



Planning Commission Staff Report

Meeting Date: January 3, 2017

Subject: Abandonment Case Number: AB16-004

Applicants: Reichlin Family Trust, Johnson Living Trust, Halstead Family Trust, Alan and Marsha Day, and Bruce and Jean Bye

Agenda Item Number 9B

Summary: To allow the abandonment of multiple access easements on five adjoining properties.

Recommendation: Approval with Conditions

Prepared by: Trevor Lloyd - Senior Planner
Washoe County Community Services Department
Planning and Development Division
775.328.3620
E-Mail: tlloyd@washoecounty.us

Description

Abandonment Case No AB16-004 (Kessariss Way Properties) – Hearing, discussion, and possible action to approve the abandonment of multiple access easements on five adjoining properties. The proposed abandonment application will involve the following requests: 1) APN 142-241-51: abandon the southerly 13 feet of the 33 foot easement along the northern boundary and abandon the 33 foot easements along the western and southern boundaries; 2) APN 142-241-52: abandon the southerly 13 feet of the 33 foot easement along the northern boundary and the easterly 13 feet of the 33 foot easement along the western boundary and abandon the 33 foot easements along the eastern and southern boundaries; 3) APN 142-241-53: abandon the southerly 13 feet of the 33 foot easement along the northern boundary and abandon the 33 foot easements along the western, eastern and southern boundaries; 4) APN 142-241-54: abandon the southerly 13 feet of the 33 foot easement along the northern boundary and abandon the 33 foot easements along the western, eastern and southern boundaries; and 5) APN 142-241- 61: abandon the easterly 13 feet of the north half and all 33 feet of the south half of the 33 foot easement along the western boundary and abandon the 33 foot easement along the eastern boundary.

- Applicant/Property Owners: Reichlin Family Trust
Johnson Living Trust
Halstead Family Trust
Alan and Marsha Day
Bruce and Jean Bye
- Location: 14345 & 14415 Bihler Way and 3080, 3145 and 3210 Kessariss Way
- Assessor's Parcel Numbers: 142-241-51, 52, 53, 54 & 61
- Parcel Size: 12.5 acres
- Master Plan Category: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)

- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Article 806
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 30, T18N, R20E, MDM, Washoe County, NV

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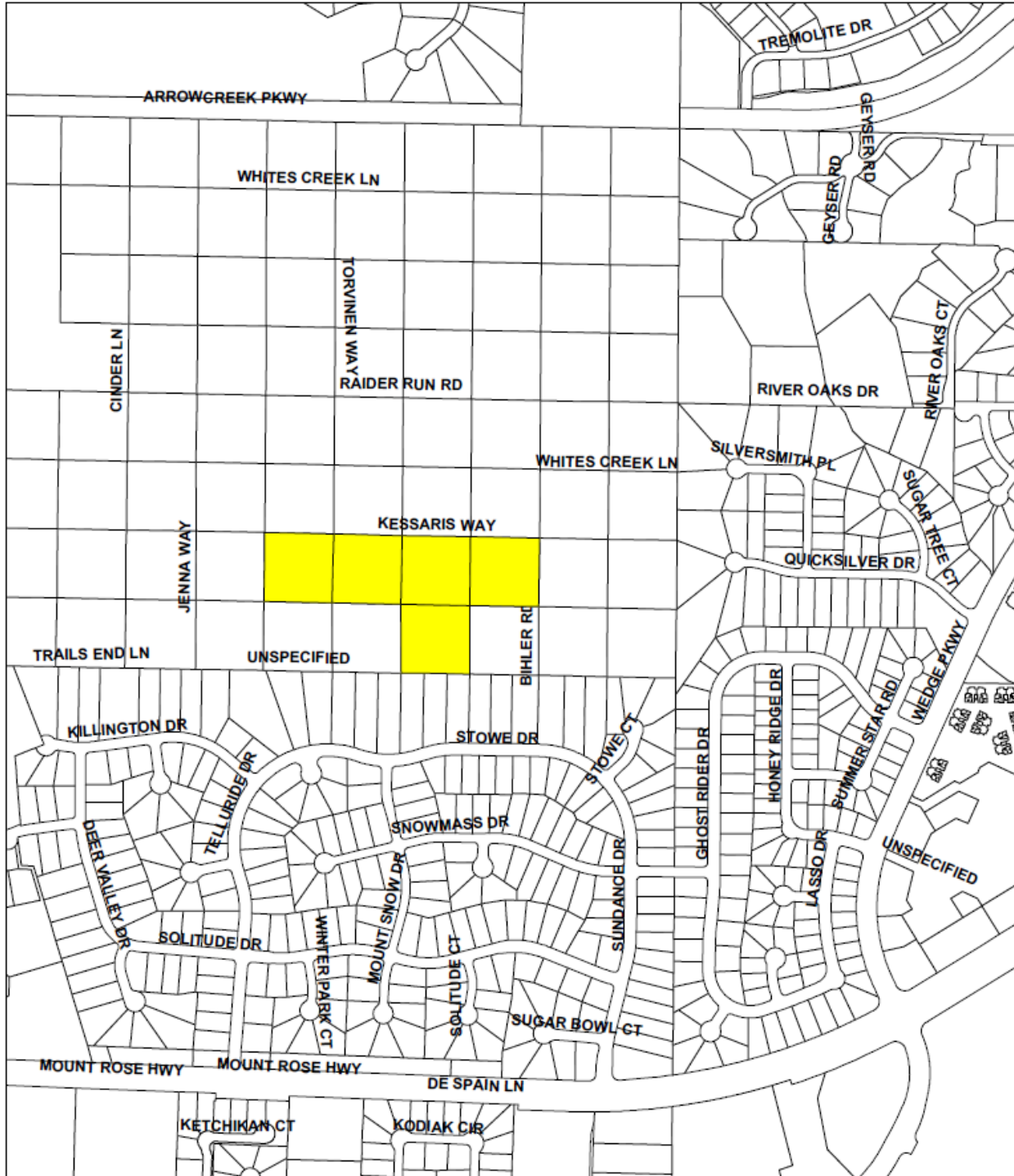
Abandonment Definition

The purpose of an abandonment is to allow for the vacation or abandonment of easements or streets. If the Planning Commission grants an approval of the Abandonment, that approval is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed prior to the recordation of the Resolution and Order of Abandonment.

The Resolution and Order of Abandonment is the legal record, prepared by the Engineering and Capital Projects Division, which is recorded to complete the abandonment process. The Engineering and Capital Projects Division completes a technical review of the legal description, exhibit maps and any new easements, submitted by the applicant's surveyor, that are required by the Conditions of Approval. When the Engineering and Capital Projects Division is satisfied that all conditions of approval have been met, then the Engineering and Capital Projects Division will record the Resolution and Order of Abandonment with the County Recorder. The abandonment is complete upon the recordation of the Resolution and Order of Abandonment with the County Recorder.

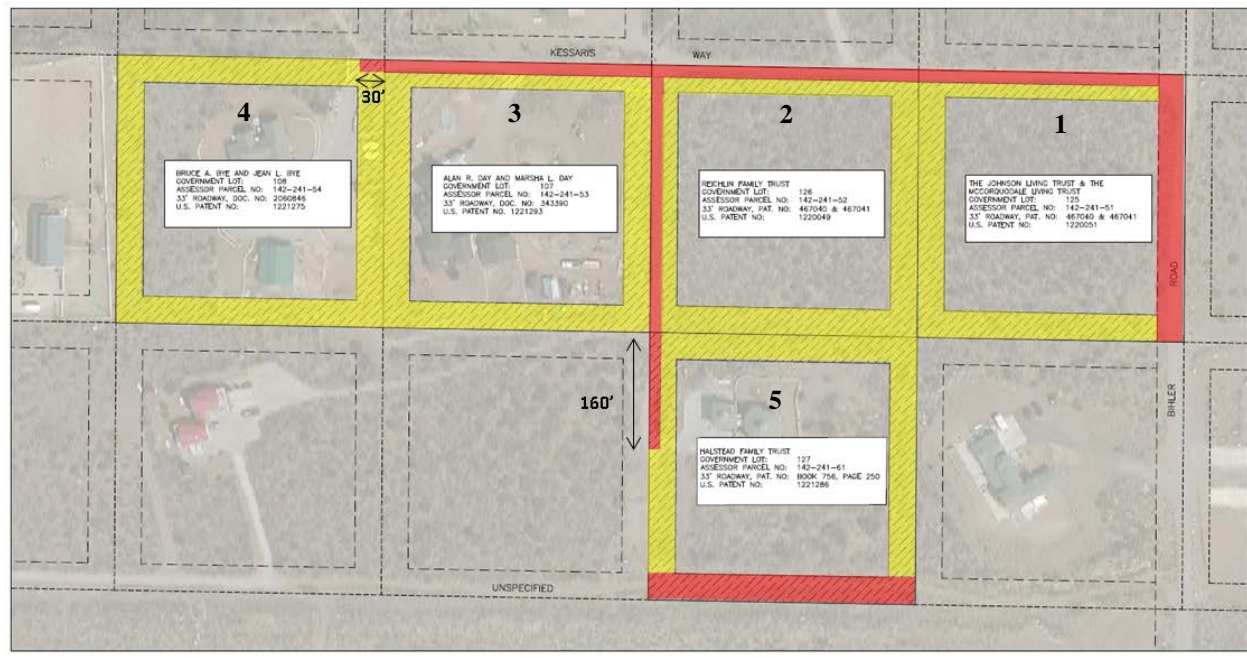
The Conditions of Approval for Abandonment Case Number AB16-004 is attached to this staff report and will be included with the Action Order if the Planning Commission approves the abandonment application.

- All conditions of approval are required to be completed before the abandonment can be recorded and finalized.
- The abandonment will be effective after the approval of a Resolution and Order of Abandonment by the Engineering and Capital Projects Division and after the recordation of the Resolution and Order of Abandonment by the County Recorder.



Vicinity Map

Site Plan 1



- = Area of 33' Easements to be Abandoned
- = Area of 33' Easements to Remain

Site Plan

- 1) APN 142-241-51: Includes the abandonment of the southerly 13' of the 33' easement along 30' length of the northern boundary and the abandonment of the 33' easements along the western and southern boundaries. The area in red shows the 20' of easement along the northern boundary and the 33' easement along the eastern boundary of the property that will remain.
- 2) APN 142-241-52: Includes the abandonment of the southerly 13 feet of the 33 foot easement along the northern boundary and the easterly 13 feet of the 33 foot easement along the western boundary and the abandonment of the 33 foot easements along the eastern and southern boundaries. The area in red shows the 20' of easement along the western boundary of the property that will remain.
- 3) APN 142-241-53: Includes the abandonment of the southerly 13' of the 33' easement along the northern boundary and the abandonment of the 33' easements along the western, eastern and southern boundaries. The area in red shows the 20' of easement along the northern boundary of the property that will remain.
- 4) APN 142-241-54: Includes the abandonment of western, eastern, southern and northern boundaries with the exception of the northerly 20' wide easement along the northern property line that extends approximately 30' in from the eastern edge of the property. The area in red shows the 20' of easement along the northern boundary of the property that will remain.

- 5) APN 142-241- 61: Includes the abandonment of the easterly 13' of the north half (±160') and all 33' of the south half of the 33' easement along the western boundary and the abandonment of the 33' easement along the eastern and northern boundaries. The area in red shows the 20' of easement along the western boundary and the 33' easement along the southern boundary of the property that will remain.

Project Evaluation

The five properties subject to the proposed abandonment are referred to as government home-sites. All five of the subject properties were created as U.S. government patent parcels with generic 33-foot access easements on all four sides which create a 66-foot wide shared access easement along the perimeter of each property with the only exception along the southern boundary of parcel number 142-241-61, which has only a 33-foot wide access easement.

The properties have a regulatory zone of High Density Rural (HDR) and a small portion of APN: 142-241-54 has a regulatory zone of General Rural (GR) which corresponds to the buffer area along Whites Creek to the north of this property. As these properties have developed over the years, specific access locations have emerged as most used and most desirable for each of the properties, while other accesses have remained completely unused rendering up to 66 feet of shared access easements essentially unnecessary. The purpose of the abandonment is to reduce possible future grading for access that is unnecessary and not in use. Further, it is anticipated that these easement areas proposed for abandonment will not be needed for future access. The abandonment is also being requested to reduce the access and setback areas for more potential flexibility with building locations within the subject properties. There are no immediate plans for new development on any of the five subject properties.

Staff is recommending approval of the request with conditions. The approval includes the request to abandon the southerly 13 feet of the 33-foot easement along the northern portion of APNs: 142-241-51, 52 53 and 54 (while retaining the northerly 20 feet of this easement); the 33 foot easements along the southern boundaries of APNs: 142-241-51, 52 53 and 54; the 33 foot easements along the western boundaries of APNs: 142-241-51, 53 and 54; the 33 foot easements along the eastern boundaries of APNs: 142-241-52, 53, 54 and 61; and the westerly 13 feet of the north half of the western 33 foot easement as well as the south half of the western 33 foot easement of APN: 142-241-61. These existing/retained easement areas will allow for the continued use of access for neighboring properties. (See Graphic Above)

Responses from December 6, 2016 Planning Commission Comments

The proposed abandonment was originally scheduled for the December 6, 2016 Planning Commission meeting but due to a noticing error was continued to the January 3, 2017 Planning Commission meeting. At the December 6th meeting, testimony was provided by a concerned neighbor who expressed concern that noticing was not adequate, that the abandonment will not allow for adequate emergency vehicle turnaround, that easements with existing roadways should not be abandoned, that Bihler Road should not be abandoned, and that other such patent easements were abandoned because they were on the perimeter of the government home-sites (Kessarar Way is in the middle of the community). The Planning Commission requested that staff respond to the concerns that were raised. Below are the staff responses to each of these concerns.

- 1) Noticing.

Staff Response: WCC Section 110.806.15(c)(1) requires that: “notice be given by mailing to each owner of property abutting or connected to the proposed vacation or abandonment a notice of the proposed vacation or abandonment application through a delivery method that does not require signature or receipt of the notice by the abutting property owner but does confirm delivery of the notice to the abutting property owner... at least 10 business days prior to the date of the Planning Commission’s public hearing”. Staff has complied with this noticing requirement by ensuring that such notices were sent to all owners of property abutting or connected to the proposed abandonment.

- 2) Access/turnaround for emergency responders.

Staff Response: The proposed request was reviewed by the Truckee Meadows Fire Protection District (TMFPD) and no concerns or issues were raised by the TMFPD staff. Furthermore, the proposed abandonment does not include any areas of existing improved roadways.

- 3) Abandoning existing roadways.

Staff Response: Engineering staff’s comments were based on the original plans which proposed to retain only 15 feet of access easement and the elimination of the several 33 foot easements that the Engineering staff found objectionable. The revised request as currently proposed provides for the retention of 20 feet of easement where access currently exists and ensures appropriate existing and future access for all developed and vacant properties in the immediate vicinity. Furthermore, all properties that abut or connect to the easements subject to this abandonment will each have at least two means of access. The revised request as currently proposed satisfies the concerns of the Engineering and Capital Projects Division as well as the Planning and Development Division.

- 4) Bihler Road?

Staff Response: There is no request to abandon any portion of Bihler Road.

- 5) Kessariss Way properties are not on the perimeter of the community.

Staff Response: There was some discussion at the December 6, 2016 Planning Commission meeting that other similar abandonment requests were previously approved because the easements were located along the periphery of the community of government home-sites. Staff is unaware of any such finding, policy or ordinance that limits or prohibits the abandonment of easements based on their location within a community.

South Truckee Meadows/Washoe Valley Citizen Advisory Board (STMWVCAB)

Pursuant to Article 806, *Vacations and Abandonments of Easements and Streets*, proposals for abandonments or vacations are not required to be noticed to Citizen Advisory Boards.

Public Notice

Abandonments require affected property owners to be notified by delivery confirmation mail. There is no minimum number of property owners that need to be notified. The five applicants and thirteen adjacent property owners were provided with notice (see Exhibit F).

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation.

- Washoe County Community Services Department
 - Engineering and Capital Projects Division
 - Planning and Development Division
 - Parks and Open Spaces
 - Utilities (Sewer)
 - Traffic/Roads
- Washoe County Health District
 - Vector-Borne Diseases Division
 - Environmental Health Division
- Truckee Meadows Fire Protection District
- Regional Transportation Commission

Five out of the nine above listed agencies/departments responded and only two agencies provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each of the two agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order if the Planning Commission approves the requested abandonment.

- Washoe County Planning and Development addressed the modifications to the proposed abandonment to ensure the continued use of access by neighboring properties.
Contact: Trevor Lloyd, 328-3620 tlloyd@washoecounty.us
- Washoe County Engineering and Capital Projects provided conditions ensuring access to/from neighboring properties and the retention of public utility easements.
Contact: Kimble Corbridge, 328-2054 kcorbridge@washoecounty.us

Staff Comment on Required Findings

Washoe County Code Section 110.806.20 requires that all of the following findings be made to the satisfaction of the Washoe County Planning Commission before granting approval of the abandonment request. Staff has completed an analysis of the application and has determined that the proposal is in compliance with the required findings as follows.

1. Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan.

Staff Comments: The proposed abandonment does not conflict with any of the policies of the Southwest Truckee Meadows Area Plan or the policies of the Master Plan.

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

Staff Comments: It is anticipated that the request will not result in a material injury to the public, specifically to neighboring property owners which may currently or in the future use portions of the retained access easements.

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.

Staff Comments: Staff has recommended a condition requiring the retention of all public utility easements.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Abandonment Case Number AB16-004 is being recommended for approval with the conditions of approval included as Exhibit A to this staff report. Staff offers the following motion for the Commission's consideration.

Motion

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 AB16-004 for Kessariss Way Parcels with the conditions of approval included as Exhibit A to this matter, having made all three of the following 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 Southwest Truckee Meadows 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.

Appeal Process

Planning Commission action will be effective 10 calendar days after the written decision is filed with the Secretary to the Planning Commission and mailed to the applicant(s), unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Development Division within 10 calendar days after the written decision is filed with the Secretary to the Planning Commission and mailed to the applicant(s).

xc: Applicant/Owner: Reichlin Family Trust, PO Box 19010, Reno, NV 89511

Applicant/Owner: Johnson Living Trust, 14345 Bihler Road, Reno, NV 89511

Applicant/Owner: Halstead Family Trust, 14415 Bihler Road, Reno, NV 89511

Applicant/Owner: Alan and Marsha Day, 5655 Riggins Ct., Suite 15 Reno, NV 89502

Applicant/Owner: Bruce and Jean Bye, 3210 Kessariss Way, Reno, NV 89511

Representatives: Rubicon Design Group, Attn: Derek Wilson, 100 California Ave., Suite 202, Reno, NV 89509



Conditions of Approval

Abandonment Case Number: AB16-004

The project approved under Abandonment Case Number AB16-004 shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on January 3, 2017. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

Unless otherwise specified, all conditions related to the approval of this Abandonment shall be met prior to recordation of the Resolution and Order of Abandonment. Prior to recordation of the Resolution and Order of Abandonment, each agency shall determine when compliance of their specific conditions is met by the applicant as set forth in the Conditions of Approval. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the CSD – Planning and Development.

Compliance with the conditions of approval related to this Abandonment is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. All conditions of approval must be met prior to the Engineering and Capital Projects Division recording the required Resolution and Order of Abandonment.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

- All conditions of approval are required to be completed before the Abandonment can be recorded and finalized.
- The abandonment will be effective after the approval of a Resolution and Order of Abandonment by the Engineering and Capital Projects and after the recordation of the Resolution and Order of Abandonment by the County Recorder.

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Development

1. The following conditions are requirements of CSD – Planning and Development, which shall be responsible for determining compliance with these conditions.

Contact Name – Trevor Lloyd, Senior Planner, 775.328.3620, tlloyd@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this abandonment action. The County Engineer shall determine compliance with this condition.

- b. Prior to the recordation of the Resolution and Order of Abandonment, the applicant shall submit to the County Engineer for review and approval a description prepared by a registered professional of the offer of dedication to be abandoned and replacement private access.
- c. The applicant shall comply with all conditions necessary to affect the Resolution and Order of Abandonment within two (2) years from the date of the action by the Washoe County Planning Commission or this conditional abandonment will be null and void.
- d. This Abandonment will be effective upon recordation of the Resolution and Order of Abandonment by the County Recorder.

Washoe County Engineering and Capital Projects

- 2. The following conditions are requirements of Engineering and Capital Projects, which shall be responsible for determining compliance with these conditions.

Contact Name – Kimble Corbridge, Engineer, 775.328.2054, kcorbridge@washoecounty.us

- a. Some of the requested areas of abandonment are over existing roadways/driveways. All areas with existing roadways/driveways shall not be abandoned. County Engineer shall determine compliance.
- b. Some of the proposed abandonments cut off access to adjoining properties. Access to adjacent properties shall not be abandoned. County Engineer shall determine compliance.
- c. The minimum width for a remaining access easement is 20 feet.
- d. Prior to recordation of the Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for area of abandonment, and any replacement easements that may be required.
- e. Retention of all public utility easements has been requested.
- f. The applicant shall comply with conditions necessary to record the Resolution and Order of Abandonment within two (2) years from the date of the action by the Planning Commission or this conditional abandonment will be null and void.

*** End of Conditions ***

**WASHOE COUNTY
HEALTH DISTRICT**
ENHANCING QUALITY OF LIFE

August 26, 2016

Mr. Trevor Lloyd, Senior Planner
Washoe County Community Services Department
P.O. Box 11130
Reno, NV 89520-0027

RE: Kessariss Way Parcels; APN:142-241-51, 52, 53, 54 & 61
AB16-004; Abandonment

Dear Mr. Lloyd;

The Washoe County Health District, Environmental Health Services Division (Division), Engineering and Vector have reviewed the above referenced project and have no comment.

If you have any questions regarding the foregoing, please call Jim English at 328-2610 or Jim Shaffer at 785-4599 regarding engineering or vector comments, respectively.

Sincerely,

James English
Environmental Health Specialists Supervisor
Environmental Health Services

J. L. Shaffer
Program Coordinator/Planner
Vector-Borne Diseases Program
Environmental Health Services



From: Corbridge, Kimble
Sent: Monday, August 22, 2016 3:21 PM
To: Lloyd, Trevor
Subject: FW: AB16-004 Reichlin et al Abandonment

Follow Up Flag: Follow up
Flag Status: Flagged

Revised numbering.

From: Corbridge, Kimble
Sent: Monday, August 22, 2016 3:20 PM
To: Lloyd, Trevor
Cc: Vesely, Leo; Smith, Dwayne E.
Subject: AB16-004 Reichlin et al Abandonment

I have reviewed the referenced abandonment and recommend the following conditions:

1. Some of the requested areas of abandonment are over existing roadways/driveways. All areas with existing roadways/driveways shall not be abandoned. County Engineer shall determine compliance.
2. Some of the proposed abandonments cut off access to adjoining properties. Access to adjacent properties shall not be abandoned. County Engineer shall determine compliance.
3. The minimum width for a remaining access easement is 20 feet.
4. Prior to recordation of the Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for area of abandonment, and any replacement easements that may be required.
5. Retention of all public utility easements has been requested.
6. The applicant shall comply with conditions necessary to record the Resolution and Order of Abandonment within two (2) years from the date of the action by the Planning Commission or this conditional abandonment will be null and void.



REGIONAL TRANSPORTATION COMMISSION

Metropolitan Planning • Public Transportation & Operations • Engineering & Construction

Metropolitan Planning Organization of Washoe County, Nevada

August 23, 2016

FR: Chrono/PL 183-16

Mr. Trevor Lloyd, Senior Planner
Community Services Department
Washoe County
P.O. Box 11130
Reno, NV 89520

**RE: AB16-004 (Reichlin Family Trust)
AC16-003 (Spanish Springs Aggregate Pit)
SW16-002 (Henderson)**

Dear Mr. Lloyd,

We have reviewed the above applications and have no comments at this time.

Thank you for the opportunity to comment on these applications. Please feel free to contact me at 775-332-0174 or rkapuler@rcwashoe.com if you have any questions or comments.

Sincerely,

Rebecca Kapuler
Planner

RK/jm

Copies: Bill Whitney, Washoe County Community Services
Roger Pelham, Washoe County Community Services
Kelly Mullin, Washoe County Community Services
Daniel Doenges, Regional Transportation Commission
Julie Masterpool, Regional Transportation Commission
Tina Wu, Regional Transportation Commission
David Jickling, Regional Transportation Commission

Washoe County no comment 090616

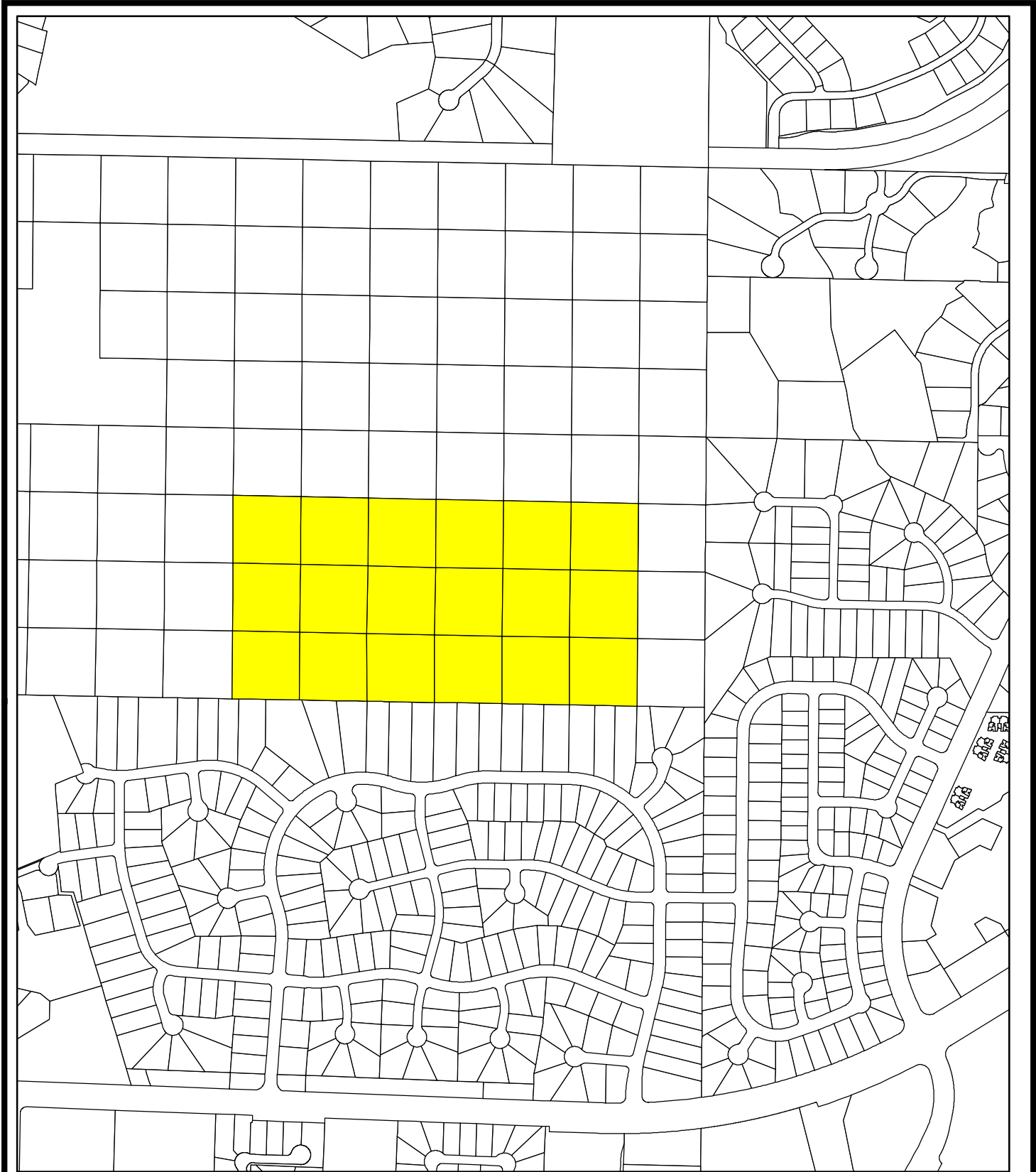
From: Troy, Dennis V
Sent: Tuesday, August 30, 2016 7:57 AM
To: Lloyd, Trevor
Subject: Abandonment Case Number AB16-004 (Kessariss Way Parcels)

Hi Trevor,

Washoe County Regional Parks and Open Spaces Division has had the opportunity to review Abandonment Case Number AB16-004 and has no comments on the application.

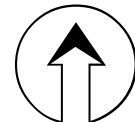
Thank you,

Dennis Troy| Park Planner
p 775.328-2059| f 775.829.8014
Washoe County|Community Services Department-Parks
P.O. Box 11130| Reno, NV 89520
www.washoecountyparks.com
?Please consider the environment before printing this e-mail



MAIL MAP

AB16-004
Kessariss Way



**Department of
Community
Services**

**WASHOE COUNTY
NEVADA**

Post Office Box 11130
Reno, Nevada 89520
(775) 328-3600

Source: Current Planning Program

Date: August 2016