



Washoe County Citizen Advisory Boards Project Review and Input Form

Citizen Advisory Board: *Incline Village/Crystal Bay*

Meeting Date (if applicable):

Project Name and Case Number: *Boulder Bay*

Washoe County Planner: *Chris Bronczyk*

Please address your project comments below

Compatibility of the project with the surrounding area:

Traffic impacts and pedestrian safety concerns: *Please see attached under this heading.*

Proposed design contributes to and enhances the character of the area:

Environmental impacts: *Please see attached under this heading.*

Appropriate signage:

Other issues/concerns: *Please see attached under this heading.*

Suggested recommendations, modifications/alternatives: *Please see attached under Initial Comments.*

Name *Diane Becker* Date: *5/21/2021*
(Please Print)

Signature: *Diane Becker*

This worksheet will become part of the public record through the planner's staff report. Your comments, and comments from other CAB members, will and shall not collectively constitute a position of the CAB as a whole. ****Due to Nevada Open Meeting Law considerations, please do not communicate with your fellow CAB members on items outside of the agendized discussions held at your regular CAB meetings.****

Initial Comments:

At the CAB meeting which reviewed the proposed abandonment and proposed variance for Boulder Bay, to the best of my recollection, every person who spoke or commented, including all CAB members expressed the opinion that **there was insufficient information on what the project was, for a recommendation to approve recommendation of the abandonment and/or variance, and requested that the full project be brought back to the CAB with more information as to what the project even was going to be. Nothing ever came back to the CAB,** and the presentation to the CAB only showed information about the proposed abandonment and variance, not the project. As a CAB member I understood that there would be significantly more information provided to the CAB for review at a future date.

Also, the CAB members and the local residents stated at the CAB meeting that they felt that before the abandonment and variance would be granted **there needed to be a traffic study and an intersection study because they feared excessive traffic would be generated, and if so this would needed to be handled and mitigated.** There is a real risk of additional traffic causing additional traffic jams on Highway 28, especially because of the obvious intent for future development of the Cal Neva Property and several large, boarded up commercial properties that are ripe for development in the immediately adjacent area. **The expressed concern was that the benefits of the variance and the abandonment of publicly owned land should not occur until the traffic study and resulting traffic mitigation desired by the County for the benefit of Crystal Bay was agreed to.** I was advised yesterday by the County representative that there is no need for a traffic study or intersection study in 2021 because **TRPA approved the development with a 2009 traffic study and TRPA's permit had no expiration date** and was still in effect today, and that the only thing that the County is looking at is the variance request and the abandonment request, both of which were approved in 2009, and that the traffic study or potential traffic impacts are not relevant to the variance or the abandonment request. All residents of Crystal Bay and Incline Village, and the County, and TRPA and the TTD, and the Regional Transportation Commission at Lake Tahoe, know that traffic studies from 2009 are outdated by today's actual traffic, and even TRPA has new Regional traffic studies and plans that were just adopted that have not been considered in this proposed project.

The local residents and some members of the CAB further expressed that it was unfair for the streets to be abandoned and **no public sidewalks would be provided for the public on the road to the north of the project.** See the further on the need for public sidewalks outside of the project on the proposed new road, discussion below under "Traffic impacts and pedestrian safety concerns" below.

Further, both members of the CAB and the public asked **what was being paid by the developer** to the County **for the large amount of acreage that is proposed for abandonment**, and both the County representative and the project representative stated that they **did not know the exact amount**, but the **developer representative represented that compensation was being paid by the developer** to the County for the abandoned land, which is approximately 24,000 square feet (.55 acres), plus an additional 36,000 square feet (.82 6 acres) from the national park service. **Contrary to the representation by the developer representative at the CAB meeting,** I was advised by the County yesterday, **no compensation is being paid** by the developer to the County for the approximately .55 prime acres in downtown Crystal Bay. I was further advised yesterday by the County that the reason that no compensation is being paid is because in 2009 the agreement was that no compensation would

be paid by the developer to the County. The fact that this abandonment and the compensation was approved in 2009 is not relevant to today's environment when land in Incline Village/Crystal Bay has so greatly increased in value.

I respectfully urge that there be no approval of the abandonment until reasonable compensation is agreed to between the developer and the County for the .55 acres in the central area of Crystal Bay are transferred to the developer for free. Any delay is in part due to the incorrect representation by the developer representative to the public and the CAB that compensation was being paid. Further, the argument that a traffic study is not relevant to the abandonment and variance request is not fully correct, as the traffic and intersection study is clearly relevant to the land which is the subject of the abandonment request and the road which is the subject of the variance request.

Traffic impacts and pedestrian safety concerns:

At the CAB meeting the developer representative stated that there were no public sidewalks outside of the project on the new proposed road "because Incline Village and Crystal Bay did not use sidewalks." A number of local Crystal Bay residents who stated that they walk from their homes on the streets that are being abandoned to the north of the project, down to highway 28, expressed that they needed sidewalk access. The developer representative further stated at the CAB meeting that the public would not have access to the "heated" sidewalks inside the project. The Project Narrative does not clearly state that the public can walk anywhere in the proposed private project, and based on the oral statement by the project representative and the Project Narrative it does not appear to be intended that the public can walk through the private project on its interior sidewalks. At page three the first paragraph of the Project Narrative states "Pedestrian access will no longer be provided within the paved asphalt travel lanes intended for vehicles. Rather, pedestrian paths that are separated from the public right of way will be provided on the private land of Boulder Bay...Pedestrian access will be handled privately..." This language seems to confirm that the public cannot use the pedestrian walkways within the project. This should be clear before there is any abandonment. This should be resolved and clarified and there must be public sidewalks for all of the homes and population to the north and east of the proposed project.

At page 15 the Project Narrative states: "The question is whether the road abandonment and not the overall project furthers the goals of the Comprehensive Plan." This is not the question to be asked and I hope that the County considers that the roads should not be abandoned and the variance should not be granted unless there is a traffic study to show that the proposed variance and abandonment are not detrimental to the traffic congestion, pollution, and to the public generally.

Additionally, at page 16 of the Project Narrative it states: "(b) The abandonment or vacation does not result in a material injury to the public." The public does not agree with that statement, and it cannot be evaluated unless fair value is paid to the County, or unless at least the full project can be reviewed and be determined to be of public benefit that outweighs the detriment. Additionally, there is a loss of the public benefit of sidewalks and that needs to be addressed.

Another concern that relates in part to traffic is the **impact of this project on emergency evacuation from Incline Village/Crystal Bay**. A current traffic analysis along with emergency evacuation analysis is critical for the public good. The current emergency evacuation plans include closing the 431 as an exit from the mountain in the case of fire, etc., so that fire trucks can access the mountain. There needs to

be a traffic study that includes an analysis of current peak traffic and emergency evacuation, before the property is abandoned or the variance granted.

Environmental impacts: How can there be a conclusion that there is no environmental impact from adding this volume of traffic and cars, trash generation, potential pollution, etc., without undertaking an Environmental analysis or traffic study? Why is it necessary for the County to abandon its public lands and grant a variance until a current traffic study and intersection study is reviewed and negotiated for the public good. Why would the County give up its negotiating position to get fair traffic and environmental mitigation by giving away the publicly owned land for free.? What happened in 2009 is not relevant today?

Other issues/concerns: The public needs to be told that contrary to the developer's incorrect representation to the CAB, no compensation is being paid to the County for the abandoned .55 acres of public land in Crystal Bay and have the ability to comment. A traffic study and emergency evacuation plan need to be prepared to support the abandonment and variance request as it is contrary to the public good to agree to these items without knowing whether, and the scope if any, of the new traffic conditions being created.