



WASHOE COUNTY

Integrity Communication Service

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STAFF REPORT

BOARD MEETING DATE: February 9, 2021

DATE: January 12, 2021

TO: Board of County Commissioners

FROM: Julee Olander, Planner, Planning and Building Division, Community Services Department, 328-3627, jolander@washoecounty.us

THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning & Building Division, Community Services Department, 328-3619, mhauenstein@washoecounty.us

SUBJECT: Public hearing: Appeal of the Washoe County Planning Commission's approval of Abandonment Case Number WAB20-0003 (Pahute) for the abandonment of Washoe County's interest in $\pm 1,197$ square feet (± 31 feet) of public right-of-way at the end of Pahute Road (APN:123-143-11), 175 feet west of Nevada State Route 28. If approved, the property will be abandoned to the abutting property owner at 425 Pahute Road. The request to abandon is pursuant to NRS 278.480 and related provisions in the Washoe County development code. The appellant is Victor Elgohary and the applicant for the abandonment is the Kurt D. Callier Living Trust, owner of 425 Pahute Road (APN:123-143-11). (Commission District 1.)

SUMMARY

The appellant, Victor Elgohary, is seeking to overturn the Washoe County Planning Commission's approval on September 1, 2020, based on the contention that the abandonment will seriously harm the appellant's property at 450 Pahute Road and the use of the turnaround area at the end of Pahute Road.

Washoe County Strategic Objective supported by this item: Safe, Secure and Healthy Communities

PREVIOUS ACTION

The appeal was originally scheduled to be heard by the Board of County Commissioners on November 24, 2020; however, the meeting on that date was canceled. The appeal was re-scheduled for January 12, 2021. The appellant requested to continue that hearing date, and the appeal was scheduled for February 9, 2021.

On September 1, 2020, the abandonment was considered, in a public hearing, before the Planning Commission. The Planning Commission approved the abandonment, with six Commissioners approving and one dissenting.

AGENDA ITEM # _____

BACKGROUND

The owner (Kurt D. Callier Living Trust) of 425 Pahute Road (APN:123-143-11) requested to abandon 1,197 sq. ft. of public right-of-way (ROW) at the terminus of Pahute Road, approximately 31 feet adjacent to the parcel. There is a residential house, that was built in 1941, located on the public ROW. The proposed abandonment will move the property line to ensure that the existing house is located out of the public ROW.

Pahute Road is a 776 foot long road with basically a 10-12 foot wide one-lane of roadway. The ROW is approximately 25 feet; however, most of the properties have built into the ROW which has created a much narrower street. There are parking areas and pull-out areas along the road to enable two vehicles to pass each other if simultaneously on the road. The end of Pahute is a cul-de-sac and is used by vehicles as a turnaround area. The abandonment is for approximately 31 feet, removing the existing house from the ROW. The cul-de-sac will remain as a turnaround area for the neighborhood to use. No physical changes will be made to the road as a result of this abandonment. Staff concluded that the proposed abandonment would not deprive access to the abutting properties.

The parcel's regulatory zone is high density suburban (HDS) and the setbacks are 20 feet in the front and rear and 5 feet on the sides. The current house is a legal non-conforming structure because the house does not meet the front 20-foot setback requirement. Any new additions of 10% or more to the house will require the house to meet the 20 foot front setback requirement or the owner will need to obtain a variance for the setback requirement.

The proposed project is in the Incline Village/Crystal Bay Citizen Advisory Board (IVCB CAB) area; however, abandonments are not required to be presented at CAB meetings. Notices were mailed per WCC 110.806.15(c)(1), "to each owner of property abutting or connected to the proposed vacation or abandonment a notice of the proposed vacation or abandonment" and "published at least once in a newspaper of general circulation in the County not less than 10 business days prior to the date of the Planning Commission's public hearing."

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board of County Commissioners review the record and take one of the following two actions:

1. Affirm the decision of the Planning Commission and approve Abandonment Case Number WAB20-0003 (Pahute Abandonment); or
2. Reverse the decision of the Planning Commission and deny Abandonment Case Number WAB20-0003 (Pahute Abandonment).

POSSIBLE MOTIONS

Should the Board agree with the Planning Commission's approval of Abandonment Case Number WAB20-0003 (Pahute Abandonment), staff offers the following motion:

"Move to deny the appeal and affirm the decision of the Planning Commission to approve Abandonment Case Number WAB20-0003 (Pahute Abandonment). The approval is based upon the ability to make the findings required by WCC Section 110.806.20, Findings."

or

Should the Board disagree with the Planning Commission's approval of Abandonment Case Number WAB20-0003 (Pahute Abandonment), staff offers the following motion:

"Move to approve the appeal and reverse the decision of the Planning Commission and deny Abandonment Case Number WAB20-0003 (Pahute Abandonment). The approval is based on the Board's inability to make all the findings required by WCC Section 110.806.20, Findings."

With the exception of Attachment E, which has been included for the Board's consideration at the request of appellant, the following Attachments constitute the Record on Appeal:

- Attachment A: Appeal Application dated 9/11/20
- Attachment B: Planning Commission Signed Action Order
- Attachment C: Planning Commission Staff Report dated 9/1/20
- Attachment D: Planning Commission Minutes dated 9/1/20
- Attachment E: Recording of Planning Commission Meeting dated 9/1/20, with WAB20-0003 beginning at 05:24
- Attachment F: Public Comments
- Attachment G: Washoe County Staff PC PowerPoint 9/1/20
- Attachment H: Applicant PC PowerPoint 9/1/20

Cc:

Appellant: Victor Elgohary, 6406 Arcadia Bend Ct, Houston, TX 77041
Email: victor@vselgohary.com

Property Owner: Kurt D. Callier Living Trust, 4621 Teller Ave., Newport Beach, CA, 92660, Email: ANichols@assocrmc.com

Applicant Representative: Gilanfarr Architecture, 22 State Route 28 #202, Crystal Bay, NV, 89402, Email: phil@gilanfarrarchitects.com

Community Services Department
Planning and Building
APPEAL TO BOARD OF COUNTY
COMMISSIONERS (BCC)
APPLICATION




Community Services Department
Planning and Building
1001 E. Ninth St., Bldg. A
Reno, NV 89512-2845

Telephone: 775.328.6100

Washoe County Appeal of Decision to Board of County Commissioners

Your entire application is a public record. If you have a concern about releasing personal information please contact Planning and Building staff at 775.328.6100.

Appeal of Decision by (Check one)	
Note: Appeals to the Washoe County Board of County Commissioners are governed by WCC Section 110.912.20.	
<input checked="" type="checkbox"/> Planning Commission	<input type="checkbox"/> Board of Adjustment
<input type="checkbox"/> Hearing Examiner	<input type="checkbox"/> Other Deciding Body (specify) _____
Appeal Date Information	
Note: This appeal must be delivered in writing to the offices of the Planning and Building Division (address is on the cover sheet) within 10 calendar days from the date that the decision being appealed is filed with the Commission or Board Secretary (or Director) and mailed to the original applicant.	
Note: The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule).	
Date of this appeal: <u>11 September 2020</u>	
Date of action by County: <u>1 September 2020</u>	
Date Decision filed with Secretary: <u>unknown</u>	
Appellant Information	
Name: Victor Elgohary	Phone: 281-858-0014
Address: 6406 Arcadia Bend Ct	Fax:
	Email: victor@vselgohary.com
City: Houston State: TX Zip: 77041	Cell:
Describe your basis as a person aggrieved by the decision: I own 450 Pahute Road which is seriously harmed by the Commission's abandonment of the end of Pahute Road used for a turnaround.	
Appealed Decision Information	
Application Number: WAB20-0003	
Project Name: Pahute Abandonment	
State the specific action(s) and related finding(s) you are appealing: See Attached	

Appealed Decision Information (continued)	
Describe why the decision should or should not have been made: See Attached	
Cite the specific outcome you are requesting with this appeal: See attached	
Did you speak at the public hearing when this item was considered?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Did you submit written comments prior to the action on the item being appealed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appellant Signature	
Printed Name: Victor Elgohary	<small>Digitally signed by Victor Elgohary DN: cn=Victor Elgohary, o, ou, email=victor@vselgohary.com, c=US Date: 2020.09.14 18:03:10 -05'00'</small>
Signature: 	
Date: 11 September 2020	

Law Offices of Victor Elgohary

6406 Arcadia Bend Ct
Houston, Texas 77041

Dear Washoe County Board of Commissioners:

I am filing this appeal of the Washoe County Planning Commission's ("Commission") decision to abandon 1,197 feet of Pahute Road to parcel 123-143-11 located at 425 Pahute Road ("the Subject Property"). Despite both oral and written comments about the significant public harm that would ensue and failure to acknowledge my written comments on the record (Attached as Exhibit A), the Commission granted the Abandonment Request ("Application").

Background

I became familiar with the Subject Property because when it was offered for sale back in 2019, I performed due diligence on the listing and quickly noticed its major title defect. The more recent history from the 2000s forward show that the Subject Property has changed hands a few times, most notably the foreclosure that occurred in 2011 from Mr. Martin to Wells Fargo Bank. At the time of the foreclosure, the Subject Property was in very poor condition according to Mr. Greifenstein, a full time resident and owner of the neighboring property at 440 Pahute Road since 1997. When Ms. Rader (the immediate prior owner) purchased the Subject Property from Wells Fargo in lieu of auction, she undertook extensive and unpermitted renovations of the home that place it in the current condition that it is today. The encroachment of the Subject Property's improvements, as I have personally experienced, is quite problematic since truck deliveries and even towing of small trailers with a passenger vehicle can become virtually impossible, requiring vehicles to either back into or out of the very narrow and twisty Pahute Road. That testimony was presented to the Commission both orally and in writing.

A decision by the Commission is appealable to the County Board of Commissioners ("Board") pursuant to Washoe County Code 110.806.35 and 110.912.20. Without a written record or a copy of the presentations that were presented, this written appeal is presented to the Board based on recollection and notes taken during the hearing. Indeed, the appeal rules are quite unfavorable to anyone other than the Applicant or the Commission since the time and ability to present evidence is extremely limited both in terms of time allowed and calling witnesses.

The Commission Hearing

The Commission Staff's presentation acknowledged the challenges associated with the narrowness of Pahute Road but failed to address basic service issues such as discontinuation or inability for residents of Pahute Road to receive residential delivery services or even snow removal challenges that will be experienced because of the abandonment of this vital turnaround. Those issues go directly to the requirement that there be no material public injury in the abandonment request. But the Commission simply disregarded these critical issues that are a necessary element in arriving at its decision, requiring this appeal. The Commission also failed to address that payment might be required for the property depending on whether Pahute Road was dedicated or not.

The Applicant was also permitted to give a lengthy presentation describing the current conditions and its more detailed plans which were first disclosed at this presentation on 1 September. Those details were not in Mr. Caillier's initial application and the public still does not have any written materials of the presentations from the hearing so appropriate comments can be made for this appeal. Most notably in the presentation, Mr. Caillier claims that he will "improve" the turnaround as part of his new construction which essentially involves placing asphalt on a few square feet of Washoe County property which is not currently paved as part of the existing turnaround. Moreover, without being given the right to build anything, it is quite possible that Mr. Caillier may end up with more land, no approval to rebuild anything, and his neighbors suffering the consequences of not being able to navigate the road or receive deliveries. Indeed, Mr. Caillier apparently sees it fitting to go ahead and use this area as parking for himself and his guests (see Exhibit B), denying his neighbors the ability to even turn around their own passenger vehicles.

The Board of Commissioners Should Overturn the Decision of the Planning Commission

As was explained to the Commission at the 1 September hearing, both the Washoe County Code 110.806.20 and Nevada Revised Statutes 278.480 (5) require that there be no material injury to the public by the proposed abandonment. Here, the Commission disregarded all the evidence presented to it showing the material harm that would be caused by Mr. Caillier's Application as it continues a condition that is detrimental to other owners and service providers to Pahute Road and condones or rewards willful violations of the Washoe County Building Code.

Indeed, Mr. Caillier's structure in the middle of the right of way is clearly a public nuisance under Nevada Revised Statutes 202.450 3(c) and 202.450 (5). Since the hearing, vehicles are now being parked at the end of Pahute Road since this condition gives an appearance that this is not a turnaround but simply part of Mr. Caillier's driveway and Mr. Caillier may believe that his request has been granted and finalized so he is permitted to act to the detriment of his neighbors. Vehicles parked in the manner depicted in Exhibit B make navigation of Pahute Road impossible and a public hazard. Granting the abandonment request makes this kind of public hazard permanent, with no recourse available for those adversely affected.

Finally, as I indicated to the Commission at the hearing, there is the public policy issue and setting of precedent. If Mr. Caillier is successful in having the end of Pahute Road simply deeded to him, the Commission and the Board are indirectly stating to Washoe County residents that it condones and encourages adverse possession of public property. It is also signaling that (i) the Commission and the Board are willing to simply move property lines for those that wrongfully build onto Nevada property and (ii) totally disregard the public interest of those using the public right of way so as to solve a problem created by a land owner's willful disregard of the building code. The Board should decline to continue to open that Pandora's Box.

An Alternative Solution to the Abandonment Request

What Mr. Caillier seeks is the use of the 1,198 square feet of TRPA Code of Ordinances coverage requirements ("Coverage") that was almost certainly built in violation of the Washoe County Building Code as it then existed but predated the TRPA Code of Ordinances. Mr. Caillier needs this existing Coverage that now exists on the Pahute Road public right of way in order to relocate any new structure. Otherwise, under the TRPA's purported current interpretation of the ordinance, he will be forced to purchase (from other lots around the Tahoe Basin) almost all the Coverage necessary to

complete his proposed project, making his whole redevelopment undertaking prohibitively expensive and ultimately economically unfeasible, if it is even possible. Other than this Coverage problem, Mr. Caillier has 11,675 sq. ft. (minus the appropriate existing setbacks) of land to build improvements which is more than adequate to construct a single family home of any reasonable proportion. Other than this abandonment request, Mr. Caillier has made absolutely no formal attempt to try and get plans approved with the TRPA or the Planning Commission without taking any public land. Indeed, even taking over this land does not give any assurance that he will be able to rebuild his current structure. That point was brought up as a question from one of the Commissioners, but the response from Ms. Olander to this question can best be described as non-responsive.

As all these pre-TRPA homes in Crystal Bay age, this issue will most certainly come up again with such a purported TRPA interpretation of the ordinances. Giving away public right of ways in order to rebuild is simply not workable for the public at large and will lead to numerous lawsuits as these problems continue to arise in the future.

Conclusion

Mr. Caillier's request for an Abandonment of the end of Pahute Road benefits only him while continuing to injure the public. The Board should overturn the Commission's granting of the Application since this abandonment significantly harms the public and encourages violations of section 110 of the Washoe County Development Code.

Regards,

A handwritten signature in black ink that reads "Victor Elgohary". The signature is written in a cursive, slightly slanted style.

Victor Elgohary

EXHIBIT A

Law Offices of Victor Elgohary
6406 Arcadia Bend Ct
Houston, Texas 77041

Dear Washoe County Planning Commission:

I am writing in regards to the Abandonment Application (“Application”) submitted by Mr. Caillier through his architect Mr. GilanFarr for parcel 123-143-11 located at 425 Pahute Road (“the Subject Property”). I became aware of this Application because I own 450 Pahute Road, just two doors down the road. For the reasons set forth below, I am in opposition to Mr. Caillier’s Application.

Background

I became familiar with the Subject Property because when it was put on the market back in 2019, I performed due diligence on the listing and quickly noticed its major title defect. I decided to purchase 450 Pahute which had had no such title problems when it came on the market a short time later.

Public tax data shows the Subject Property to have been constructed in 1941 with a weighted average year (WAY) of 1952. Given my knowledge and research of the Washoe County tax database, that strongly suggests that there are some Washoe County records that would show an approved or known remodel likely occurring in the 1960s or early 70s, however, I have not been able to find such evidence through my online search.

The more recent history from the 2000s forward show that the Subject Property has changed hands a few times, most notably the foreclosure that occurred in 2011 from Mr. Martin to Wells Fargo Bank. At the time of the foreclosure, the Subject Property was in very poor condition according to Mr. Greifenstein, a full time resident and owner of the neighboring property at 440 Pahute Road since 1997. When Ms. Rader (the immediate prior owner) purchased the Subject Property from Wells Fargo in lieu of auction, she undertook extensive and unpermitted renovations of the home that place it in the current condition that it is today. The encroachment of the Subject Property’s improvements, as I have personally experienced, is quite problematic since heavy truck deliveries and even towing of small trailers with a passenger vehicle can become virtually impossible, requiring vehicles to either back into or out of the very narrow and twisty Pahute Road.

The Application

Reading through the Application that has been presented to the Washoe County Planning Commission (“Commission”), there appears to be quite a few liberties being taken with the facts and circumstances surrounding the Subject Property in order to paint an image most favorable to Mr. Caillier, but ultimately misleads the Commission with regard to the Subject Property’s history and conditions in the neighborhood generally.

To begin, Mr. Caillier, through Mr. GilanFarr, represents to the Commission in the very first paragraph that “like many homes in this neighborhood, the residence at 425 Pahute encroaches into the property’s front setback and a portion of the home is constructed in the Washoe County ROW.” That statement is simply and factually inaccurate. It is true that for those who have followed the rules promulgated both by Washoe County and Tahoe Regional Planning Authority (“TRPA”), variances

have been granted to construct into setbacks for essential structures such as garages. However, Mr. Caillier will be unable to show the Commission that Washoe County or TRPA has *ever* acquiesced or approved a structure to encroach on public right of ways.

Second, Mr. Caillier represents that;

“When visiting the site in person, it does not appear as a turnaround area or cul-de-sac, rather the street essentially dead ends straight into the garage of the existing residence. See photo to right. The home does not share the cul-de-sac with any other residences, and is the only residence serviced by the last 60+ feet of road.

That, too, takes quite a few liberties with the facts. Every resident and regular service provider to Pahute Road knows this area is a difficult turnaround. The current map of this plat with the encroachment makes that abundantly clear. Moreover, the suggestion that Mr. Caillier is all by his lonesome self at the end of a long uninhabited mountain road is quite artful, but profoundly misleading and ultimately untrue. Indeed, when one visits the site, one would see from the photo submitted that panning the camera just a few more degrees to the left would start to show Mr. Greifenstein’s property at 440 Pahute Road.

Finally, Mr. Caillier represents that “We have reason to believe that these listed conditions have existed for a long time and were built legally.” That assertion is also very likely not true. For starters, Ms. Rader (the prior owner of the Subject Property) had a duty to disclose to Mr. Caillier all these unpermitted major renovations to the Subject Property. Even more damaging to Mr. Caillier’s assertion would be found in the title commitment disclosures he received from First American Title back in November 2019. That title commitment and title policy almost certainly highlight this major title defect and were likely excluded from coverage. Indeed, how could one possibly assert that something “existed for a long time and [was] built legally” when there are no permits for any major renovation that would have been disclosed by Ms. Rader? Moreover, who could possibly believe in good faith that the Subject Property was in this condition with absolutely no permitted renovations for a half century? It simply lacks credibility. Mr. Caillier should be asked to produce those title commitment documents to affirm his assertion that the improvements “existed for a long time and [were] built legally”.

Considerations Requiring the Denial of the Application

Both the Washoe County Code 110.806.20 and Nevada Revised Statutes 278.480 (5) require that there be no material injury to the public by the proposed vacation. The Washoe County Planning Commission should make short work of Mr. Caillier’s Application since it is not in the public interest, continues a condition that is detrimental to other owners and service providers to Pahute Road and condones or rewards willful violations of the Washoe County Building Code.

First, in the map plat that was dedicated as part of this planned development, the end of Pahute Road has a turning radius of 25 feet which equates to almost 2,000 square feet of public right of way. Indeed, when this map was dedicated, the 25 foot radius turnaround was not just a random dimension or whim as it took considerable time and resources to carve this road out of the mountainside. The severe encroachment of the Subject Property’s improvements have destroyed more than half of this vital public turnaround area. In its current condition with the major building encroachment onto this

public right of way, typical service vehicles used by UPS Freight, FedEx Freight and numerous other LTL carriers that have over 26 foot box trucks or trailers are required to choose to either back into or out of Pahute Road to service residents on this street. On several occasions, I personally have been unable to receive large freight items to my residence because trucking companies cannot or refuse to navigate Pahute Road. Even Pahute Road residents themselves as well as other members of the public are negatively impacted since turning around at the end of Pahute Road in a passenger vehicle with even a modest U-Haul or other small trailer is challenging, if not impossible at any time of year. Snow season makes that impossibility a certainty. I would invite anyone sitting on the Commission or its staff to bring their personal vehicle with even the smallest trailer and try to navigate in and out of Pahute Road. It is quite an unpleasant experience and is all due to the Subject Property's profound encroachment onto this public right of way.

Second, the request seems to contemplate Washoe County just giving the land to Mr. Caillier. But Nevada Revised Statutes 278.480(8) states that "[i]f the street was not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the governing body determines to be reasonable." There are considerable public ramifications of Commission just giving away property as evidenced by the recently disputed sales of IVGID land to private individuals. See <https://www.rgj.com/story/news/2017/12/20/fight-over-tahoe-beach-access-leads-questionable-land-sales/966297001/>. In its report, the Commission staff report has completely failed to take into account the required payment for the property if this Application is approved.

Finally, there is the public policy issue and setting precedent. If Mr. Caillier is successful in having the end of Pahute Road simply deeded to him, the Commission is indirectly stating to Washoe County residents that it condones and encourages adverse possession of public property. It is also signaling that (i) the Commission is willing to simply move property lines for those that wrongfully build onto Nevada property and (ii) totally disregard the public interest of those using the public right of way so as to solve a problem created by a land owner's willful disregard of the building code. The Commission should decline to continue to open that Pandora's Box.

The Staff Report is Conclusory and Perfunctory

In a meager two pages of written text which it considers a "thorough analysis and review", the Commission staff concludes that this Application should be granted. It makes little to no effort to explain (i) the detailed history of the Subject Property and its improvements, (ii) the dedication history of Pahute Road, (iii) necessary and obvious references to the Washoe County Master Plan Land Use and Transportation Element, and (iv) even fails to consult with the Washoe County Community Services to understand and explain the implications for snow removal under this Application. Perhaps the Commission staff, in addition to recommending the free transfer of public property, also intends this gift of land to Mr. Caillier to include free Washoe County snow removal to owners of the Subject Property in perpetuity.

Indeed, without a detailed written analysis or public policy considerations, the Commission staff offers baseless conclusions to each of the three required findings in 40 words or less. A reviewing body such as the Washoe County Board of Commissioners and especially any Washoe County District judge will find this analysis profoundly lacking by any reasonable standard making any decision based on this analysis arbitrary and capricious.

An Alternative Solution to the Abandonment Request

What Mr. Caillier seeks is the use of the 1,198 square feet of TRPA Code of Ordinances coverage requirements (“Coverage”) that was almost certainly built in violation of the Washoe County Building Code as it then existed but predated the TRPA Code of Ordinances. Mr. Caillier needs this existing Coverage that now exists on the Pahute Road public right of way in order to relocate any new structure. Otherwise, under the TRPA’s purported current interpretation of the ordinance, he will be forced to purchase (from other lots around the Tahoe Basin) almost all the Coverage necessary to complete his proposed project, making his whole redevelopment undertaking prohibitively expensive and ultimately economically unfeasible, if it is even possible. Other than this Coverage problem, Mr. Caillier has 11,675 sq. ft. (minus the appropriate existing setbacks) of land to build improvements which is more than adequate to construct a single family home of any reasonable proportion.

But Mr. Caillier has not formalized *any* detailed plans for his request because according to Mr. GilanFarr, he would like to take less risk by getting approvals first before undertaking the expense of formalizing a plan that may not get approved. He also claims through Mr. GilanFarr that the TRPA (or at least its general counsel) refuses to even entertain the rational solution of simply moving the existing footprint back onto the lot where it belongs. But without the submission of a detailed plan to both this Commission and the TRPA, we have no idea what the official TRPA response actually could be and from which further actions by the affected parties can be contemplated.

The solution going forward is not this meritless and publicly injurious free land transfer. Instead, the Commission should use its resources to help Mr. Caillier with the TRPA so that everyone impacted can benefit. But that also requires that Mr. Caillier give all of us an opportunity to comment on detailed plans rather than these mere vague suggestions. The Commission has an interest in helping Mr. Caillier since it is obligated (and can be compelled) to enforce the building code and recover the necessary public right of way owned by the State of Nevada / Washoe County.

If a calamity like fire or avalanche were to beset the Subject Property, it would be inconceivable that Mr. Caillier could not reconstruct his home without first taking public land and harming his neighbors. Indeed, a denial of an application to this Commission and the TRPA to simply rebuild the Subject Property after a loss would most certainly be an unconstitutional taking of land, a claim which Mr. Caillier would most certainly win in court. The result should be no different if rebuilding is required due to obsolescence. There are plenty of provisions and special exceptions under the TRPA Code of Ordinances to make Mr. Caillier’s vision a reality, but he will need assistance and support from this Commission to bring it to completion. The Commission and the TRPA should help him in that regard, but not in the lazy and publically injurious manner that is being proposed here.

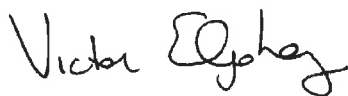
As all these pre-TRPA homes in Crystal Bay age, this issue will most certainly come up again with such a purported TRPA interpretation of the ordinances. Giving away public right of ways in order to rebuild is simply not workable for the public at large and will lead to numerous lawsuits as these problems continue to arise in the future.

Conclusion

Mr. Caillier's request for an Abandonment of the end of Pahute Road benefits only him while continuing to injure the public. The Commission should not grant this Application since it has significant harm to the public and encourages violations of section 110 of the Washoe County Development Code.

If the Commission grants this request in its current form, it will immediately be appealed to the full Washoe County Board of Commissioners. In addition to the appeal, a writ of mandamus will be filed in the Washoe County District Court against the Commission for its blatant failure to enforce the building code and give away critically necessary public property to violators (or their successors in interest) of the Washoe County Building Code. I trust alternate solutions to this unreasonable Abandonment Application and building code violation will receive due consideration so a lawsuit becomes unnecessary.

Regards,

A handwritten signature in black ink that reads "Victor Elgohary". The signature is written in a cursive style with a large, stylized 'V' and 'E'.

Victor Elgohary

EXHIBIT B





WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
 Planning and Building Division
 Planning Program

1001 EAST 9TH STREET
 RENO, NEVADA 89512-2845
 PHONE (775) 328-6100
 FAX (775) 328.6133

Planning Commission Action Order
Abandonment Case Number WAB20-0003

Decision: **Approval with Conditions**

Decision Date: September 1, 2020

Mailing/Filing Date: September 2, 2020

Property Owner: Kurt D. Callier Living Trust
 Attn: Alex Nichols
 4621 Teller Ave.
 Newport Beach, CA 92660

Assigned Planner: Julee Olander, Planner
 Washoe County Community Services Department
 Planning and Building Division
 Phone: 775.328.3627
 E-Mail: jolander@washoecounty.us

Abandonment Case Number WAB20-0003 (Pahute Abandonment) – For possible action, hearing, and discussion to approve an abandonment of Washoe County's interest in ±1,197 square feet (±31 feet) of public right-of-way at the end of Pahute Road, 175 feet west of Nevada State Route 28. If approved, the property will be abandoned to the abutting property owner at 425 Pahute Road. The request to abandon is pursuant to NRS 278.480 and related provisions in the Washoe County development code

- Applicant: Gilanfarr Architecture
- Property Owner: Kurt D. Callier Living Trust
- Location: 425 Pahute Rd.
- Assessor's Parcel Number: 123-143-11
- Parcel Size: 0.26 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: High Density Suburban (HDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 806, Vacations and Abandonments of Streets and Easements
- Commission District: 1 – Commissioner Berkbigler

Notice is hereby given that the Washoe County Planning Commission granted approval with conditions of the above referenced case number based on the findings in accordance with Washoe County Code Chapter 110 (Development Code) Article 806, *Vacations and Abandonments of Streets and Easements*. If no appeals have been filed within 10 calendar days after the Mailing/Filing date shown on this Action Order, the approval by the Washoe



INTEGRITY



EFFECTIVE
COMMUNICATION



QUALITY
PUBLIC SERVICE

To: Kurt D. Callier Living Trust
Subject: WAB20-0003
Date: September 2, 2020
Page: 2

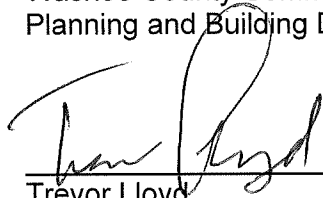
County Planning Commission is final. If filed, an appeal stays any further action on the permit until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912, *Establishment of Commissions, Boards and Hearing Examiners*, of the Development Code. This decision is based on 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.

This Action Order is issued subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within seven days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. Any business license, certificate of occupancy or final approval shall not be issued until all of the Conditions of Approval (attached) are satisfied. Additionally, compliance shall be required with all federal, state and local statutes, ordinances, and regulations applicable to the approved project.

This Action Order does not authorize any development, to include building construction and grading, without the required permits from the Washoe County Planning and Building Division, Building Program.

Washoe County Community Services Department
Planning and Building Division



Trevor Lloyd
Secretary to the Planning Commission

TL/JO/ks

xc:

Applicant: Gilanfarr Architecture, 22 State Route 28 #202, Crystal Bay, NV 89402,
Email: phil@gilanfarrarchitects.com

Property Owner: Kurt D. Callier Living Trust, 4621 Teller Ave., Newport Beach, CA 92660,
Email: ANichols@assocrmc.com

To: Kurt D. Callier Living Trust
Subject: WAB20-0003
Date: September 2, 2020
Page: 3

Action Order xc: Nathan Edwards, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office; Leo Vesely, Engineering and Capital Projects; Incline Village General Improvement District, 893 Southwood Boulevard, Incline Village, NV 89451



Conditions of Approval

Abandonment Case Number WAB20-0003

The project approved under Abandonment Case Number WAB20-0003 shall be carried out in accordance with the conditions of approval granted by the Planning Commission on September 1, 2020. 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. Furthermore, to the extent that Washoe County does not own the easements in question, it cannot abandon them. Therefore, this request is in effect a “quitclaim” by the County of whatever interest it might have in the easements in favor of the owners who applied for the abandonment. Nothing in this abandonment should be construed as an assertion by the County of ownership over the easements in question. To the extent other property owners nearby or other entities might have any ownership interests in these easements, this abandonment does not affect those interests and the property owners associated with this abandonment are responsible for utilizing whatever legal mechanisms are necessary to address those interests on their own.

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 Community Services Department – Planning and Building Division.

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 Conditions of Approval

Washoe County Planning and Building Division

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

Contact Name – Julee Olander, Planner, 775.328.3627, jolander@washoecounty.us

- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this abandonment.**
- b. 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.
- c. 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.
- d. 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.
- e. This Abandonment will be effective upon recordation of the Resolution and Order of Abandonment by the County Recorder.

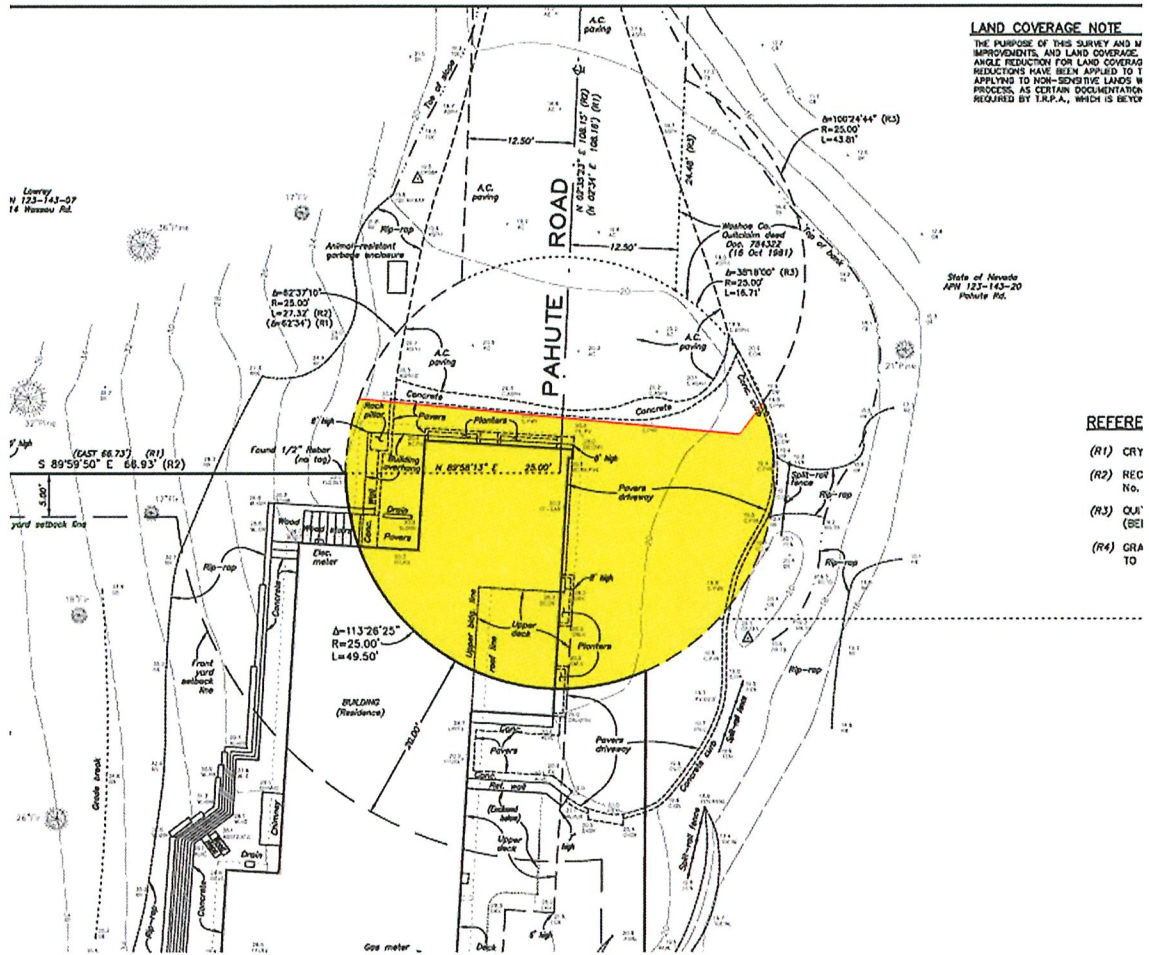
Washoe County Engineering and Capital Projects

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

Contact Name – Leo R. Vesely, P.E., 775.328.2313, lvesely@washoecounty.us

- a. Prior to recordation of the Order of Abandonment, the applicant shall submit legal descriptions and exhibit maps for the areas of abandonment, any new easements and any easement reservations that are required, to the Engineering and Capital Projects Division for review and approval. Legal descriptions and exhibit maps shall be prepared by a Nevada professional land surveyor.
- b. Retention or relocation of all public utility easements is required to the satisfaction of and at no expense to Washoe County or the existing public utilities that originally accepted and approved said easements, as well as any other public utilities now in existence that currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of new easements (if required) to said public utilities and the relinquishment by said public utilities of their former easements.
- c. The area to be abandoned shall only include the portion as shown in yellow below:

Washoe County Conditions of Approval



- d. The applicant shall comply with conditions necessary to effect 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 ***



Planning Commission Staff Report

Meeting Date: September 1, 2020

Agenda Item: 8A

ABANDONMENT CASE NUMBER: WAB20-0003 (Pahute Abandonment)

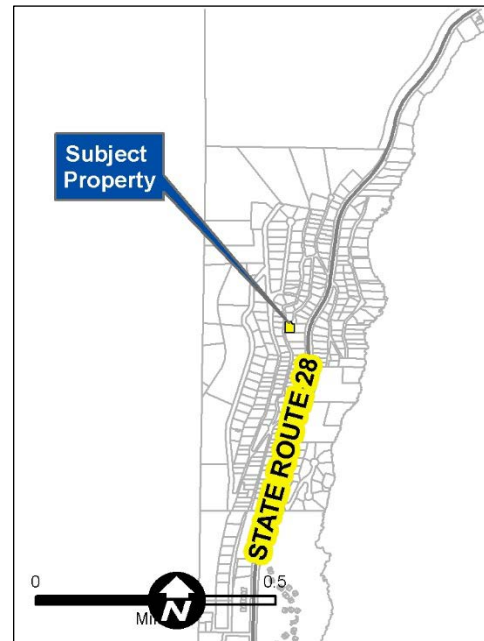
BRIEF SUMMARY OF REQUEST: To abandon Washoe County's interest in ±1,197 square feet of right-of-way on Pahute Road

STAFF PLANNER: Planner's Name: Julee Olander
Phone Number: 775.328.3627
E-mail: jolander@washoecounty.us

CASE DESCRIPTION

For possible action, hearing, and discussion to approve an abandonment of Washoe County's interest in ±1,197 square feet (±31 feet) of public right-of-way at the end of Pahute Road, 175 feet west of Nevada State Route 28. If approved, the property will be abandoned to the abutting property owner at 425 Pahute Road. The request to abandon is pursuant to NRS 278.480 and related provisions in the Washoe County development code.

Applicant:	Gilanfarr Architecture
Property Owner:	Kurt D. Callier Living Trust
Location:	425 Pahute Rd.
APN:	123-143-11
Parcel Size:	0.26 acres
Master Plan:	Suburban Residential (SR)
Regulatory Zone:	High Density Suburban (HDS)
Area Plan:	Tahoe
Citizen Advisory Board:	Incline Village/Crystal Bay
Development Code:	Authorized in Article 806, Vacations and Abandonments of Streets and Easements
Commission District:	1 – Commissioner Berkbigler



STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE 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, with the conditions included as Exhibit A to this matter, Abandonment Case Number WAB20-0003 for Kurt D. Callier Living Trust, having made all three findings in accordance with Washoe County Code Section 110.806.20.

(Motion with Findings on Page 8)

Staff Report Contents

Abandonment Definition..... 3
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Incline Village/Crystal Bay Citizen Advisory Board (IVCB CAB) 7
Reviewing Agencies..... 7
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Motion..... 8
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Exhibits Contents

Conditions of Approval.....Exhibit A
Agency Review CommentsExhibit B
Public Notice Map Exhibit C
Project Application Exhibit D

Abandonment Definition

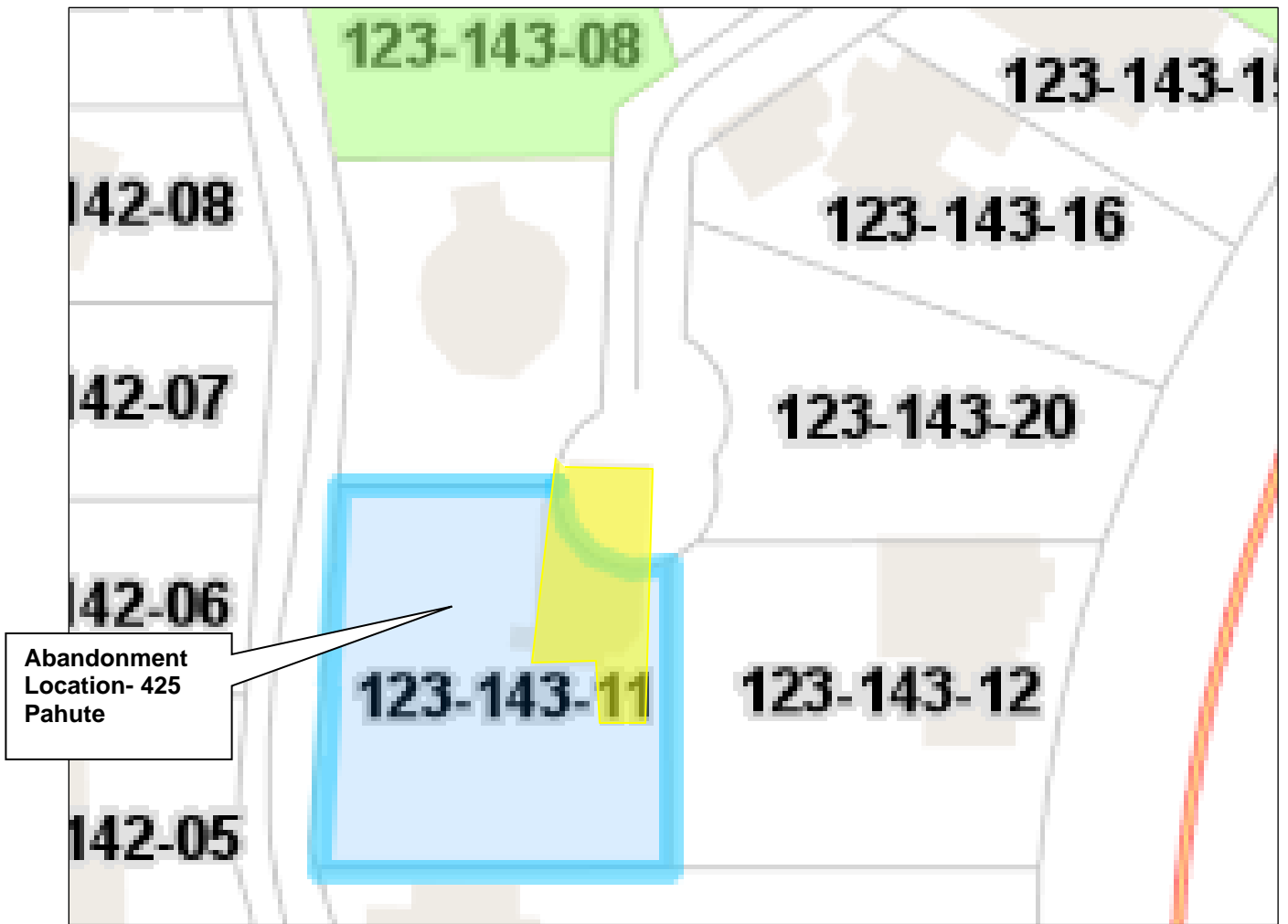
The purpose of an abandonment is to allow for the vacation or abandonment of easements or streets. If the Planning Commission grants an approval of the abandonment, that approval is subject to conditions of approval. Conditions of approval are requirements that need to be completed prior to the recordation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

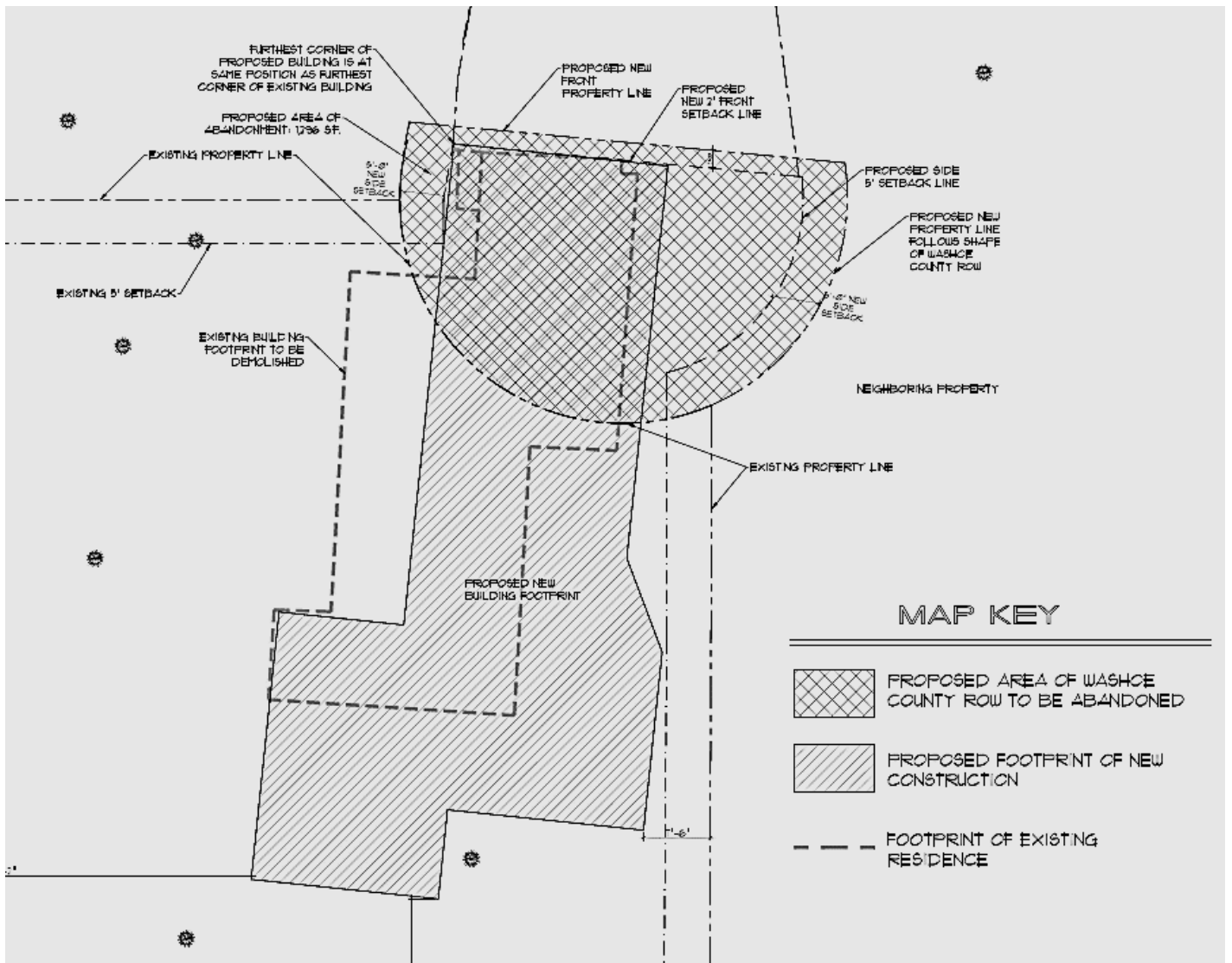
The Resolution and Order of Abandonment is the legal record, prepared by the Engineering and Capital Projects Division which is recorded to complete the abandonment process. The Engineering and Capital Projects Division completes a technical review of the legal description, exhibit maps and any new easements, 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 WAB20-0003 is attached to this staff report and will be included with the Action Order if granted approval.

- 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.

The area subject to this abandonment is Washoe County right of way (ROW) and therefore currently does not have a regulatory zone designation; however, the subject parcels abutting this right of way have High Density Suburban (HDS) regulatory zone. The front and rear setbacks are 20 feet and the side yard setbacks are 5 ft. Currently, the house at 425 Pahute is built in the public ROW and the abandonment will correct this while providing and meeting the front yard setback of 20 feet to bring the property into conformance.





Overall Site Plan



Photo of site- looking at house



Photo of site- looking away from the house at Pahute Rd. and cul-de-sac area

Project Evaluation

The owner of 425 Pahute Road (APN:123-143-11) and is requesting the abandonment of 1,197 sq. ft. of public right-of-way (ROW) at the terminus of Pahute Road, approximately 31 feet adjacent to the parcel. The residential home that was built in 1941 is located in the public ROW (see site plan on page 9). Pahute Road is a narrow 776 foot long road that only provides basically one-lane of traffic. There are parking areas and pull-out areas along the road to enable two vehicles to pass each other if simultaneously on the road. The end of Pahute is a cul-de-sac and is used by the area as a turnaround area.

The parcel's regulatory zone is High Density Suburban (HDS) and the setbacks are 20 feet in the front and rear and 5 feet on the sides. The proposed abandonment will move the property line to ensure that the existing house is located out of the public ROW. The original request was to abandon more ROW area to meet the 20 foot setback, however there was concern that it would remove too much roadway for the turnaround area. The abandonment is for approximately 31 feet, removing only the house from the ROW and the cul-de-sac will remain as a turnaround area for the neighborhood to use. The proposed the abandonment will not deprive access to the abutting properties. No physical changes will be made to the road as a result of this abandonment.

The current house will be a legal non-conforming structure and the house will not meet the front 20-foot setback requirement. Any new additions of 10% or more to the house will require the house to meet the 20 feet front setback requirement or the owner will need to obtain a variance to the setback requirement. There are several other parcels along Pahute Road that are also non-conforming and do not meet current Washoe County requirements.

Incline Village/Crystal Bay Citizen Advisory Board (IVCB CAB)

The proposed project is not required to be presented at a Citizens Advisory Board Meeting.

Reviewing Agencies

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

- Washoe County Community Services Department
 - Planning and Building Division
 - Engineering and Capital Projects
- North Lake Tahoe Fire District
- Washoe-Storey Conservation District
- Incline Village General Improvement District

All five of the above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided (See Exhibit B). 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 Building provided conditions regarding recordation of the Resolution and Order of Abandonment.

Contact: Julee Olander, 775.328.3627, jolander@washoecounty.us

- Washoe County Engineering and Capital Projects, Land Development provided conditions related to the area of abandonment and recordation of the abandonment.

Contact: Leo Vesely, 775.328.2313, ivesely@washoecounty.us

Staff Comment on Required Findings

WCC 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 Tahoe Area Plan.

Staff Comments: The proposed abandonment does not affect any policies, action programs, standards or maps of either the Master Plan or the Tahoe Area Plan.

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

Staff Comments: Currently the house at 425 Pahute is in the public ROW and the abandonment will correct this while still providing significant area for vehicle turnaround area and the proposed abandonment will not result in a material injury to the public.

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: Abandoning this section of roadway does not deprive any other properties of access to utilities easements. The public utilities easements can be reasonably relocated as need to continue to provide service.

Recommendation

After a thorough analysis and review, Abandonment Case Number WAB20-0003 is being recommended for approval with conditions. 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, with the conditions included as Exhibit A to this matter, Abandonment Case Number WAB20-0003 for Kurt D. Callier Living Trust, 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.

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 Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Planning Commission and mailed to the applicant(s).

Applicant: Gilanfarr Architecture, 22 State Route 28 #202, Crystal Bay, NV, 89402, Email: phil@gilanfarrarchitects.com

Property Owner: Kurt D. Callier Living Trust, 4621 Teller Ave., Newport Beach, CA, 92660, Email: ANichols@assocrmc.com



Conditions of Approval

Abandonment Case Number WAB20-0003

The project approved under Abandonment Case Number WAB20-0003 shall be carried out in accordance with the conditions of approval granted by the Planning Commission on September 1, 2020. 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. Furthermore, to the extent that Washoe County does not own the easements in question, it cannot abandon them. Therefore, this request is in effect a “quitclaim” by the County of whatever interest it might have in the easements in favor of the owners who applied for the abandonment. Nothing in this abandonment should be construed as an assertion by the County of ownership over the easements in question. To the extent other property owners nearby or other entities might have any ownership interests in these easements, this abandonment does not affect those interests and the property owners associated with this abandonment are responsible for utilizing whatever legal mechanisms are necessary to address those interests on their own.

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 Community Services Department – Planning and Building Division.

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 Building Division

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

Contact Name – Julee Olander, Planner, 775.328.3627, jolander@washoecounty.us

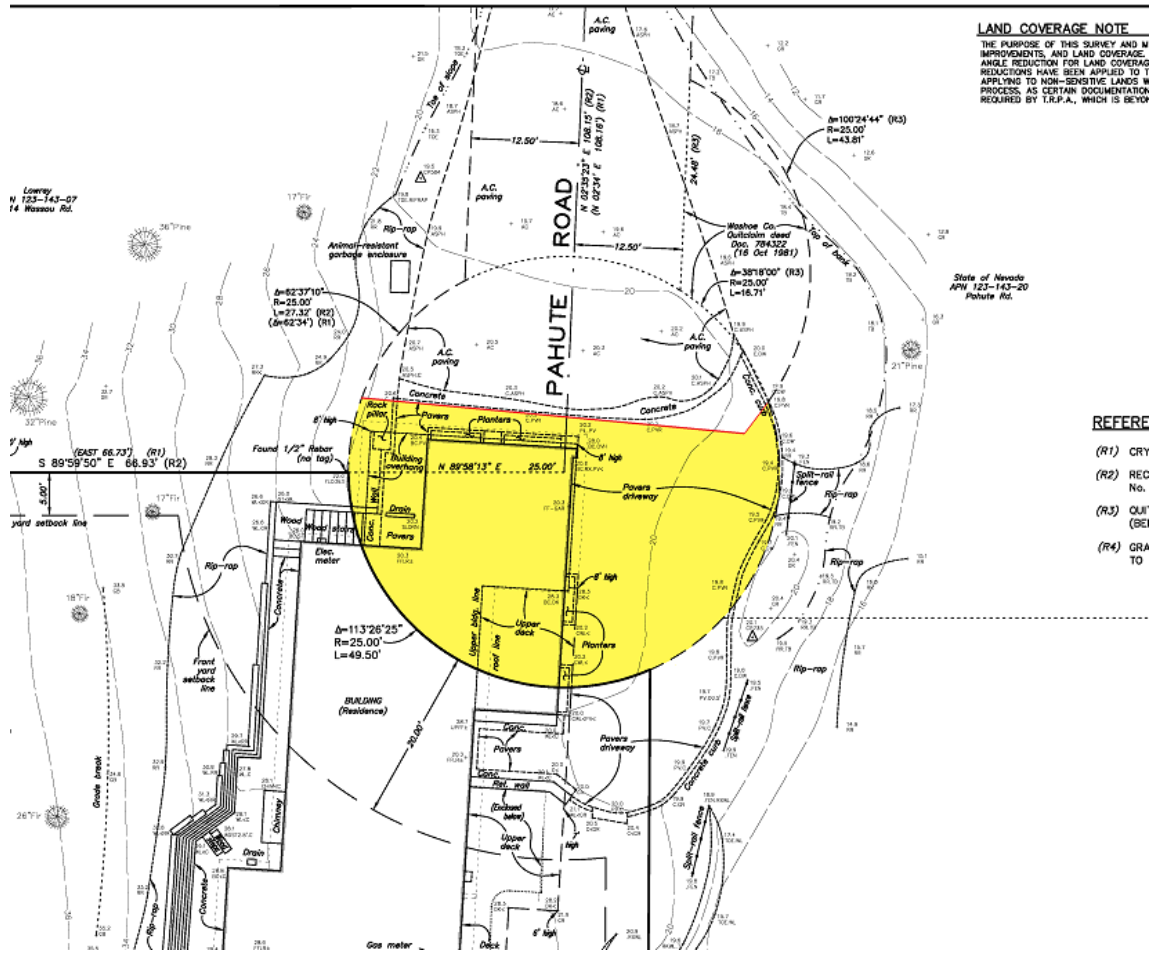
- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this abandonment.**
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this abandonment action. The County Engineer shall determine compliance with this condition.
- c. 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.
- d. 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.
- e. 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 – Leo R. Vesely, P.E., 775.328.2313, lvesely@washoecounty.us

- a. Prior to recordation of the Order of Abandonment, the applicant shall submit legal descriptions and exhibit maps for the areas of abandonment, any new easements and any easement reservations that are required, to the Engineering and Capital Projects Division for review and approval. Legal descriptions and exhibit maps shall be prepared by a Nevada professional land surveyor.
- b. Retention or relocation of all public utility easements is required to the satisfaction of and at no expense to Washoe County or the existing public utilities that originally accepted and approved said easements, as well as any other public utilities now in existence that currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of new easements (if required) to said public utilities and the relinquishment by said public utilities of their former easements.
- c. The area to be abandoned shall only include the portion as shown in yellow below:



- d. The applicant shall comply with conditions necessary to effect 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

COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects

Attachment C
1001 EAST 9TH STREET Page 13
PO BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328-3600
FAX (775) 328.3699

Date: August 4, 2020

To: Julee Olander, Planner, Planning and Building Division

From: Leo Vesely, P.E., Engineering and Capitol Projects Division

Re: Abandonment Case **WAB20-0003 – Pahute Road abandonment**
APN 123-143-11

GENERAL PROJECT DISCUSSION

Washoe County Engineering and Capital Project staff has reviewed the above referenced application. The application is for the abandonment of Washoe County’s interest in ±200 square feet of right-of-way of Pahute Road at the end of the road adjacent to 425 Pahute Road. The Engineering and Capital Projects Division recommends approval with the following comments and conditions of approval which supplement applicable County Code and are based upon our review of the application prepared by Gilanfarr Architecture. The County Engineer shall determine compliance with all the following conditions of approval.

For questions related to sections below, please see the contact name provided.

GENERAL CONDITIONS

Contact Information: Leo Vesely, P.E. (775) 328-2041

1. Prior to recordation of the Order of Abandonment, the applicant shall submit legal descriptions and exhibit maps for the areas of abandonment, any new easements and any easement reservations that are required, to the Engineering and Capital Projects Division for review and approval. Legal descriptions and exhibit maps shall be prepared by a Nevada professional land surveyor.
2. Retention or relocation of all public utility easements is required to the satisfaction of and at no expense to Washoe County or the existing public utilities that originally accepted and approved said easements, as well as any other public utilities now in existence that currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of new easements (if required) to said public utilities and the relinquishment by said public utilities of their former easements.
3. The area to be abandoned shall only include the portion as shown in yellow below:



INTEGRITY

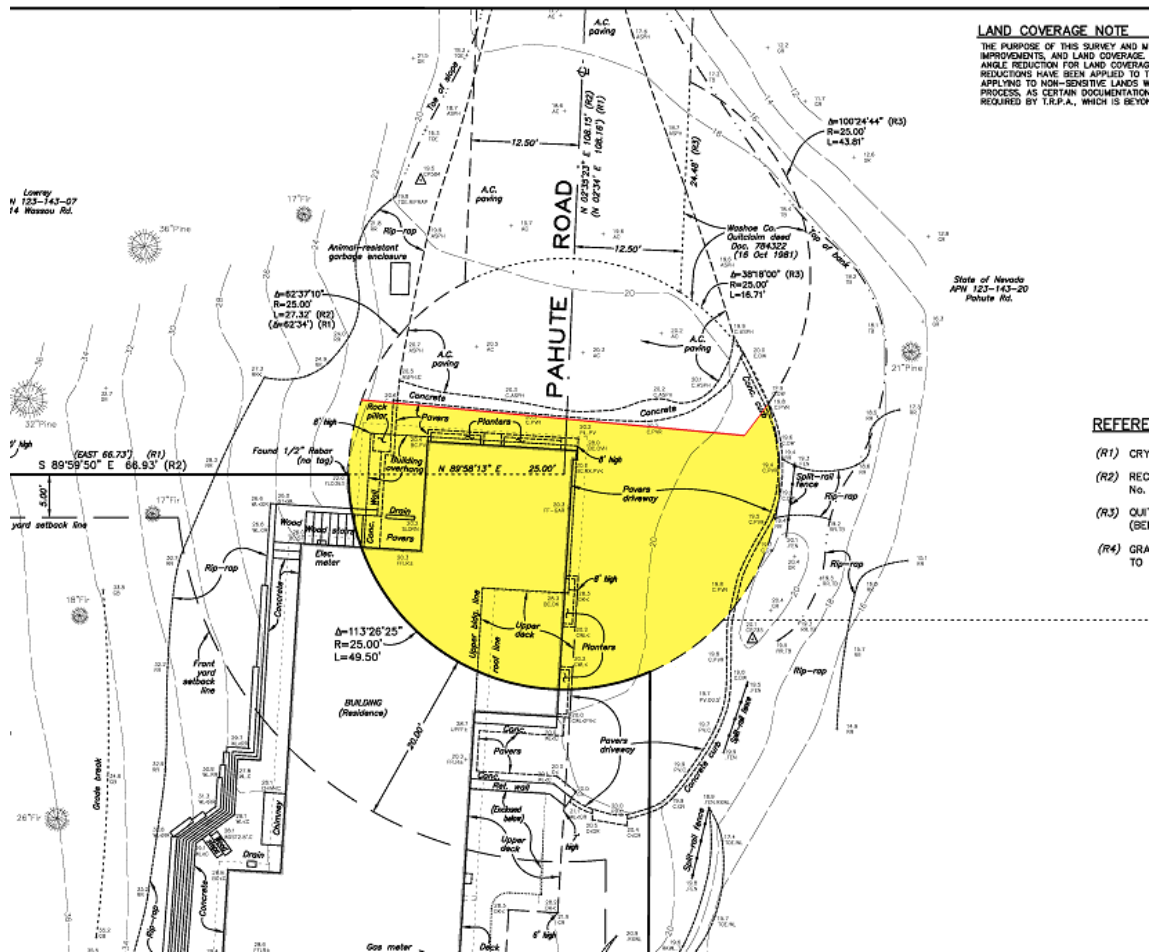


EFFECTIVE COMMUNICATION



QUALITY PUBLIC SERVICE

Subject: Pahute Abandonment – WAB20-0003
Date: August 4, 2020
Page: 2



LAND COVERAGE NOTE

THE PURPOSE OF THIS SURVEY AND IMPROVEMENTS, AND LAND COVERAGE ANGLE REDUCTION FOR LAND COVERAGE REDUCTIONS HAVE BEEN APPLIED TO APPLYING TO NON-SENSITIVE LANDS IN PROCESS, AS CERTAIN DOCUMENTATION REQUIRED BY T.R.P.A., WHICH IS BEYOND

State of Nevada
APN 123-143-20
Pahute Rd.

REFERE

- (R1) CRY
- (R2) REC No.
- (R3) QUI' (BEI)
- (R4) GRA TO

4. The applicant shall comply with conditions necessary to effect 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.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

Contact Information: Leo Vesely, P.E. (775) 328-2041

There are no Drainage related comments.

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

Contact Information: Mitchell Fink (775) 328-2050

Subject: Pahute Abandonment – WAB20-0003
Date: August 4, 2020
Page: 3

There are no Traffic related comments.

UTILITIES (County Code 422 & Sewer Ordinance)

Contact Information: Tim Simpson, P.E. (775) 954-4648

There are no utility related conditions of approval.

From: [Jennifer Donohue](#)
To: [Olander, Julee](#)
Subject: RE: WAB20-0005
Date: Monday, August 10, 2020 7:55:36 AM
Attachments: [image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Morning.

NLTFPD recognizes the access challenges in this area and agrees with Engineering's recommendation, please.

Thank you,
Jen



Jennifer Donohue
Interim Fire Marshal

Office: [775.831.0351](tel:775.831.0351) x8127 | Cell: [775.434.4555](tel:775.434.4555)

Email: jdonohue@nltpd.net

[866 Oriole Way | Incline Village | NV 89451](#)



From: Olander, Julee <JOlander@washoecounty.us>
Sent: Thursday, July 30, 2020 3:54 PM
To: Jennifer Donohue <JDonohue@nltpd.net>
Subject: WAB20-0005

Jennifer,

Realized that I didn't have the attached application sent to you for your review. The applicant is now suggesting to have a portion of the abandonment left as an access easement- see the last attachment. Please let me know what you think and let me know if you have any questions.

Thanks,



Julee Olander

Planner | Community Services Department- Planning & Building Division

jolander@washoecounty.us | Office: 775.328.3627

1001 E. Ninth St., Bldg A., Reno, NV 89512

Visit us first online: www.washoecounty.us/csd

For Planning call (775) 328-6100

Email: Planning@washoecounty.us



Date	4-14-2020
Attention	Julee Olander
Re	Abandonment Case Number WAB20-0003
APN	123-143-11
Service Address	425 Pahute
Owner	Kurt D Callier Living trust

• [Abandonment Case Number WAB20-0003 \(Pahute\)](#) – For possible action, hearing, and discussion to approve an abandonment of Washoe County’s interest in ±200 square feet of right-of-way of Pahute Road at the end of the road adjacent to 425 Pahute Road.

- Applicant: Gilanfarr Architecture
- Property Owner: Kurt D. Callier Living Trust
- Location: 425 Pahute Rd.
- Assessor’s Parcel Number: 123-143-11
- Parcel Size: 0.26 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: High Density Suburban (HDS)

- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 806, Vacations and Abandonments of Streets and Easements
- Commission District: 1 – Commissioner Berkbigler
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3627
- E-mail: Jolander@washoecounty.us

IVGID Comments: No Impact to the Incline Village General Improvement District.



Washoe-Storey Conservation District

Bret Tyler Chairmen
Jim Shaffer Treasurer
Cathy Canfield Storey app
Jean Herman Washoe app

1365 Corporate Blvd.
Reno NV 89502
775 857-8500 ext. 131
nevadaconservation.com

July 14, 2020

Washoe County Community Services Department

C/O Julee Olander, Planner

1001 E Ninth Street, Bldg A

Reno, NV 89512

R: WAB20-0003 Pahute

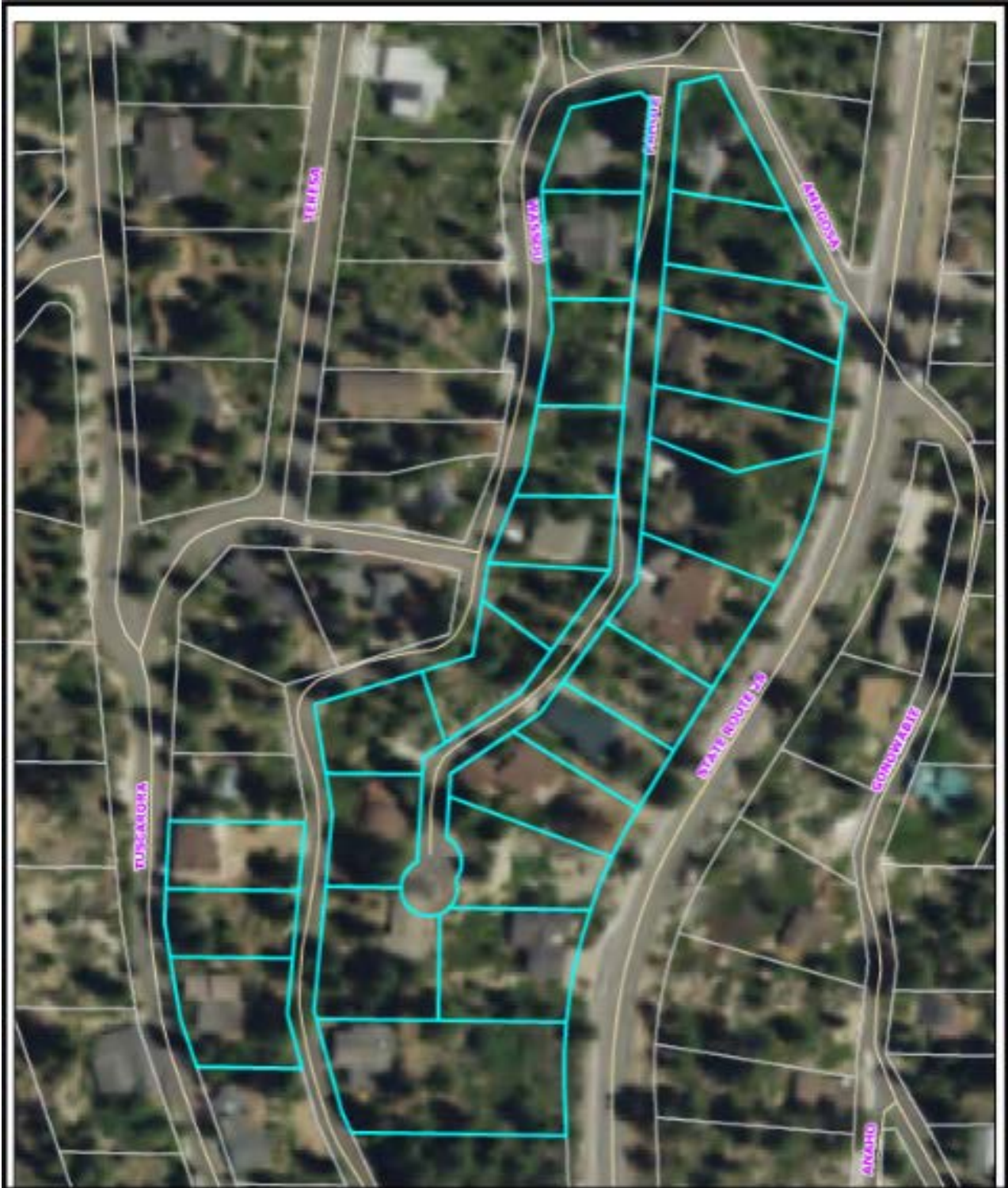
Dear Julee,

In reviewing the abandonment of Washoe County's interest, the Conservation District no comments.

Thank you for providing us the opportunity to review the project that may have impacts on our natural resources.

Sincerely,

Tyler-Shaffer



WAB20-0003 Pahute Abandonment



0 150
Foot

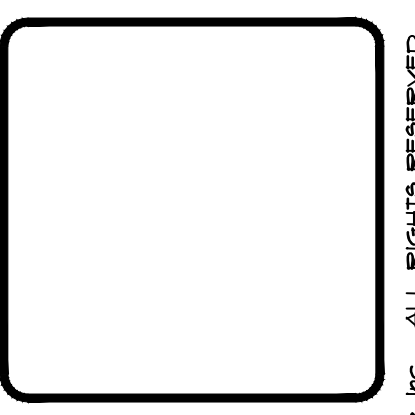
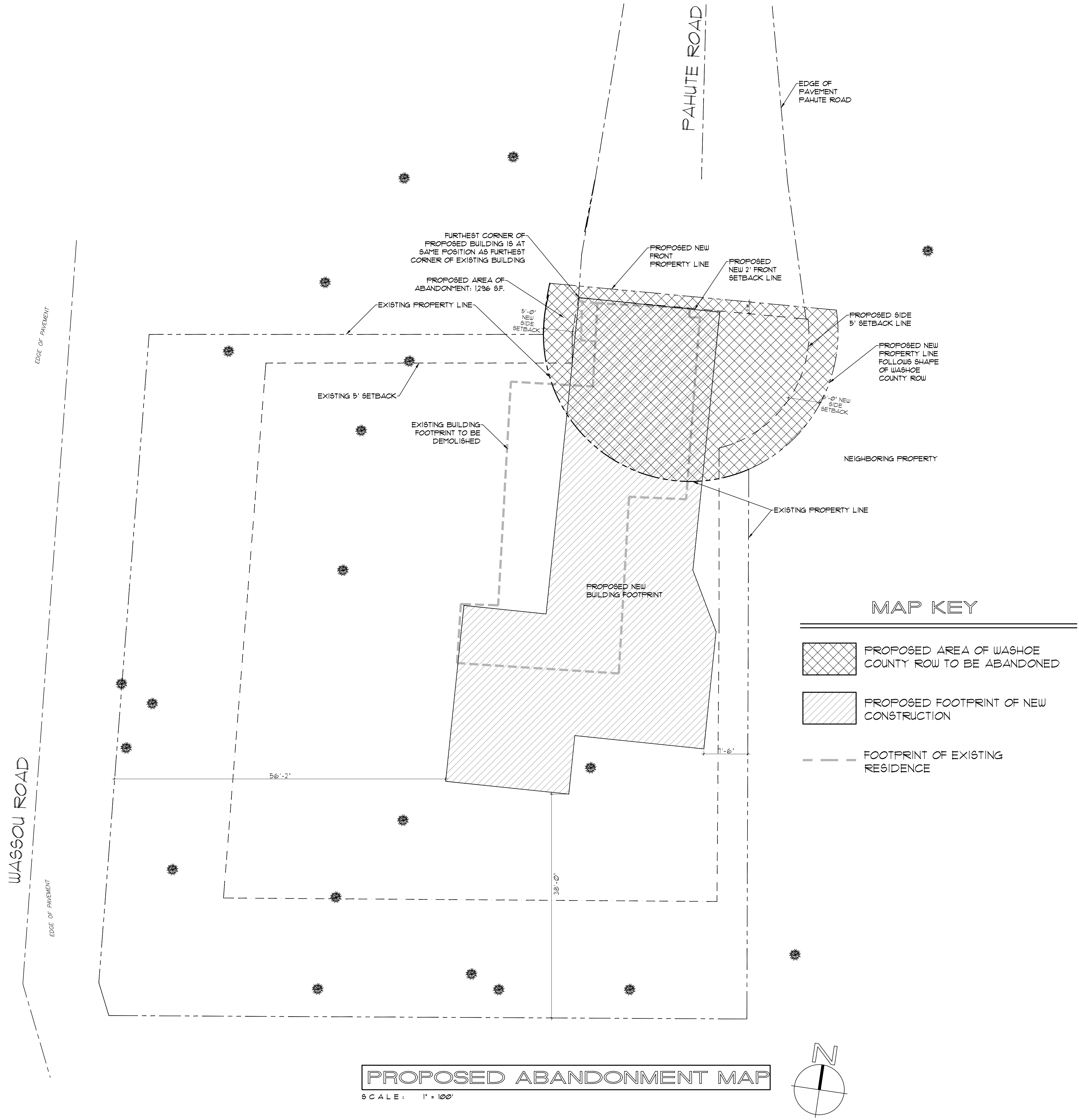
Community Services
Department

WASHOE COUNTY
NEVADA

1001 E. North St.
Reno, Nevada 89512 (775) 228-3800

Source: Planning and Building Division

Date: 07/15/2020



GILANFARR
architecture

PO BOX 446
CRYSTAL BAY, NEVADA 89402
VOICE: (775) 831-8001
FAX: (775) 831-8068

GILANFARRARCHITECTURE.COM

TITLE: PROPOSED ABANDONMENT MAP

CUSTOM RESIDENCE FOR:
KURT D CALLIER
425 PAHUTE ROAD, CRYSTAL BAY, NV
CRYSTAL BAY PARK, LOT 20, 18, 17, 16, 9
APN: 125-143-11

REVISIONS	

FILE: 425 PAHUTE

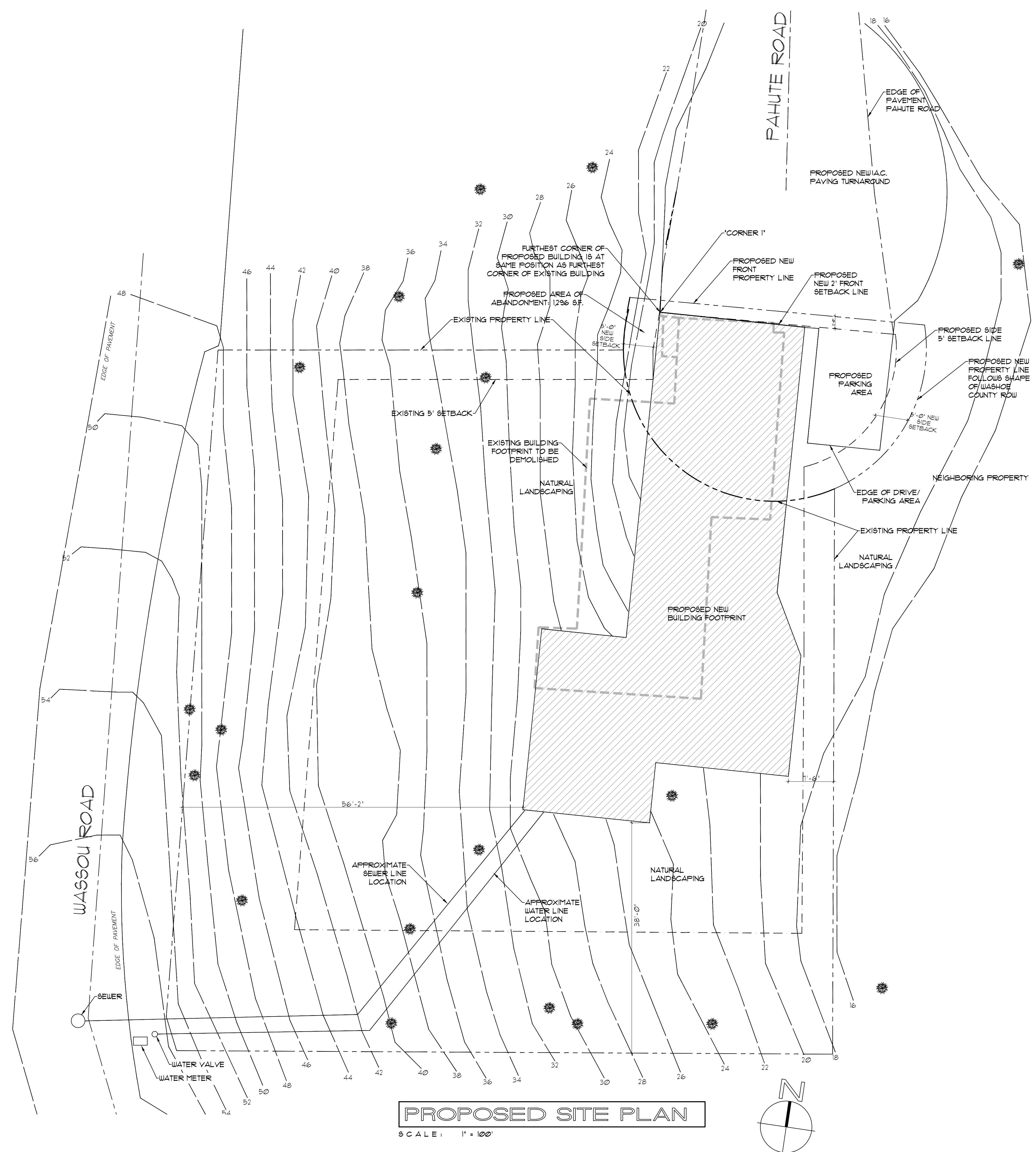
DATE: 07/08/20

SCALE: AS NOTED

DRAWN: QW

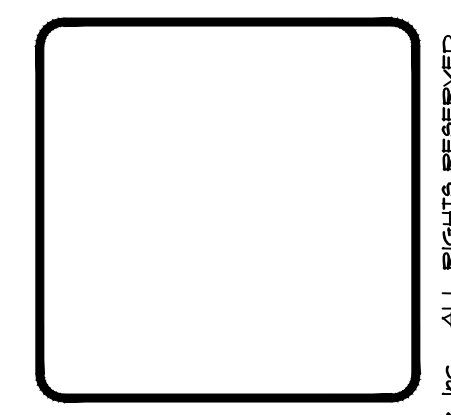
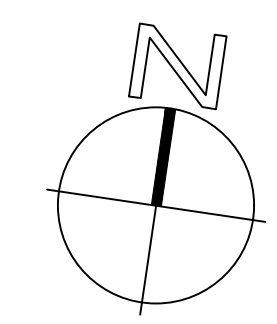
SHEET:
C1.A
OF 1 SHEETS

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PROPOSED SITE PLAN

SCALE: 1" = 100'



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TITLE: PROPOSED SITE PLAN

CUSTOM RESIDENCE FOR:
KURT D CALLIER
425 PAHUTE ROAD, CRYSTAL BAY, NV
CRYSTAL BAY PARK, LOT 20, 18, 17, 16, 9
APN: 125-143-11

REVISIONS	

FILE: 425 PAHUTE

DATE: 07/08/20

SCALE: AS NOTED

DRAWN: QW

SHEET:
C1.0
OF 1 SHEETS

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425 PAHUTE ROAD 123-143-11 ABANDONMENT APPLICATION WRITTEN DESCRIPTION

Description of Current Conditions

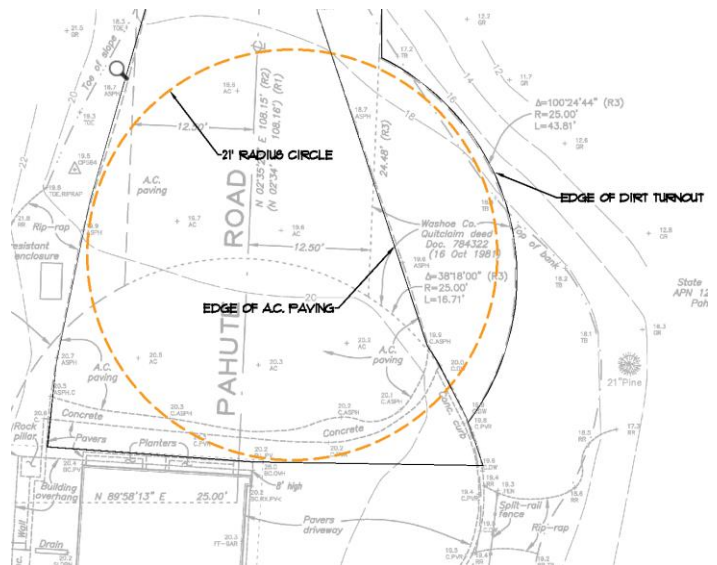
The property at 425 Pahute Drive in Crystal Bay is unique. Situated at the very end of Pahute Drive, a small house is built into the hillside overlooking the Incline Village shoreline. This is a historic neighborhood with small roads cut into a steep hillside, so like many homes in this neighborhood, the residence at 425 Pahute encroaches into the property's front setback and a portion of the home is constructed in the Washoe County ROW.

The included Existing Site Plan, C1.E, shows this encroachment. There are several hundred square feet of residence and driveway built into the turnaround area of the dead-end street. When visiting the site in person, it does not appear as a turnaround area or cul-de-sac, rather the street essentially dead ends straight into the garage of the existing residence. See photo to right.



The home does not share the cul-de-sac with any other residences, and is the only residence serviced by the last 60+ feet of road. Many cars that drive to the end of the road must complete a several-point turn or even back out of Pahute Road. The current turnaround capability is limited to a 21-foot radius, which is smaller than the outer turning radius of most cars. See Exhibit A, on the bottom right.

We have reason to believe that these listed conditions have existed for a long time and were built legally. The only permit available on Washoe County Accella is a water-heater replacement from 2005, and there are no paper copies of permits stored in the house. However, the Washoe County Assessor shows that the house was built in 1941 (included). The low ceilings and rustic wood of the existing house confirms that time-period.

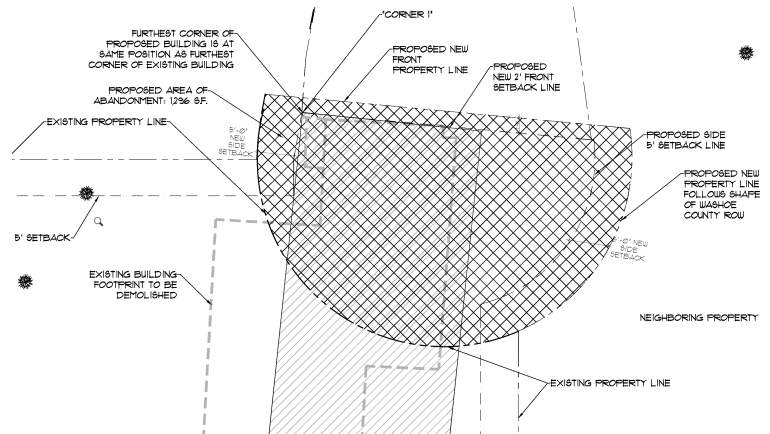


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phil@gilanfarrarchitecture.com

Proposed Abandonment and Development

We are proposing the abandonment of the last 31 feet of Pahute Road from Washoe County to the owner of 425 Pahute Road. The owner hopes to develop a new single-family residence in roughly the existing residence's footprint, that is more modern, energy-efficient and functional.

We propose that the new residence maintains the existing front corner of the house (Corner 1) that encroaches the furthest into the ROW. See Exhibit B to the right. The abandonment is proposed in this shape to accommodate only the footprint of the existing residence; we do not propose any new encroachment. We propose a 2' setback to minimize requested square footage. The requested portion of the Washoe County ROW to be abandoned is a total of 1,197 square feet and does not come close to any neighboring driveways.



The owner of 425 Pahute is willing to work with Washoe County to acquire the ROW area proposed and to help in the development of a better turnaround area adjacent to and within the abandoned ROW.

Other Considerations

Since the proposed abandonment is at the end of a public road, this abandonment is relevant to many different agencies including the fire department. We were fortunate to attend a Pre-Development Meeting with several members of Washoe County on June 24, 2020 and received great feedback from the meeting. Unfortunately, the Fire Department was unable to attend the meeting and give feedback as they were actively firefighting in the Poeville Fire.

The current conditions of the end of Pahute Road do not allow the effective turnaround of a Fire Engine. If emergency personnel had to access the house, they would have to back out of Pahute Road. Fortunately, the neighborhood has many roads nearby. A fire engine could reach all the homes in this area including 425 Pahute from the road above, Wassou Road, which is continuous and does not require vehicles to make a turnaround.

We propose to improve the turnaround capability of the end of Pahute Road. The hillside is very steep and already heavily graded, so expanding the turnaround significantly is not very feasible. However, with minimal regrading we propose expanding the radius of the turnaround area from 21 feet to 23-24 feet.

Thank you for your consideration of the abandonment of the Washoe County ROW at the end of Pahute Drive. If you have any further questions or thoughts, please reach out to Phil Gilanfarr or Quina Williams of Gilanfarr Architecture. Contact info: 775-831-8001, phil@gilanfarrarchitects.com, quina@gilanfarrarchitecture.com.

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Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name:			
Project Description:			
Project Address:			
Project Area (acres or square feet):			
Project Location (with point of reference to major cross streets AND area locator):			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name:		Name:	
Address:		Address:	
Zip:		Zip:	
Phone: Fax:		Phone: Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person:		Contact Person:	
Applicant/Developer:		Other Persons to be Contacted:	
Name:		Name:	
Address:		Address:	
Zip:		Zip:	
Phone: Fax:		Phone: Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person:		Contact Person:	
For Office Use Only			
Date Received: Initial:		Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Abandonment Application Supplemental Information

(All required information may be separately attached)

1. What and where is the abandonment that is being requested?

2. On which map or document (please include with application) is the easement or right-of-way first referenced?

3. What is the proposed use for the vacated area?

4. What replacement easements are proposed for any to be abandoned?

5. What factors exist or will be employed to prevent the proposed abandonment from resulting in significant damage or discrimination to other property in the vicinity?

6. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the abandonment request? (If so, please attach a copy.)

* Yes	* No
-------	------

IMPORTANT

NOTICE REGARDING ABANDONMENTS:

To the extent that Washoe County does not own the easements in question, it cannot abandon them. Therefore, an abandonment request is in effect a “quitclaim” by the County of whatever interest it might have in the easements in favor of the owners who applied for the abandonment. For example, if the abandonment is approved by Washoe County and recorded, it will likely affect the allowable building envelope on the property, to the benefit of the applicant. However, even if the abandonment is approved, it should not be construed as an assertion by the County of ownership over the easements in question. To the extent other property owners nearby or other entities might have any ownership interests in these easements, an approved abandonment by the County does not affect those interests and the property owners associated with this abandonment are responsible for utilizing whatever legal mechanisms are necessary to address those interests on their own.



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architecture | interiors | construction

425 PAHUTE ROAD 123-143-11 ABANDONMENT APPLICATION WRITTEN DESCRIPTION

Description of Current Conditions

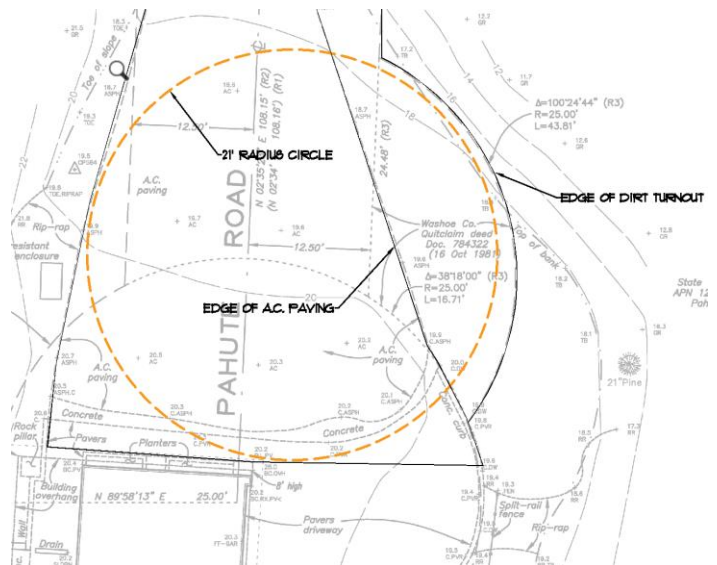
The property at 425 Pahute Drive in Crystal Bay is unique. Situated at the very end of Pahute Drive, a small house is built into the hillside overlooking the Incline Village shoreline. This is a historic neighborhood with small roads cut into a steep hillside, so like many homes in this neighborhood, the residence at 425 Pahute encroaches into the property's front setback and a portion of the home is constructed in the Washoe County ROW.

The included Existing Site Plan, C1.E, shows this encroachment. There are several hundred square feet of residence and driveway built into the turnaround area of the dead-end street. When visiting the site in person, it does not appear as a turnaround area or cul-de-sac, rather the street essentially dead ends straight into the garage of the existing residence. See photo to right.



The home does not share the cul-de-sac with any other residences, and is the only residence serviced by the last 60+ feet of road. Many cars that drive to the end of the road must complete a several-point turn or even back out of Pahute Road. The current turnaround capability is limited to a 21-foot radius, which is smaller than the outer turning radius of most cars. See Exhibit A, on the bottom right.

We have reason to believe that these listed conditions have existed for a long time and were built legally. The only permit available on Washoe County Accella is a water-heater replacement from 2005, and there are no paper copies of permits stored in the house. However, the Washoe County Assessor shows that the house was built in 1941 (included). The low ceilings and rustic wood of the existing house confirms that time-period.

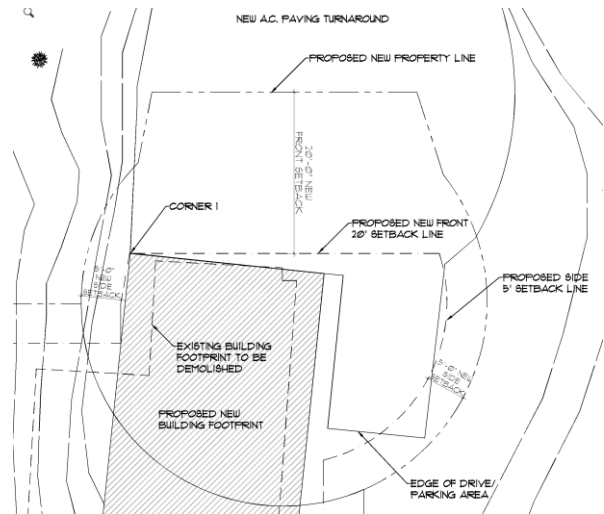


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Proposed Abandonment and Development

We are proposing the abandonment of the last 50 feet of Pahute Road from Washoe County to the owner of 425 Pahute Road. The owner hopes to develop a new single-family residence, in roughly the existing residence footprint, that is more modern, energy-efficient and functional.

We propose that the new residence maintains the existing front corner of the house (Corner 1) that encroaches the furthest into the ROW. See Exhibit B to the right. The abandonment is proposed in this shape to allow for the 20' front setback from Corner 1. The proposed abandoned portion of the Washoe County ROW is a total of 2,078 square feet and does not come close to any neighboring driveways.



The owner of 425 Pahute is willing to work with Washoe County to acquire the ROW area proposed and to help in the development of a better turnaround area adjacent to and within the abandoned ROW.

Other Considerations

Since the proposed abandonment is at the end of a public road, this abandonment is relevant to many different agencies including the fire department. We were fortunate to attend a Pre-Development Meeting with several members of Washoe County on June 24, 2020 and received great feedback from the meeting. Unfortunately, the Fire Department was unable to attend the meeting and give feedback as they were actively firefighting in the Poeville Fire.

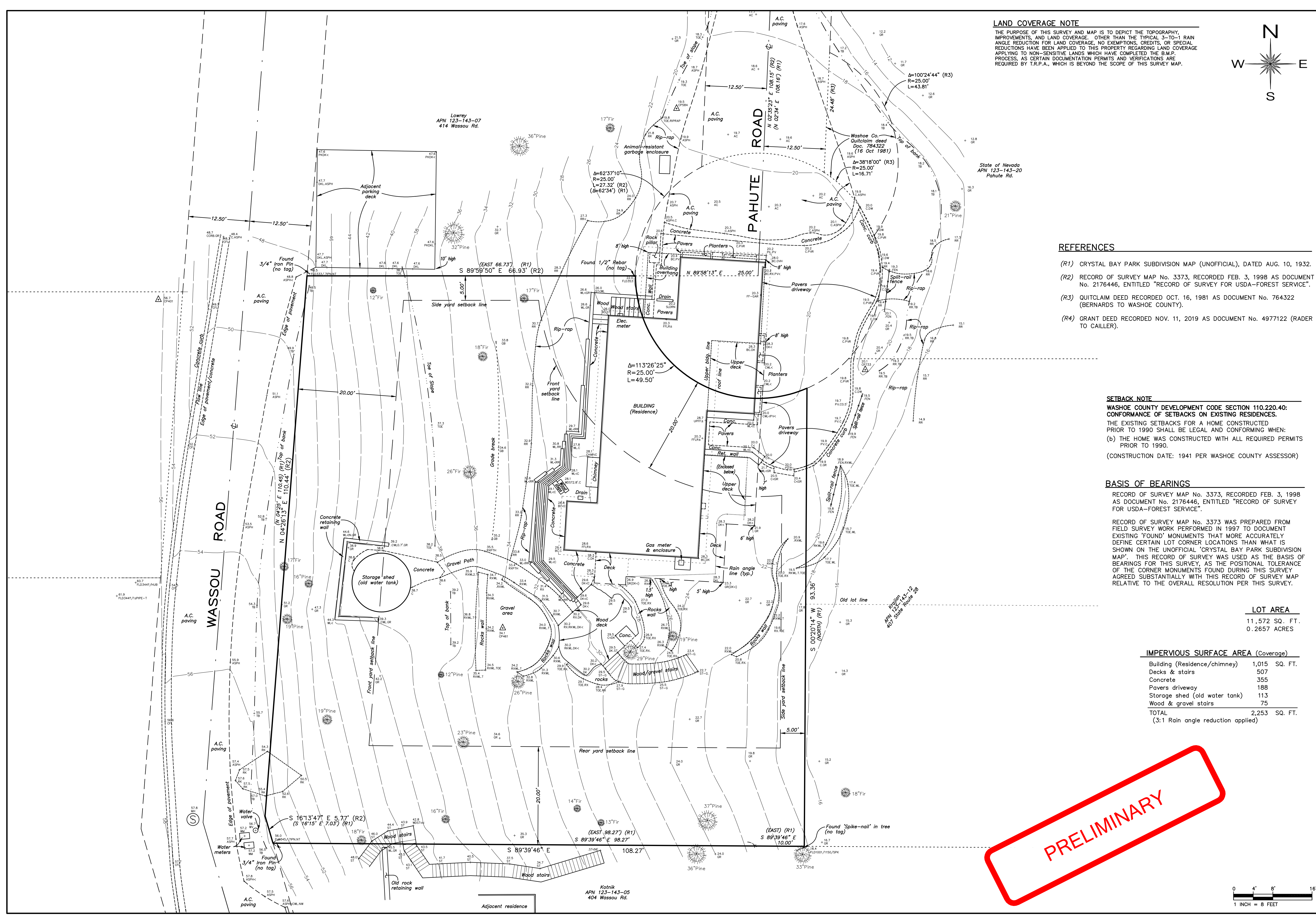
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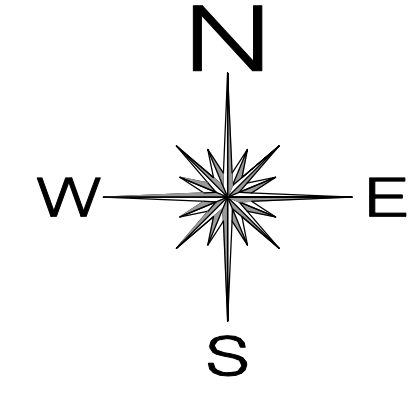
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LAND COVERAGE NOTE
 THE PURPOSE OF THIS SURVEY AND MAP IS TO DEPICT THE TOPOGRAPHY, IMPROVEMENTS, AND LAND COVERAGE. OTHER THAN THE TYPICAL 3-10-1 RAIN ANGLE REDUCTION FOR LAND COVERAGE, NO EXEMPTIONS, CREDITS, OR SPECIAL REDUCTIONS HAVE BEEN APPLIED TO THIS PROPERTY REGARDING LAND COVERAGE APPLYING TO NON-SENSITIVE LANDS WHICH HAVE COMPLETED THE B.M.P. PROCESS, AS CERTAIN DOCUMENTATION PERMITS AND VERIFICATIONS ARE REQUIRED BY T.R.P.A., WHICH IS BEYOND THE SCOPE OF THIS SURVEY MAP.



State of Nevada
 APN 123-143-20
 Pahute Rd.

REFERENCES

- (R1) CRYSTAL BAY PARK SUBDIVISION MAP (UNOFFICIAL), DATED AUG. 10, 1932.
- (R2) RECORD OF SURVEY MAP No. 3373, RECORDED FEB. 3, 1998 AS DOCUMENT No. 2176446, ENTITLED "RECORD OF SURVEY FOR USDA-FOREST SERVICE".
- (R3) QUILCLAIM DEED RECORDED OCT. 16, 1981 AS DOCUMENT No. 764322 (BERNARDS TO WASHOE COUNTY).
- (R4) GRANT DEED RECORDED NOV. 11, 2019 AS DOCUMENT No. 4977122 (RADER TO CAILLER).

SETBACK NOTE

WASHOE COUNTY DEVELOPMENT CODE SECTION 110.220.40: CONFORMANCE OF SETBACKS ON EXISTING RESIDENCES. THE EXISTING SETBACKS FOR A HOME CONSTRUCTED PRIOR TO 1990 SHALL BE LEGAL AND CONFORMING WHEN:
 (b) THE HOME WAS CONSTRUCTED WITH ALL REQUIRED PERMITS PRIOR TO 1990.
 (CONSTRUCTION DATE: 1941 PER WASHOE COUNTY ASSESSOR)

BASIS OF BEARINGS

RECORD OF SURVEY MAP No. 3373, RECORDED FEB. 3, 1998 AS DOCUMENT No. 2176446, ENTITLED "RECORD OF SURVEY FOR USDA-FOREST SERVICE".
 RECORD OF SURVEY MAP No. 3373 WAS PREPARED FROM FIELD SURVEY WORK PERFORMED IN 1997 TO DOCUMENT EXISTING 'FOUND' MONUMENTS THAT MORE ACCURATELY DEFINE CERTAIN LOT CORNER LOCATIONS THAN WHAT IS SHOWN ON THE UNOFFICIAL "CRYSTAL BAY PARK SUBDIVISION MAP". THIS RECORD OF SURVEY WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY, AS THE POSITIONAL TOLERANCE OF THE CORNER MONUMENTS FOUND DURING THIS SURVEY AGREED SUBSTANTIALLY WITH THIS RECORD OF SURVEY MAP RELATIVE TO THE OVERALL RESOLUTION PER THIS SURVEY.

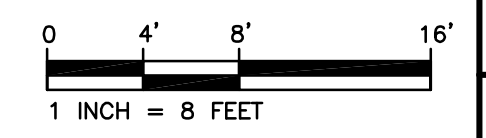
LOT AREA
 11,572 SQ. FT.
 0.2657 ACRES

IMPERVIOUS SURFACE AREA (Coverage)

Building (Residence/chimney)	1,015	SQ. FT.
Decks & stairs	507	
Concrete	355	
Pavers driveway	188	
Storage shed (old water tank)	113	
Wood & gravel stairs	75	
TOTAL	2,253	SQ. FT.

(3:1 Rain angle reduction applied)

PRELIMINARY



Attachment C Page 29

Lancaster Land Surveys
 Roger B. Lancaster, PLS
 930 Tahoe Blvd, Ste. 802-118
 Incline Village, NV 89451
 email: Lancaster.LS@gmail.com

DISCLAIMER
 THIS DRAWING WAS PREPARED EXCLUSIVELY FOR CURT CAILLER AND ACCURATELY REPRESENTS THE INFORMATION PROVIDED BY CURT CAILLER. THE DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF LANCASTER LAND SURVEYS. LANCASTER LAND SURVEYS DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. AN AGREEMENT BETWEEN CURT CAILLER AND LANCASTER LAND SURVEYS EXISTS IN WHICH THE TERMS AND CONDITIONS CONTROL THE USE OF THIS DRAWING AND ELECTRONIC MEDIA.

NOTES:
 1) SETBACKS SHALL BE CONFIRMED BY COUNTY OR APPROPRIATE PLANNING AUTHORITY.
 2) BUILDING SETBACKS PERFORMED IN 1997 TO DOCUMENT EXISTING 'FOUND' MONUMENTS THAT MORE ACCURATELY DEFINE CERTAIN LOT CORNER LOCATIONS THAN WHAT IS SHOWN ON THE UNOFFICIAL "CRYSTAL BAY PARK SUBDIVISION MAP". THIS RECORD OF SURVEY WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY, AS THE POSITIONAL TOLERANCE OF THE CORNER MONUMENTS FOUND DURING THIS SURVEY AGREED SUBSTANTIALLY WITH THIS RECORD OF SURVEY MAP RELATIVE TO THE OVERALL RESOLUTION PER THIS SURVEY.
 3) SOME LANDSCAPE FEATURES MAY NOT BE SHOWN; CONTOURS ARE AVERAGED IN THESE AREAS.
 4) WEATHERED STONE MONUMENTS ARE SHOWN ON THIS MAP AS APPROXIMATELY 1' ABOVE GROUND.
 5) PRELIMINARY TITLE REPORT/TITLE SEARCH NOT PROVIDED; EASEMENTS AND OTHER OWNERSHIP INTERESTS MAY EXIST WHICH ARE NOT SHOWN ON THIS MAP.

DATE: _____

Topographic As-Built Survey
 Lot 20 & por. Lots 19 & 21, Block 9, Crystal Bay Park (unofficial subdivision), & Record of Survey Map 3373 (APN 123-143-11 / Washoe County 425 Pahute Road, Crystal Bay, Nevada)
 A. P. No. 19-021-100

Job No. 191021
 Scale = 8" = 8'
 Drawn Date 09 MAR 2020
 RBL

Sheet 1 of 1

WAB20-0003 EXHIBIT D



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architecture

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FAX: (775) 831-8068

GILANFARRARCHITECTURE.COM

TITLE: PROPOSED SITE PLAN

CUSTOM RESIDENCE FOR:
KURT D CALLIER
425 FAHUTE ROAD, CRYSTAL BAY, NV
CRYSTAL BAY PARK, LOT 20, 18, 17, 16 & 9
APN: 125-143-11

REVISIONS	

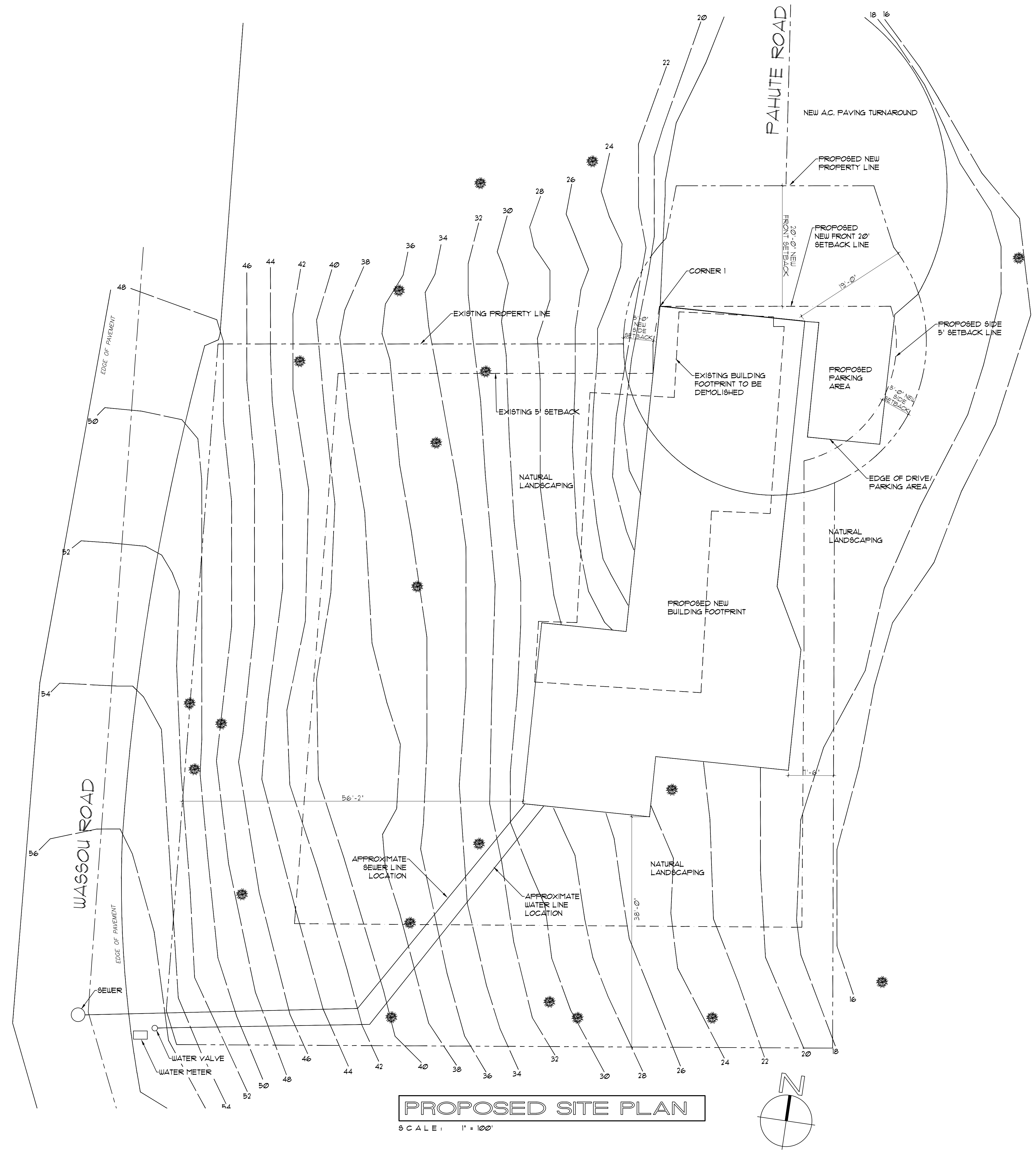
FILE: 425 FAHUTE

DATE: 07/08/20

SCALE: AS NOTED

DRAWN: QW

SHEET:
C1.0
OF 1 SHEETS



PROPOSED SITE PLAN
SCALE: 1" = 100'

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WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

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

Tuesday, September 1, 2020
6:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on Tuesday, September 1, 2020, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

No members of the public were allowed in the Commission Chambers due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate. This meeting will be held by teleconference only.

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 6:30 p.m. The following Commissioners and staff were present:

Commissioners present: Larry Chesney, Chair
Francine Donshick, Vice Chair (Remote via Zoom)
Thomas B. Bruce
Sarah Chvilicek
Kate S. Nelson (Remote via Zoom)
Larry Peyton
Pat Phillips

Staff present: Trevor Lloyd, Secretary, Planning and Building
Dan Cahalane, Planner, Planning and Building
Julee Olander, Planner, Planning and Building
Nathan Edwards, Deputy District Attorney, District Attorney's Office (Remote via Zoom)
Katy Stark, Recording Secretary, Planning and Building
Donna Fagan, Office Support Specialist, Planning and Building

2. *Pledge of Allegiance

Commissioner Chvilicek led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards 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

Chair Chesney opened the Public Comment period. There were no requests for public comment; Chair Chesney closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Chvilicek moved to approve the agenda for the September 1, 2020 meeting as written. Commissioner Bruce seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Approval of August 4, 2020 Draft Minutes

Commissioner Donshick moved to approve the minutes for the August 4, 2020 Draft Minutes, Planning Commission meeting as written. Commissioner Chvilicek seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Planning Items

A. Abandonment Case Number WAB20-0003 (Pahute Abandonment) – For possible action, hearing, and discussion to approve an abandonment of Washoe County's interest in ±1,197 square feet (±31 feet) of public right-of-way at the end of Pahute Road, 175 feet west of Nevada State Route 28. If approved, the property will be abandoned to the abutting property owner at 425 Pahute Road. The request to abandon is pursuant to NRS 278.480 and related provisions in the Washoe County development code.

- Applicant: Gilanfarr Architecture
- Property Owner: Kurt D. Callier Living Trust
- Location: 425 Pahute Rd.
- Assessor's Parcel Number: 123-143-11
- Parcel Size: 0.26 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: High Density Suburban (HDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 806, Vacations and Abandonments of Streets and Easements
- Commission District: 1 – Commissioner Berkbigler
- Prepared by: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3627
- E-Mail: jolander@washoecounty.us

Chair Chesney opened the public hearing and called for Commissioner disclosures. There were no disclosures.

Julee Olander, Washoe County Planner, provided a Staff presentation.

Applicant, Quina Williams, Gilanfarr Architecture, provided a PowerPoint presentation.

Commissioner Chvilicek inquired about what was stated about homes being non-conforming. Ms. Olander said they are legal, non-conforming. There is a neighboring home that was built over the property line. There could be variance. Commissioner Chvilicek asked if this will create a cascading effect. Ms. Olander said the neighborhood is unique; the streets are narrow. They might not have the same circumstances where they are built in the right-a-way like this one is. Commissioner Chvilicek asked for clarification that this application is for abandonment, not to approve the dwelling. Ms. Olander confirmed and stated if the property owner wants to move forward and build more than 10%, then the property owner needs to meet the front setback or will have to apply for a variance.

Commissioner Nelson said their plan looks like it's tear-down and build new. If they keep the same square foot coverage, does that mean they qualify to keep the two-foot setback? Ms. Olander said if their footprint expands more than 10%, they can't use that 20-foot setback. Ms. Olander said she believes they will come in and apply for a setback variance which will go before the Board of Adjustment which doesn't guarantee approval.

DDA Edwards said these are good questions for a complicated circumstance for building, neighborhood, legal and historical track records. DDA Edwards reminded the Commissioner they are not deciding if the house is legal, non-conforming, was/was not legally built; the Commission isn't deciding if other properties are legal, non-conforming. Rather, they are deciding if the abandonment is materially adverse to the public and if it complies with the master plan. He said he heard references to variance concepts like hardship and difficulty with construction and shape of the lot and slopes. Those are variance items whether they are a hardship; they are not abandonment items. The abandonment is the focus. Whether they rebuild in the future, it's not what is being decided. Their building footprint or asking for variance, that is not being decided tonight. He cautioned the Commissioners regarding stating conclusions for future plans.

Chair Chesney asked about right-of-way historically. DDA Edwards said this is complicated historically. DDA Edwards said we might not know all the answers of the historical aspects. The people that did those approvals and inspections aren't around anymore. Those documents are either lost or hard to find in many of these cases. He said we need to focus on the three findings in an abandonment case. We have a property that has boundaries with an existing house and driveway. They are shown to encroach into the right-a-way and asking for the County to abandon.

Chair Chesney opened public comment.

Ms. Olander stated she knew some people were going to call and make public comment. Katy indicated she was having technical difficulty.

Linda Greifenstein – Linda's husband spoke and stated they were the closest neighbor on the street. He said they are opposed to the request. He said he would like to thank Julee for the excellent work that she did. The original abandonment request had numerous ambiguities, and she's turned it into something concrete that you can build on, whereas the original proposal was not. She's tried to do the best possible to mitigate the damage to the neighbors though full mitigation is not possible. He said he would like to thank the architect who has been extremely collaborative. He said first of all is the issue of what public interest is being served by abandoning this property. He said he realizes the owner is not responsible for the abusive structure, but it is abusive, and he knew that when he bought it. He said he plans on tearing down the house and it's the perfect opportunity for the commissioner to establish its rights to the County right-of-way

and have them build whatever house on the land he owns. He said he has no problem if the owner builds a green house on that property. This is approved public land; it encourages other such behavior and likely generate extremely negative publicity along the line of land grab for free land in Crystal Bay. There are safety issues. Originally, the application was for an additional 20 feet. Then it was cut back to five feet, and then Julee has cut that back down to two feet. The FedEx drivers up here have 23-foot trucks and already have significant difficulty turning around. Today, the driver managed to hit the house while he was turning around. He said he asked TTT from sparks, FedEx contractor, if they could turn around with an additional 5 feet; they said no. The turnaround is narrower with snow along the house and area which Washoe County has in abandonment from State. This will impact fire and ambulances. It serves delivery vehicles, neighbor, and me. He said we oppose it. He should build on the land that he owns.

Daniel Kotnik, resident on Wassou, said he has a personal interest perspective and less specific interest in the road on Pahute and maybe that's really more with the tearing down of the home and the additional construction vehicles in the disruption that that would cause. He said he is concerned with the result of a home with a much higher profile that would obstruct the beautiful views that certain homes currently enjoy, but he was not sure if that has any bearing on the decision. He asked if the presentations from Ms. Olander and Ms. Williams will become part of the record. Katy said she posts those on the website within 24 hours of the meeting.

Victor Elgohary said he wrote a five-page detailed legal brief on the issues that are before you but would like to make a few comments based on the comments that have been made. First, the main issue here is coverage. He said he strongly disagrees, being a homeowner and an attorney having read the TRPA ordinances. There are plenty of opportunities and ways in which we can narrow this down to move that home onto the lot. There is absolutely no reason under the TRPA that they can just flatly deny what the applicant is trying to do long term. As for the grading, the issues surrounding that as real estate developer, the grading is disruptive 1-2 months between May and October for proper grading. It's inconvenient but not for that long. There are several non-conforming homes built outside of setbacks, but they have variances. This will have a cascading effect. It will continue to happen because of what has happened. He said he disagrees with counsel. He said he has had large freights make deliveries for his home improvement. Severe public interest by continuing narrowing the road and we will be denied basic services.

John Clymer said he wanted to emphasize the points be made. He said he read some comments about fire service access from the road above on Wassou. He said he was concerned that the neighbors felt that way. He spoke about the steepness of the slopes and access with ladder trucks. Those points need to be considered. Big trucks need help navigating. It's in need of expansion further down the road. Snow removal is a concern on this road. It's irresponsible comments about fire accessibility.

MOTION: Abandonment Case Number WAB20-0003 (Pahute Abandonment)

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 the conditions included as Exhibit A to this matter, Abandonment Case Number WAB20-0003 for Kurt D. Callier Living Trust, 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.

Commissioner Donshick seconded the motion. The motion carried six in favor, one against. Commissioner Bruce opposed.

B. Special Use Permit Case Number WSUP20-0013 Ormat Geothermal – For possible action, hearing, and discussion to approve a special use permit for 1) the establishment of an Energy Production, Renewable use type including two 24MW geothermal power plants, 2) the establishment of a Hazardous Materials use, in the form of 720,000 lbs. of flammable pentane gas (a refrigerant) for use as a turbine working fluid, 3) major grading for 194.9 acres of ground disturbance, including 300,000cy of excavation, for well pads and access roads and 4) a 120kV power transmission line that extends ±21.6 miles over 20 parcels. The application also requests to vary landscaping, parking, and grading standards by waiving all landscaping requirements, waiving the paved parking requirement, and allowing grading height differentials of greater than 10ft from natural grade. This project meets the standard for a project of regional significance, because it will generate more than 5 MW of electricity, require construction of 2 substations, and require the construction of a new transmission line and will require approval by the regional planning authorities before any approval at the county level would take effect. The two substations will be located on APNs 071-070-13 and 071-030-06. This project also requires recommendation to amend to the Regional Utility Corridor Map from the Board of County Commissioners. This project will also need to comply with all Federal and State approvals before any approval at the county level would take effect.

- Applicant: Orni 36, LLC
- Property Owner: Ceresola Brothers, LLC; GM Gabrych Family LTD PTSP; Kosmos Company; New Nevada Lands LLC; United States of America; US Geothermal Inc
- Location: Well Heads – approximately 10 miles north of Pyramid Lake
Transmission Line – approximately 10 miles east of the southern tip of Pyramid Lake south to the border of Washoe County
- Assessor's Parcel Numbers: Transmission Line - 079-180-02, 079-180-12, 079-180-45, 079-570-01, 079-570-07, 079-570-13, 079-320-12, 079-320-18, 079-320-04, 079-170-39, 079-180-34, 079-180-37, 079-180-44, 079-320-42, 079-320-47, 079-320-52, 079-320-55, 079-570-02, 079-570-06, 079-570-12
Power Generation - 071-070-13, 071-030-06
Wells and Well Pads - 071-030-07, 071-060-18, 071-070-09, 071-070-12, 071-070-16, 071-070-18, 071-070-19, 079-170-02
- Parcel Sizes: Varies. Affected area: 189.9 acres
- Master Plan Category: Rural
- Regulatory Zone: General Rural
- Area Plan: High Desert/Truckee Canyon
- Citizen Advisory Board: Gerlach/Empire and East Truckee Canyon
- Development Code: Authorized in Article 302, 324, 438, 810, 812
- Commission District: 5 – Commissioner Herman
- Prepared by: Dan Cahalane, Planner
Washoe County Community Services Department
Planning and Building Division

- Phone: 775.328. 3628
- E-Mail: dcahalane@washoecounty.us

Chair Chesney opened the public hearing. Commissioner Nelson stated she works for JP Engineering, who is a client of Ormat on a separate project. DDA Edwards asked what her position is with the company. Commissioner Nelson said she is a civil engineer and project manager. She confirmed it's her fulltime career. He asked if her firm has worked for them. She said JP Engineering has worked for Ormat for 10 plus years. Commissioner Nelson decided to recuse herself. DDA Edwards agreed. She excused herself from the zoom meeting. Commissioner Phillips stated she was an observer of the geothermal negotiations 20 years ago. DDA Edwards asked for details. She stated she used to work for a member of congress and when he wasn't present at the meetings, she would attend and report back to the congress person. It was a different facility at Galena, but it was the same company. Commissioner Phillips said she can be impartial; DDA Edwards said that sounds reasonable.

Dan Cahalane, Washoe County Planner, provided a Staff presentation.

Applicant, Andy Durling, Wood Rodgers, provided a PowerPoint presentation.

Commissioner Donshick requested clarification – The Paiute Tribe put together a packet of concerns. Mr. Cahalane said those will be addressed in draft environmental assessment and in table 3.2. of the draft environment. H.D. 7.2 policy which was a link to draft environmental assessment. The geothermal table was separated from the Pyramid Lake water table so there is no conflict there. He said that was addressed in table 3.2. She said the response from the Paiute tribe said that is not true. Mr. Cahalane referenced the table noting there is no conflict.

Commissioner Phillips asked if there was an archeological study. Mr. Cahalane said it's in section 3.2.6 of the draft environmental assessment. He referenced the archeological resources.

Commissioner Chvilicek asked the applicant, in presentation, drilling will start this year, and operational by next year. Mr. Durling clarified and said drilling will start this year, construction next year, and operation by 2022. Mr. Durling introduced additional Ormat representatives. Commissioner Chvilicek said considering the additional processes that this will go through, they believe it's still operational by 2022. Ben Orcutt from Ormat provided the timeline. He said it will be phased – drill this year, figure out injections wells because we know targets where we can injection sites. He said we anticipate 3-4 wells drilled in this year and first part of next year. Start construction in June next year. It will take 9 months for power plant and transmission line take much less time. Commissioner Chvilicek said Dan referenced links but we have paper form applications. She said she cannot find the environmental assessment. She requested more guidance. Mr. Cahalane said it's in the area plan policies, 7.2, there is a link there and its posted digitally. You can get it on the BLM website. He said it's not part of the application and didn't want to add the 200 pages but will add it in the future.

Public Comment:

Donna Marie Noel, Natural Resources Director for Paiute Tribe – She said she has been intimately involved with the geothermal exploration on the Pyramid Lake reservation for over 10 years, maybe even 15 years, and they are very concerned about this project. She said she submitted extensive comments to BLM and Washoe County. She said we feel that the wells are very close to the reservation and vaulting structures that come off the reservation. It will have negative impact on geothermal resources and pull geothermal resources away from reservation. Fault structures are vertical in areas. You can see ground water and springs are supporting newly big horned sheep and other wildlife. It's going to get pumped from one side of the valley to another. There

are places in the lake where geothermal water go into the lake. It might have an impact on fish species in the lake. She said we have spoken with BLM; they have a conflict of interest. They have jurisdiction over tribal and BLM land. She said we are opposed to this project as it given in the EA. The EA is just a draft. She said have not received comments back from our comments that we submitted. She said we have expertise that show they didn't do enough studying and took old research. We are opposed to passing the geothermal special use permit for Ormat.

Pyramid associates – a family member of the Pyramid associates said they are opposed to the project because they are directly adjacent to the project. He said they have 1084 acres of fee land which is surrounded in the northern part of the well field. This well field is the injection wells. He said we have geothermal resources, mineral resources on our property. He said they had a geological, hypothermal report by a professional geologist report outlines the probable damage along the property lines that this would create. These injection wells would be 50 feet away to the property line injecting cool geothermal waters which would be cooling our resources. He said we have significant mineral and geothermal resources. Injection wells will be sited on faults. It would cause seismic activity. He said the access road goes through his property which is unapproved. They have no easements or right-of-way which they use as main access. It will damage the property. He said the Commission is supposed to oppose the project if it damages adjacent properties. He said he provided reports and maps.

Burning Man Project, Lina Tanner, Senior Advisor, Government Affairs: The Burning Man Project (BMP) submits these comments in regards to the Special Use Permit (SUP) submitted by ORNI 36 LLC (Ormat) for an expanded geothermal plant and related transmission infrastructure to be located in the San Emidio Desert Basin, and to include federal geothermal leases within public and private leased lands (the Project). BMP is generally supportive of the expanded use of renewable energy sources in the resource mix for Northern Nevada. However, BMP also believes that adequate and fair planning practices must be implemented in order to avoid unintended consequences of moving forward with a project without the completion of adequate studies to determine the interconnection of the geothermal resources in the area's basins. The concerns stated in BMP's comments today echo the concerns expressed by the Pyramid Lake Paiute Tribe (the Tribe) before this Commission and before the Bureau of Land Management in the NEPA scoping process as to the approval of this Project prior to conducting a full environmental impact statement (EIS). BMP is also a landowner in close proximity to the Project. As such, the connectivity of the geothermal resources of the San Emidio Desert Basin with those of the basins throughout the region should be addressed prior to approval of the Project. The BLM issued a Draft Environmental Assessment dated May 2020 (the DEA). Within the DEA, the BLM notes the preferred alternative (to allow the Project) was the only alternative offered. This is not accurate. Both the Tribe and Western Watersheds Project advocated for a full EIS before making a recommendation to proceed with the Project. The Tribe also submitted its own technical memorandum to the BLM indicating evidence of connectivity of the geothermal resources in the neighboring basins, and as such, it is in conflict with the DEA. The DEA does not appear to adequately address these conflicts. The Tribe suggests that the BLM require Ormat to conduct "an investigation, including pump tests, hydrological modeling, temperature analysis, among other research, to quantify the Project's impacts—both from withdrawal and reinjection—on the Tribe's federal reserved groundwater rights within the San Emidio Basin, and within other adjacent areas. This investigation should include an analysis of impacts to both the Tribe's geothermal resources and impacts to groundwater in the alluvium." BMP agrees. Such a study would likely reveal potential impacts to BMP's parcels lying near the Project area. The San Emidio Desert Basin has been designated by the Nevada Division of Water Resources (NDWR) due to existing, and severe, exceedance of the perennial yield. Further study of the risks associated with hydrologically connected basins and surface waters, and the ten-fold increase in groundwater pumping proposed by the Project would give the Planning Commission a better understanding of the Project's impacts, and whether the Planning Commission can affirmatively find that the

issuance of SUP to the Project (a) "will not be detrimental to public health, safety or welfare; injurious to property or improvements of adjacent properties or detrimental to the character of the surrounding area;" and (b) "that the project is not unduly detrimental to surrounding properties, land uses, and the environment in general." Washoe County Code 110.810.30. Thank you for allowing the opportunity for the BMP to submit this comment on this important issue.

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

MOTION: Special Use Permit Case Number WSUP20-0013 (Ormat Geothermal)

Commissioner Peyton 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 Special Use Permit Case Number WSUP20-0013 for Orni 36, LLC for the following requests 1) establishment of an Energy Production, Renewable use type, 2) the establishment of a Hazardous Materials use, 3) major grading, and 4) request to vary parking, landscaping, and grading standards as recommended in the conditions of approval in Exhibit A , having made all five findings in accordance with Washoe County Code Section 110.810.30 and the additional findings in accordance with Washoe County Code Section 110.810.35, 40, & 42:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the East Truckee Canyon and High Desert Area Plans;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for energy production, renewable; utility services, and hazardous material uses and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
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.

110.810.35 Development of Natural Resources:

6. That to proposed development is not unduly detrimental to surrounding properties, land uses and the environment in general.
7. That to proposed development will not unduly block scenic views or degrade and surrounding scenic facilities.
8. That to proposed development will reclaim the site and all affected areas at the conclusion of the operation.

Chair Chesney seconded the motion. Commissioner Chvilicek suggested a rollcall vote so the public understands the findings with each member's vote. DDA Edwards noted it's the chair's discretion. Chair Chesney asked for a rollcall vote:

Commissioner Chesney – Aye

Commissioner Donshick – Nay – cannot find make findings number 4 and 6.

Commissioner Bruce – Nay – won't disclose the findings.

Commissioner Chvilicek – Nay – cannot make finding number 4.

Kate Nelson was not in the meeting since she had recused herself from this item.

Commissioner Peyton – Aye

Commissioner Phillips – Nay – won't disclose the findings.

The motion was denied due to lack of support. DDA Edward recommended to make a motion to deny.

Commissioner Donshick made a motion to deny Special Use Permit Case Number WSUP20-0013 (Ormat Geothermal). Commissioner Bruce seconded the motion. Chair Chesney and Commissioner Peyton opposed. The roll call vote as follows:

Ayes – Phillips, Chvilicek, Bruce, Donshick.

Nays – Peyton, Chesney.

The motion carried four in favor, two against.

The Commission took a 5-minute recess to get Commissioner Nelson back into the meeting.

9. Planning Items

A. For possible action and discussion to review and determine and/or confirm the order of alternates selected to represent the Washoe County Planning Commission (PC) on the Truckee Meadows Regional Planning Commission (RPC) in the event the regularly appointed PC members are unavailable to serve. The currently proposed order is as follows: First Alternate, Thomas Bruce; Second Alternate, Kate Nelson; Third Alternate, Larry Peyton; and Fourth Alternate, Pat Phillips. If confirmed and/or determined, to direct the Planning Commission Secretary to transmit the list of confirmed alternates to the Washoe County Board of Commissioners (Board) and to the Executive Director of the Truckee Meadows Regional Planning Agency (TMRPA).

There were no requests for public comment.

Commissioner Donshick moved to confirm the order of alternates to the Regional Planning Commission as follows: Thomas Bruce, Kate Nelson, Larry Peyton, Pat Phillips. Commissioner Donshick further moved to direct the Planning Commission Secretary to transmit the confirmed list of alternates to the Washoe County Board of Commissioners and to the Executive Director of the Truckee Meadows Regional Planning Agency. Commissioner Chvilicek seconded the motion which passed unanimously, with a vote of seven for, none against.

10. Chair and Commission Items

*A. Future agenda items – None

*B. Requests for information from staff – None

11. Director's and Legal Counsel's Items

*A. Report on previous Planning Commission items – None

*B. Legal information and updates – None

12. *General Public Comment and Discussion Thereof

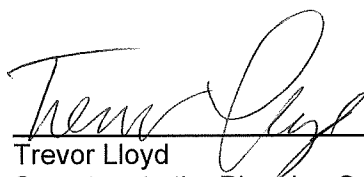
With no requests for public comment, Chair Chesney closed the public comment period.

13. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 8:31 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on October 6, 2020



Trevor Lloyd
Secretary to the Planning Commission

Below is the link to the September 1, 2020 Planning Commission meeting video on the Washoe County website. WAB20-0003 begins at approximately 05:24:

https://washoe-nv.granicus.com/MediaPlayer.php?view_id=6&clip_id=3264

Law Offices of Victor Elgohary

6406 Arcadia Bend Ct
Houston, Texas 77041

Dear Washoe County Planning Commission:

I am writing in regards to the Abandonment Application (“Application”) submitted by Mr. Caillier through his architect Mr. GilanFarr for parcel 123-143-11 located at 425 Pahute Road (“the Subject Property”). I became aware of this Application because I own 450 Pahute Road, just two doors down the road. For the reasons set forth below, I am in opposition to Mr. Caillier’s Application.

Background

I became familiar with the Subject Property because when it was put on the market back in 2019, I performed due diligence on the listing and quickly noticed its major title defect. I decided to purchase 450 Pahute which had had no such title problems when it came on the market a short time later.

Public tax data shows the Subject Property to have been constructed in 1941 with a weighted average year (WAY) of 1952. Given my knowledge and research of the Washoe County tax database, that strongly suggests that there are some Washoe County records that would show an approved or known remodel likely occurring in the 1960s or early 70s, however, I have not been able to find such evidence through my online search.

The more recent history from the 2000s forward show that the Subject Property has changed hands a few times, most notably the foreclosure that occurred in 2011 from Mr. Martin to Wells Fargo Bank. At the time of the foreclosure, the Subject Property was in very poor condition according to Mr. Greifenstein, a full time resident and owner of the neighboring property at 440 Pahute Road since 1997. When Ms. Rader (the immediate prior owner) purchased the Subject Property from Wells Fargo in lieu of auction, she undertook extensive and unpermitted renovations of the home that place it in the current condition that it is today. The encroachment of the Subject Property’s improvements, as I have personally experienced, is quite problematic since heavy truck deliveries and even towing of small trailers with a passenger vehicle can become virtually impossible, requiring vehicles to either back into or out of the very narrow and twisty Pahute Road.

The Application

Reading through the Application that has been presented to the Washoe County Planning Commission (“Commission”), there appears to be quite a few liberties being taken with the facts and circumstances surrounding the Subject Property in order to paint an image most favorable to Mr. Caillier, but ultimately misleads the Commission with regard to the Subject Property’s history and conditions in the neighborhood generally.

To begin, Mr. Caillier, through Mr. GilanFarr, represents to the Commission in the very first paragraph that “like many homes in this neighborhood, the residence at 425 Pahute encroaches into the property’s front setback and a portion of the home is constructed in the Washoe County ROW.” That statement is simply and factually inaccurate. It is true that for those who have followed the rules promulgated both by Washoe County and Tahoe Regional Planning Authority (“TRPA”), variances

have been granted to construct into setbacks for essential structures such as garages. However, Mr. Caillier will be unable to show the Commission that Washoe County or TRPA has *ever* acquiesced or approved a structure to encroach on public right of ways.

Second, Mr. Caillier represents that;

“When visiting the site in person, it does not appear as a turnaround area or cul-de-sac, rather the street essentially dead ends straight into the garage of the existing residence. See photo to right. The home does not share the cul-de-sac with any other residences, and is the only residence serviced by the last 60+ feet of road.

That, too, takes quite a few liberties with the facts. Every resident and regular service provider to Pahute Road knows this area is a difficult turnaround. The current map of this plat with the encroachment makes that abundantly clear. Moreover, the suggestion that Mr. Caillier is all by his lonesome self at the end of a long uninhabited mountain road is quite artful, but profoundly misleading and ultimately untrue. Indeed, when one visits the site, one would see from the photo submitted that panning the camera just a few more degrees to the left would start to show Mr. Greifenstein’s property at 440 Pahute Road.

Finally, Mr. Caillier represents that “We have reason to believe that these listed conditions have existed for a long time and were built legally.” That assertion is also very likely not true. For starters, Ms. Rader (the prior owner of the Subject Property) had a duty to disclose to Mr. Caillier all these unpermitted major renovations to the Subject Property. Even more damaging to Mr. Caillier’s assertion would be found in the title commitment disclosures he received from First American Title back in November 2019. That title commitment and title policy almost certainly highlight this major title defect and were likely excluded from coverage. Indeed, how could one possibly assert that something “existed for a long time and [was] built legally” when there are no permits for any major renovation that would have been disclosed by Ms. Rader? Moreover, who could possibly believe in good faith that the Subject Property was in this condition with absolutely no permitted renovations for a half century? It simply lacks credibility. Mr. Caillier should be asked to produce those title commitment documents to affirm his assertion that the improvements “existed for a long time and [were] built legally”.

Considerations Requiring the Denial of the Application

Both the Washoe County Code 110.806.20 and Nevada Revised Statutes 278.480 (5) require that there be no material injury to the public by the proposed vacation. The Washoe County Planning Commission should make short work of Mr. Caillier’s Application since it is not in the public interest, continues a condition that is detrimental to other owners and service providers to Pahute Road and condones or rewards willful violations of the Washoe County Building Code.

First, in the map plat that was dedicated as part of this planned development, the end of Pahute Road has a turning radius of 25 feet which equates to almost 2,000 square feet of public right of way. Indeed, when this map was dedicated, the 25 foot radius turnaround was not just a random dimension or whim as it took considerable time and resources to carve this road out of the mountainside. The severe encroachment of the Subject Property’s improvements have destroyed more than half of this vital public turnaround area. In its current condition with the major building encroachment onto this

public right of way, typical service vehicles used by UPS Freight, FedEx Freight and numerous other LTL carriers that have over 26 foot box trucks or trailers are required to choose to either back into or out of Pahute Road to service residents on this street. On several occasions, I personally have been unable to receive large freight items to my residence because trucking companies cannot or refuse to navigate Pahute Road. Even Pahute Road residents themselves as well as other members of the public are negatively impacted since turning around at the end of Pahute Road in a passenger vehicle with even a modest U-Haul or other small trailer is challenging, if not impossible at any time of year. Snow season makes that impossibility a certainty. I would invite anyone sitting on the Commission or its staff to bring their personal vehicle with even the smallest trailer and try to navigate in and out of Pahute Road. It is quite an unpleasant experience and is all due to the Subject Property's profound encroachment onto this public right of way.

Second, the request seems to contemplate Washoe County just giving the land to Mr. Caillier. But Nevada Revised Statutes 278.480(8) states that “[i]f the street was not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the governing body determines to be reasonable.” There are considerable public ramifications of Commission just giving away property as evidenced by the recently disputed sales of IVGID land to private individuals. See <https://www.rgj.com/story/news/2017/12/20/fight-over-tahoe-beach-access-leads-questionable-land-sales/966297001/>. In its report, the Commission staff report has completely failed to take into account the required payment for the property if this Application is approved.

Finally, there is the public policy issue and setting precedent. If Mr. Caillier is successful in having the end of Pahute Road simply deeded to him, the Commission is indirectly stating to Washoe County residents that it condones and encourages adverse possession of public property. It is also signaling that (i) the Commission is willing to simply move property lines for those that wrongfully build onto Nevada property and (ii) totally disregard the public interest of those using the public right of way so as to solve a problem created by a land owner's willful disregard of the building code. The Commission should decline to continue to open that Pandora's Box.

The Staff Report is Conclusory and Perfunctory

In a meager two pages of written text which it considers a “thorough analysis and review”, the Commission staff concludes that this Application should be granted. It makes little to no effort to explain (i) the detailed history of the Subject Property and its improvements, (ii) the dedication history of Pahute Road, (iii) necessary and obvious references to the Washoe County Master Plan Land Use and Transportation Element, and (iv) even fails to consult with the Washoe County Community Services to understand and explain the implications for snow removal under this Application. Perhaps the Commission staff, in addition to recommending the free transfer of public property, also intends this gift of land to Mr. Caillier to include free Washoe County snow removal to owners of the Subject Property in perpetuity.

Indeed, without a detailed written analysis or public policy considerations, the Commission staff offers baseless conclusions to each of the three required findings in 40 words or less. A reviewing body such as the Washoe County Board of Commissioners and especially any Washoe County District judge will find this analysis profoundly lacking by any reasonable standard making any decision based on this analysis arbitrary and capricious.

An Alternative Solution to the Abandonment Request

What Mr. Caillier seeks is the use of the 1,198 square feet of TRPA Code of Ordinances coverage requirements (“Coverage”) that was almost certainly built in violation of the Washoe County Building Code as it then existed but predated the TRPA Code of Ordinances. Mr. Caillier needs this existing Coverage that now exists on the Pahute Road public right of way in order to relocate any new structure. Otherwise, under the TRPA’s purported current interpretation of the ordinance, he will be forced to purchase (from other lots around the Tahoe Basin) almost all the Coverage necessary to complete his proposed project, making his whole redevelopment undertaking prohibitively expensive and ultimately economically unfeasible, if it is even possible. Other than this Coverage problem, Mr. Caillier has 11,675 sq. ft. (minus the appropriate existing setbacks) of land to build improvements which is more than adequate to construct a single family home of any reasonable proportion.

But Mr. Caillier has not formalized *any* detailed plans for his request because according to Mr. GilanFarr, he would like to take less risk by getting approvals first before undertaking the expense of formalizing a plan that may not get approved. He also claims through Mr. GilanFarr that the TRPA (or at least its general counsel) refuses to even entertain the rational solution of simply moving the existing footprint back onto the lot where it belongs. But without the submission of a detailed plan to both this Commission and the TRPA, we have no idea what the official TRPA response actually could be and from which further actions by the affected parties can be contemplated.

The solution going forward is not this meritless and publicly injurious free land transfer. Instead, the Commission should use its resources to help Mr. Caillier with the TRPA so that everyone impacted can benefit. But that also requires that Mr. Caillier give all of us an opportunity to comment on detailed plans rather than these mere vague suggestions. The Commission has an interest in helping Mr. Caillier since it is obligated (and can be compelled) to enforce the building code and recover the necessary public right of way owned by the State of Nevada / Washoe County.

If a calamity like fire or avalanche were to beset the Subject Property, it would be inconceivable that Mr. Caillier could not reconstruct his home without first taking public land and harming his neighbors. Indeed, a denial of an application to this Commission and the TRPA to simply rebuild the Subject Property after a loss would most certainly be an unconstitutional taking of land, a claim which Mr. Caillier would most certainly win in court. The result should be no different if rebuilding is required due to obsolescence. There are plenty of provisions and special exceptions under the TRPA Code of Ordinances to make Mr. Caillier’s vision a reality, but he will need assistance and support from this Commission to bring it to completion. The Commission and the TRPA should help him in that regard, but not in the lazy and publically injurious manner that is being proposed here.

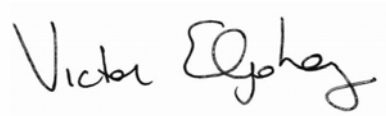
As all these pre-TRPA homes in Crystal Bay age, this issue will most certainly come up again with such a purported TRPA interpretation of the ordinances. Giving away public right of ways in order to rebuild is simply not workable for the public at large and will lead to numerous lawsuits as these problems continue to arise in the future.

Conclusion

Mr. Caillier's request for an Abandonment of the end of Pahute Road benefits only him while continuing to injure the public. The Commission should not grant this Application since it has significant harm to the public and encourages violations of section 110 of the Washoe County Development Code.

If the Commission grants this request in its current form, it will immediately be appealed to the full Washoe County Board of Commissioners. In addition to the appeal, a writ of mandamus will be filed in the Washoe County District Court against the Commission for its blatant failure to enforce the building code and give away critically necessary public property to violators (or their successors in interest) of the Washoe County Building Code. I trust alternate solutions to this unreasonable Abandonment Application and building code violation will receive due consideration so a lawsuit becomes unnecessary.

Regards,

A handwritten signature in black ink that reads "Victor Elgohary". The signature is written in a cursive style with a large, stylized 'V' and 'E'.

Victor Elgohary

From: phil@gilanfarrarchitects.com
To: victor@vselgohary.com; "Fred Greifenstein"; quina@gilanfarrarchitecture.com
Cc: [Olander, Julee](#)
Subject: RE: Abandonment application 425 Pahute Rd. Crystal Bay
Date: Wednesday, July 29, 2020 6:02:03 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

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Victor,

The home was built in the early 40's and from the historic data it appears to be similar still today of what was built then with the exception of some cosmetic and landscape features. Based on my experience in the area this is very common in the Crystal Bay area. Many homes including the roads were not built within the properties or right-a-ways. The Title commitment covers the property as constructed.

We have applied for an abandonment primarily to capture the land area where the existing home is positioned. We do not intend to cut off the ability to have a turnaround at the end of Pahute. In fact we discussed with the County and NLT Fire ways to enhance this area for the benefit of all.

As for the coverage we are restricted to an allowable maximum of 1,486sf however TRPA will only consider the existing coverage of 1,740sf that is within the legal parcel and not consider any of the coverage associated with a portion of the house and garage that is now in the County right-a-way.

I am sure there is a win-win for all parties that allows Kurt to reconstruct the home to his desires.

Best,

Phil GilanFarr



GilanFarr

Architecture

Interiors

Construction

Post Office Box 446

22 State Route 28 Suite 202

Crystal Bay, NV 89402
(775) 831-8001 office
(775) 742-3358 mobile
(775) 831-8068 fax

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From: victor@vselgohary.com <victor@vselgohary.com>
Sent: Wednesday, July 29, 2020 7:20 PM
To: phil@gilanfarrarchitects.com; 'Fred Greifenstein' <fredjg1@gmail.com>;
quina@gilanfarrarchitecture.com
Cc: JOlander@washoecounty.us
Subject: RE: Abandonment application 425 Pahute Rd. Crystal Bay

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Everyone affected and involved in the decision needs this kind of basic information in order to decide or comment on your request. I hope you will come to agree on this premise.

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Victor

Victor Elgohary, Attorney at Law
6406 Arcadia Bend Ct.
Houston, Texas 77041

281.858.0014
victor@vselgohary.com

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Subject: RE: Abandonment application 425 Pahute Rd. Crystal Bay

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Thanks,

Phil GilanFarr



GilanFarr

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quina@gilanfarrarchitecture.com

Cc: JOlander@washoecounty.us; planning@washoecounty.us

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Question Two: If a larger home is being contemplated that requires more coverage than the current 1,740 sq. ft., how much and from where will this coverage be acquired pursuant to the rules in Chapter 30 of the Tahoe Regional Planning Agency's Code of Ordinances (<https://www.trpa.org/wp-content/uploads/TRPA-Code-of-Ordinances.pdf>)? Moreover, where will it's complete new footprint be relative to the lot lines as they exist now?

--

Victor

Victor Elgohary, Attorney at Law
6406 Arcadia Bend Ct.
Houston, Texas 77041
281.858.0014
victor@vselgohary.com

From: phil@gilanfarrarchitects.com [<mailto:phil@gilanfarrarchitects.com>]

Sent: Monday, July 27, 2020 5:02 PM

To: 'Fred Greifenstein' <fredjg1@gmail.com>; planning@washoecounty.us; 'Victor Elgohary' <victor@vselgohary.com>; quina@gilanfarrarchitecture.com

Subject: RE: Abandonment application 425 Pahute Rd. Crystal Bay

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Phil GilanFarr



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From: phil@gilanfarrarchitects.com <phil@gilanfarrarchitects.com>

Sent: Monday, July 27, 2020 10:19 AM

To: 'Fred Greifenstein' <fredjg1@gmail.com>; planning@washoecounty.us; 'Victor Elgohary' <victor@vselgohary.com>; phil@gilanfarrarchitecture.com

Subject: RE: Abandonment application 425 Pahute Rd. Crystal Bay

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Please give me a call.

Best,

Phil GilanFarr



GilanFarr

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From: Fred Greifenstein <fredjg1@gmail.com>

Sent: Friday, July 24, 2020 3:02 PM

To: planning@washoecounty.us; Victor Elgohary <victor@vselgohary.com>;
phil@gilanfarrarchitecture.com

Subject: Abandonment application 425 Pahute Rd. Crystal Bay

To whom it may concern,

I am in receipt of an application for abandonment of the county right of way for parcel 123-143-11.

Based on the limited information on the architect's description, I do not have sufficient information to go along with the request. I have attempted to contact the architect before writing this email.

There are, in my opinion, a number of incorrect statements in the application and a few omissions.

I am requesting that you send me the forms necessary to file an official objection. The actual objection may not be necessary if clarification is provided to my satisfaction.

Thank you for your help in this matter

Fred Greifenstein

440 Pahute Rd

PO Box 395

Crystal Bay NV 89402

(415) 596-7211 (cell)

(775) 831-1393 (home)

From: [Fred Greifenstein](#)
To: [Olander, Julee](#); [Victor Elgohary](#); [Linda Greifenstein](#); jclymerofnh@gmail.com
Subject: Re: Abandonment application 425 Pahute Rd. Crystal Bay
Date: Tuesday, July 28, 2020 9:09:38 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image002.png](#)

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Our home is 440 Pahute Rd. We are the closest house on Pahute Rd.

We are very concerned that an abandonment will ultimately lead to the closing of part or all of the turnaround with serious negative consequences for snow removal, safety and the continued availability of delivery services.

I don't see what public interest there is in such an abandonment.

I have spoken with Phil about the project and still have concerns. I will be in contact with TRPA later today since the need for the abandonment seems to arise from them not allowing construction further away from the turnaround.

Fred

On Tue, Jul 28, 2020, 8:46 AM Olander, Julee <JOlander@washoecounty.us> wrote:

Thank you Fred for the information. I'm waiting to get comments from the Engineering Dept. to see if they have issues with the abandonment. Which neighbor are you- what's your address?

Thanks,



Julee Olander

Planner|Community Services Department- Planning & Building Division

jolander@washoecounty.us | Office: 775.328.3627

1001 E. Ninth St., Bldg A., Reno, NV 89512

Visit us first online: www.washoecounty.us/csd

For Planning call (775) 328-6100

Email: Planning@washoecounty.us



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From: Fred Greifenstein <fredjg1@gmail.com>
Sent: Friday, July 24, 2020 5:33 PM
To: Olander, Julee <JOlander@washoecounty.us>; Linda Greifenstein <lgreifenstein@gmail.com>; Victor Elgohary <victor@vselgohary.com>
Subject: Re: Abandonment application 425 Pahute Rd. Crystal Bay

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I am the next door neighbor. If the area under question is developed there is a chance that I will not be able to turn my truck around, especially important in the winter. Also, the application doesn't address the use of the hill for snow storage.

I want to be a good neighbor but when I receive a document like this stating that "no other properties are served by this area of the road", "expanding the turnaround is not very feasible" (a big red flag), I consider that not to be very neighborly.

Variouly, the application mentions 200' of the road, which would encroach onto and above my property, "the last 50 feet", 2078 sq ft (which is about 84 feet of the road which does still come close to my driveway. Which exactly is it?

There are numerous alternatives, like building the house further back from the ROW and closer to Wassou Road. If the fire department was only going to use Wassou Rd, why did they install fire hydrants on Pahute?

These are just a few of my concerns which the owner and architect could have ironed out with me and other neighbors on the street but apparently decided not to do so.

Thanks,

Fred Greifenstein

On Fri, Jul 24, 2020 at 4:00 PM Olander, Julee <JOlander@washoecounty.us> wrote:

Fred,

Thank you for contacting me I have been in contacted with Gilanfarr Architecture. Can I ask what your connection with the abandonment is?

Thanks,



Julee Olander

Planner|Community Services Department- Planning & Building Division

jolander@washoecounty.us | Office: 775.328.3627

1001 E. Ninth St., Bldg A., Reno, NV 89512

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Email: Planning@washoecounty.us



Connect with us: cMail | [Twitter](#) | [Facebook](#) | www.washoecounty.us

From: Fred Greifenstein <fredjg1@gmail.com>
Sent: Friday, July 24, 2020 2:35 PM
To: Planning Counter <Planning@washoecounty.us>; Victor Elgohary <victor@vselgohary.com>
Cc: Olander, Julee <JOlander@washoecounty.us>
Subject: Re: Abandonment application 425 Pahute Rd. Crystal Bay

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Thank you for your assistance.

Julee,

Please contact me if you need any clarifications.

Thanks,

Fred

On Fri, Jul 24, 2020 at 2:23 PM Planning Counter <Planning@washoecounty.us> wrote:

Fred,

Planner Julee Olander is processing this case and she has been CC'd here so she can respond to your request.

Regards,

Kelly Mullin



Planning Counter
Planning & Building Division | Community Services Department
planning@washoecounty.us | 775-328-6100
1001 East 9th St., Reno, NV 89512

From: Fred Greifenstein <fredjg1@gmail.com>
Sent: Friday, July 24, 2020 12:02 PM
To: Planning Counter <Planning@washoecounty.us>; Victor Elgohary <victor@vselgohary.com>; phil@gilanfarrarchitecture.com <phil@gilanfarrarchitecture.com>
Subject: Abandonment application 425 Pahute Rd. Crystal Bay

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To: phil@gilanfarrarchitects.com; "Fred Greifenstein"; quina@gilanfarrarchitecture.com
Cc: [Olander, Julee](#)
Subject: RE: Abandonment application 425 Pahute Rd. Crystal Bay
Date: Thursday, July 30, 2020 7:58:07 AM
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)

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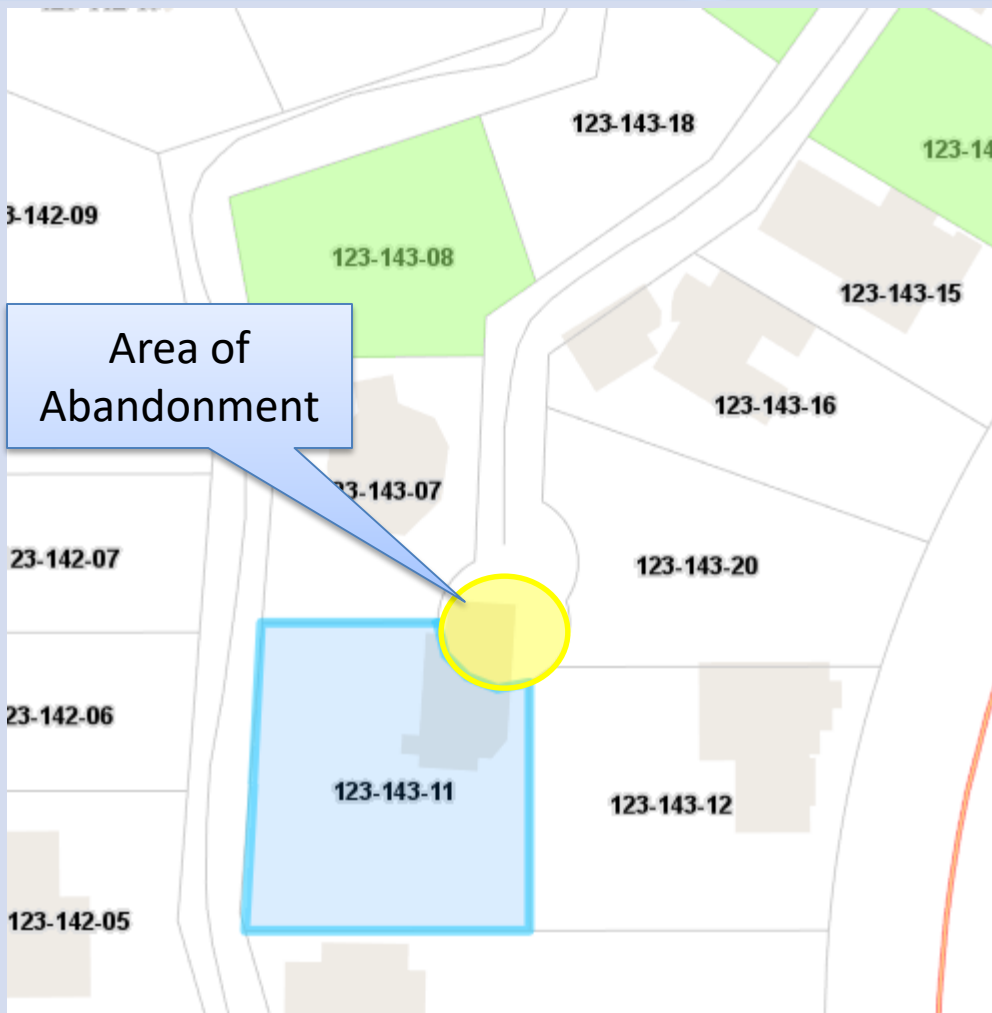


WAB20-0003 (Pahute Road) Attachment G Page 1



***Washoe County Planning Commission
September 1, 2020***





- The applicant is requesting to abandon 31 feet of the public right-of-way (ROW) at the end of Pahute Road.
- Pahute Road is between Wassou Road and State Route 28.
- The roadway is paved and narrow, basically allowing one lane of traffic.

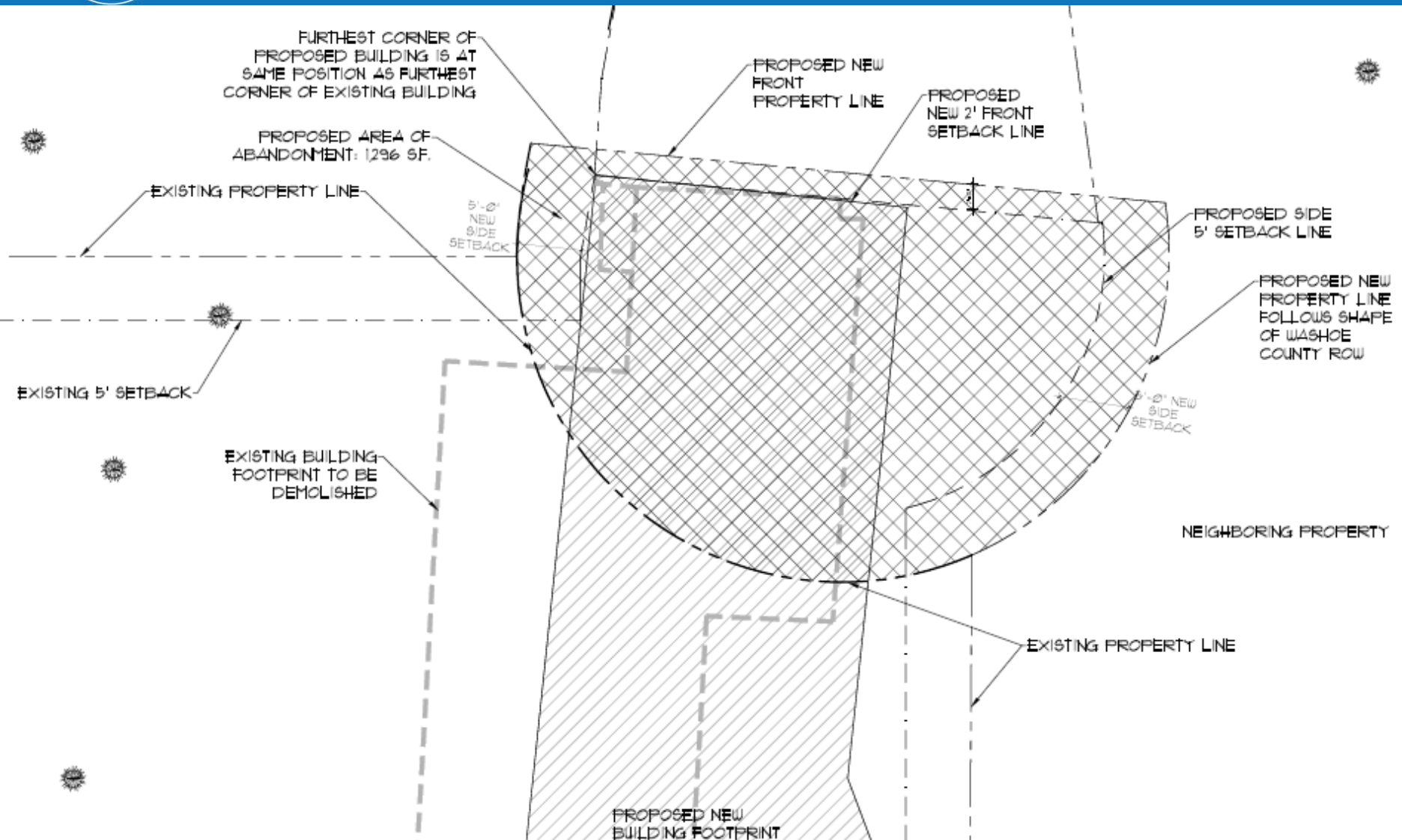


Overview

- The abandonment is for $\pm 1,197$ square feet of right-of-way.
- The parcel regulatory zoning is High Density Suburban (HDS), as are the surrounding parcels.
- Setbacks for HDS are 20 feet in the front and rear and 5 feet on the sides.



Abandonment





Analysis

- **The residential home was built in 1941 and is in the public ROW.**
- **Pahute Road is a narrow 776-foot-long road that basically provides one-lane of traffic.**
- **The end of Pahute is a cul-de-sac and is used by other residents as a turnaround area.**
- **The proposed abandonment will not deprive access to the abutting properties, and no physical changes will be made to the road as a result of this abandonment.**



Analysis

- **The current house will be a legal non-conforming structure, because the house will not meet the front 20-foot setback requirement.**
- **Any new additions to the house of 10% or more will require the house to meet the 20-foot front setback requirement or the owner will need to obtain a variance to the setback requirement.**
- **There are several other parcels along Pahute Road that are also non-conforming and do not meet current Washoe County requirements.**



- **5 agencies reviewed the application - 3 provided no conditions or comments and 2 departments had conditions, which are included in the conditions of approval.**
- **The abutting property owners were noticed.**
- **Legal notice was posted in the Reno Gazette-Journal.**
- **Abandonments are not reviewed by the CABs.**



Analysis

- **NRS allows the Planning Commission to vacate easements if the public will not be materially injured.**
- **Staff has concluded that adjacent properties will not be negatively affected.**
- **Surrounding properties will continue to have the same access to their properties.**



Abandonment Findings

Staff is able to make all 3 required findings, as detailed in the staff report on page 9.

- 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.



Possible 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, with the conditions included as Exhibit A to this matter, Abandonment Case Number WAB20-0003 for Kurt D. Callier Living Trust, having made all three findings in accordance with Washoe County Code Section 110.806.20.

425 PAHUTE

PRESENTED BY QUINA WILLIAMS
quina@gilanfarrarchitecture.com |
530.414.1384



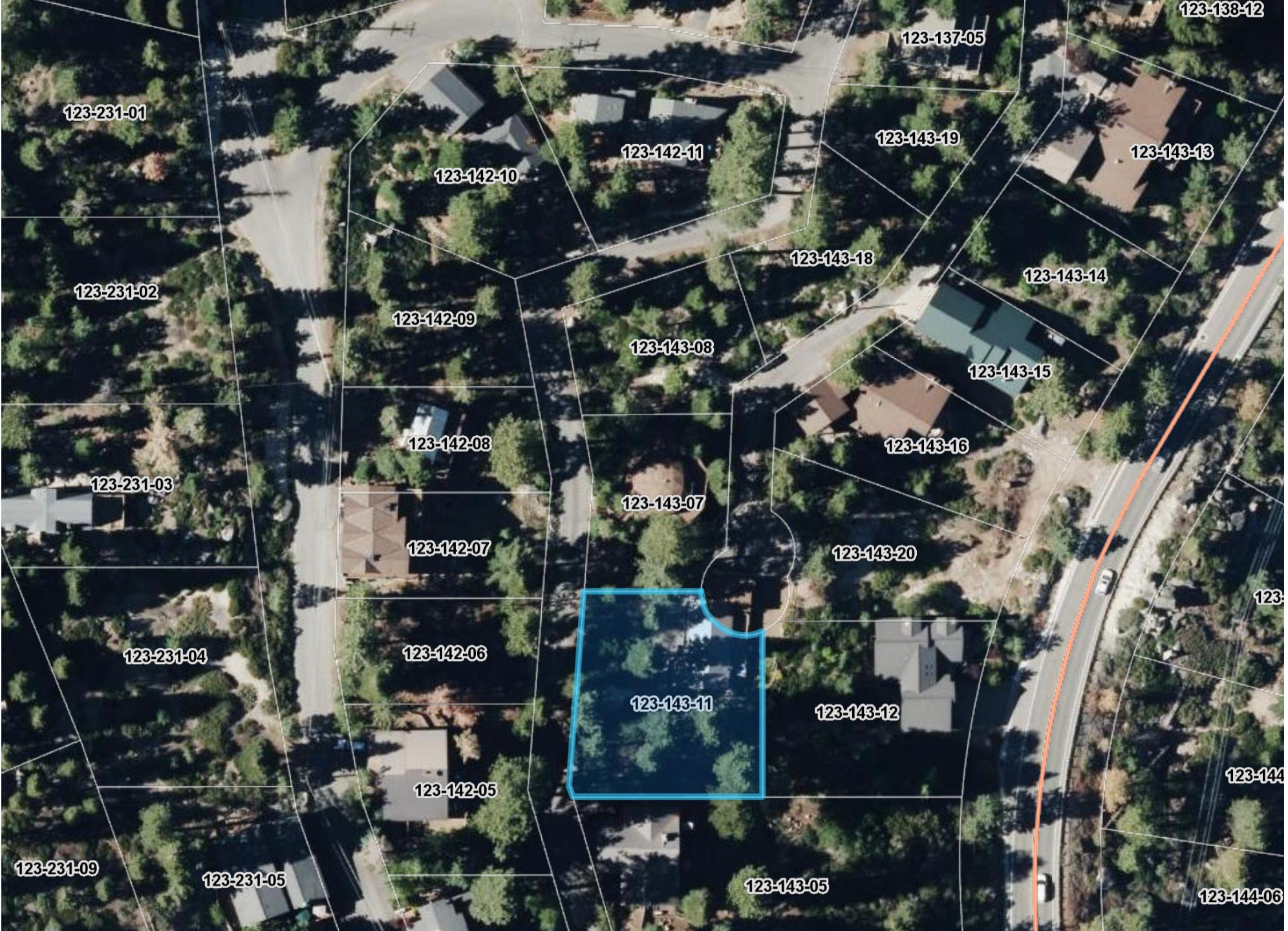
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EXISTING CONDITIONS



- **CRYSTAL BAY HISTORY**
- **HOME'S HISTORY**
 - **PERMITS & WHAT WE KNOW**
- **EXISTING ROAD CONDITIONS**
- **SIMILAR HOMES THROUGHOUT CRYSTAL BAY NEIGHBORHOOD**
 - **EXAMPLES AND OUTCOMES**





123-231-01

123-137-05

123-138-12

123-143-19

123-143-13

123-142-11

123-142-10

123-143-18

123-143-14

123-231-02

123-142-09

123-143-08

123-143-15

123-231-03

123-142-08

123-143-07

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123-231-09

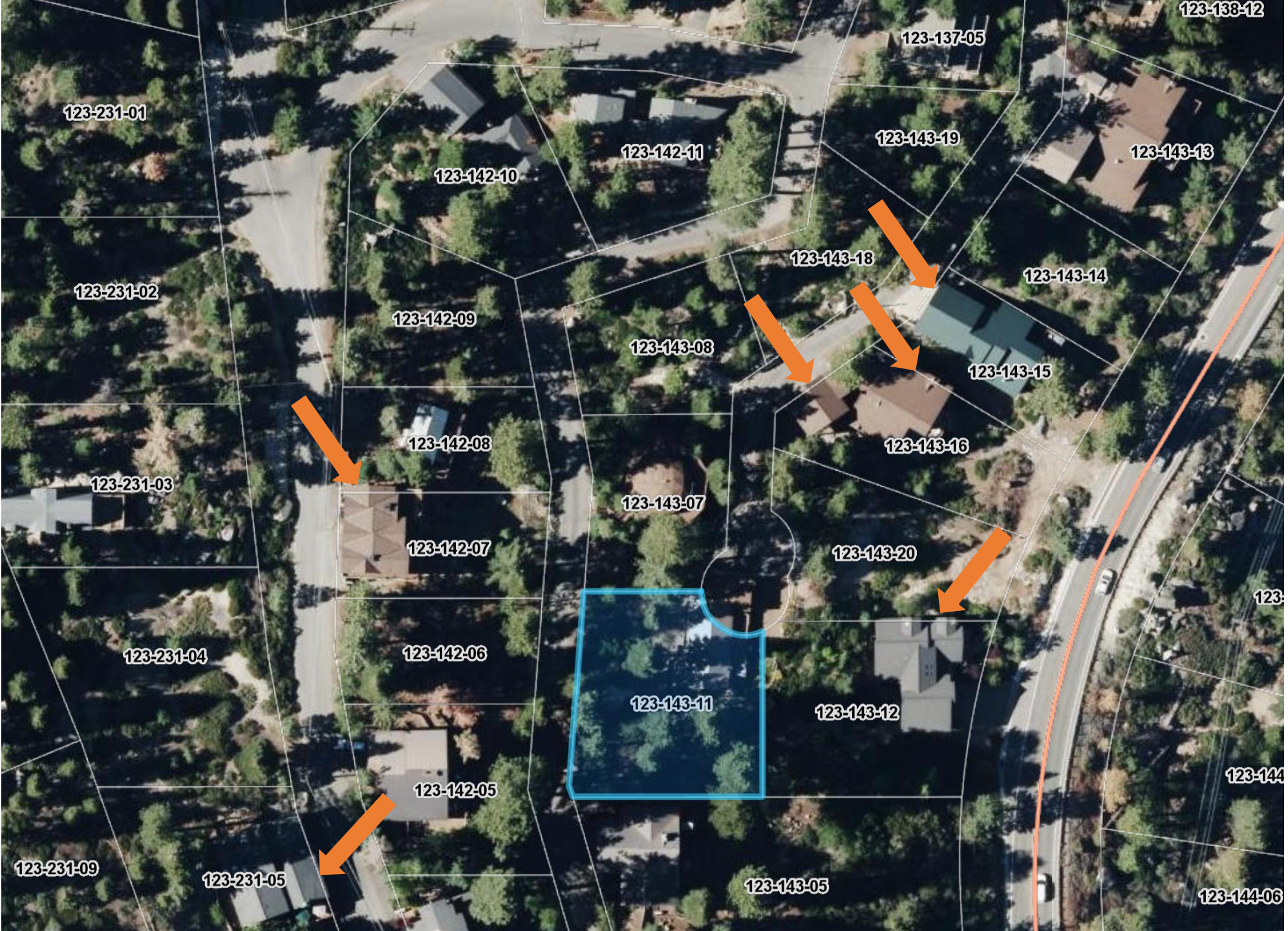
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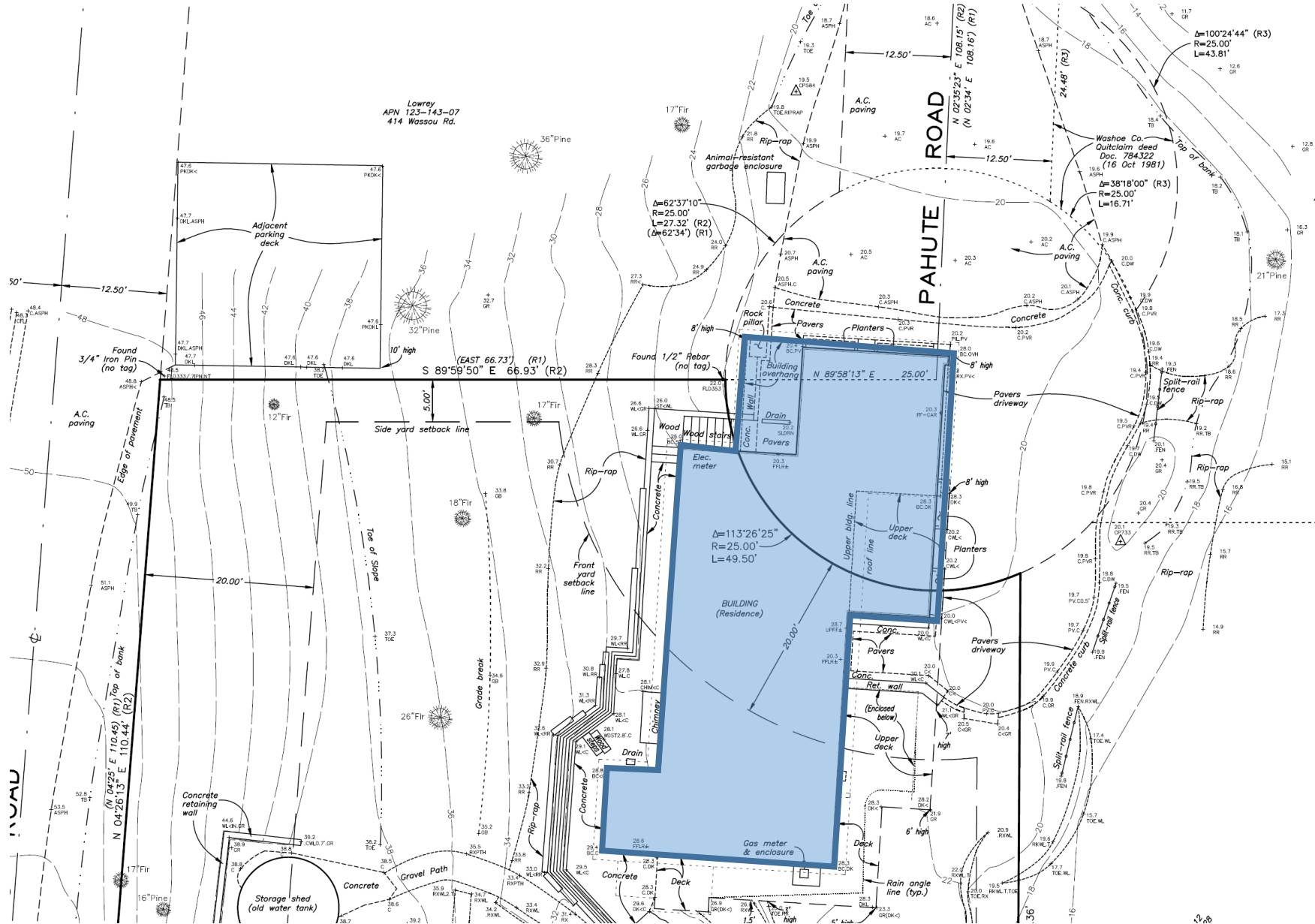
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123-144-06

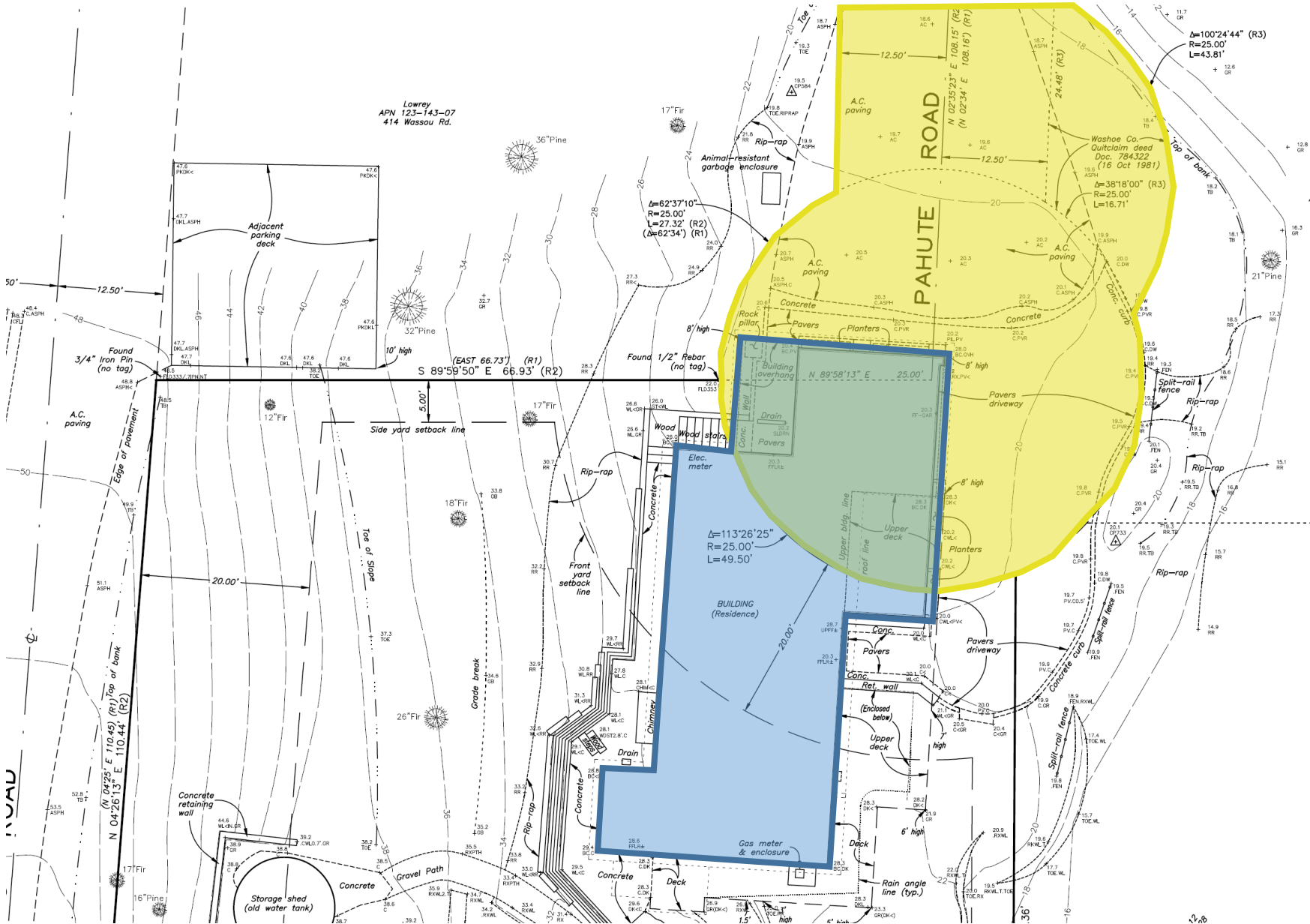


EXISTING SITE CONDITIONS

HOME OUTLINE



EXISTING SITE CONDITIONS

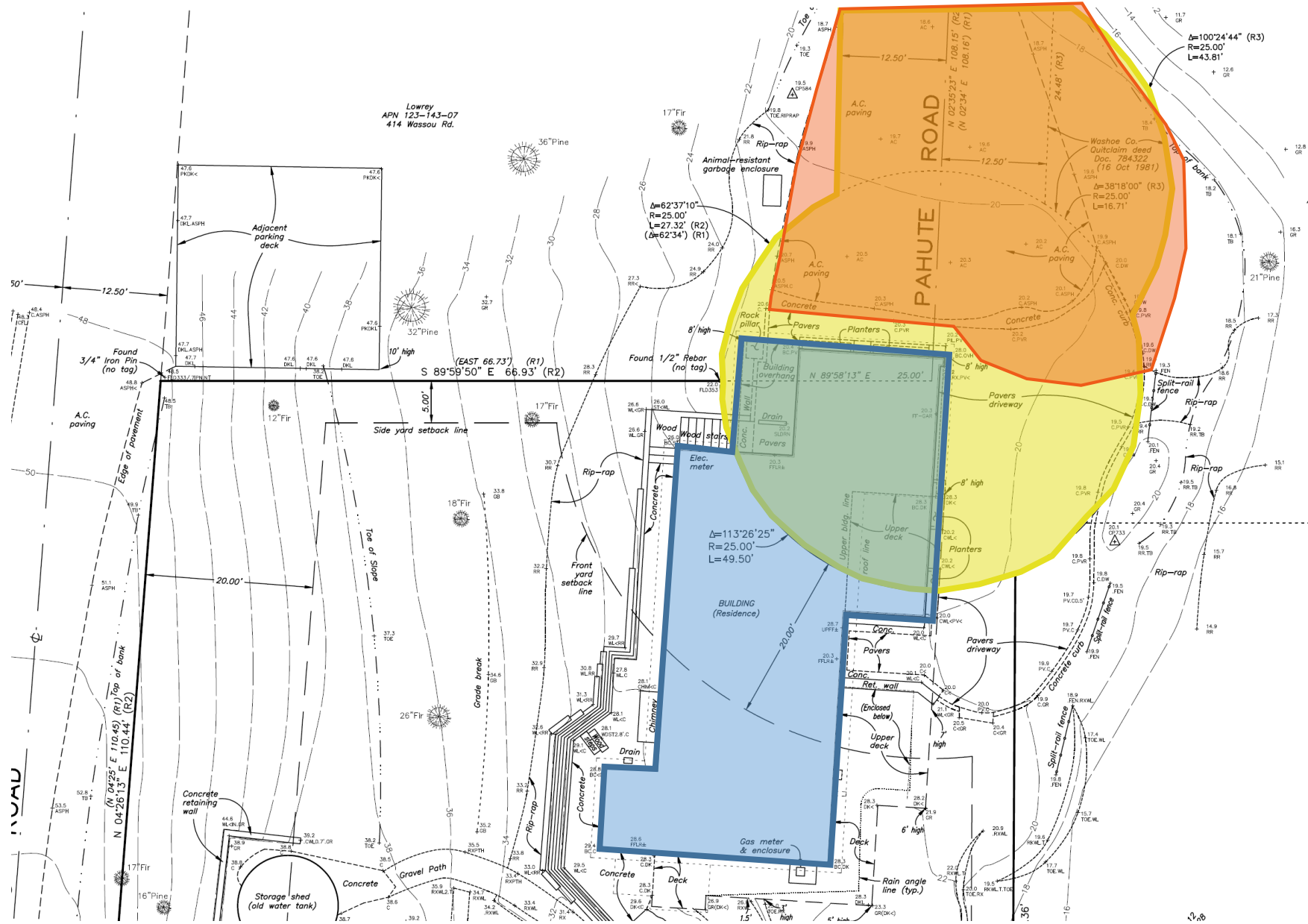


HOME OUTLINE

WASHOE COUNTY
RIGHT-OF-WAY



EXISTING SITE CONDITIONS



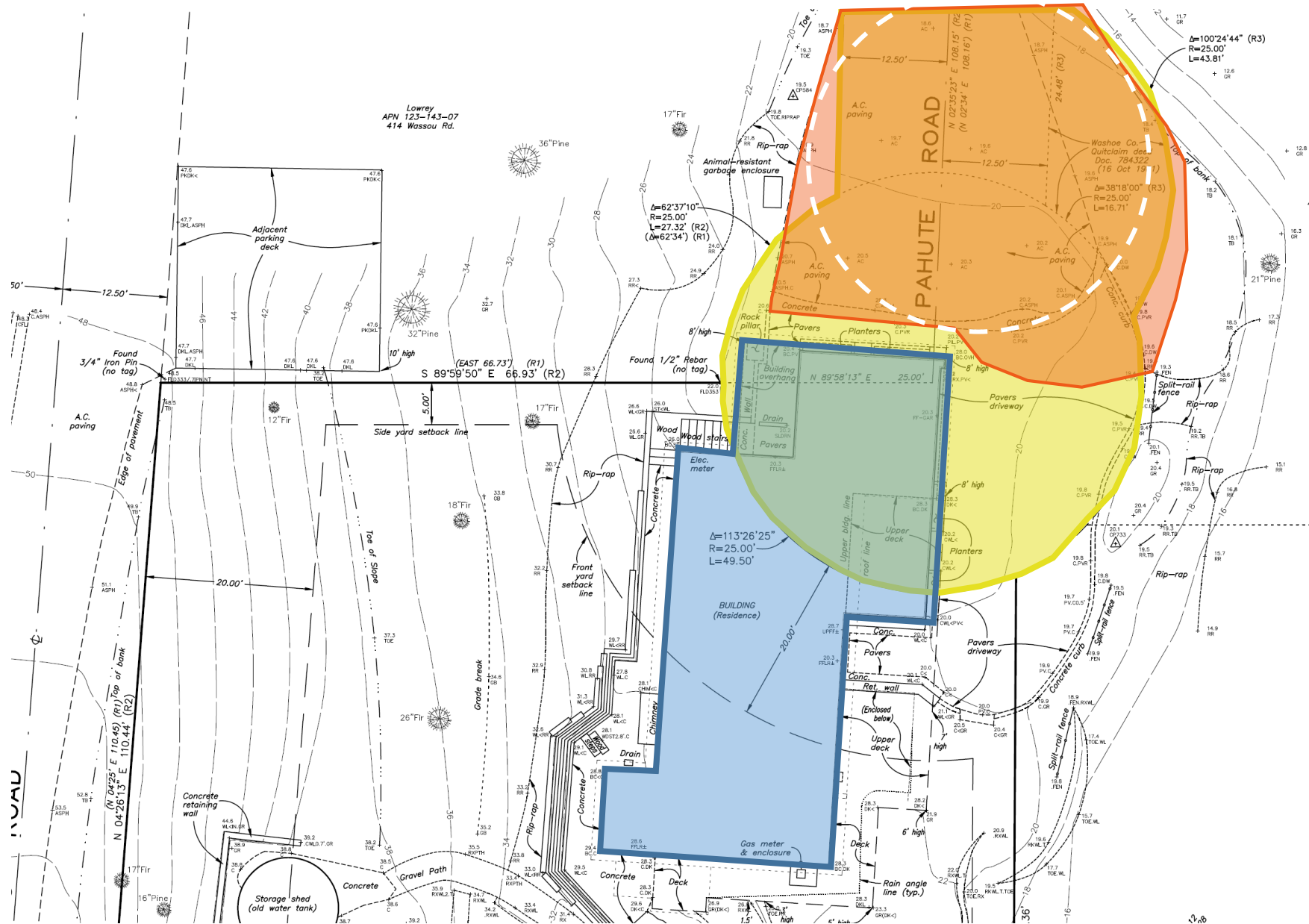
HOME OUTLINE

WASHOE COUNTY
RIGHT-OF-WAY

DRIVEABLE AREA



EXISTING SITE CONDITIONS



HOME OUTLINE

WASHOE COUNTY
RIGHT-OF-WAY

DRIVEABLE AREA

TURNAROUND
RADIUS



TURNAROUND IMPROVEMENT

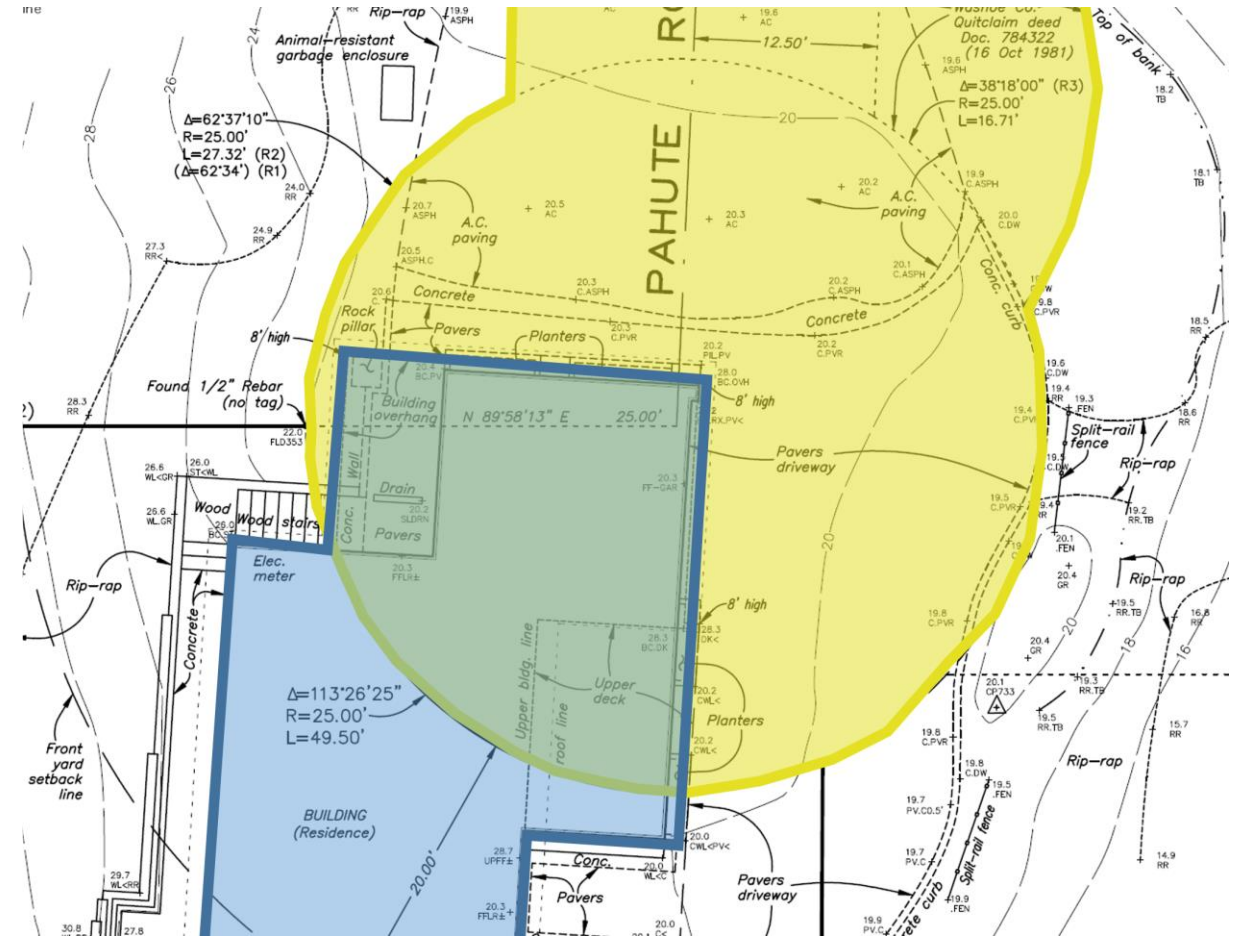


- WASHOE CO. QUITCLAIM DEED 1981
- AREA IS ALREADY HEAVILY GRADED
- HOMEOWNER IS HAPPY TO PARTICIPATE IN THE ENHANCEMENT OF THE PAVED TURNAROUND AREA WITHIN THIS SPACE



REASON FOR ABANDONMENT

- 443 SQUARE FEET OF LIVING SPACE
- 905 SQUARE FEET OF DRIVEWAY
- ABANDONMENT WOULD *ONLY* INCLUDE AREAS OF EXISTING RESIDENCE.
- COVERAGE AVAILABILITY RE: TRPA
 - NO EXISTING MECHANISM TO TRANSFER COVERAGE TO SITE WITH THIS CONDITION
- RELOCATING COVERAGE FURTHER ON THE PROPERTY WOULD BE MORE DISRUPTIVE TO THE FOREST AND THE NEIGHBORHOOD
- ABANDONMENT IS A WELL-ESTABLISHED, LEGAL, AND PRECEDENTED PROCEDURE IN SUCH CASES



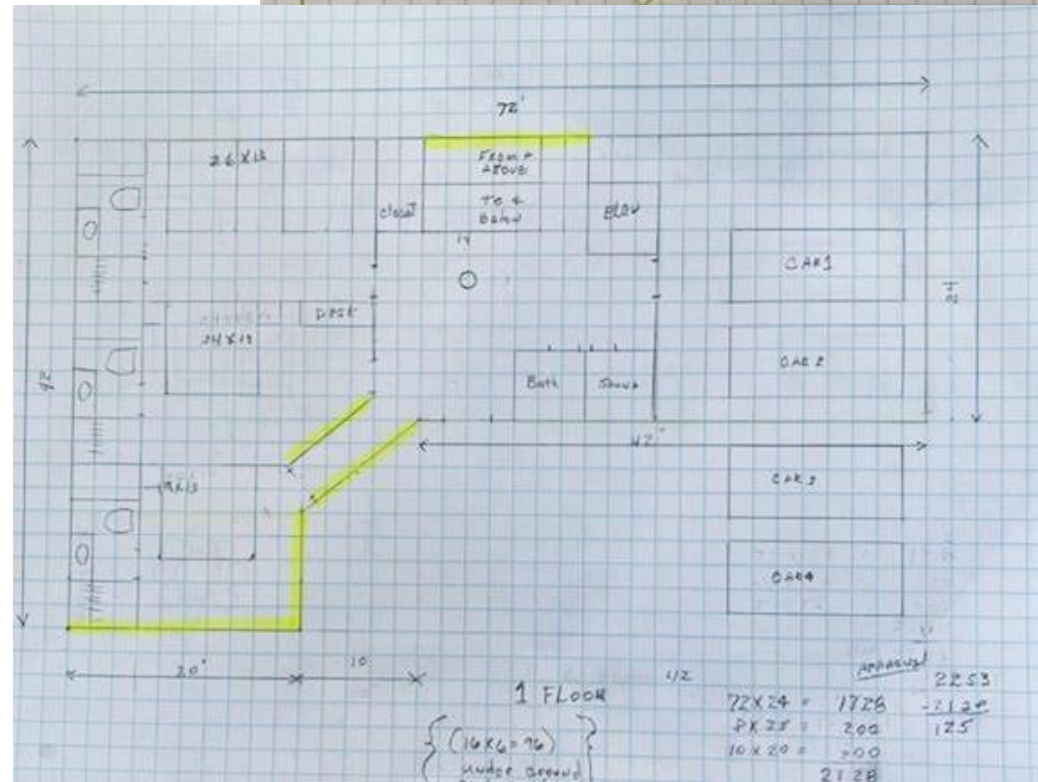
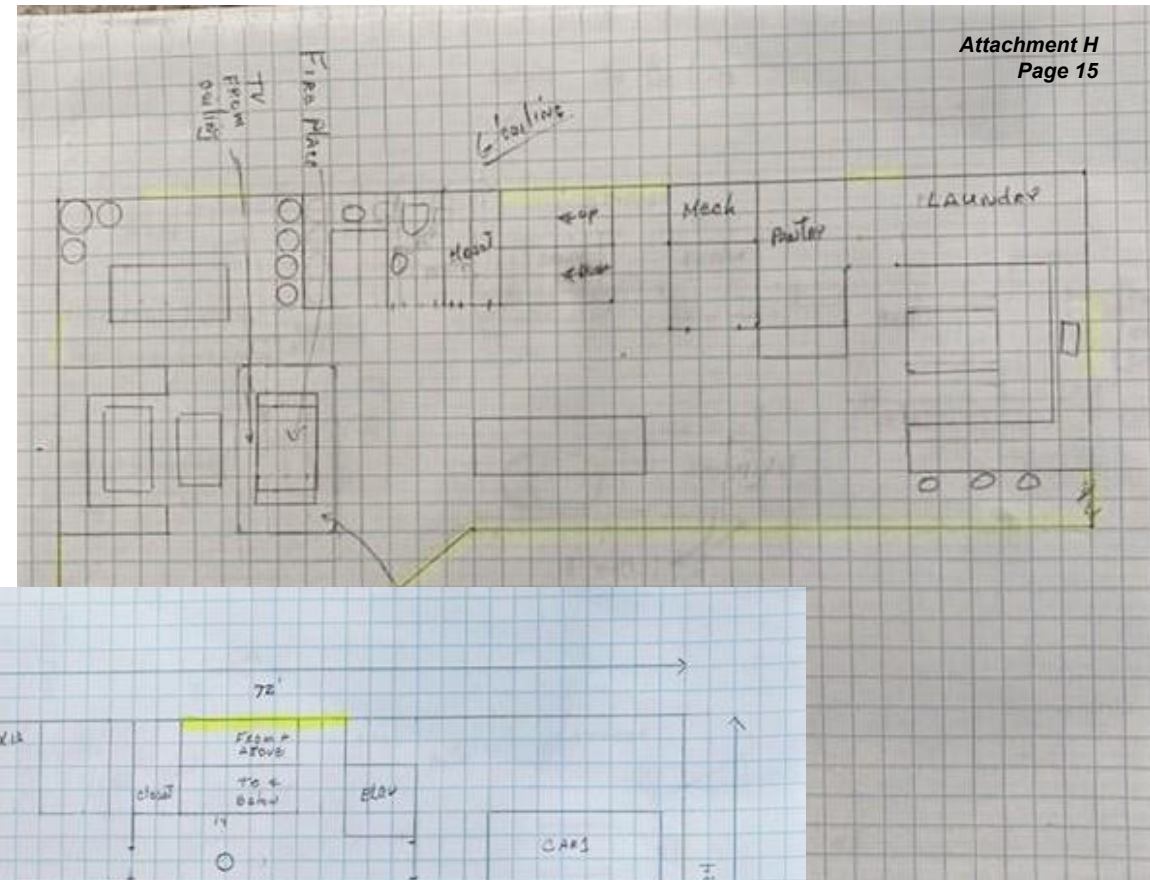
COMPLIANCE

- WE WILL COMPLY WITH ALL CONDITIONS SET FORTH BY TRPA REGARDING THE ABANDONMENT AND COVERAGE VERIFICATION
- WE HAVE SUBMITTED WASHOE COUNTY ABANDONMENT APPLICATION AND ARE WILLING TO COMPLY WITH ANY CONDITIONS SET FORTH BY AGENCIES
- WE ARE WILLING TO WORK TOGETHER WITH THE FIRE DEPARTMENT TO PROVIDE A SATISFACTORY REVISED TURNAROUND PLAN AT THE END OF PAHUTE ROAD
- WE HOPE TO HAVE A VALUABLE AND CONSTRUCTIVE DISCUSSION TO GAIN NEIGHBORHOOD APPROVAL AND CLEAR ANY MISUNDERSTANDING



PROPOSED CONSTRUCTION

- DETAILS OF DESIGN DEPEND ON OUTCOME OF ABANDONMENT
- PROPOSE TO BUILD A NEW SINGLE FAMILY RESIDENCE OF SIMILAR FOOTPRINT AND AREA
- DESIRE LARGER, MORE FUNCTIONAL AND EFFICIENT HOME TO ENJOY TAHOE
- MORE CONTEMPORARY DESIGN, AKIN TO NEIGHBORING HOMES
 - CREATE CONTINUITY IN NEIGHBORHOOD AND INCREASE NEIGHBORHOOD VALUE



SUMMARY

- CONDITIONS OF SITE
- PROPOSED SOLUTION AND REASONING
- PROPOSED CONSTRUCTION AND COMMUNITY BENEFIT





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THANK YOU

QUESTIONS & COMMUNITY DISCUSSION