney Weiche, Senior Planner, Planning and Building
Dan Cahalane, Planner, Planning and Building
Mojra Hauenstein, Division Director, Planning and Building
Jen Gustafson, Deputy District Attorney, District Attorney's Office
Kathy Emerson, Administrative Secretary Supervisor, Planning and Building
Donna Fagan, Office Support Specialist, Planning and Building
Lacey Kerfoot, Office Support Specialist, Planning and Building
Jenn Heeran, Sr. Engineer, Washoe County Roads
Dwayne Smith, Division Director, Engineering and Capital Projects

2. *Pledge of Allegiance

The pledge was recited.

3. *Ethics Law Announcement

Deputy District Attorney Gustafson provided the ethics procedure for disclosures.

4. *Appeal Procedure

Secretary Lloyd recited the appeal procedure for items heard before the Planning Commission.

5. *General Public Comment and Discussion Thereof

There were no requests for public comment.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Chvilicek moved to approve the agenda for the June 1, 2021, meeting as written. Commissioner Donshick seconded the motion, which passed unanimously with a vote of six in favor, none against.

7. Approval of [May 4, 2021 Draft Minutes](#) Draft Minutes

Commissioner Donshick moved to approve the minutes for the May 4, 2021, Planning Commission meeting as written. Commissioner Phillips seconded the motion, which passed unanimously with a vote of six in favor, none against.

8. Public Hearings

A. [Tentative Subdivision Map Case Number WTM-007 \(Village Parkway\)](#) [For possible action] – For hearing, discussion, and possible action to approve a tentative subdivision map for 166 detached single family dwelling units and 183 attached single family dwelling units in a common open space development on 3 parcels totaling 124.6 acres, and associated major grading for 46.7 acres of ground disturbance, 48,300cy of cut and 251,000cy of fill for the proposed tentative map.

- Applicant/Property Owner: Lifestyle Homes TND, LCC
- Location: West side of Village Parkway, north of Cold Springs Drive
- Assessor's Parcel Number: 087-400-11, 087-400-23, 087-400-24
- Parcel Size: 124.6 acres total
- Master Plan Categories: Rural, Suburban Residential
- Regulatory Zone: 62.1% General Rural, 37.9% High Density Suburban
- Area Plan: Cold Springs
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 608
- Commission District: 5 – Commissioner Herman
- Staff: Dan Cahalane, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3628
- E-mail: dcahalane@washoecounty.us

Trevor Lloyd noted that the applicant has requested a continuance. Secretary Lloyd recommended opening the item for public comment, but advised that there would be no presentation.

Public Comment:

Jacob Palmer stated that he lives at 3900 Diamond Peak Drive. Mr. Palmer stated that there are six townhomes slated to be built behind his back fence. He requested any building be limited to one-story in height, as two- or three-story homes would look into his backyard. Mr. Palmers stated that he has spent tens of thousands of dollars on pavers, sod and an in-ground pool so that he can enjoy the mountain views. It seems an invasion of privacy to have people peeking into his yard all the time. He wanted to show the map of where they are in the far back corner. He would appreciate consideration. Thank you.

MOTION: Chair Chvilicek moved to continue this item. Commission Donshick seconded the motion. The motion carried unanimously, six in favor, none against.

B. [Abandonment Case Number WAB21-0002 \(Boulder Bay\) \[For possible action\]](#) – For hearing, discussion and possible action 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. If approved, the County’s abandoned interest in this public right-of-way will be transferred to Boulder Bay, LLC, owners of abutting property.

[Variance Case Number WPVAR21-0001 \(Boulder Bay\) \[For possible action\]](#) – For hearing, discussion and possible action 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, specifically, 110.438.35(a)(4) and 110.438.45(c) to accommodate future driveway locations.

- Applicant: Boulder Bay, LLC
- Property Owner 1: Boulder Bay, LLC
- Property Owner 2: Big Water Investments, Inc.
- Property Owner 3: United States Forest Service
- Location: 0 State Route 28; 5 State Route 28; 0 Wassau Road; 101 Lake View Avenue; 47 Reservoir Road
- Assessor’s Parcel Numbers: 123-071-04; 123-054-01; 123-053-04; 123-053-02; 123-052-04; 123-052-02; 123-052-03; 123-291-01; 123-053-06
- Parcel Size: 0.64 ac; 1.00 ac; 0.18 ac; 1.42 ac; 3.23 ac; 0.28 ac; 0.28 ac; 2.77 ac; 1.24 ac
- Master Plan Category: Commercial (C); Suburban Residential (SR)
- Regulatory Zone: Tourist Commercial (TC); Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay

- Development Code: Authorized in Article 804, Variances; and 806, Vacations and Abandonments of Easements or Streets
- Commission District: 1 – Commissioner Hill
- Staff: Chris Bronczyk, Planner and Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3612 (Chris) / 775-328-3608 (Courtney)
- E-mail: cbronczyk@washoecounty.us
cwieche@washoecounty.us

Chair Chesney called for disclosures. Commissioner Nelson stated she would like to disclose conflict of interest with Abandonment Case Number WAB21-0002 (Boulder Bay) and Variance Case Number WPVAR21-0001 (Boulder Bay). Commissioner Nelson shared that she is the Engineering Manager for the Incline Village General Improvement District and within that position, she has reviewed these proposals. Commissioner Nelson stated that she provided feedback to Washoe County staff regarding this project, which is included in IVGID's conditions of approval. Commissioner Nelson read from a prepared statement: "I believe that I can fairly and impartially consider this matter; however, from the objective standpoint, since I have reviewed this proposal as part of my job duties and partially provided feedback on the conditions of approval that have been submitted for this proposal, I believe that it can be reasonably construed that I have prejudged this matter. Thus, I conclude that the independence of judgment of any reasonable person in my situation could be questioned and in accordance with the Planning Commission rules, I've decided to abstain from consideration and voting on this matter."

DDA Gustafson noted that she and Commissioner Nelson had discussed this matter. DDA Gustafson shared that Washoe County's policy is for Commissioner Nelson to leave the room during consideration and voting on the matter. Commissioner Nelson can return to the room to continue the meeting. Commissioner Nelson left the chambers.

There were no further Commissioner disclosures.

Chris Bronczyk, Washoe County Planner, provided a staff report presentation. Dave Snelgrove and Lou Feldman, Applicant Representatives, provided a PowerPoint slideshow presentation.

Public Comment:

Earl Nemser stated that he lives in the Granite Place project and is part of the homeowner's association. Mr. Nemser said that the HOA is fully supportive of the project and the vision. However, they are concerned about Wellness Way. They believe the presentation by the applicant representative sort of hides what's happening with Wellness Way and its impact on the three buildings currently constructed. The buildings are on State Route 28, so there's a lot of noise and the applicant is suggesting another road go on the other side of these buildings, which will create traffic and noise. Mr. Nemser said he hasn't heard anything about the impact to the kids that play there, those who walk their dogs there, or the fact that it's downhill and people will drive relatively fast on something like that. Mr. Nemser shared that it's disappointing to sit here and listen to the presentation and not hear anything from the applicant's representative or the County about the impact to the 18 owners in these units. The Wellness Way part of the request should be carefully limited so that road noise and danger is muted. Mr. Nemser suggested a 15-mph speed limit with speed bumps, no buses, no commercial traffic and no trucks. He stressed that public safety must be paramount. He said as a member of the HOA, he has heard from several owners that they

oppose the project. While Mr. Nemser doesn't personally oppose the project, he reiterated the strict restrictions that he would like to see in place: 15 mph speed limit, severe speed bumps, no commercial traffic, no buses, no trucks, and that public health is paramount. He stated that this is a narrow road that will be going downhill, the County must take care of residents with kids playing and people walking dogs.

Carole Black said that she submitted a written statement which she hopes the Commission received about the overall project plan but also plans for other nearby properties and resulting concerns about traffic; in particular, evacuation capacity and capability. Ms. Black says that she lives in Incline Village and is concerned with her ability to vacate the area when there is an event that requires evacuation. Ms. Black said she doesn't totally understand how the prior traffic analysis, given the size and scope of the proposed Boulder Bay project, could possibly have felt that there would be less traffic in fewer VMTs related to that project. Ms. Black raised concerns about the other projects along this small portion of Route 28 – CalNeva and other boarded-up properties that she assumes will be developed. Along with potential likely day-to-day traffic jams, the main evacuation routes from Incline Village/Crystal Bay in the event of a fire or whatever, are few: along Route 28 through Crystal Bay, along Route 28 towards 50 to Carson City, which she assumes would be closed to fire trucks in the event of a fire. With all this potential redevelopment, she is worried about how she's going to get out. Ms. Black acknowledged the proposed traffic study, but suggested that the traffic studies, before any of any of the development proceeds, should also include assessment of traffic, environmental impacts and mitigation plans for all the planned Crystal Bay area developments. The Commission should require a comprehensive Washoe County traffic engineering study, and in this situation with the proposals that have been in place for more than 10 years, satisfy multiple criteria for such a study. Looking at the overall situation, Ms. Black asks that the Commissioners try to come up with a plan that keeps everyone safe. Ms. Black agrees that there are local safety concerns, but stresses the safety of the broader community in the case of a catastrophic event. She thanked the Commissioners for their time and anticipated intervention in support of resolving these important safety concerns on behalf of their constituents in Crystal Bay and the broader community who need to go through the area during an evacuation.

Jeffrey Berkley said that he lives in Granite Bay and his biggest concern is what is happening with Big Water Drive. It will now become public access to Wellness Way. Mr. Berkley questioned what traffic that would bring into the private drive that exists currently. Mr. Berkley stated that it is not very clear – the difference in status between what is a private road and what it will become. He asserted that no one has brought it up or discussed it. He says he objects to it becoming a public access. Thank you.

Kathie Julian stated that she is a resident in Incline Village, a member of the CAB and as such, she provided a comment to the Commissioners. She suggested that there be an updated traffic study because this project is based upon a 2008 traffic study. Ms. Julian stated that an updated traffic study would help inform the further development of this project. Ms. Julian is not opposed to this mixed commercial residential project that has been designed and stated that it looks like an interesting project. However, she has very serious concerns about overall safety, the safety of people who reside in Incline Village and those people who reside in Crystal Bay, regarding the ability to evacuate in an orderly fashion. Ms. Julian raise the concern that the project is based on studies that were done in 2008 and have not yet been updated. She is concerned that the update that's being planned is not being considered with full concern of the evacuation issue, nor has the project factored in the additional developments that are going to come up from the CalNeva development and the overall growth over the last 12 years in Incline Village and Crystal Bay. Ms. Julian is taken aback by the residents of the 18 condos that don't want public access from those coming down from behind their development. She asserts that those people have families and they do want to get down to the post office and get down to Route 28 safely with several options

to get out of the area if needed. Ms. Julian states the area is an eyesore as is, that safety is important and that she encourages an updated traffic study before this project proceeds.

Christopher Armstrong said he lives on Wassou Rd. He said that he can't tell based on the map whether Wellness Way accesses Hwy 28, and if so, that's an issue for him. Mr. Armstrong asserted that Wassou Road is not all that steep. Mr. Armstrong acknowledged that the bottom of Reservoir Rd is a little bit steep, but contended that if he goes the other way out of his house, he has to go down a way steeper road to an intersection that's way more dangerous to get out. Mr. Armstrong shared that it's very hard to turn out of his driveway to go back the other direction. He said he thought the pedestrian access comments were kind of interesting as the pictures that were depicted by the Boulder Bay presentation are not going to be corrected by this project. The project is not fixing the pedestrian access in the neighborhood, the applicant is correcting some of the pedestrian access for the clients of the Boulder Bay project. Mr. Armstrong's other concern is the abandonment, as this is the road that he uses to exit his house every day. His concern is that residents are getting an OK alternative, not a better one. Mr. Armstrong also shared concerns regarding driving through California, which raises legal concerns if he is carrying a concealed weapon. To avoid this, Mr. Armstrong states he would be required to drive back through his neighborhood. He also voiced other issues, like the inability to turn around or exit through any other intersection when towing a boat. Mr. Armstrong restated that the primary exit for his property right now is Reservoir Rd from Wassou Rd.

Roger Wittenberg disclosed that it is his signature on the applications, as he is one of the principals in this project. Mr. Wittenberg stated that he is speaking as an individual. He pointed out that the five-year permit process that Washoe County gives for these types of projects applies for 12 months a year for most parts of the County. The exception is portions of the county that are overseen by TRPA where permits cover five and a half months a year, including tidying up and closing down the project for the season. Mr. Wittenberg calculated that it comes out to 27 total months of construction allowed under TRPA, versus 60 months of construction available to the rest of the county for a five-year permit. He recommended that the County review the process and have some conversations about what that means. Mr. Wittenberg further asserted that even with an additional five-year renewal, areas covered by TRPA still do not have access to the same 60-month construction timeline received by other areas of the county. Accounting for the torturous terrain and regulations up at the lake, Mr. Wittenberg states that it makes a large project very difficult. Mr. Wittenberg shared that the number of homes and hotel rooms available at Lake Tahoe is essentially a fixed number; everything being built on this project was either already on site or it's disappeared somewhere else around the lake. He emphasized that the traffic studies aren't going to change much, because TRPA will not allow for continuous growth. Mr. Wittenberg stated that the applicants are simply trying to finish the project that began years ago.

Trevor Smith said he was the project broker salesman for the first phase of Boulder Bay. He said he is speaking in favor of the abandonment and the variance. These items were already approved by Washoe County and TRPA. Mr. Smith stated that this is a massive improvement for the current roadway for public benefit and this is a positive change for traffic flow and safety. Mr. Smith asked that the Commissioners consider this issue.

Amy Smith said she is a longtime resident of Incline Village and like her husband, was part of the team of project brokers at Boulder Bay. She said she is strongly encouraging the Commissioners to approve the road abandonment. Mrs. Smith stated that the roads that currently exist in Crystal Bay right now are narrow, extremely steep and unsafe. She shared that when she visits friends that live in the community [Boulder Bay] and in single family homes in Crystal Bay, the roads are very narrow. Regardless of what time of day you drive travel, Ms. Smith is concerned about running into somebody with their kids or walking their dogs. She emphasized that the roads are way too narrow and it's time for an infrastructure change. Mrs. Smith is very excited that this could

be a potential opportunity to do that. She states that it is long overdue for the residents of Crystal Bay and the residents at Boulder Bay to have some improved roads; things that are wider and safer for everyone in the community. Mrs. Smith reiterated a comment made by Mr. Smith – that NDOT requires the abandonment of the road, as the two intersections are too close to each other and too dangerous. Mrs. Smith thanked the Commissioners for their time and for paying attention to the much-needed infrastructure and smart growth in Crystal Bay.

Pete Todoroff said he has been an Incline Village resident for 44 years and has concerns about safety, similar to what Carole Black mentioned. He said that he went to a TRPA meeting a couple of years ago in Kings Beach and it took him 45 minutes to get there. Mr. Todoroff mentioned summertime coincides with fire season and that Hwy 28 is a parking lot going to Sand Harbor. He has big concerns about how the community will be able to evacuate from Crystal Bay to Mount Rose Highway and to Hwy 28. He said he has real concerns because the fire comes from West to East. Mr. Todoroff said that he was on the CAB at the time that this was mentioned. He believes that a new [traffic] study needs to be done. Mr. Todoroff asserted that eight years ago there wasn't a bike path in Incline Village, adding that the path has caused numerous problems as far as getting out during evacuation. He reiterated that the road is a parking lot and you can't get anywhere. He said his main concern is safety, and that the applicant needs to do an updated Environmental Impact Statement for the safety of this community.

Mark Alexander said that he is a resident at 435 Lakeview Ave, Crystal Bay. He said he applauds the actions of the Wittenbergs on this project. Mr. Alexander offered that what residents are really looking for in requesting a traffic study is access to get off of the mountain and onto SR 28 – ideally, a roundabout or a traffic signal. Mr. Alexander stated that currently, when coming down Reservoir Road to get on Road 28, a car passenger has to run down and push the button on the crosswalk sidewalk so the vehicle can get onto SR 28. He asserted that the County can do all the traffic studies they want but there needs to be some way to control the traffic to allow for entrance onto SR 28. Mr. Alexander stated that everyone's exceeding the speed limit and that it's vital to slow traffic down on the local roads. He said the fire lookout is the big attraction on Lakeview; half of California goes up to Lakeview to go up on the Fire Lookout Trail and it's the widest road in Crystal Bay. Mr. Alexander said drivers can't get up and down it hardly with so many cars parked on it; you can't weave through the traffic. He said he requested 15 mph speed limit signs to be installed. Currently, the residents have written their own signs to slow traffic down. He reiterated that residents need a signal on SR 28.

Brooksley Wiley stated she wanted to reiterate and reinforce safety concerns. She stated that she lives in California; however, this development is ¼ mile away from her home. There have been enormous changes in the use and the general layout of the region since everything was first approved. Ms. Wiley said that Highway 28 is a parking lot. She shared that most of the summer it is almost impossible to get out of the side streets onto 28. Her family times their activities so that they can get to the grocery store in less than an hour. Ms. Wiley says it's often faster to walk the mile to the grocery store than it is to try to drive. She is concerned about evacuation and concerned about emergency vehicle access. Ms. Wiley has two homes down at the bottom of side streets and doesn't believe that emergency vehicles, ambulances, or fire trucks would have a realistic probability of getting to either of her properties if there were a pressing concern. Ms. Wiley contends that residents have a right to be safe in their homes.

Jeff Shapiro stated he is a resident of Brockway. He said given the state of the development, he can completely understand why the roads need to be redone and that the roads need to be safer than they are today. He said he understands that today's meeting is specifically about the approval of the variance for the roadways in the area. He said he has big concerns about the traffic, about the fact that the original traffic study was done a decade ago or more and that the traffic today is really bad. In Brockway, he is very close to the state line, just across the state line from Crystal

Bay. He said that he goes into Incline Village and Kings Beach; from Speedboat Ave or Harbor Ave right across the state line, getting out on the Highway 28 is a huge problem. He stated that he is having the same problem, from the opposite side, of the residents in Crystal Bay. Mr. Shapiro said he doesn't think anybody has considered what the traffic is already like today and how this development will impact that traffic on that peninsula right now – it's already over capacity. Mr. Shapiro reiterated that today's meeting is specifically about the variance for the roadways and there might be safety issues that need to be addressed if this project proceeds. He wants to give input about the overall status of the traffic on this peninsula and how it effects the residents. Mr. Shapiro urged that safety evacuation plans should be a top priority. While he hopes that emergencies won't happen, he admits that they will happen eventually. Mr. Shapiro asked Commissioners to look at the day-to-day quality of life for the residents in these communities of Crystal Bay, Incline, Kings Beach and Brockway. He stated that there is always too much traffic on 28, more than it can really support. Mr. Shapiro urges Commissioners to consider how much traffic the area can really support in the overall grand scheme for this variance, and with the rest of the project. He asked whether communities are capable of bearing the brunt of the additional traffic and capacity.

Scott Teech said he is here to synopsise a peer review conducted by RK Engineering regarding Hwy 28. Mr. Teech alerted the Commissioners that the review was emailed to them in its entirety. RK Engineering has been in business for 40 years and has prepared several hundred traffic impact studies throughout California, Nevada, Arizona, and Colorado. According to Mr. Teech, North Tahoe Preservation Alliance asked RK Engineering to review the Boulder Bay traffic study conducted in 2008. Mr. Teech stated that one does not have to be a traffic engineer or a math wiz to know that conditions and infrastructure have changed in North Lake Tahoe. Mr. Teech shared that RK Engineers found that the 2008 traffic report is not only added antiquated but was flawed in the following ways: Collection of traffic volumes - RK recommends collection of daily traffic volumes; study predates newly modified roadway network - lane reductions and roundabouts less than a mile away; the report fails to evaluate or address construction traffic - it isn't clear in the overall report that the proposed project would generate less trips than what is currently approved on the site as the applicant claims. Mr. Teech states that the original report fails to analyze roadway geometry and capacities. He states that Hwy 28 to the West has been reduced from 4 lanes to two lanes with the addition of two single lane roundabouts. Mr. Teech continues that since the analysis was prepared more than a decade ago, it's obvious to those who frequent the area that volumes have changed significantly even prior to COVID. He shared that RK Engineers recommend collection of current traffic volumes at steady intersections. RK Engineering further questions whether adequate evacuation capacity can be provided with the narrow and limited roadways. Additional emergency evacuation routes with appropriate and adequate roadway widths could be needed. Studies predict increase in population of the area, resulting in corresponding traffic volumes. The recent pandemic migration allowed professionals who work remotely would further exacerbate the population increase. A new traffic study that adequately evaluates this increase in population is warranted now.

Ann Nichols, member of North Tahoe Preservation Alliance, thanked Chris for saving Wellness Way and making sure the road was heated. She said that she wanted to comment on what Mr. Wittenberg said regarding building limitations. Ms. Nichols stated that if the applicant started building in the spring or summer, they can work through the winter as they did at the Granite Place property. She asserted that the big problem is phasing. Ms. Nichols stated that the Nevada Department of Transportation did not do a traffic study for the first phase of 18 units, because it was so small it didn't add much traffic. She is concerned that if the applicant keeps building phases, too small to warrant an updated traffic study, that residents will never get it done. She would like to have a traffic study done and make sure those things are assessed. Ms. Nichols stated the phasing issues are a loophole. Residents need to know what the phasing is and when the BMPs will be done. She asked what "substantial conformance" is. The original project was 10

condo towers and then it was retracted; she wondered whether the applicant will bring that back as substantial conformance. Ms. Nichols said that there needs to be a public process with hearings for the public to be involved.

Ellie Waler said she has been following this project since it was approved in 2008. There was a process breakdown and NDOT failed in phase one, and the County is leading into another failure with no traffic analysis. She urges the Commissioners to deny the Boulder Bay agendized items until more information can be provided, allowing them to make an informed decision. Ms. Waler questioned why a private citizens group spent thousands of dollars on a traffic analysis, when it should be done before, instead of after, during a condition. A compelling statement was sent to staff from a member of the public. She read a letter from Ed Gramza dated Thursday, May 27th: “Christopher, as a local resident, my home is about 1/2 mile from the project site. As a professional transportation planner, I am an Emeritus member of the Institute of Transportation Engineers on Americas practice lead for travel demand forecasting at Jacobs Engineering. I'd like to express my concern regarding moving forward with the Boulder Bay project without reevaluation of site traffic and potential level of service and related impacts on the surrounding road. As you are well aware, the situation has changed significantly since the original study was completed. In addition to the local traffic impacts of development, planning changes, the CalNeva, the impact of COVID, residential settlement patterns and changing and timing of traffic flows and peaks all warrant reconsideration of previous assumptions regarding traffic generation, traffic distribution, assumed modal shares and roadway capacities and volumes. Though due to recent demands on my time, I have not had time to review in depth the previous analysis given finalization of that site plan, clarification and refinement of data regarding uses as identified in the current plan. I will state for the record that I am not speaking on behalf or representing in anyway the positions of Jacobs Engineering and I'm only acting as a private citizen with significant expertise and experience of transportation planning. If you were or your staff would be interested in discussing any of the above, feel free to contact me. Be advised that if my conclusions are born out in in-depth analysis, I will make every attempt to publicize my position to prevent undue negative impacts on the local community.” End of letter. Ms. Waler mentioned un-maintained county roads, stating that she lived on two in the neighboring Placer County. She stated that the citizens must pay for the upgrades, the changes and the degradation and that the citizens have not been told that.

David McClure, Tahoe resident for 35 years and Washoe County resident for the last 7, read a statement from a Commissioner, Jim Galloway, from a 2010 letter to the Federal Highway Administration, referring to the Kings Beach project that cut down a four-lane highway to two single lanes. Mr. McClure read: “The proposed road design would not only worsen highway performance, but would impair local and inter-community emergency response, and increased danger to human life in the event of a major wildfire in the region. I disagree that public safety should be unnecessarily sacrificed because of the alleged economic benefits of redevelopment.” End of statement. Mr. McClure said that the former Commissioner and board member of TRPA voted against that project in 2010. According to Mr. McClure, the project was actually installed just a few years ago, well after the 2008 traffic study. In that 2008 study, in the evacuation plan, the road between Crystal Bay and Kings Beach was to make three lanes, two lanes one way going out of Crystal Bay and one lane for emergency vehicles coming back in. Mr. McClure pointed out that at that point, it was a four-lane highway, so things would continue to flow smoothly and that was the evacuation plan. He continued that currently SR 28 has one lane with roundabouts, reducing capacity by 1/3 and precluding any use of a 3 lane management pattern like in Tahoe City. He stated that there are long cues on SR 28 in Crystal Bay that the traffic experts had modeled and predicted in the old project. He asked if NDOT or Washoe County Engineering is going to insist on a viable evacuation plan, or are they only going to look as shown on the slides at intersections and mitigations measures for those intersections. Mr. McClure asked how much gridlock Washoe County and NDOT are willing to put up, how much the residents are going to absorb until public safety is compromised at an intolerable level. He concluded that the public

must have access to all pertinent facts and have a voice to ensure diligent decisions. He asked for a 30 day pause so all of this can be accounted for in a totally new traffic study.

Kembe Dialis said it's clear that the current conditions to get out of the Incline Village/Crystal Bay Area, in the case of emergencies, is very dangerous. Ms. Dialis stated that the current roads are unsafe, that change is needed, and updates must be made. Ms. Dialis shared that the road from Reservoir Road down to State Highway 28 that requires drivers to make a stop and then turn on to the main road is extremely dangerous, which is why it was included as a condition to development. Ms. Dialis stated the current traffic is an issue in Tahoe, but the issue isn't about the traffic in Lake Tahoe. She shared that traffic is going to increase with visitors like herself who want to visit the area; the issue is the safety of the roads and making the best roads available given the topography of the area. Ms. Dialis believes that the project has done just that and that she supports the project.

Doug Flaherty from Incline Village, said that the staff report mentioned no detriment to the community, but the staff report failed to analyze the accumulative effects of the project as a whole. He requested that an accumulative effects analysis be included as part of the conditions of this project.

Heather Bacon is a principle on the Boulder Bay project. She has been hearing frustration from folks in wanting further conversations with NDOT, which she explained is why there is a condition of approval. Ms. Bacon said that it makes sense as the project gets closer to encroaching on that road to involve the Community and to have discussion with NDOT to see what could be done to improve the area along State Route 28; however, the current item is talking about the roads within the Boulder Bay project and Crystal Bay. She said she just wanted to take a step back for a second and let everyone know about how the process occurred back in 2008 and 2009. Ms. Bacon shared that the applicant sat down Washoe County, Public Safety and Fire to review the options that would be available in that area, which is how the applicant came to these roads. County Staff evaluated how to provide access to emergency vehicles. Various entities sat down with the developer and helped design these roads. She said that the applicant is proud of this project. Ms. Bacon shared that the feedback received from the community over the years helped the applicant to deliver a better project than if they would have proceeded completely on their own. Ms. Bacon urged the Commissioners to move forward with the project, as the current conditions are not safe for the people who live and work in the community. She concluded that the project needs to be delivered as soon as possible.

With no further public comment, Chair Chesney closed the public comment period.

Commissioner Phillips asked for clarification on whether this request includes SR 28 at all. Chris Bronczyk, Washoe County Planner, stated that the request does involve SR 28 as Wellness Way will connect to SR 28 from the Wassou / Lakeview connector. Additionally, he stated that Wassou will connect to Lakeview Avenue, which will then connect to Stateline Road which, in turn, will connect to State Route 28. Chris stated that there are two access points to SR 28.

Commissioner Chvilicek asked staff to clarify that what is before the Commission this evening is an abandonment and a variance. Mr. Bronczyk confirmed. Commissioner Chvilicek asked whether one of the conditions of approval is the requirement to do a traffic study which will involve community input. Mr. Bronczyk said that is not necessarily the case. He said there are two conditions of approval that mention a traffic study. One of the exhibits was the NDOT process. Mr. Bronczyk said Alex Wolfson is present from NDOT and can speak to the traffic study process. Mr. Bronczyk also said that there are conditions that require the traffic studies to be updated to Washoe County Engineering and NDOT. Considering Washoe County's continued involvement with the project, Commissioner Chvilicek asked that staff make all concerted efforts to include

public comment at CAB and other public meetings. Mr. Bronczyk said that Dwayne Smith is present in the Chambers and available to speak further regarding the traffic study. Chair Chesney asked for Dwayne Smith to make comment. Dwayne Smith, Washoe County Director of Engineering and County Engineer, pointed out that there are numerous references to the authority of the County Engineer through this process. He also pointed out that Washoe County and NDOT, working collaboratively on this project, have placed a requirement on the applicants to update the traffic study for the future project. Mr. Smith stated that it's crucial to know what that future project is; the details of that project, the number of movements associated with that project, which will come out through the traffic study that's yet to come. At this point in time, Mr. Smith stated, the traffic study is not required to simply abandon the roads and provide the variance for the new roads that are being constructed to bring public safety to this area. Specifically, he mentioned that the traffic study will be scoped collaboratively with Washoe County and NDOT; part of that scoping process, will consider the community. Mr. Smith said that this is a unique area with a lot of topography, wildland fire and other issues that requires the traffic study to account for those movements associated with this project. He clarified that the conditioned traffic study doesn't take into account the overall basin, which is a larger planning effort managed by multi-state agencies. Mr. Smith stated that the future project will evaluate project impacts and provide recommendations for mitigation. Both NDOT and Washoe County, will review and provide input in that process. The input will allow the County and NDOT to provide proper conditioning for the project and provide project mitigation based on that project.

Chair Chesney closed the public hearing.

Chair Chesney said that he hears the concerns about the traffic study, but we don't know what the project is yet. Commissioner Donshick said she cannot tell the road layout because the maps were not great. Chair Chesney stated that his understanding is that the scope of the project is yet to be determined. Trevor Lloyd, Planning Manager, clarified that there is no project that has been submitted at this time, but that it's likely in the near future that the Commission will see a real project to review.

MOTION: Abandonment Case Number WAB21-0002 & Variance Case Number WPVAR21-0001 (Boulder Bay)

Abandonment Motion: Commissioner Chvilicek moved 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 with conditions 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.

- 1. Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Tahoe Area Plan; and**
- 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.**

AND

Variance Motion: Commissioner Chvilicek moved 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 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:

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.

Commissioner Donshick seconded the motion. DDA Gustafson asked whether Commissioner Chvilicek will include amended engineering condition (i) in her motion. Commissioners Chvilicek and Donshick confirmed their motion and second did include amended condition (i). The motion carried unanimously with a vote of six in favor, none against.

The Commission took a five-minute recess. Commissioner Nelson rejoined the meeting.

9. Chair and Commission Items

- *A. Future agenda items - None
- *B. Requests for information from staff - Commissioner Donshick requested updated flash drives with information.

10. Director's and Legal Counsel's Items

- *A. Report on previous Planning Commission items – None.
- *B. Legal information and updates – None.

11. *General Public Comment and Discussion Thereof

Recording Secretary Donna Fagan noted that she received a voicemail recording from Carmen Jones to be included with public comment for WTM21 -0007 Village Parkway; however, there were technical difficulties. As the item, WTM21-0007 Village Parkway was continued, the voicemail recordings will be shared at the time that the item is heard by the Planning Commission.

There were no further requests for public comment.

12. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 08:01 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on July 6, 2021

Trevor Lloyd
Secretary to the Planning Commission