



WASHOE COUNTY

Integrity Communication Service

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STAFF REPORT

BOARD MEETING DATE: February 27, 2024

DATE: February 5, 2024

TO: Board of County Commissioners

FROM: Dwayne Smith, P.E., Division Director, Engineering and Capital Projects, Community Services Department, 328-2043, desmith@washoecounty.gov

THROUGH: David Solaro, P.E., Arch., Assistant County Manager, dsolaro@washoecounty.gov

SUBJECT: Recommendation to provide direction to staff regarding a deteriorating 6-foot tall, 1151-foot-long precast concrete-panel wall, located along the interface of the Arrowcreek Parkway right-of-way and the rear-property line of 14 residential lots beginning at 13430 Fieldcreek Lane and ending at 13560 Fieldcreek Lane. Estimates are provided but final costs are dependent upon competitive bidding. Current options include: A) remove, replace and paint the deteriorated concrete wall panels with all costs borne by Washoe County [approximately \$373,600.00]; B) remove, replace and paint the deteriorated concrete wall panels with one half of the cost borne by Washoe County [approximately \$186,000.00 with a cost share of approximately \$186,000.00 between the 14 property owners]; C) completely remove the existing concrete panel wall with all costs borne by Washoe County [approximately \$75,000.00]; or D) any other direction provided by the Washoe County Commission. All options will require a funding source to be identified. If Options A or B are directed, an agreement transferring ownership and future maintenance of the repaired wall to each individual property owner will be developed and presented at a future meeting. (Commission District 2.)

SUMMARY

At a March 2022, Board of County Commissioner (Board) meeting, public comment was made by the Fieldcreek Ranch Homeowners Association president requesting that Washoe County repair an existing concrete-panel wall located in the public right-of-way along a portion of Arrowcreek Parkway (Attachment A). Portions of the concrete-panel wall have deteriorated and have completely failed in some locations, resulting in a patchwork of repairs and open in other areas (Attachments B-F).

The wall in question is a 6-foot high, 1,511 foot long, precast concrete-panel wall (wall) and is located directly behind 14 residential parcels, beginning at 13430 Fieldcreek Lane and ending at 13560 Fieldcreek Lane. The wall functions as the back fence for these 14 property owners since the wall is within 12 inches of the property line.

Prior to 1999, Arrowcreek Parkway did not exist behind the subject properties although a 100-foot wide strip of land had been offered for dedication to Washoe County in 1989

AGENDA ITEM # _____

(Document 1305568). Later, in 1999, the wall was constructed by the Arrowcreek Residential developer, Southwest Pointe (Arrowcreek Developer), through special assessment district funding.

The Arrowcreek Developer ultimately constructed the wall in response to concerns identified by the 14 property owners regarding noise, view shed changes, and safety. A review of the February 8, 1994, Board meetings minutes indicated that the Board supported mitigation efforts by the Arrowcreek Developer which was included in the Southwest Point Partners Final Development Agreement, dated August 9, 1996.

In 2012, Washoe County had been made aware of the issue of the deteriorating wall panels, by way of meetings and discussions with several of the residents. At that time, it was understood that Washoe County did not have adequate funding or resources to maintain the wall that was installed by the Arrowcreek Developer and further discussion determined that the wall solely benefits those 14 property owners since it is also the property's rear lot fence. Additional questions were raised regarding the open offer of dedication to this area of Arrowcreek Parkway along with the lack of a permanent easement deed or maintenance agreement, which exists in other parts of the County.

In 2023, to provide resolution to the situation, Washoe County sent a letter to each of the 14 property owners, outlining a proposed mitigation strategy for repair of the wall sections and to completely transfer ownership of the wall to the property owners. This option, referred to as Option A, assigns the full repair cost to Washoe County and once repaired, would then fully transfer wall ownership and future maintenance to each individual property owner. It was anticipated that an agreement capturing necessary details would be developed and ultimately signed by all 14 property owners.

Recognizing the broader issues, staff also developed two additional options for the Board's consideration. Option B includes the same repair of the wall and transfer of ownership but assumes a cost share between the 14 property owners and Washoe County. This option would also require an agreement identifying the terms and responsibilities, signed by all 14 property owners.

Option C is the complete removal of the existing concrete panel wall by Washoe County at the County's cost. No agreement would be necessary with this option.

These options are provided with the understanding that other approaches may exist with respect to repair strategies, project management (Washoe County or property owners), and cost distribution. The following table provides a summary of the options:

	Option A	Option B	Option C
Engineer's Estimate:	\$373,600.00 Assign the full repair cost to Washoe County and draft an Agreement to transfer wall ownership and future maintenance to each individual property owner.	\$373,600.00 Share the cost of repair between Washoe County and the 14 property owners and draft an Agreement to transfer wall ownership and future maintenance to each individual property owner.	\$75,000.00 Assign the cost of complete removal of the existing concrete panel wall to Washoe County. No agreement will be required.
Washoe County Cost:	\$373,600.00	\$186,800.00	\$75,000.00
Property Owner Cost:	\$0	\$186,800.00	\$0

It is important to note that there is no current funding source for Options A, B or C. All cost estimates are based on a current understanding of market conditions and with site specific reviews. Actual costs will result from competitive bidding as required by Nevada Revised Statutes, seeking the lowest cost approach, but may be considerably higher than the Engineer's estimate.

Washoe County Strategic Objective supported by this item: Fiscal Sustainability: Long-Term Sustainability

PREVIOUS ACTION

On February 8, 1994, the Board approved the preliminary development agreement in Development Agreement Case No. DA9-1-93.

BACKGROUND

In the late 1990s, as part of the Arrowcreek residential development (Southwest Pointe), a residential development located to the west of Thomas Creek Road, new offsite infrastructure was designed and constructed by the project developer. This included improvements to Whites Creek Lane, now known as Arrowcreek Parkway. While initially contemplated to be four lanes wide, the plan for the new sections of Arrowcreek Parkway was designed as a two-lane roadway as it exists today. In response to concerns by several of the existing property owners, a discussion between the developers' representative and the Washoe County Commission resulted in a commitment by the developer to "work with those homeowners, even meeting with them individually, if necessary, to come up with acceptable solutions to minimize impacts on them." After this commitment, Condition 19.C was included in the approved Development Agreement that required "Whites Creek Lane (now known as Arrowcreek Parkway through this area) will be designed in a manner that minimizes any impacts on the adjacent homes to the north in Fieldcreek Ranch (eg., fencing, berms, lowering the travel lanes)." It is believed that the concrete-panel wall was included in the approved plans to assure compliance with Condition 19.C.

To understand if existing or future ambient noise levels would have triggered Washoe County Development Codes standards for the construction of a soundwall, Washoe County contracted Jacobs Engineering Group, Inc. in 2023, to perform a noise analysis with respect to the 14 residential properties. The analysis included several locations along the existing concrete-panel wall, both in front and behind the wall. The analysis also included a location on the southside of Arrowcreek Parkway, where other residences exist but there is no wall. The results of the analysis identified that current sound levels are within the range included within the Washoe County Development Code (110.414) and therefore no requirement for a soundwall would be triggered if the development of Arrowcreek was occurring today.

In addition, staff received confirmation from the Washoe County Assessor's office that each property currently receives a 5% reduction to their land value because of the traffic from Arrowcreek Parkway and no reductions to the property values have been made because of the deteriorated wall condition. Further, the Washoe County Assessor's office indicated that if a repaired wall were to be transferred to the property owners, a minimal increase in their individual property value may occur. Property values are assessed July 1st of each year and any changes occurring after July 1st, 2024, would not be captured until July 1st of 2025.

It is important to note that there is currently no identified or approved capital funding in the Fiscal Year 2024 budget for the repair or removal of the concrete-panel wall. If directed by the Commission, staff will work with the Washoe County budget division to identify a

sufficient funding source that would be identified in a potential repair agreement that would be presented to the Board for final consideration.

FISCAL IMPACT

There is no fiscal impact until direction is given by the Board. A future staff report will include the fiscal impact of the Board directed Option, and if applicable, will contain the results of a competitive bid process with accounting information from the to-be-identified funding source.

RECOMMENDATION

It is recommended that the Board of County Commissioners direct staff to resolve the issue of a deteriorating 6-foot tall, 1151 foot long precast concrete-panel wall, located along the interface of the Arrowcreek Parkway right-of-way and the rear-property line of 14 residential lots beginning at 13430 Fieldcreek Lane and ending at 13560 Fieldcreek Lane by utilizing one of the following Options:

Option A) develop a funding source to remove, replace and paint the deteriorated concrete wall panels with all costs borne by Washoe County in an approximate amount of \$373,600.00 and develop a draft Agreement transferring the repaired wall to each individual property owner; OR

Option B) develop a funding source to remove, replace and paint the deteriorated concrete wall panels with one half of the cost borne by Washoe County in an approximate amount of \$186,000.00 with a cost share of \$186,000.00 between the 14 property owners and develop a draft Agreement transferring the repaired wall to each individual property owner; OR

Option C) develop a funding source to completely remove the existing concrete panel wall with all costs borne by Washoe County in an approximate amount of \$75,000.00; OR

Option D) any other direction provided by the Washoe County Commission.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be "Move to direct staff to return to a future meeting with resolution of a deteriorating 6-foot tall, 1151 foot long precast concrete-panel wall, located along the interface of the Arrowcreek Parkway right-of-way and the rear-property line of 14 residential lots beginning at 13430 Fieldcreek Lane and ending at 13560 Fieldcreek Lane utilizing one of the following Options:

Option A) develop a funding source to remove, replace and paint the deteriorated concrete wall panels with all costs borne by Washoe County in an approximate amount of \$373,600.00 and develop a draft Agreement transferring the repaired wall to each individual property owner; OR

Option B) develop a funding source to remove, replace and paint the deteriorated concrete wall panels with one half of the cost borne by Washoe County in an approximate amount of \$186,000.00 with a cost share of \$186,000.00 between the 14 property owners; and develop a draft Agreement transferring the repaired wall to each individual property owner; OR

Option C) develop a funding source to completely remove the existing concrete panel wall with all costs borne by Washoe County in an approximate amount of \$75,000.00; OR

Option D) any other direction provided by the Washoe County Commission."