



Pahute Abandonment

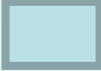
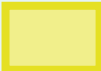

Appeal of WAB20-003

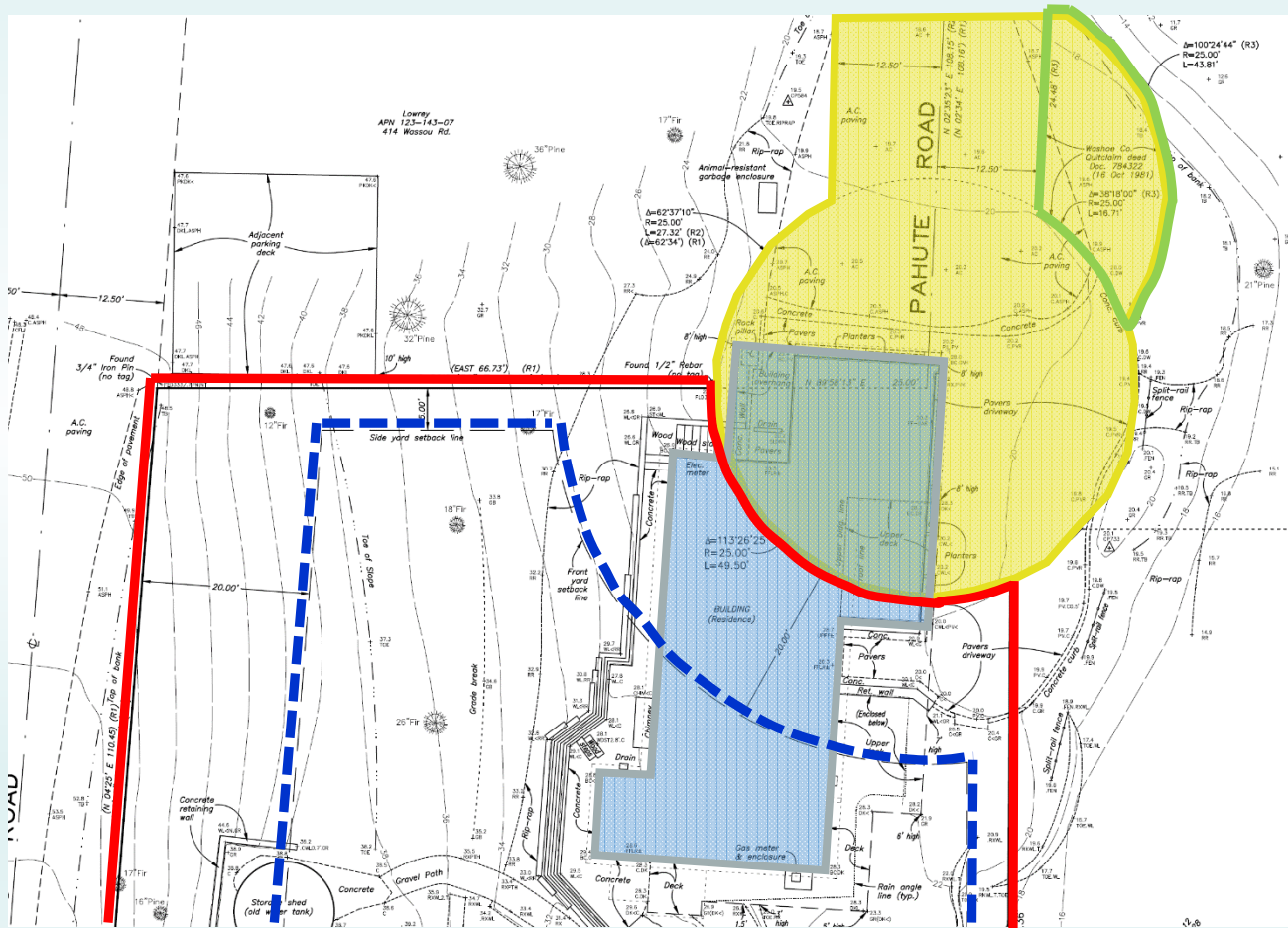
Pahute Road, Crystal Bay





425 Pahute Survey / Site Map

-  HOME OUTLINE
-  WASHOE COUNTY RIGHT-OF-WAY
-  WASHOE COUNTY RIGHT-OF-WAY 1981 ADDITION
- 425 PAHUTE LEGAL BOUNDARY
- 425 PAHUTE SETBACK REQUIREMENTS



Pahute Road Turnaround





Pahute Road – Applicant Caillier's Obstructions



Pahute Road – 50” Snowfall



Legal Advice from Nate Edwards – Deputy DA for Washoe County



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- Complicated set of circumstances
- ⊗ Planning Commission is not deciding whether home is legal, nonconforming or was built legally
- ⊗ Planning Commission is not deciding whether other homes are legal, nonconforming, or were built legally

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➤ Deciding whether

- ✔ If the abandonment request has a material adverse impact to the public **WCDC §110.806.20 (a) and NRS 278.480 (5)**
- ✔ Whether it complies with the master plan **WCDC §110.806.20 (b) and NRS 278.480 (5)**
- ✔ Whether any easement / access points that are necessary are reserved or relocated somewhere else **WCDC §110.806.20 (c) and NRS 278.480 (5 & 6)**

Applicant Caillier's & Planning Commission's False Assertions

- Although other properties are not relevant, it goes to Commission Staff and Applicant's credibility
- All other properties are built within their respective boundaries
- ***Except for Applicant Caillier, None*** are built into the Right of Way as the Planning staff reports reflect. Supplemental evidence in the record shows these assertions to be absolutely false
- Mr. Caillier has potential other means to achieve his desired result under TRPA §§1 and 2

Commission Vote

- With no evidence of the necessary requirements, the Planning Commission voted to abandon the portion of Pahute Road
- *Complete* disregard of the sound legal advice
- No evidence or consideration of public safety
- No consideration of Building Codes §110.436 and §110.608, Land Use and Transportation Master Plan §§ LUT 18.1-18.2, and TRPA §32.3
- No consideration of the extinguishment of the private easement rights of others

Penalties for Encroachment

- A legal nuisance under NRS §40.140
- A misdemeanor crime under NRS 202.470
 - Punishable up to 6 months jail time and \$1,000 fine
- A Category C felony under NRS §405.230 and §193.155
 - Punishable up to 5 years in Nevada State Prison and \$10,000 fine

Conclusion

The Planning Commission and its staff have:

- Failed to perform their duties under abandonment statutes and ordinances
- *Completely* disregarded sound legal advice given by its own counsel, Mr. Edwards
- Other than *ipsi dixit* comments, have made no mention, considered, or even put forth any required evidence of the impact on public safety, the Master Plan, or private property rights

Conclusion

On this record and facts, the Washoe County Board of Commissioners must follow the law and reverse the Planning Commission's abandonment of the end of Pahute Road