



Planning Commission Staff Report

Meeting Date: January 3, 2017

Subject: Abandonment Case Number: WAB16-0001
Applicant(s): Terry Lee Day & Dan and Kathi Harold
Agenda Item Number 9A
Summary: To allow the abandonment of a 25-foot wide access easement.
Recommendation: Approval with Conditions
Prepared by: Trevor Lloyd - Senior Planner
Washoe County Community Services Department
Planning and Development Division
Phone: 775.328.3620
E-Mail: tlloyd@washoecounty.us

Description

Abandonment Case Number WAB16-0001 (Day and Harold) – Hearing, discussion, and possible action to approve the abandonment of a 25 foot wide access easement over two parcels of 6.471 and 5.0 acres.

- Owner/Applicant: Terry Lee Day Family Trust
- Owner/Applicant: Dan and Kathi Harold
- Location: North of Cactus View Drive and west of Knob Hill Drive
- Assessor's Parcel Numbers: 552-181-15 and 552-181-35
- Parcel Size: 6.471 acres and 5.0 acres
- Master Plan Category: Rural and Suburban Residential
- Regulatory Zone: General Rural and Low Density Suburban
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Article 806
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 10, T20N, R19E, MDM, Washoe County, NV

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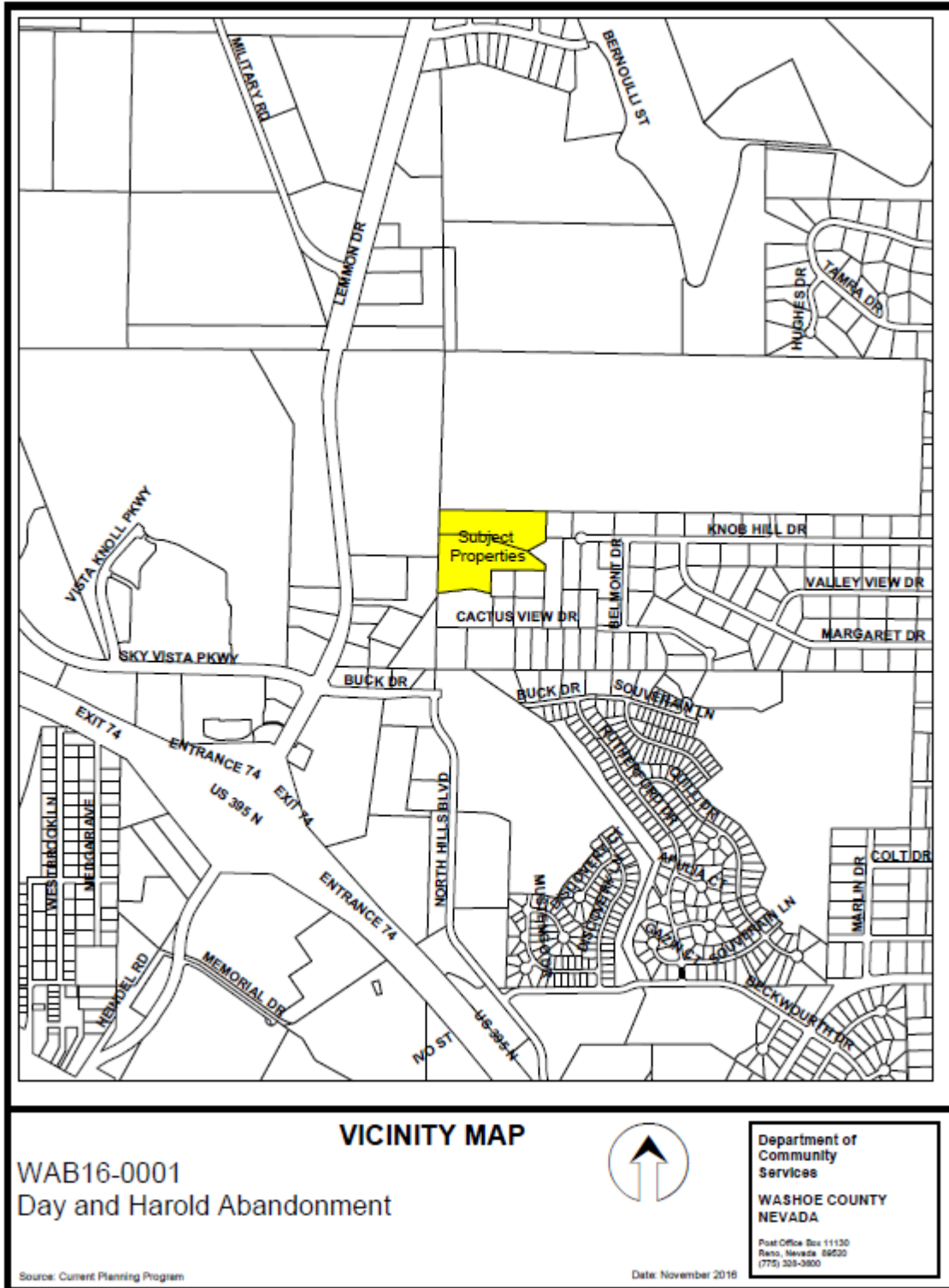
Abandonment Definition

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

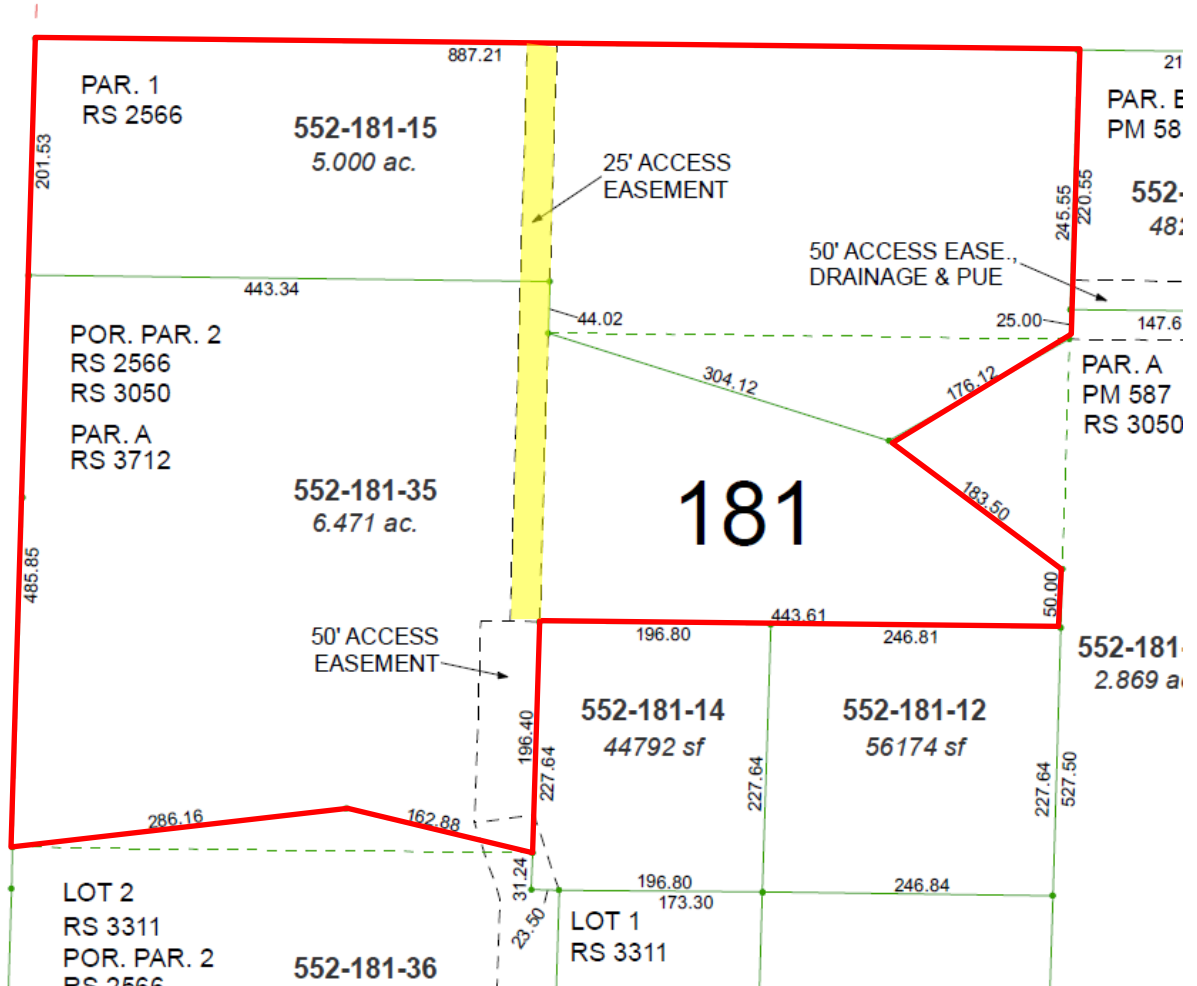
The Resolution and Order of Abandonment is the legal record, prepared by the Engineering and Capital Projects Division which is recorded to complete the abandonment process. The Engineering and Capital Projects Division completes a technical review of the legal description, exhibit maps and any new easements, submitted by the applicants 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 WAB16-0001 is attached to this staff report and will be included with the Action Order if granted approval.

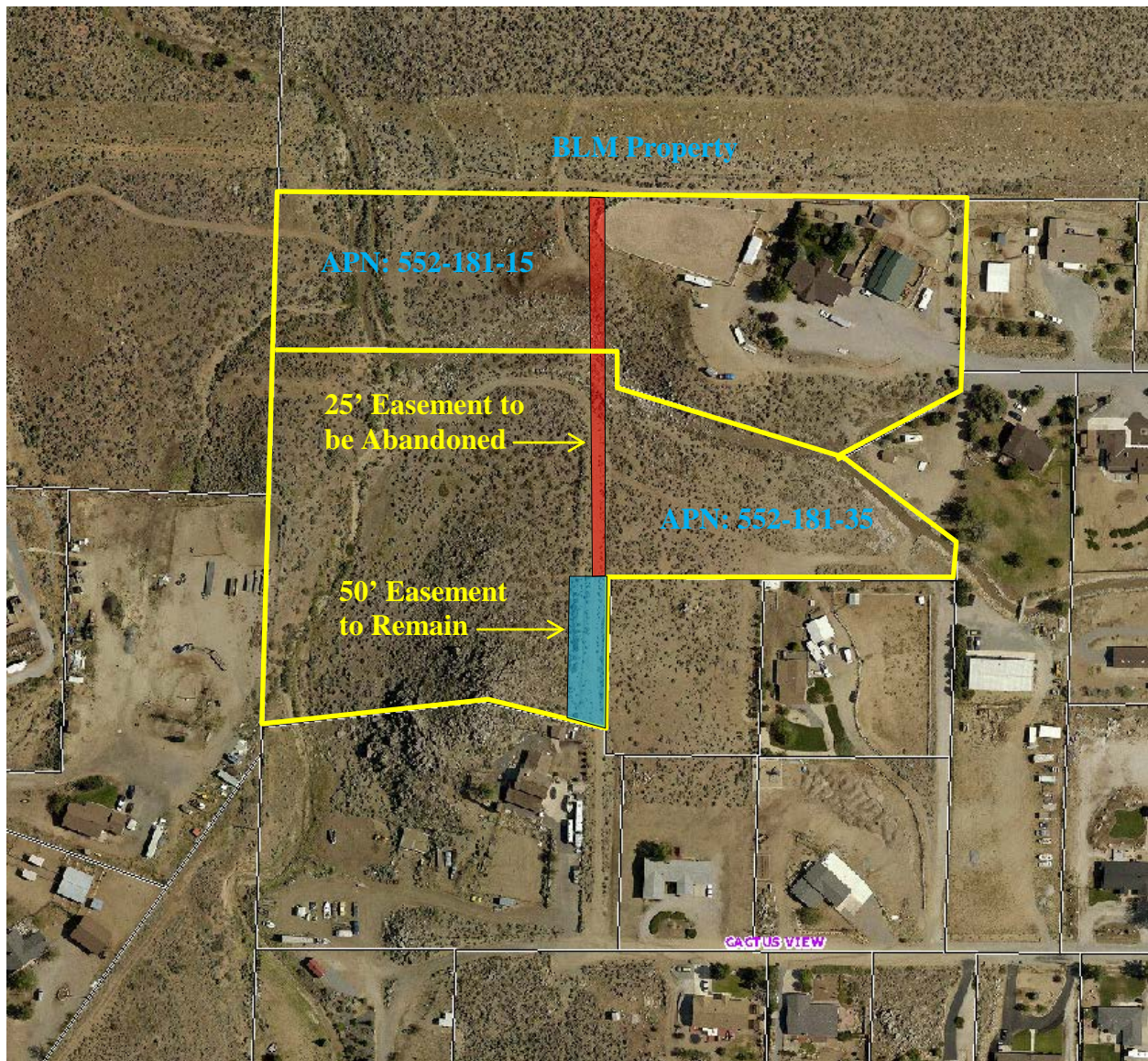
- All conditions of approval are required to be completed before the abandonment can be recorded and finalized.
- The abandonment will be effective after the approval of a Resolution and Order of Abandonment by the Engineering and Capital Projects Division and after the recordation of the Resolution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



Vicinity Map



Site Plan



Aerial Photo

Project Evaluation

The owners 2600 and 2595 Knob Hill Drive are asking to abandon a 25 foot access easement that bisects the properties from north to south. The 25 foot access easement extends from the northern property line of APN: 552-181-15 to the north end of the 50 foot wide access easement within APN: 552-181-35.

The easement was created in 1977 per document number 491286. The subject easement was located on the boundary of two parcels; however a boundary line adjustment that was recorded in 1993 resulted in the easement bisecting the two parcels. The existing easement is unimproved and does not serve current or future access needs for any of the surrounding properties. Based on staff's analysis, the purpose of the proposed easement was only to provide access to the two properties subject to the abandonment request and therefore the

proposed abandonment will not create an impact on any of the surrounding properties. The northern property (APN: 552-181-15) has access from Knob Hill to the east and the southern property (APN: 552-181-35) has access from Cactus View to the south via a 50 foot access easement which will remain.

North Valleys Citizen Advisory Board (NVCAB)

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

Reviewing Agencies

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

- Washoe County Community Services Department
 - Engineering and Capital Projects Division
 - Planning and Development Division
 - Utilities
- Washoe County Health District
- Washoe County Regional Animal Services
- Truckee Meadows Fire Protection District
- Regional Transportation Commission
- Washoe Storey Conservation District

Three out of the seven above listed agencies/departments provided a response and two agencies 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. The Conditions of Approval document is attached to this staff report and will be included with the Action Order if the Planning Commission approves the requested abandonment.

- Washoe County Planning and Development Division provided conditions regarding substantial conformance

Contact: Trevor Lloyd, 328-3620 tlloyd@washoecounty.us

- Washoe County Engineering and Capital Projects Division provided conditions related to abandonment of the utility portions of the easements, including their retention and/or relocation.

Contact: Kimble Corbridge, 775.328.2054, kcbridge@washoecounty.us

Staff Comment on Required Findings

Washoe County Code (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

Staff Comments: The proposed abandonment does not affect standards in the Master Plan or Area Plan

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

Staff Comments: The abandonment request was sent to all relevant agencies and departments for review and comment. Proposed conditions of approval are included with the staff report as Exhibit A. No other property owners are anticipated to be impacted by the proposed easement abandonment.

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: Any public utility easements will be retained or relocated as conditioned by Washoe County.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Abandonment Case Number WAB16-0001 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 Abandonment Case Number WAB16-0001 for Terry Lee Day Family Trust and Dan and Kathi Harold, with the conditions of approval attached as Exhibit A to this matter, having made all three findings in accordance with WCC 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 North Valleys; and
2. No Detriment. The abandonment or vacation does not result in a material injury to the public; and
3. Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.

Appeal Process

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

xc: Owner/Applicant: Terry Lee Day Family Trust, Attn: Terry Coaster, 2600 Knob Hill Drive, Reno, NV 89506

Owner/Applicant: Dan and Kathi Harold, 2595 Knob Hill Drive, Reno, NV 89506

EXHIBIT A



Conditions of Approval

Abandonment Case Number: WAB16-0001

The project approved under Abandonment Case Number WAB16-0001 shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on January 3, 2017. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property. 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 Development 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 Development

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

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

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this abandonment action. The County Engineer shall determine compliance with this condition.
- b. 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 Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Kimble Corbridge, P.E., CFM, 775.328.2041, kcorbridge@washoecounty.us

- a. Prior to recordation of the Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for area of abandonment, and any easements that may be required. The County Surveyor shall determine compliance with this condition.
- b. Retention of all public utility easements or relocation of all public utility easements 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 the new easements (if required) to said public utilities and the relinquishment by said public utilities of their former easements.
- c. The applicant shall comply with conditions necessary to record the Resolution and Order of Abandonment within two (2) years from the date of the action by the Planning Commission or this conditional abandonment will be null and void.

*** End of Conditions ***

From: Corbridge, Kimble
Sent: Tuesday, November 22, 2016 1:54 PM
To: Lloyd, Trevor
Subject: WAB16-001 Day and Harold Abandonment

Follow Up Flag: Follow up
Flag Status: Flagged

Trevor,
Please see me about this one....
If we accept that Washoe County should be involved, the following would apply:

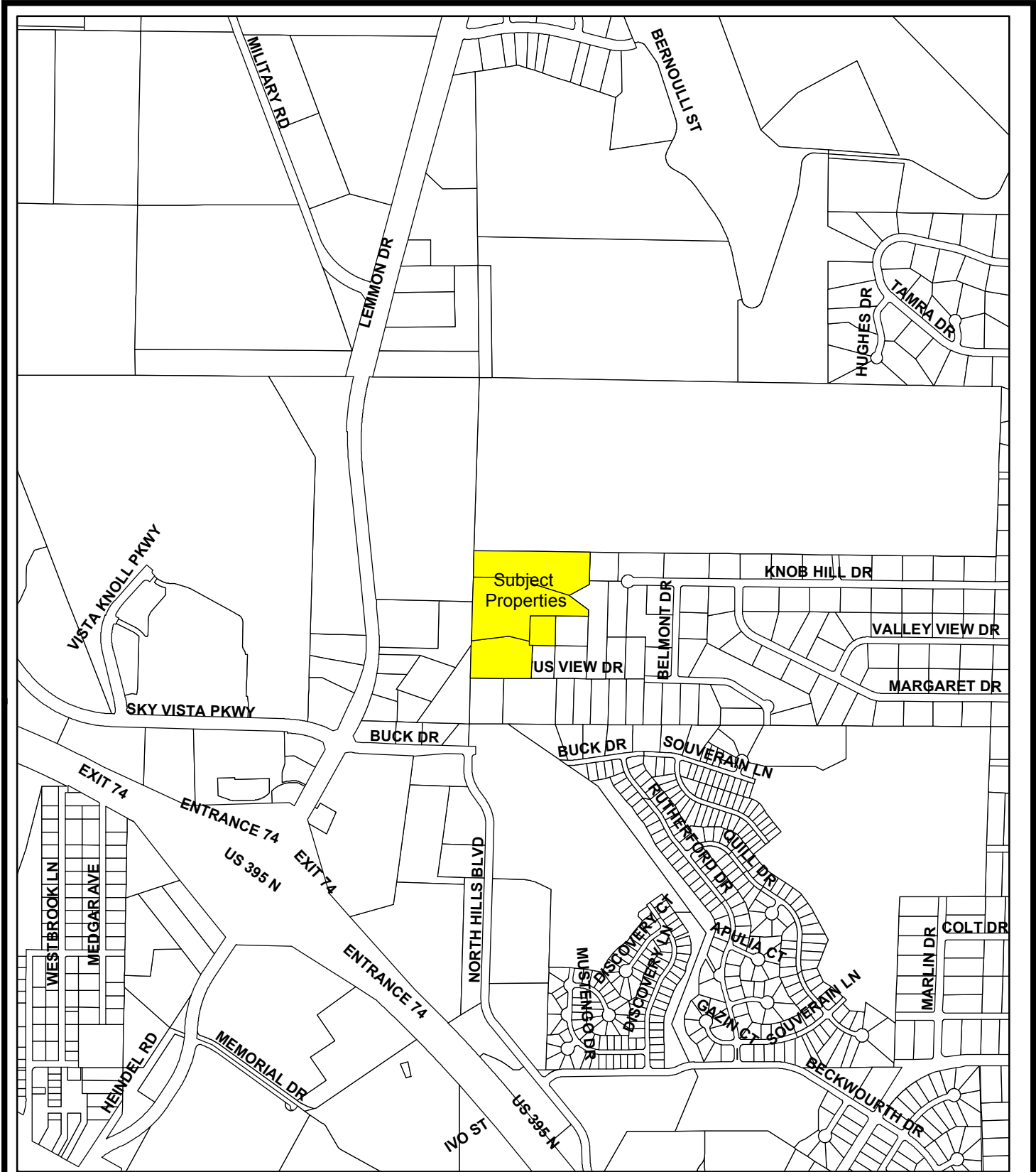
I have reviewed the referenced abandonment and recommend the following conditions:

1. Prior to recordation of the Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for area of abandonment, and any easements that may be required. The County Surveyor shall determine compliance with this condition.
2. Retention of all public utility easements or relocation of all public utility easements 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 the new easements (if required) to said public utilities and the relinquishment by said public utilities of their former easements.
3. The applicant shall comply with conditions necessary to record the Resolution and Order of Abandonment within two (2) years from the date of the action by the Planning Commission or this conditional abandonment will be null and void.

Thx,
Kimble

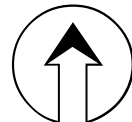
Kimble O. Corbridge, P.E., CFM
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KCorbridge@washoecounty.us | o 775.328.2041 | f 775.328.3699 | 1001 E. Ninth St., A-255,
Reno, NV 89512

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VICINITY MAP

WAB16-0001
 Day and Harold Abandonment



Department of
 Community
 Services

WASHOE COUNTY
 NEVADA

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