



# Planning Commission Staff Report

Meeting Date: December 5, 2017  
Continued from November 7, 2017 Meeting

Agenda Item: 9A

STAFF REPORT CASE NUMBER: WAB17-0004

**BRIEF SUMMARY OF REQUEST:** To approve the abandonment of Washoe County's interest in ±25,451 square feet of right-of-way along Old Mount Rose Highway that is primarily used for private access.

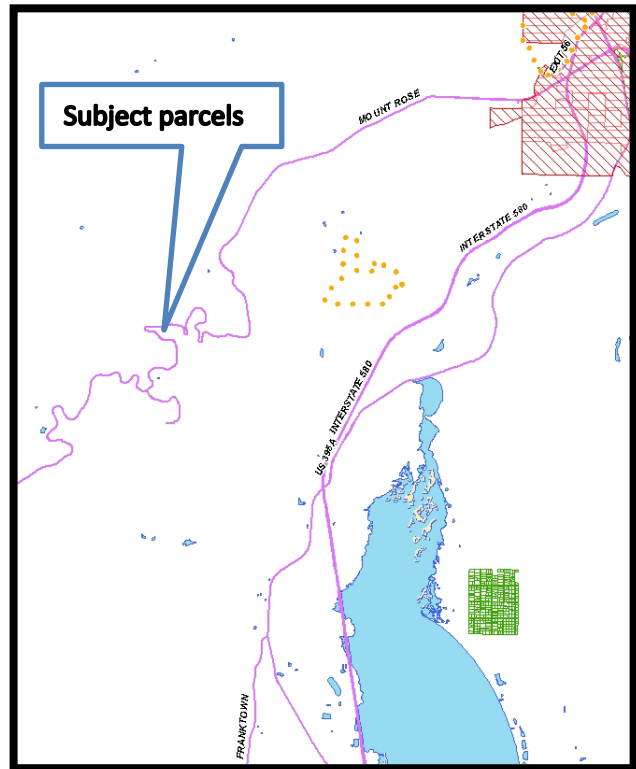
**STAFF PLANNER:** Planners' Names: Roger Pelham & Julee Olander  
 Phone Numbers: Roger Pelham 775.328.3622  
 Julee Olander 775.328.3627  
 E-mail: Roger Pelham [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)  
 Julee Olander [jolander@washoecounty.us](mailto:jolander@washoecounty.us)

**APPLICANT:** David M. Otto  
**OWNERS:** Martha Ann Cepress, Jimmy Y. Chung & David M. Otto

### CASE DESCRIPTION

For possible action, hearing, and discussion by the Washoe County Planning Commission to approve an abandonment of Washoe County's interest in ±25,451 square feet of right-of-way along Old Mount Rose Highway that is primarily used for private access.

- ◆ Applicant: David M. Otto
- ◆ Owners: Martha Ann Cepress, Jimmy Y. Chung & David M. Otto
- ◆ Location: 20600 & 20610 Old Mount Rose Highway
- ◆ APN: 048-091-01, 048-091-14, & 048-091-29
- ◆ Parcel Size: ±1.27 acres
- ◆ Master Plan: Suburban Residential (SR) and Rural (R)
- ◆ Regulatory Zone: Medium Density Suburban (MDS) & General Rural (GR)
- ◆ Area Plan: Forest
- ◆ CAB: South Truckee Meadows/Washoe Valley
- ◆ Dev Code: Authorized in Article 806, Vacations and Abandonments of Easements or Streets
- ◆ Comm. District: 2 – Commissioner Lucey
- ◆ Sec/Town/Range: Section 17, T17N, R19E, MDM, Washoe County, NV



### 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 WAB17-0004 for David M. Otto, having made all three findings in accordance with Washoe County Code Section 110.806.20

*(Motion with Findings on Page 9)*

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**Site Plan**

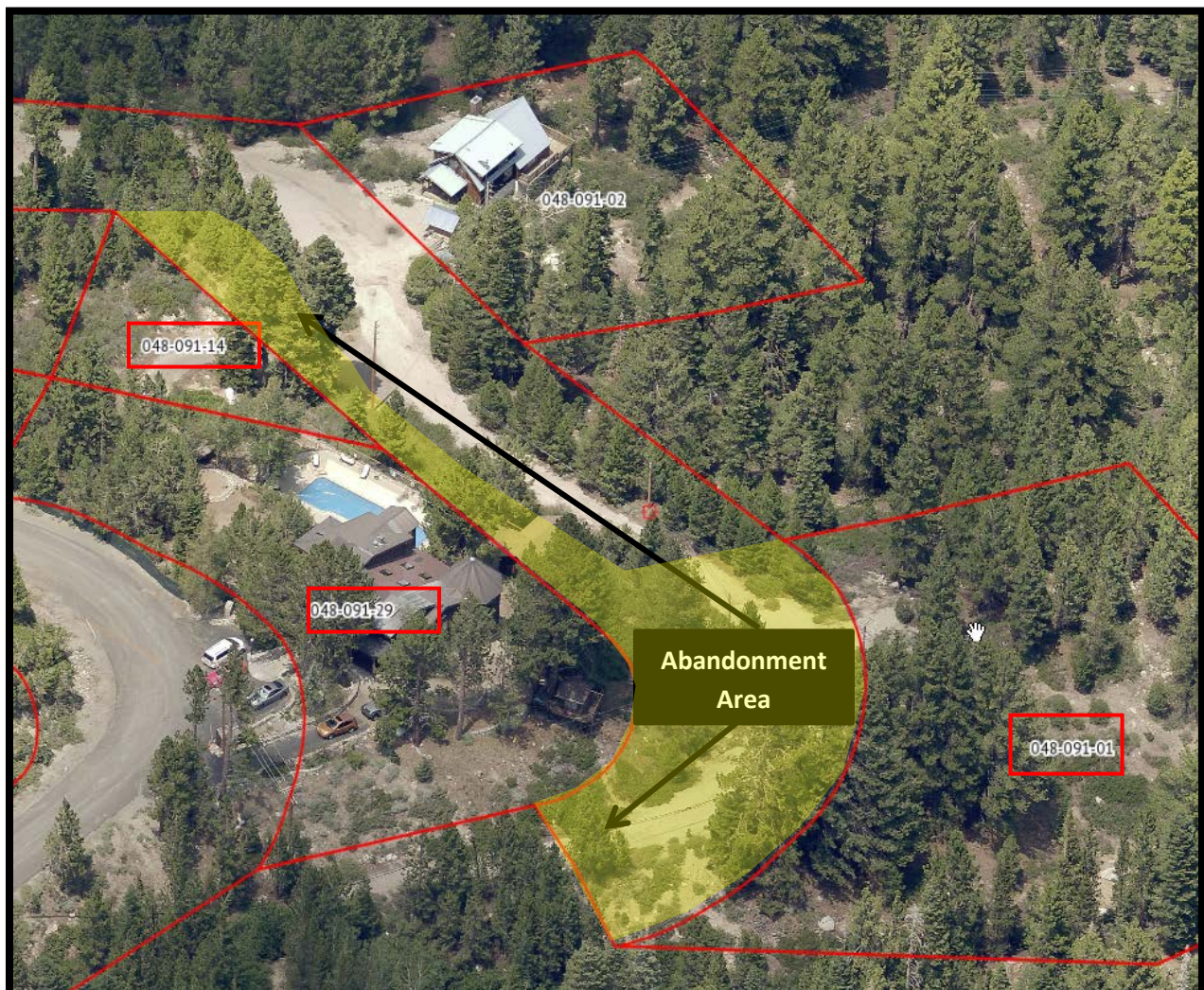


## Project Evaluation

### *History*

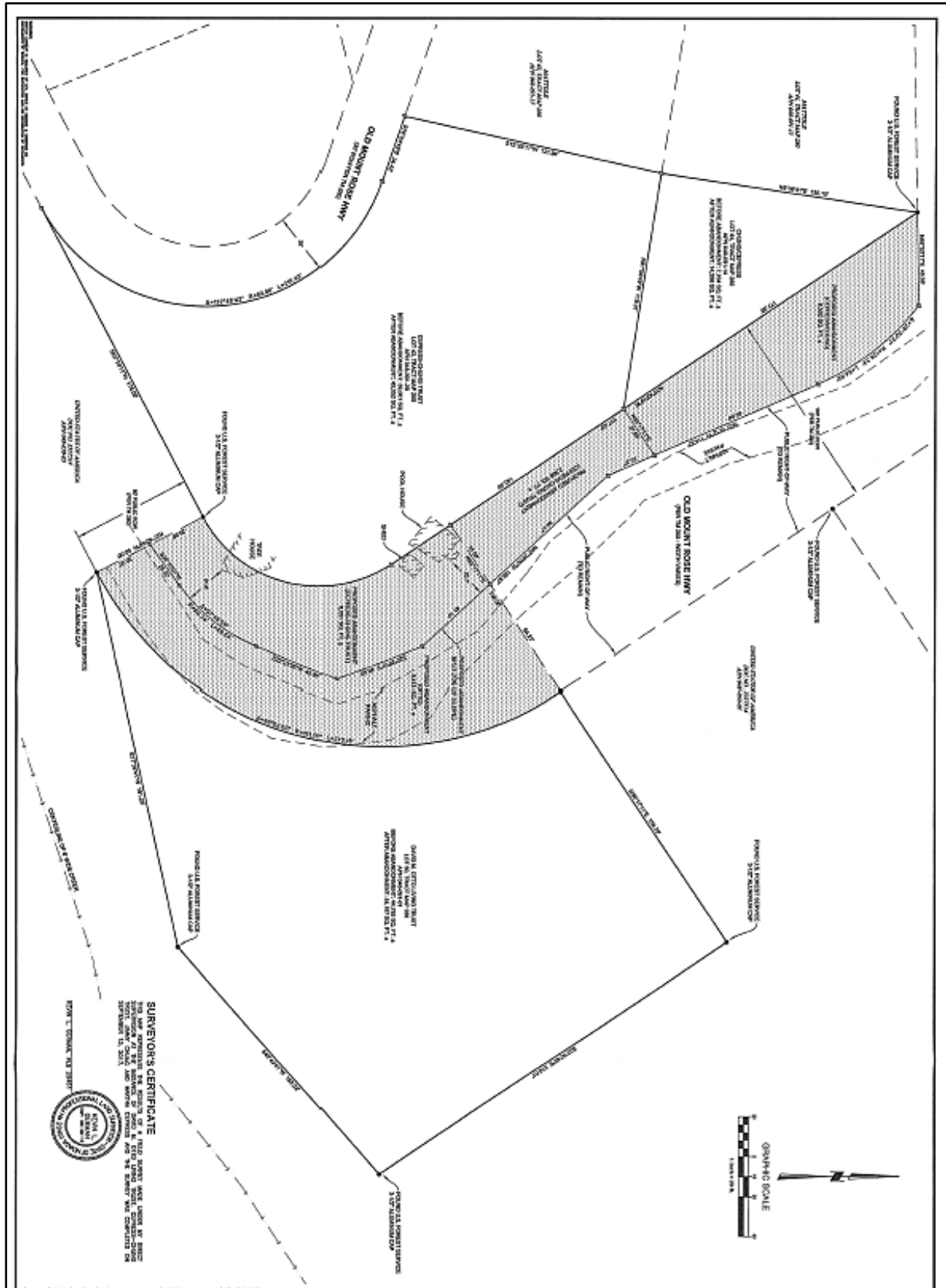
The applicant is seeking to abandon a portion of Old Mount Rose Highway, which currently exists as an unmaintained road serving as a driveway for parcels 048-091-01 & 02. This section of Old Mount Rose Highway terminates into U.S. Forest Service property.

The original roadway and subdivision, Mt. Rose Bowl Subdivision, was approved by Washoe County in 1944 and the recorded map legally created the lots and rights-of-way for the subdivision. The right-of-way that is proposed to be abandoned had been previously identified as Mt. Rose Highway. However, Nevada Department of Transportation (NDOT) was contacted concerning ownership of the right-of-way and no documentation could be found showing that the section was owned by NDOT. NDOT did provide a map that indicates that the other section of Old Mount Rose Highway was relinquished to Washoe County in 1/20/61; however no information could be found on the section that is proposed to be abandoned. (See Exhibit B)



Approximate Area of Abandonment and Subject Parcels





Area to be Abandoned

### *Current Conditions*

The area that is proposed to be abandoned is the entire right-of-way adjacent to parcel 048-091-01 and part of 048-091-29 and a portion adjacent to parcels 048-091-14 and 048-091-29. The right-of-way will not be abandoned in front of parcel 048-091-02 (See maps on Pages 4 and 5).

This section of Old Mount Rose Highway terminates into U.S. Forest Service land. There is a narrow 4-wheel drive that continues at the terminus of this section of the Old Mount Rose Highway through the Forest Service land and connects with the current alignment of Mount Rose Highway just past the Sky Tavern ski area. Access to the Forest Service land will continue to be available from the current alignment of Mount Rose Highway and from the other portion of Old Mount Rose Highway that accesses from the current alignment of Mount Rose Highway after the Sky Tavern ski area.



Old Mount Rose terminus at the end of the proposed abandonment

The abandonment will not deprive access to the existing property owners and access will still be available to all abutting properties. The right-of-way is approximately 100 feet wide and overgrown with vegetation. Should the abandonment be approved, the roadway will be a minimum of 20 feet wide in order to comply with the Truckee Meadows Fire Protection District emergency services access requirements.

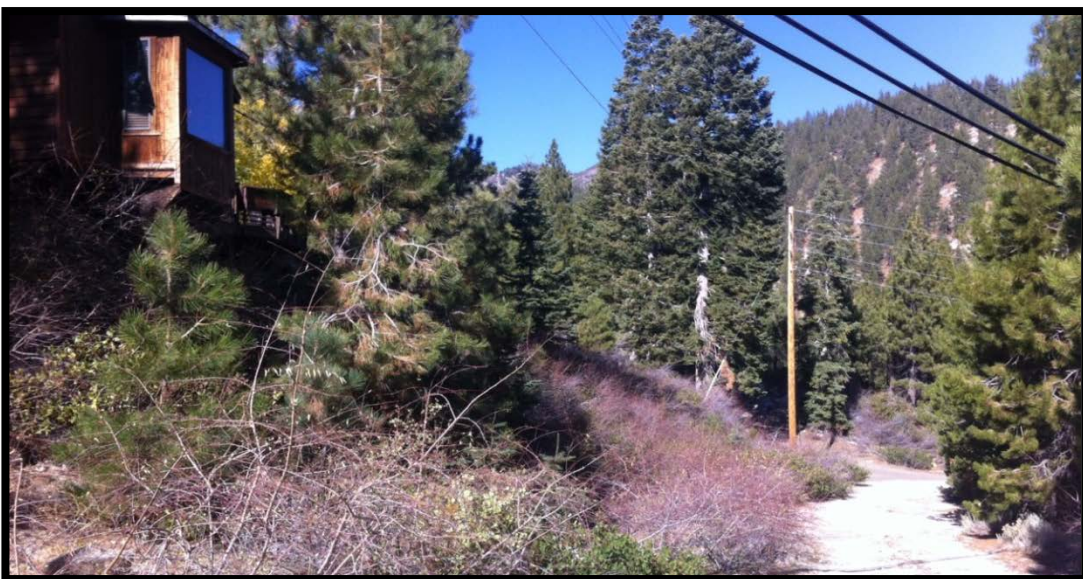


The applicant is requesting the abandonment to construct a single-family house on parcel 048-091-01. The area that is proposed to be abandoned is considerably flatter than the rest of the parcel, making the parcel more suitable for construction of a single-family house. The applicant is proposing to construct a “hammer head” turnaround at the terminus of Old Mount Rose Highway for a vehicle turnaround area and the roadway will be improved through the building permit process.



Area of right-of-way to be abandoned adjacent to parcel 048-091-14

Assessor's parcel numbers (APN's) 048-091-29 and 14 are owned by the same property owner and have a regulatory zone designation of Medium Density Suburban (MDS). The area to be abandoned adjacent to these parcels is steep and the new property lines will be located at the edge of the current roadway. Currently, one of the accessory buildings within APN 048-091-19 is located on the existing property line. The abandonment will re-locate the property line to the edge of the current roadway, thus enabling the building to be located entirely within the property and will meet current MDS setbacks.



Area of right-of-way to be abandoned adjacent to parcels 048-091-29 and 14

### *Code and Policy Regarding Easements*

Washoe County Code (WCC) Section 110.806.15(d) states that if “the Planning Commission is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated.” WCC Section 110.806.70, also states, in part, that “the Planning Commission or Board may reserve and except therefrom any easements, rights, or interests therein which it deems desirable for the use of the County or any public utility.” To the extent other property owners nearby or other entities might have any ownership interests in these easements, the County’s action to abandon or not abandon would not affect those interests. In turn, the property owners applying for the abandonment would be responsible for utilizing whatever legal mechanisms are necessary to address those interests on their own. In order to recommend approval of abandonment, WCC Section 110.806.20 requires that the Planning Commission make three findings, (see the section on *Staff Comments on Required Findings*) including that such abandonment would not result in material injury to the public

### **South Truckee Meadows/Washoe Valley Citizen Advisory Board (STMWV CAB)**

Abandonment applications are not required by Washoe County Code to be presented at a Citizen 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
  - Planning and Building Division – Parks and Open Spaces
  - Engineering and Capital Projects – Land Development
  - Engineering and Capital Projects – Utilities
  - Parks and Open Spaces
- Washoe County Health District
- Truckee Meadows Fire Protection District
- Regional Transportation Commission
- Washoe Storey Conservation District
- Washoe County Air Quality Division

Two out of the eight 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. The Conditions of Approval document is attached to this staff report and will be included with the Action Order if the abandonment is approved by the Planning Commission.

- Washoe County Planning and Building provided a condition regarding substantial conformance.

**Contact: Julee Olander, 775.328-3627, [jolander@washoecounty.us](mailto:jolander@washoecounty.us)**

- Washoe County Engineering and Capital Projects, Land Development has recommended approval with conditions that the applicant submit acceptable legal descriptions and



conditions related to abandonment of the utility portions of the easements, including their relocation and potential relinquishment by affected public utilities.

**Contact:** Leo Vesely, 775.328.2313, [ivesely@washoecounty.us](mailto:ivesely@washoecounty.us)

### **Staff Comment on Required Findings**

WCC Section 110.806.20 and NRS 278.480(3) require 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.

### **WCC Section 110.806.20 Required Findings**

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

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

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

*Staff Comments: The section of Old Mount Rose Highway that is proposed to be abandoned basically serves as a driveway to parcels 048-091-01 and 048-091-02. Abandoning this section of roadway will still provide access to these parcels and will not deprive access. Staff therefore concludes that the requested 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 doesn't 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**

Those agencies which reviewed the application recommended conditions in support of approval of the project, or provided no comments. Therefore, after a thorough analysis and review, Special Use Permit Case Number WAB17-0004 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 WAB17-0004 for David M. Otto, 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 Forest 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, 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 after the written decision is filed with the Secretary to the Planning Commission and mailed to the applicant.

xc: Applicant/Owner: David M. Otto, 825 White Oak, Santa Rosa, CA 95409  
Martha Ann Cepress & Jimmy Y. Chung, 18818 NE 153<sup>rd</sup> St., Woodinville,  
WA 98072

Representatives: CFA, 1150 Corporate Blvd., Reno, NV 89502





# Conditions of Approval

Abandonment Case Number: WAB17-0004

The project approved under Abandonment Case Number WAB17-0004 shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on December 5, 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 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 demonstrate substantial conformance to the plans approved as part of this abandonment action. The County Engineer shall determine compliance with this condition.
- b. Prior to the recordation of the Resolution and Order of Abandonment, the applicant shall submit to the County Engineer for review and approval a description prepared by a registered professional of the offer of dedication to be abandoned and replacement private access.
- c. The applicant shall comply with all conditions necessary to affect the Resolution and Order of Abandonment within two (2) years from the date of the action by the Washoe County Planning Commission or this conditional abandonment will be null and void.
- d. This Abandonment will be effective upon recordation of the Resolution and Order of Abandonment by the County Recorder.

**Washoe County Engineering and Capital Projects**

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

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

- a. Applicant shall verify the current ownership of the right-of-way that is proposed to be abandoned. If it is determined that Washoe County is the legal owner, then the conditions of approval below shall be in effect. If it is determined that Washoe County is not the legal owner of the area proposed to be abandoned then Washoe County cannot abandon the right-of-way. In which case, this is in effect a request to have Washoe County "quitclaim" whatever interest it might have in the right-of-way in favor of the owners who applied for the abandonment.
- b. Prior to recordation of the Order of Abandonment, the applicant shall submit legal descriptions to the Engineering Division for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for the area(s) of abandonment, and any new easements that may be required. The Engineering Division shall determine compliance with this condition.
- c. 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.

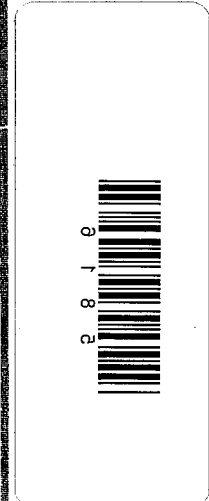


- d. Retention of all drainage easements or relocation of all drainage easements to the satisfaction of and at no expense to Washoe County as well as any drainage facilities now in existence that currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements.
- e. A reciprocal access and public utility easement, for the benefit of all parcels abutting the area to be abandoned, shall be granted and recorded prior to the recordation of the Order of Abandonment.. The County Engineer shall determine compliance with this condition.
- f. 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 \*\*\*

PROPERTY SCHEDULE						
No.	GRANTOR	AREA	INSTRUMENT	DATE	RECORDS	REMARKS
5C	H. B. R. BUSHARD	0.31	288404	8/20/58	20179 P. 213	
6B	MOUNT ROSE UPSKI CORP.	0.85	292150	9/18/58	20487 P. 207	
6C	MOUNT ROSE UPSKI CORP.	0.09	292150	9/18/58	20487 P. 207	
6D	MOUNT ROSE UPSKI CORP.	0.91	292150	9/18/58	20487 P. 207	
7	COUNTY OF WASHOE	0.15	286768	4/23/58	20476 P. 202	Reclamation
8	DUANE MAX RAMSEY, et ux.	0.10	290572	7/31/58	20482 P. 202	
6E	MOUNT ROSE UPSKI CORP.	0.21				PARCEL ADDED AUG. 29, 1958

TOIYABE  
NATIONAL  
FOREST



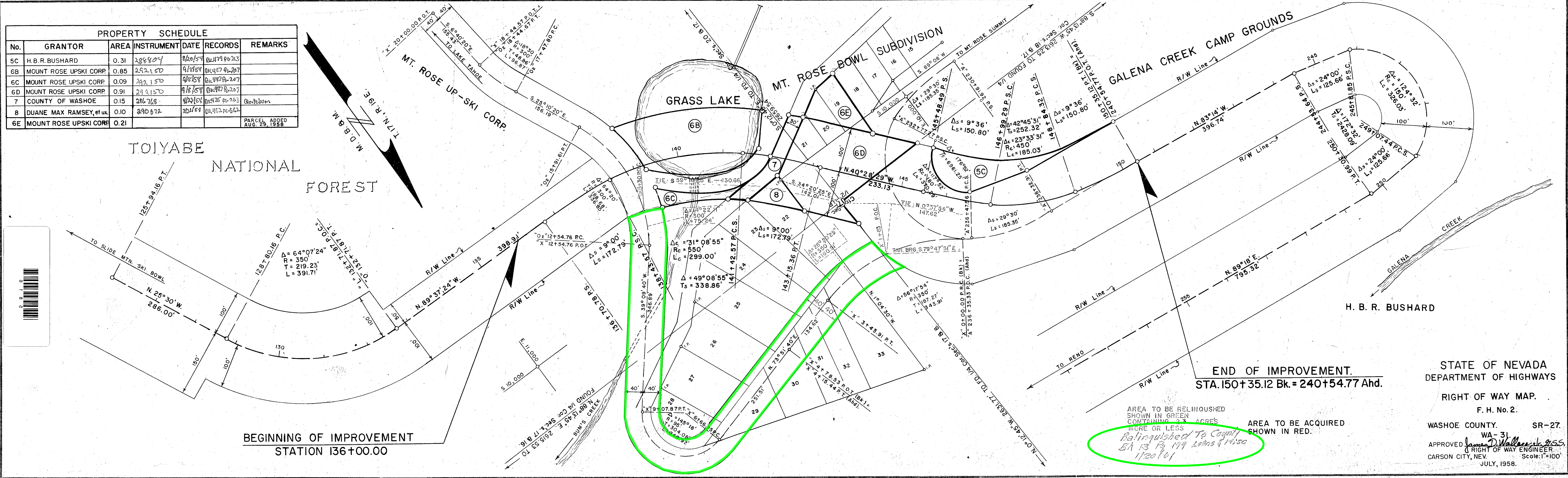
BEGINNING OF IMPROVEMENT  
STATION 136+00.00

END OF IMPROVEMENT.  
STA. 150+35.12 Bk. = 240+54.77 Ahd.

AREA TO BE RELINQUISHED  
SHOWN IN GREEN  
CONTAINING 2.3 ACRES  
MORE OR LESS  
*Relinquished To County  
By 13 Feb 1992 Lams & Misco  
1/20/61*

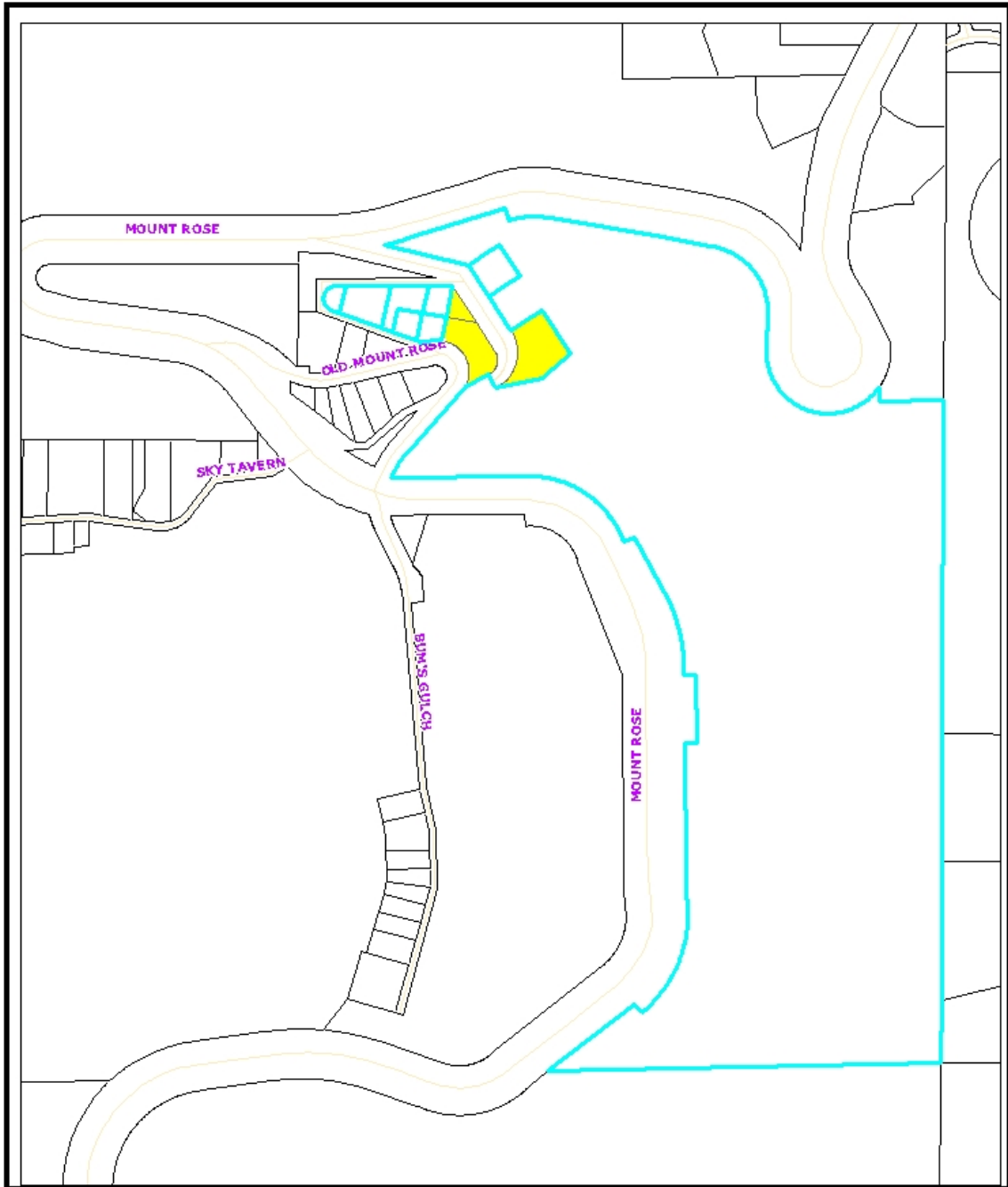
AREA TO BE ACQUIRED  
SHOWN IN RED.

STATE OF NEVADA  
DEPARTMENT OF HIGHWAYS  
RIGHT OF WAY MAP.  
F. H. No. 2.  
WASHOE COUNTY. SR-27.  
WA-31  
APPROVED *James D. Wallace, Jr., P.E.*  
RIGHT OF WAY ENGINEER  
CARSON CITY, NEV. Scale: 1"=100'  
JULY, 1958.



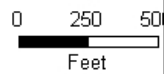
TRACED R.B.R.  
CHECKED R.G.T.

# Noticing Map



Abandonment Case WAB17-0004  
(Old Mount Rose Highway)  
Noticing Map for Abutting property owners  
Subject Parcels are solid yellow

Source: Program Name



Date: October 1 2017

Community Services  
Department, Planning  
and Building Division



Post Office Box 11100  
Reno, Nevada 89520 (775) 923-2800



# **OLD MOUNT ROSE HIGHWAY PARTIAL RIGHT OF WAY ABANDONMENT**

**PREPARED FOR  
DAVID M. OTTO  
AND  
JIMMY CHUNG & MARTHA CEPRESS**

**PREPARED BY:  
CFA, INC.  
1150 CORPORATE BOULEVARD  
RENO, NV 89502  
(775) 856-1150**



**SEPTEMBER 15, 2017**

**PROJECT: 17-083.00**

# OLD MT. ROSE HIGHWAY PARTIAL RIGHT-OF-WAY ABANDONMENT

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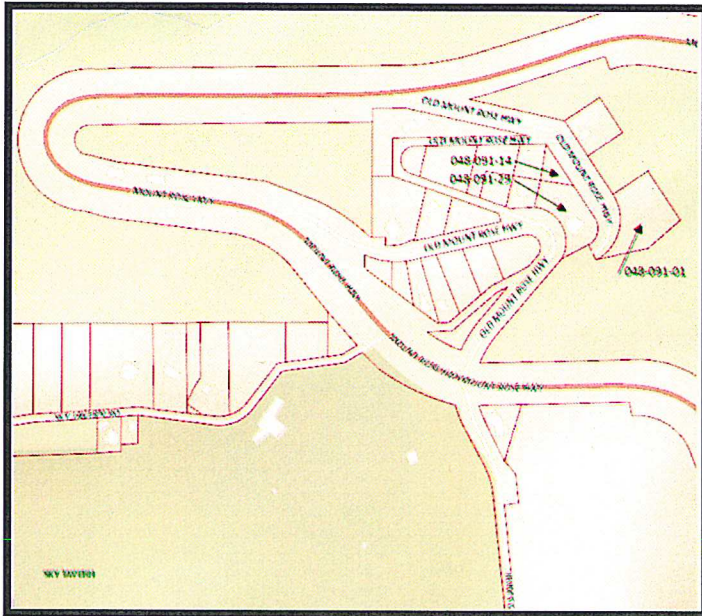
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# OLD MT. ROSE HIGHWAY PARTIAL RIGHT-OF-WAY ABANDONMENT

## Project Request

This application is a request for an abandonment of a portion of Old Mount Rose Highway. The subject right-of-way is located north of the Sky Tavern Ski area, on the north side of the current Mt. Rose Highway alignment (SR 431). It should be noted that the remaining right-of-way from this old highway alignment terminates into U.S. Forest Service (USFS) property adjacent and south of the proposed abandonment area. A vicinity map is provided, below identifying the location of the proposed abandonment and the associated parcels making the request.

Figure 1 – Vicinity Map



## Associated Parcels

The parcels associated with this abandonment request are 048-091-01, 14 & 29. There are two ownerships to these three parcels with David Otto owning the parcel on the eastern side of Old Mt. Rose Highway (APN 048-091-01) and Jimmy Chung and Martha Ceyress owning parcels 048-091-14 and 29.

## Original Subdivision and Roadway Mapping

The original roadway and subdivision lots were approved by Washoe County in 1944 under Mt. Rose Bowl Subdivision No.1, a subdivision map that was recorded in the Washoe County Recorder's Office under Subdivision Map no. 280 with a filing number of 123297. This originally recorded map legally created the lots and rights-of-way serving the subdivision. The subject section of Old Mt. Rose Highway was identified on that map as were the lots in association with this request. A copy of the original subdivision map is provided in Appendix D of this application.

As this right-of-way had previously been identified to be Mt. Rose Highway, the Nevada Department of Transportation was contacted to see if they retained any ownership over the right-of-way in questions. NDOT researched the roadway area and did not find any mapping or documentation showing that NDOT ever owned the subject section of roadway. A copy of the documentation from NDOT confirming this review and their finding is provided in Appendix E of this application.



# OLD MT. ROSE HIGHWAY PARTIAL RIGHT-OF-WAY ABANDONMENT

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## Proposed Abandonment

The area proposed for abandonment is the entire right-of-way width in the area where APN's 048-091-01 & 29 area located across from one-another. The requested abandonment area narrows to include only a portion of the western side of the rights of way where the northern portion of APN 048-091-29 is across from USFS land, north of APN 048-091-01. Additionally, the requested abandonment area remains as a portion of the western portion of the right-of-way adjacent to APN 048-091-14. The reason that only a portion of the western half of the right-of-way, rather than a typical half of the right of way is requested for abandonment in some areas is that the owners of APN's 048-091-14 and 29 (Jimmy Chung and Martha Cepress) only wish to obtain the area that is contained in the slope down to the road. Their parcels do not gain primary access off this section of roadway and only a service driveway accessing their propane tank exists on APN 048-091-14. The proposed division of the proposed abandonment area largely follows the toe of slope, where the hillside from the parcels on the west join the flatter areas of the road. The figure below helps to illustrate the location of the proposed abandonment line and the division of the area that is proposed to be abandoned amongst the involved parcels/owners. Please refer to Appendix E to view the Exhibit Map of the proposed Abandonment.

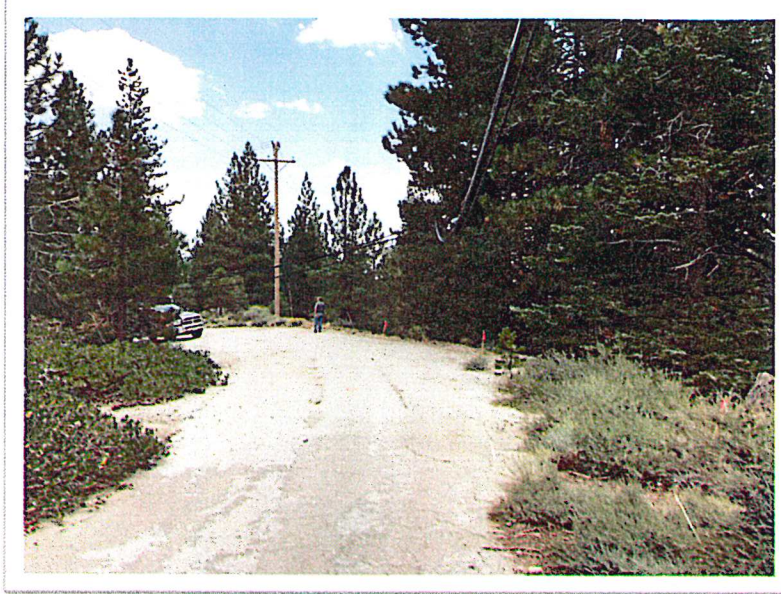
This abandonment request was originally desired by the property owner of APN 048-091-01 (Mr. David Otto) as he is planning to construct a single-family residence on his currently vacant parcel. The width of the existing right of way located his property line either at the grade break between the road or flattened area or considerably down the slope. He would like to use some of the flatter area for his driveway, access and the front part of his future home. As the right-of-way ends at his parcel, the idea of an abandonment request was considered.

## Existing Roadway Conditions

The existing condition of the previously paved roadway is that it is a passable unmaintained road that serves as a driveway. The roadway serves as primary access to two parcels, which lie on the eastern side of the existing right-of-way. These two parcels are 048-091-01 (one of the parcels involved in this abandonment request) and 048-091-02. Other parcels in the area may use this section of old, unmaintained roadway from time to time, but due to the topography in the area, easier access is provided to most parcels within the subdivision from roadways to the west. Photos of the existing roadway condition are provided, below.



# OLD MT. ROSE HIGHWAY PARTIAL RIGHT-OF-WAY ABANDONMENT



*Figure 3 – Existing Site Photo*

View to the northeast from the existing right-of-way, near current terminus of right-of-way into USFS property

*Figure 4 – Existing Site Photo*

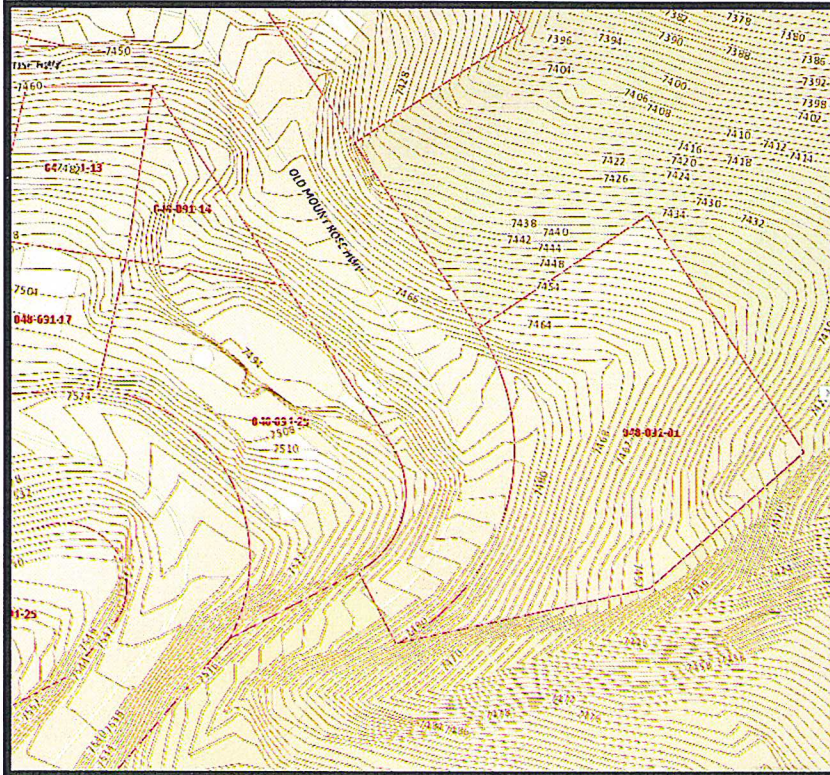
View to the north of existing roadway – driveway accesses into APN 048-091-14 can be seen on the left side of photo, near power pole.





# OLD MT. ROSE HIGHWAY PARTIAL RIGHT-OF-WAY ABANDONMENT

## Existing Area Topography



*Figure 5 – Surrounding Area Topography* The topography in the area associated with the abandonment request can be classified as moderate to steeply sloped. Following is a topographic map that shows the contour lines for the abandonment area and surrounding properties.

## Abandonment Findings

Section 110.806.20 of the Washoe County Development Code identifies findings that must be made in order to approve an abandonment request, as is made with this application. Following is an identification of each finding and the applicant's response as to how or why this finding is met with this request.

- a) Master Plan – The abandonment of vacation is consistent with the policies, action programs, standards and maps of the Master Plan and applicable area plans.

The abandonment area exists within the Forest Area Plan and some of the goals and policies are applicable to the limited nature of the abandonment request, following is a list of some of the policies that are applicable.

F.2.1 When feasible, given utility access constraints, grading for residential purposes after the date of final adoption of this plan will:

- a. Minimize disruption to natural topography. –  
*This abandonment was initially proposed based on the property owner of APN 048-091-01 desire to provide a building pad that could commence in the flatter area of the terrain, this minimizing the necessity of disturbance to vegetation and slope as he moves west on his property. The abandonment, if approved would provide this initial "flat" area where the front*



## OLD MT. ROSE HIGHWAY PARTIAL RIGHT-OF-WAY ABANDONMENT

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*portion of the future home can be placed, before incorporating hillside adaptive architecture to step down the hill with the eastern portion of the future residence.*

- b. Utilize natural contours and slopes as specified in Article 424 of the Washoe County Development Code.

*The proposed abandonment will take a right-of-way that exists at 100 feet in width on the north and 60 feet in width on the south minimize the functional width to that which is necessary only for a private driveway and emergency access, anticipated to be 20 feet in width. The area's flattened or previously disturbed portions of land outside of the driveway width would be available for development when outside of the required front yard setback distance and functional access.*

- c. Complement the natural characteristics of the landscape.

*A right-of-way width of up to 100 feet wide, serving a limited number of parcels is not appropriate in a sloped environment. The abandonment of the portion of right-of-way proposed will bring the functional driveway width down to the width that is commiserate with the sloped nature of the surrounding land.*

- d. Preserve existing vegetation and ground coverage to minimize erosion.

*As noted in item a. This abandonment was initially proposed based on the property owner of APN 048-091-01 desire to provide a building pad that could commence in the flatter area of the terrain, this minimizing the necessity of disturbance to vegetation and slope as he moves west on his property. The abandonment, if approved would provide this initial "flat" area where the front portion of the future home can be placed, before incorporating hillside adaptive architecture to step down the hill with the eastern portion of the future residence.*

- b) No Detriment – The abandonment or vacation does not result in a material injury to the public

*It is identified and recognized that the subject section of Old Mt. Rose Highway practically serves as a driveway, accessing two parcels with primary access (APN's 048-091-01 & 02). This function as a driveway comes from the fact that the right-of-way ceases to exist at the western edge of the abandonment request area, stubbing into USFS land. Given that the function of the right-of-way will be fully retained for those needing access from the road, there is no detrimental impact, nor material injury that is foreseen with the formalization of this abandonment request.*

- c) Existing Easements – Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced services.

## OLD MT. ROSE HIGHWAY PARTIAL RIGHT-OF-WAY ABANDONMENT

---

*It is recognized by the applicants that there are existing overhead and power and communication lines, where easements will need to be established. The applicants stand ready to work with NV Energy and AT&T or any other entity in association with these lines to provide the necessary perpetual easements for the continued location and access rights for maintenance of these lines. Should any other utilities be identified as existing, they would be treated similarly to those already recognized. It is requested that the requirement for easements be memorialized through conditions of approval in association with any approval granted for this abandonment request.*

**APPENDIX A**



## 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.

<b>Project Information</b>		Staff Assigned Case No.: _____	
Project Name: Partial Right-of-Way Abandonment - Old Mount Rose Highway			
Project Description: Abandonment of 25,451+/- SF of Old Mount Rose Highway right-of-way			
Project Address: Right-of-Way between 048-091-01 & 29 and Adjacent to east side of 048-091-14			
Project Area (acres or square feet): TO BE DETERMINED			
Project Location (with point of reference to major cross streets, AND area locator): Old Mount Rose Highway and S.R. 431 (Mount Rose Highway)			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
048-091-01	1.009	048-091-29	0.779
048-091-14	0.178		
Section(s)/Township/Range:			
Indicate any previous Washoe County approvals associated with this application: Case No.(s). County approval of Mt. Rose Bowl Subdivision No.1 in 1944. SM 280			
<b>Applicant Information (attach additional sheets if necessary)</b>			
<b>Property Owner:</b>		<b>Professional Consultant:</b>	
Name: See Attached Property Owners List		Name: CFA, Inc.	
Address:		Address: 1150 Corporate Boulevard	
Zip:		Reno, NV	Zip: 89502
Phone:	Fax:	Phone: 775-856-7073	Fax:
Email:		Email: dsnelgrove@cfareno.com	
Cell:	Other:	Cell: 775-737-8910	Other:
Contact Person:		Contact Person: R. David Snelgrove, AICP	
<b>Applicant/Developer:</b>		<b>Other Persons to be Contacted:</b>	
Name: David M. Otto		Name:	
Address: 825 White Oak Drive		Address:	
Santa Rosa, CA Zip: 95409		Zip:	
Phone:	Fax:	Phone:	Fax:
Email: davidonthebeach@mac.com		Email:	
Cell: 415-279-6031	Other:	Cell:	Other:
Contact Person:		Contact Person:	
<b>For Office Use Only</b>			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	







# Property Owner Affidavit

**Applicant Name:** David M. Otto for the David M Otto Living Trust

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA     )  
                                  )  
COUNTY OF WASHOE    )

I, David M. Otto

(please print name)

being duly sworn, depose and say that I am the owner\* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true, and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Building.

**(A separate Affidavit must be provided by each property owner named in the title report.)**

Assessor Parcel Number(s): 048-091-01

Printed Name DAVID MAXFIELD OTTO

Signed [Signature]  
for the David M Otto Living Trust

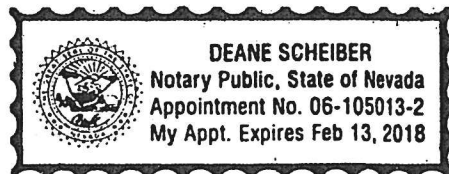
Address 2261 MARKET ST. PAB 40  
SAN FRANCISCO, CA 94111

Subscribed and sworn to before me this  
9 day of September, 2017.

[Signature]  
Notary Public in and for said county and state

My commission expires: 2-13-18

(Notary Stamp)



\*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

## Abandonment Application Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to vacations and abandonments may be found in Article 806, Vacations and Abandonments of Easements or Streets.

1. What is the abandonment being requested?

Requested is the abandonment of a portion of Old Mount Rose Highway, which currently exists as a unmaintained road serving as direct driveway level access to two parcels, which front on the road (APN's 048-091-01 & 02) and serves as a secondary access link to five parcels located upslope from this subject section of Old Mount Rose Highway. The section of Old Mount Rose Highway abruptly ends onto USFS property at the southern end of the existing roadway, where the proposed abandonment of a portion of the roadway is proposed.

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

The right-of-way is first identified on the Mt. Rose Bowl Subdivision No. 1 Map, which was approved and accepted by the Washoe County Commission on August 5, 1944 and recorded as subdivision map No. 280 in the Washoe County Recorder's Office. A copy of this map is provided with this applicaiton.

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

Abandonment of the proposed portion of right-of-way would allow the property owner on the eastern side of the roadway to utilize the flatter portion of the property (currently associated with the existing road and road edge) for future proposed construction of a residential dwelling. Allowance of use of the flatter portion of the land will provide the opportunity to have less scaring impact with the envisioned development as the future home site and improvements will not need to extend as far down the hill as would be the case if the right-of-way were retained.

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

There is an existing overhead power line and communication line that will need easements to maintain their location. The property owners associated with this application are aware and accepting of the necessity to provide appropriate and acceptable easements to protect the locational rights and future service access needs to these lines. It is requested that these two easement requirements be memorialized in the form of a condition of approval.

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?

No damage to other property owners within the vicinity of this project are foreseen with this proposed abandonment predominately due to the fact that the portions requested for abandonment exist at the southern end of the right-of-way. The right-of-way terminates into US Forest Service property, beyond (south of) the proposed abandonment.

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.

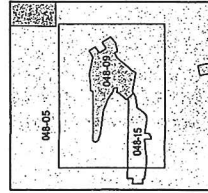
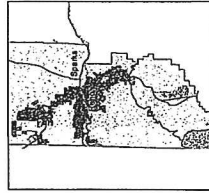
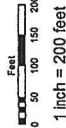


**APPENDIX B**

**WAB17-0004  
EXHIBIT D**

STATE OF NEVADA  
WASHOE COUNTY  
ASSESSOR'S OFFICE  
Joshua G. Wilson, Assessor

1001 East Ninth Street  
Building D  
Reno, Nevada 89512  
(775) 326-2261



created by CFB 03/29/2012  
last updated:

area previously shown on map(s)

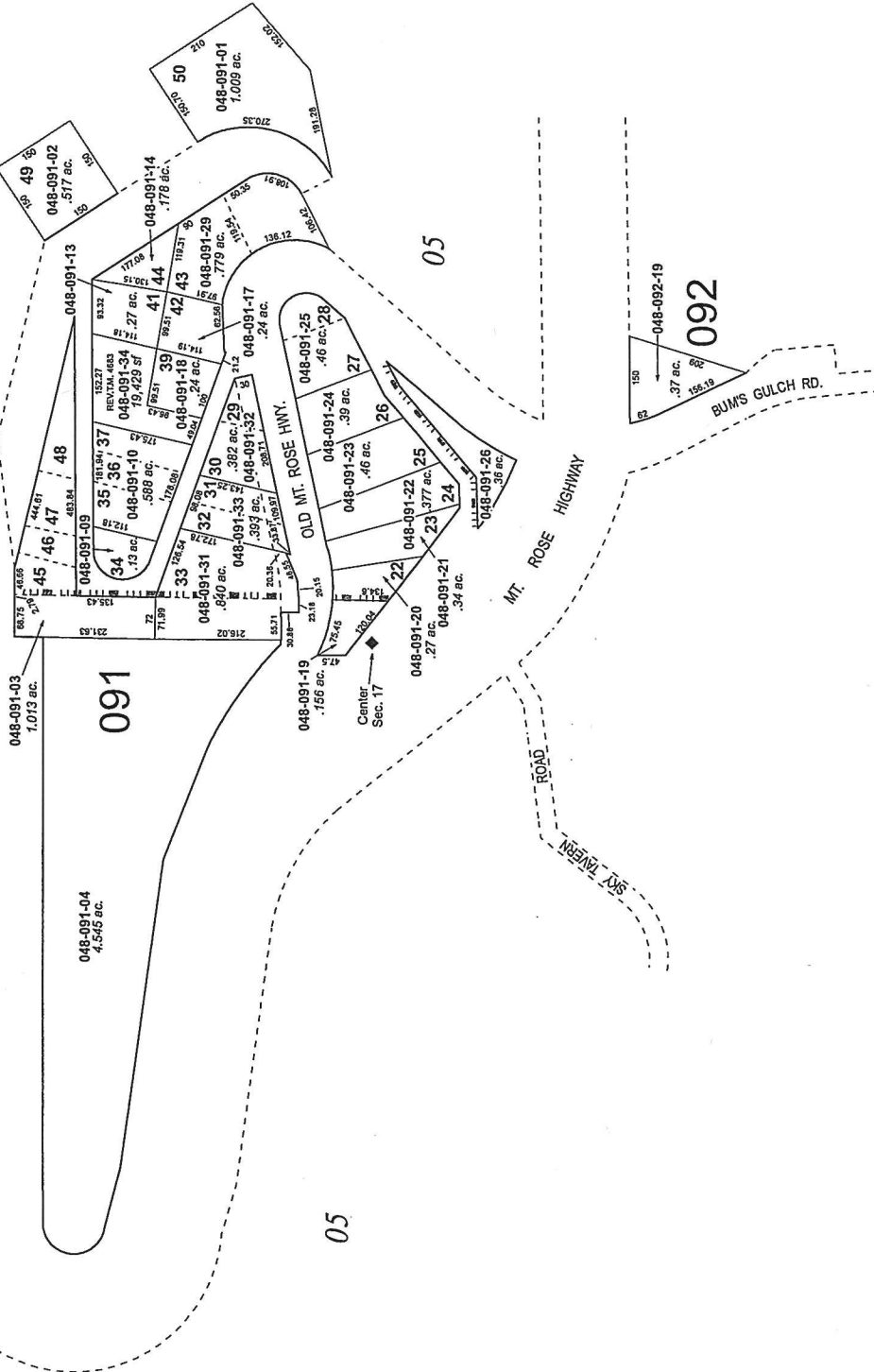
NOTE: This map was prepared for the use of the Assessor's Office and is not intended as a survey of the premises. It does not represent a survey of the premises. No liability is assumed as to the sufficiency or accuracy of the data delineated herein.

# MT. ROSE BOWL SUBDIVISION NO. 1 (#280)

## PORTION SECTION 17, T17N - R19E

05

STATE ROUTE 431



**APPENDIX C**



Bill Detail

[Back to Account Detail](#)

[Change of Address](#)

[Print this Page](#)

Washoe County Parcel Information		
Parcel ID	Status	Last Update
04809101	Active	9/7/2017 2:10:52 AM
<b>Current Owner:</b> OTTO LIVING TRUST, DAVID M 825 WHITE OAK DR SANTA ROSA, CA 95409		<b>SITUS:</b> 20600 OLD MOUNT ROSE HWY
<b>Taxing District</b>	<b>Geo CD:</b>	
Legal Description		
Township 17 Lot 50 Range 19 SubdivisionName MT ROSE BOWL SUBDIVISION 1		

Installments						
Period	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	8/21/2017	2017	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Due:</b>			<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

Tax Detail			
	Gross Tax	Credit	Net Tax
State of Nevada	\$0.60	\$0.00	\$0.60
Truckee Meadows Fire Dist	\$1.89	\$0.00	\$1.89
Washoe County	\$4.90	\$0.00	\$4.90
Washoe County Sc	\$3.99	\$0.00	\$3.99
PLEASANT VALLEY WATER BASIN	\$0.86	\$0.00	\$0.86
<b>Total Tax</b>	<b>\$12.24</b>	<b>\$0.00</b>	<b>\$12.24</b>

Payment History				
Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2017	2017072324	B17.5869	\$12.24	7/21/2017

**Pay By Check**

Please make checks payable to:  
**WASHOE COUNTY TREASURER**

**Mailing Address:**  
P.O. Box 30039  
Reno, NV 89520-3039

**Overnight Address:**  
1001 E. Ninth St., Ste D140  
Reno, NV 89512-2845

**Change of Address**

All requests for a mailing address change must be submitted in writing, including a signature (unless using the online form).

To submit your address change online [click here](#)

Address change requests may also be faxed to: (775) 328-2500

Address change requests may also be mailed to:  
Washoe County Treasurer  
P O Box 30039  
Reno, NV 89520-3039

The Washoe County Treasurer's Office makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. If you have any questions, please contact us at (775) 328-2510 or tax@washoecounty.us

This site is best viewed using Google Chrome, Internet Explorer 11, Mozilla Firefox or Safari.

Bill Detail

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[Change of Address](#)

[Print this Page](#)

Washoe County Parcel Information		
Parcel ID	Status	Last Update
04809114	Active	9/7/2017 2:10:52 AM
<b>Current Owner:</b> CHUNG, JIMMY Y 18818 N E 153RD ST WOODINVILLE, WA 98072		<b>SITUS:</b> 0 OLD MOUNT ROSE HWY WCTY NV
<b>Taxing District</b>	<b>Geo CD:</b>	
Legal Description		
Township 17 Lot 44 Range 19 SubdivisionName MT ROSE BOWL SUBDIVISION 1		

Installments						
Period	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	8/21/2017	2017	\$0.00	\$0.00	\$0.00	\$0.00
INST 2	10/2/2017	2017	\$0.00	\$0.00	\$0.00	\$0.00
INST 3	1/1/2018	2017	\$0.00	\$0.00	\$0.00	\$0.00
INST 4	3/5/2018	2017	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Due:</b>			<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

Tax Detail			
	Gross Tax	Credit	Net Tax
State of Nevada	\$28.56	(\$22.13)	\$6.43
Truckee Meadows Fire Dist	\$90.72	(\$71.06)	\$19.66
Washoe County	\$233.81	(\$181.20)	\$52.61
Washoe County Sc	\$191.27	(\$148.24)	\$43.03
PLEASANT VALLEY WATER BASIN	\$0.86	\$0.00	\$0.86
<b>Total Tax</b>	<b>\$545.22</b>	<b>(\$422.63)</b>	<b>\$122.59</b>

Payment History				
Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2017	2017071985	B17.26260	\$122.59	8/3/2017

**Pay By Check**

Please make checks payable to:  
**WASHOE COUNTY TREASURER**

**Mailing Address:**  
P.O. Box 30039  
Reno, NV 89520-3039

**Overnight Address:**  
1001 E. Ninth St., Ste D140  
Reno, NV 89512-2845

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This site is best viewed using Google Chrome, Internet Explorer 11, Mozilla Firefox or Safari.

Bill Detail

[Back to Account Detail](#)

[Change of Address](#)

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Washoe County Parcel Information		
Parcel ID	Status	Last Update
04809129	Active	9/7/2017 2:10:52 AM
<b>Current Owner:</b> CEPRESS-CHUNG TRUST 18818 NE 153RD ST WOODINVILLE, WA 98072		<b>SITUS:</b> 20610 MOUNT ROSE HWY
<b>Taxing District</b>	<b>Geo CD:</b>	
Legal Description		
Township 17 Lot 43 Range 19 SubdivisionName MT ROSE BOWL SUBDIVISION 1		

Installments						
Period	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	8/21/2017	2017	\$0.00	\$0.00	\$0.00	\$0.00
INST 2	10/2/2017	2017	\$0.00	\$0.00	\$0.00	\$0.00
INST 3	1/1/2018	2017	\$0.00	\$0.00	\$0.00	\$0.00
INST 4	3/5/2018	2017	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Due:</b>			<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

Tax Detail			
	Gross Tax	Credit	Net Tax
State of Nevada	\$254.93	(\$6.25)	\$248.68
Truckee Meadows Fire Dist	\$809.77	(\$19.86)	\$789.91
Washoe County	\$2,086.97	(\$51.18)	\$2,035.79
Washoe County Sc	\$1,707.28	(\$41.86)	\$1,665.42
PLEASANT VALLEY WATER BASIN	\$0.86	\$0.00	\$0.86
<b>Total Tax</b>	<b>\$4,859.81</b>	<b>(\$119.15)</b>	<b>\$4,740.66</b>

Payment History				
Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2017	2017072655	B17.26259	\$4,740.66	8/3/2017

**Pay By Check**

Please make checks payable to:  
**WASHOE COUNTY TREASURER**

**Mailing Address:**  
P.O. Box 30039  
Reno, NV 89520-3039

**Overnight Address:**  
1001 E. Ninth St., Ste D140  
Reno, NV 89512-2845

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Washoe County  
Treasurer  
P O Box 30039  
Reno, NV 89520-3039

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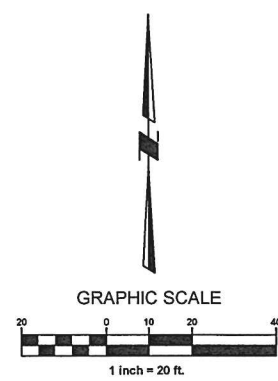
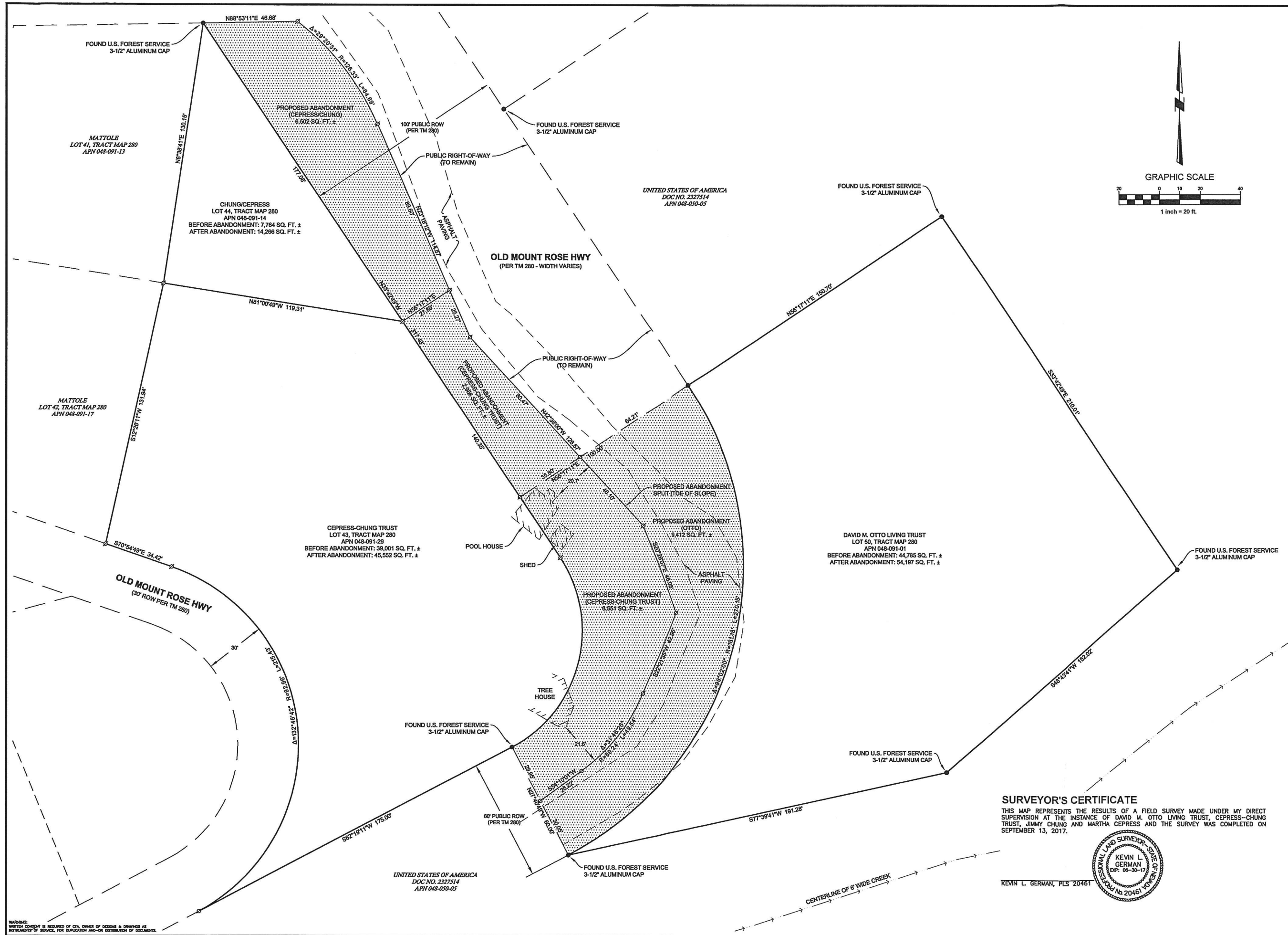
## **APPENDIX D**

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**APPENDIX E**





**SURVEYOR'S CERTIFICATE**  
 THIS MAP REPRESENTS THE RESULTS OF A FIELD SURVEY MADE UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF DAVID M. OTTO LIVING TRUST, CEPRESS-CHUNG TRUST, JIMMY CHUNG AND MARTHA CEPRESS AND THE SURVEY WAS COMPLETED ON SEPTEMBER 13, 2017.



KEVIN L. GERMAN, PLS 20451

REVISIONS	DATE	BY

PROFESSIONAL SEAL:

ENGINEERS • LAND SURVEYORS  
**PLANNERS • LANDSCAPE ARCHITECTS**  
 1150 CORPORATE BOULEVARD • RENO, NEVADA 89502  
 775-856-150 MAIN • 775-856-1160 FAX • CFARENCO.COM

EXHIBIT MAP  
 OF  
**PARTIAL ABANDONMENT**  
 PORTIONS OF OLD MOUNT ROSE HWY PER TM 280  
 LYING WITHIN THE NE 1/4 OF SEC. 17, T17N, R19E, M.D.M.  
 WASHINGTON COUNTY NEVADA

JOB NO. 17-083.00  
 DRAWN BY KLG  
 CHECKED BY KLG  
 SHEET 1

WAB17-0004  
 EXHIBIT D

WARNING: WITHOUT CONSENT IS REQUIRED OF CIVIL OWNER OF DESIGNS & DRAWINGS AS INSTRUMENTS OF SERVICE, FOR DUPLICATION AND/OR DISTRIBUTION OF DOCUMENTS.

**APPENDIX F**

