



# Planning Commission Staff Report

Meeting Date: May 4, 2021

Agenda Item: 8B

ABANDONMENT CASE NUMBER:	WAB21-0004 (Yasord Property)
BRIEF SUMMARY OF REQUEST:	Abandonment of 33-foot wide government patent easements for access and utilities on the north side of two parcels of land and the west side of one parcel of land
STAFF PLANNER:	Planner's Name: Julee Olander Phone Number: 775.328.3627 E-mail: <a href="mailto:jolander@washoecounty.us">jolander@washoecounty.us</a>

**CASE DESCRIPTION**

For hearing, discussion, and possible action to approve an abandonment of 33-foot wide government patent easements for access and utilities on the west, east and north side of a parcel (APN: 142-241-26) at 14437 Raider Run Road

Applicant/Property Owner: Kristen and James Yasord

Location: 14437 Raider Run Rd.

APN: 142-241-26

Parcel Size: ±2.5 acres

Master Plan: Rural (R) & Residential Rural (RR)

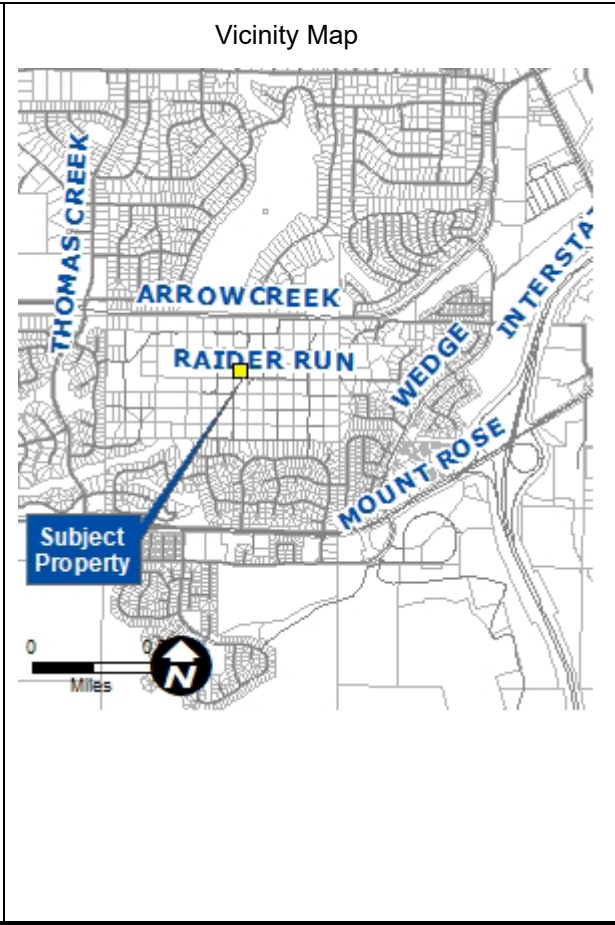
Regulatory Zone: General Rural (GR) & High Density Rural (HDR)

Area Plan: Southwest Truckee Meadows

Citizen Advisory Board: South Truckee Meadows/Washoe Valley

Development Code: Authorized in Article 806, Vacations and Abandonments of Streets and Easements

Commission District: 2 – Commissioner Lucey



## 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 conditions included as Exhibit A to this matter, Abandonment Case Number WAB21-0008 for Kristen and James Yasord, having made all three findings in accordance with Washoe County Code Section 110.806.20.  
*(Motion with Findings on Page 6)*

**Staff Report Contents**

**Abandonment Definition..... 3**

**Site Plan..... 4**

**Project Evaluation..... 4**

**South Truckee Meadows / Washoe Valley Citizen Advisory Board (STM/WV CAB)..... 5**

**Reviewing Agencies ..... 5**

**Recommendation..... 6**

**Motion..... 6**

**Appeal Process ..... 6**

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**Exhibits Contents**

Conditions of Approval.....Exhibit A

Agency Comments.....Exhibit B

Public Notice..... 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 WAB21-0004 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 subject property has a regulatory zone of General Rural (GR) & High Density Rural (HDR). The front and rear yard setbacks are 30 feet and the side setbacks are 15 feet.



**Site Plan**

**Project Evaluation**

The applicant is requesting to abandon a 33-foot wide government patent easement for access and utilities along three sides (north, west & east) of the subject property. Like many government home tracts of land, easements were established on all sides of the parcels of land, as it was not known at that time where the most efficient locations for roads might be located. In the intervening decades, roads have been established that provide access to all surrounding parcels of land. Because roads are now established, the remainder of the easements are not needed. For this reason, there will be no change to access to or from any properties.



As can be seen in the photo above, the parcels to the north have access by means of White's Creek Lane and Torvinen Way and the parcels to the east, west and south have access by means of Raider Run and Cinder Lane.

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

Most abandonment applications are not forwarded to CABs for review, as they are typically only of interest to adjacent property owners.

### **Reviewing Agencies**

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

<b>Agency</b>	<b>Sent to Review</b>	<b>Responded</b>	<b>Provided Conditions</b>	<b>Contact</b>
BLM – Nevada State Office	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Washoe County Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Leo Vesely lvesely@washoecounty.us
WCHD – Environment Health	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RTC Washoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Washoe Storey Conservation District	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

All conditions required by the contacted agencies can be found in Exhibit A, Conditions of Approval.

### **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 Southwest Truckee Meadows Area Plan.

*Staff Comments: The abandonment is consistent with the policies, action programs, standards, and maps of the Master Plan and the Southwest Truckee Meadows Area Plan*

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

*Staff Comments: The proposed vacation does not result in material injury to the public. Roads have been established on adjacent, existing easements. All surrounding parcels continue to have access from the parcels to existing roadways.*

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: No public utilities needing to be re-located for the abandonment.*

**Recommendation**

After a thorough analysis and review, Abandonment Case Number WAB21-0004 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 conditions included as Exhibit A to this matter, Abandonment Case Number WAB21-0004 for Kristen and James Yasord, 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 Southwest Truckee Meadows Area Plan; and
2. No Detriment. The abandonment or vacation does not result in a material injury to the public; and
3. Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.

**Appeal Process**

Planning Commission action will be effective 10 calendar days after the written decision is filed with the Secretary to the Planning Commission and mailed to the applicant(s), unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and 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/Property Owner: Kristen & James Yasord, 14437 Raider Run Road, Reno, NV 89511

Representatives: Rubicon Design Group, 1985 Chimney Rock Trail, Reno, NV 89523,  
Email: [dwilson@rubicondesigngroup.com](mailto:dwilson@rubicondesigngroup.com)



# Conditions of Approval

Abandonment Case Number WAB21-0004

The project approved under Abandonment Case Number WAB21-0004 shall be carried out in accordance with the conditions of approval granted by the Planning Commission on May 4, 2021. 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, Olander, 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. 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 Vesely, P.E. (775) 328-2313, lvesely@washoecounty.us**

- a. Prior to recordation of the Resolution and 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 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

1001 EAST 9<sup>TH</sup> STREET  
PO BOX 11130  
RENO, NEVADA 89520-0027  
PHONE (775) 328-3600  
FAX (775) 328.3699

Date: March 24, 2021

To: Julee Olander, Planner, Planning and Building Division

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

Re: Abandonment Case **WAB21-0004 – Yasord Abandonment**  
APN 142-241-26

#### GENERAL PROJECT DISCUSSION

Washoe County Engineering and Capital Project staff has reviewed the above referenced application. The application is for the abandonment of 33-ft wide government patent easements for access and utilities on the west, east and north side of the parcel. 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 Rubicon Design Group. 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) 328-2313

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 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.



INTEGRITY



EFFECTIVE  
COMMUNICATION



QUALITY  
PUBLIC SERVICE

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

March 29, 2021

Washoe County Community Services  
Planning and Development Division  
PO Box 11130  
Reno, NV 89520-0027

RE: 14437 Raider Run Road; 142-241-26  
Yasord Government Patent Easement Abandonment; WAB21-0004

Dear Washoe County Staff:

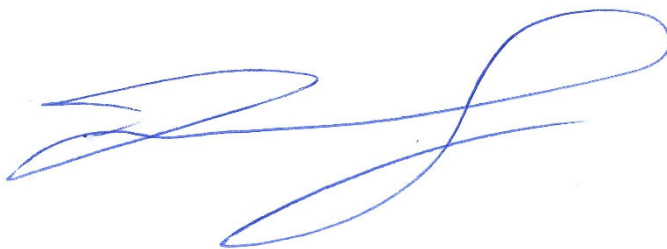
The following conditions are requirements of the Washoe County Health District, Environmental Health Division (EHS), which shall be responsible for determining compliance with these conditions.

**Contact Name – David Kelly**

- a) EHS has no issues the easement abandonment as proposed.

If you have any questions or would like clarification regarding the foregoing, please contact Dave Kelly, EHS Supervisor at [dakelly@washoecounty.us](mailto:dakelly@washoecounty.us) regarding all Health District comments.

Sincerely,



Dave Kelly, REHS  
EHS Supervisor  
Environmental Health  
Washoe County Health District



**Washoe-Storey Conservation District**

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

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

March 23, 2021

Washoe County Community Services Department

C/O Julee Olander, Planner

1001 E Ninth Street, Bldg. A

Reno, NV 89512

R: WAB21-0004 Yasord Property

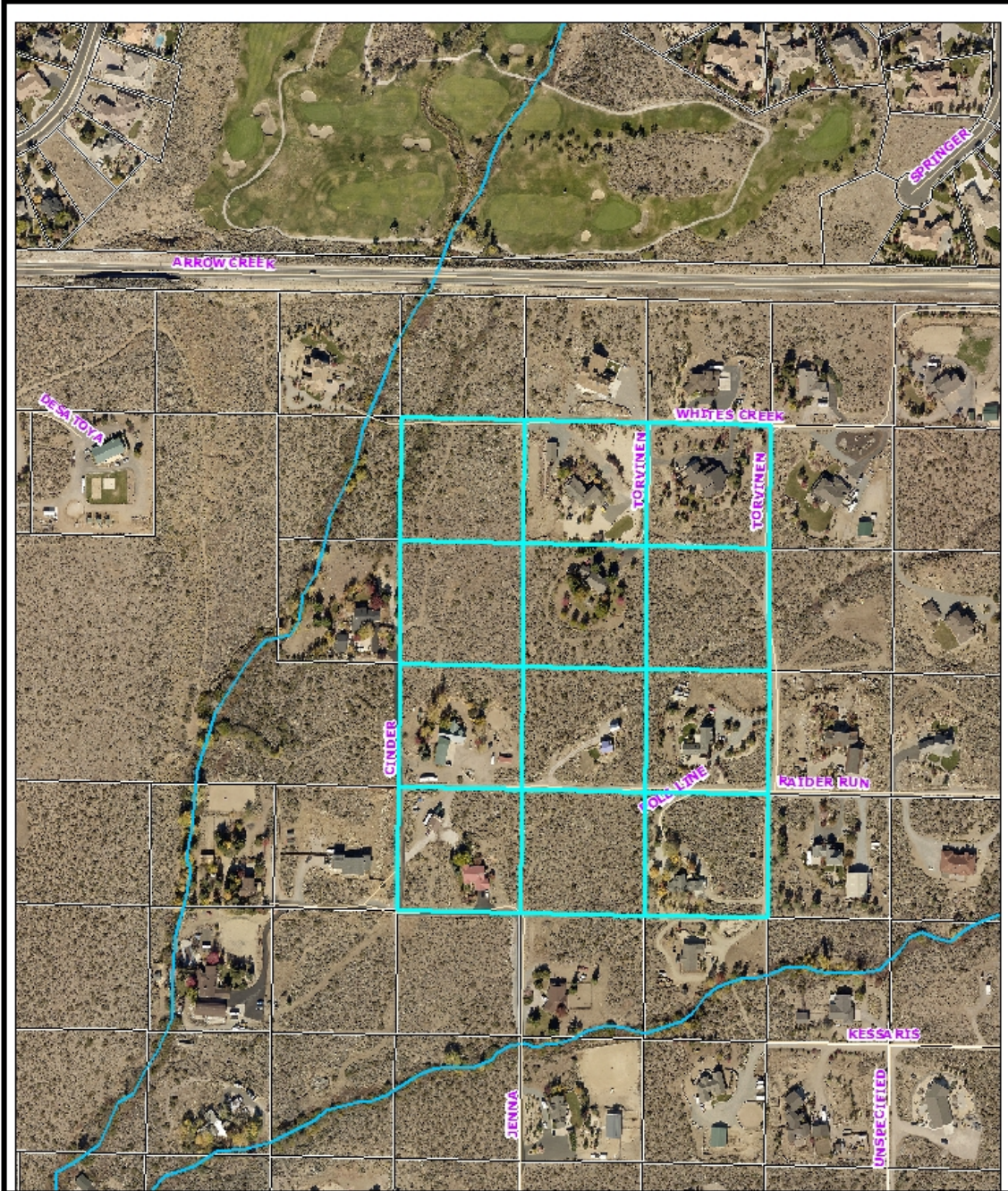
Dear Julee,

In reviewing the abandonment of a 33-foot-wide government patent easements, the Conservation District has no comments.

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

Sincerely,

Shaffer-Tyler



WABP21-0004 Yasord Property  
 Noticing Map



Community Services  
 Department

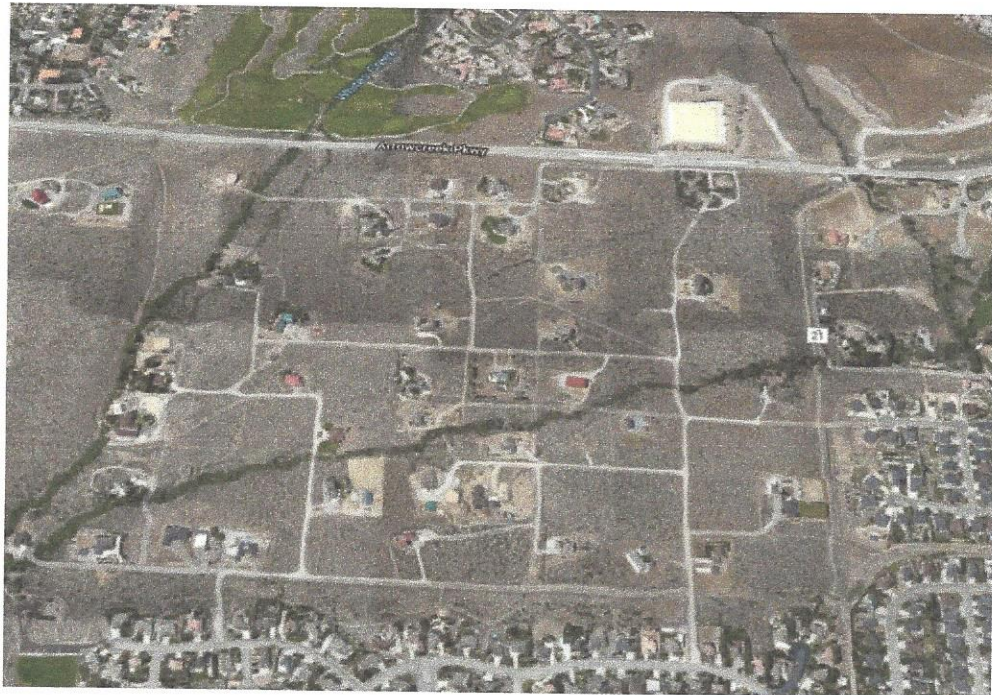
**WA SHOE COUNTY**  
 NEVADA

1001 E Ninth St  
 Reno, Nevada 89512 (775) 328-3600

Source: Planning and Building Division

Date: 3/9/2021

# **YASORD PROPERTY EASEMENT ABANDONMENT**



**Prepared by:**



**March 8, 2021**

# **YASORD PROPERTY EASEMENT ABANDONMENT**

**Prepared for:**

James and Kristen Yasord  
14437 Raider Run Road  
Reno, NV 89511

**Prepared by:**

Rubicon Design Group, LLC  
1985 Chimney Rock Trail  
Reno, Nevada 89523  
(775) 527-6710

**March 8, 2021**

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**YASORD PROPERTY EASEMENT ABANDONMENT**

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**Table of Contents**

Introduction ..... 1  
Project Location ..... 1  
Project Summary..... 2  
Impacts..... 7  
Zoning Code..... 9  
Building Envelope..... 9  
Abandonment Findings ..... 9  
Washoe County Development Code Section 110.806.00..... 10

**List of Figures:**

Figure 1 – Vicinity Map ..... 1  
Figure 2 – Proposed Easement Abandonment ..... 3  
Figure 3 – Site Plan..... 6  
Figure 4 – Maintained Access Routes ..... 8

**Appendices:**

- Washoe County Abandonment Application
- Owner/Applicant Affidavit
- Property Tax proof of payment
- Title Report
- 8.5x11 Site Plan
- 24x36 Site Plan

# YASORD PROPERTY EASEMENT ABANDONMENT

## Introduction

This submittal includes the following request:

- An application to abandon a redundant access and utility easement on a residential parcel.

## Project Location

The subject property is located at 14437 Raider Run Road, in the Government Homesites subdivision located south of Arrowcreek Parkway and north of Mt. Rose Highway. The APN is 142-241-26 and the parcel is a standard residential site of 2.5 acres. The parcel is a mix of High Density Rural (HDR) and General Rural (GR) zoning. All surrounding parcels are similarly zoned.

Figure 1 (below) depicts the project location.



Figure 1 Vicinity Map



# YASORD PROPERTY EASEMENT ABANDONMENT

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## Project Summary

The goal of the project is to abandon an unneeded access/utility easement across the eastern, northern, and western borders of the subject parcel. This easement is not needed for access to other parcels and serves no public purpose. Based on previous land planning work done in this area, Rubicon Design Group understands these easements were established as part of the Federal government patent system used to convey land from government ownership to private ownership. This system included many easements that were never constructed as roadways and are not now in use. Many of these patent easements did not respect natural topography or feasible access routes. They generally were laid along all sides of rectangular parcels and did not account for grades, rock outcroppings, watercourses, or other natural features. While this system had a certain efficiency in transferring land to the public, it is not consistent with the current layout of the area or with current Washoe County practice for designing access routes. It also created a large number of easements that are not needed. It has been common for many of these easements to be abandoned over the years as more logical access to a neighborhood is established.

During preliminary discussions about this request, the County Engineering Department did not identify any reasons to retain the easement.

The existence of these easements creates a potential problem for property owners and for neighborhoods. It's possible, with the existing easements, for any member of the public to claim a right to grade and improve roads through these areas. Obviously, this is not comfortable for property owners and does not conform to current Washoe County grading code. The grading code seeks to limit overall grading quantities and the disturbance of steep slopes. The existing easements were created without regard to grading realities or to logical travel routes.

The total proposed abandonment area is 28,314 +/- square feet. All of the abandonment area is within the single parcel owned by the applicant.

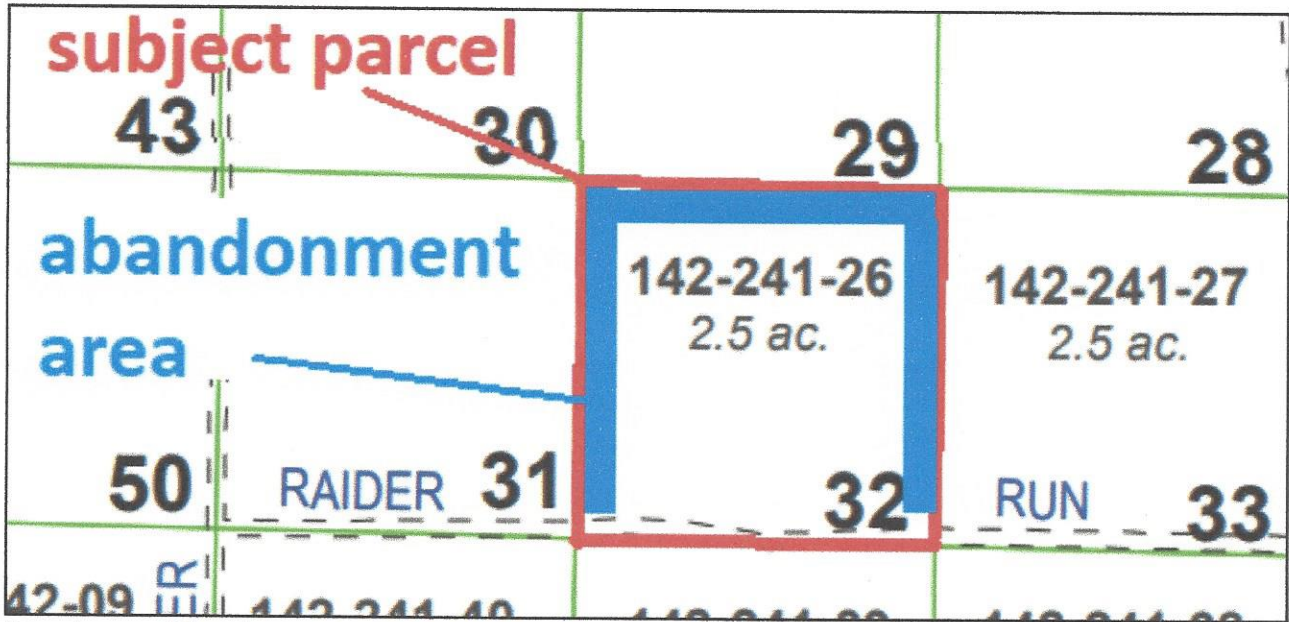
Raider Run Road will not be altered with this request. No existing roadways will be affected with this request.

Figure 2 below shows the proposed abandonment area.

Figure 3 provides a parcel site plan.

Figure 4 shows how existing access will be maintained with the approval of this request.

YASORD PROPERTY EASEMENT ABANDONMENT



Parcel map with notes



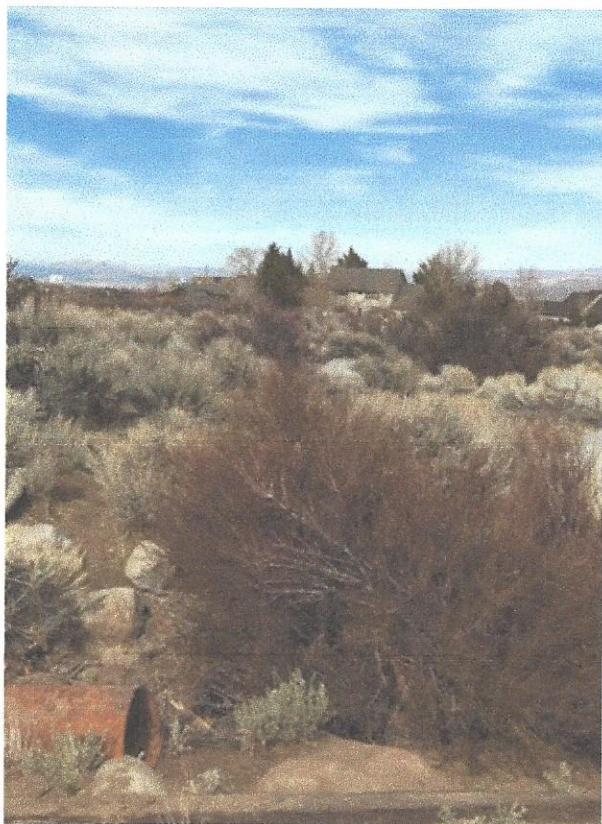
Aerial view of abandonment area

Figure 2 – Proposed Easement Abandonment

## YASORD PROPERTY EASEMENT ABANDONMENT

All homesites in the area are already connected to utilities that run within existing roads and driveways. There are no additional parcels needing to be connected.

The following photos show the condition of the easement areas. Note there are no roads, jeep trails, or other travel paths through these easements. They have been left undisturbed due to the existence of more logical travel routes in the area.



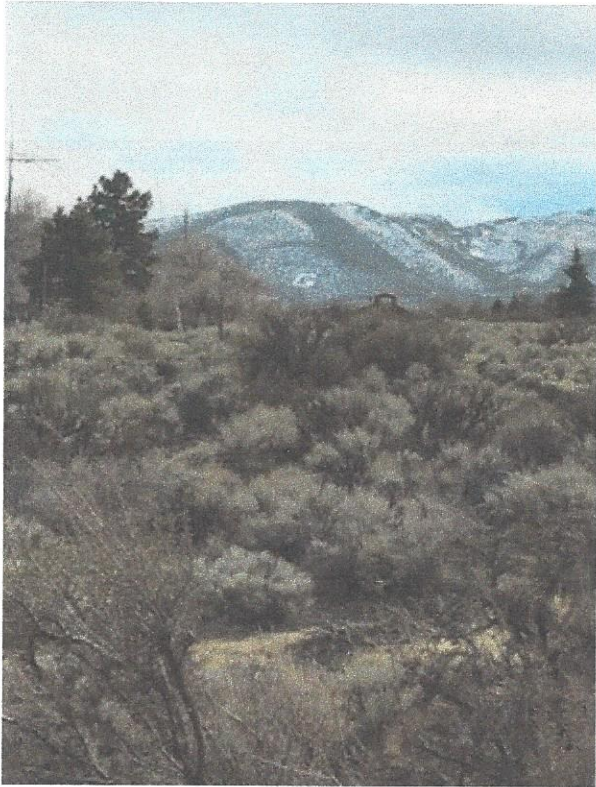
*Photo 1 View looking north, along west easement*



*Photo 2 View looking east, along north easement*

## YASORD PROPERTY EASEMENT ABANDONMENT

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*Photo 3 View looking south, along east easement*

Figure 3, on the following page, provides a site plan of the parcel. This plan shows the recently constructed house and garage, as well as the surrounding easements. A full-size version of this plan is included with this report.

# YASORD PROPERTY EASEMENT ABANDONMENT

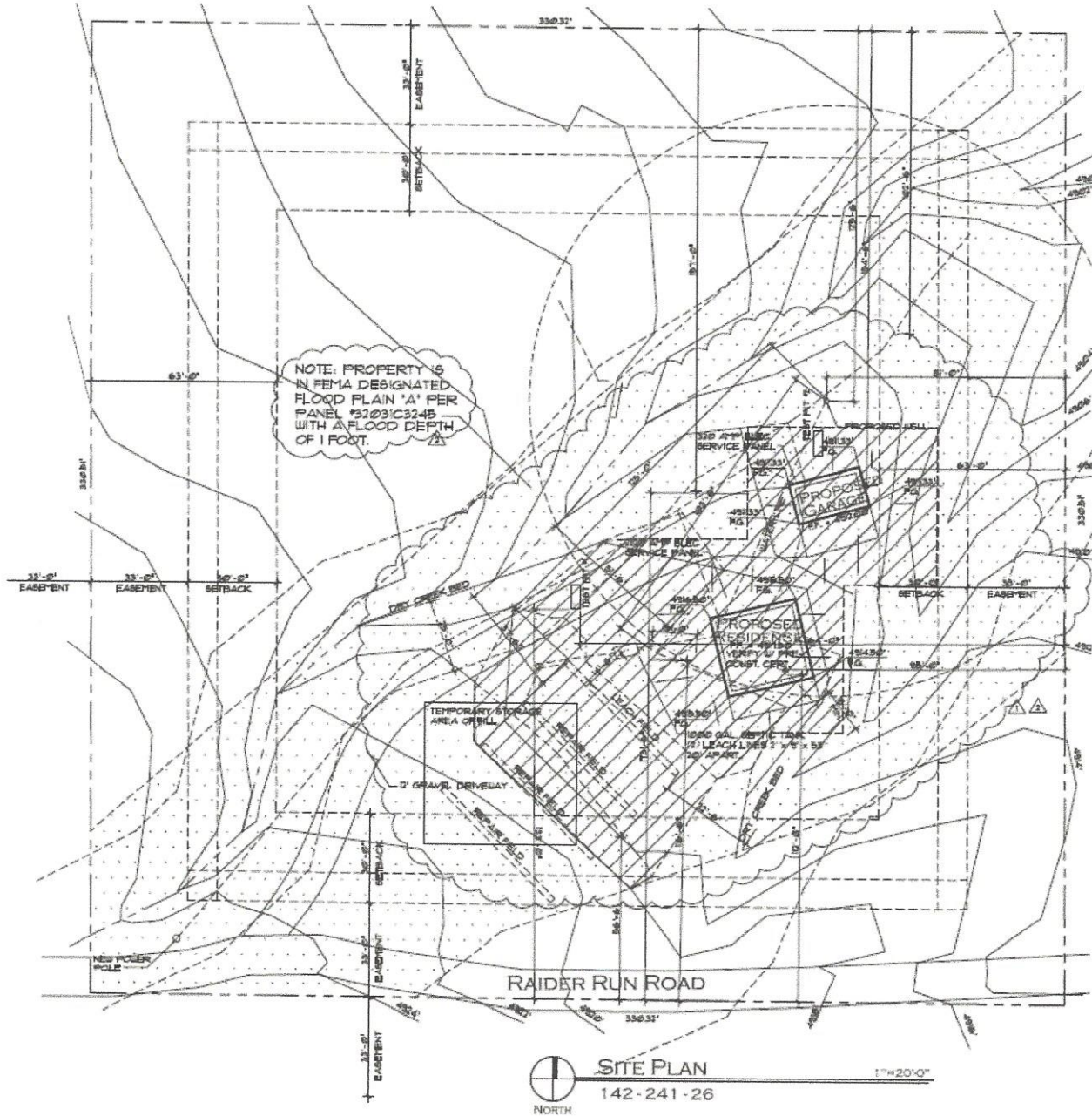


Figure 3 – Site Plan

## YASORD PROPERTY EASEMENT ABANDONMENT

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### Impacts

There are effectively no impacts from the proposed change. No new traffic, noise, or other adverse changes will occur. The overall use and intensity of the area will not change. No new land uses or development patterns will be introduced with this change.

Note that no portions of the proposed abandonment area have been driven on in the past. This shows that the easements are not logical travel areas and are not needed to access adjacent parcels. Removing these easements could therefore be considered a reduction to potential impacts to the area, by removing the potential for unwanted development.

Existing access patterns will remain in place for all parcels in the area. As demonstrated in Figure 4, no parcels rely on these easements for access. The parcels to the south, west, and east are accessed directly from Raider Run Road. The parcels to the north and northeast are accessed from Torvinen Way. The parcel to the northwest is accessed via both Cinder Lane and Whites Creek Lane. See Figure 4 below for a graphic depiction of access routes.

Preliminary discussion with the Washoe County Planning and Engineering Departments did not identify any reasons to maintain the existing easements.

Rubicon Design Group has worked with other property owners in this area on abandoning these government patent easements. In general, it has been found that these easements are indeed redundant, do not conform to the desired development pattern of the area, and deserve to be abandoned.

# YASORD PROPERTY EASEMENT ABANDONMENT

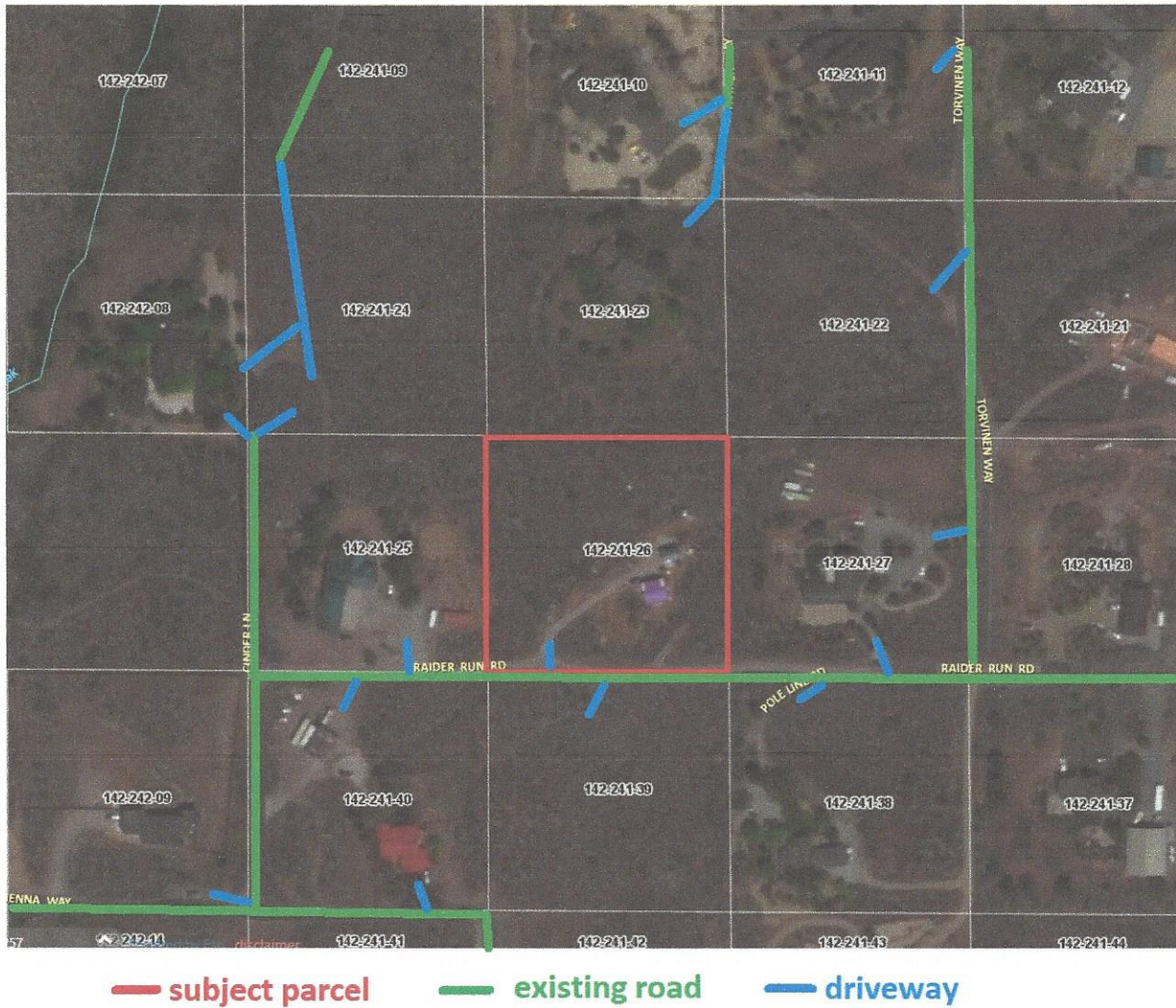


Figure 4 – Maintained Access Routes

As shown in Figure 4, all parcels have existing access. The proposed easement abandonment will not impact these access routes.

# YASORD PROPERTY EASEMENT ABANDONMENT

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## Zoning Code

The parcel in question is a mix of High Density Rural (HDR) and General Rural (GR) zoning. The lot is a legally established parcel and contains a single family house in conformance with the zoning.

## Building Envelope

Granting this request will slightly enlarge the building envelope of this property. However, the site is already developed with a single-family house. Site topography somewhat limits additional development. This request will not substantially alter the development potential of the site.

The HDR zone standards include 30-foot front and rear yard setback requirements, along with a 15-foot side yard setback requirement (Washoe County Development Code, Section 110.406.05). These standards will remain in place, as will the County standards for accessory buildings and structures.

## Abandonment Findings

Section 110.806.20 of the Washoe County Development Code includes findings that must be made by the Planning Commission in order to approve an abandonment. These findings are listed below in *italics* and are addressed in **bold face** type.

*(a) Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the applicable area plans;*

**The proposed abandonment has no impact on the goals of the Master Plan. Access to all parcels is maintained, no new parcels are being created, and the subject property will remain in a use (single family housing) that is compatible with the area.**

*(b) No Detriment. The abandonment or vacation does not result in a material injury to the public; and*

**The abandonment will have no impact on the public. The easement is not in use by the public and serves no public benefit. The existing access pattern for all parcels in the area will remain intact.**

*(c) Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.*

**The public utility easements are not in use. No utilities will need to be moved. Logical and direct routes for both access and utilities will continue to exist for all parcels in the area.**



## YASORD PROPERTY EASEMENT ABANDONMENT

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### **Washoe County Development Code, Section 110.806.00**

Washoe County Development Code, Section 110.806 defines the procedures for processing an abandonment. This code section, in its entirety, is *included below in italics*, with **explanations/responses in bold**.

*Purpose. The purpose of this article, Article 806, Vacations and Abandonments of Easements or Streets, is to provide for the vacation or abandonment of easements or streets.*

*Section 110.806.05 Requirements for Application. Applications for the vacation or abandonment of a street or easement owned by the County, or a government patent easement, may be initiated by the Board of County Commissioners, Planning Commission, the Director of Community Development or an owner of real property abutting an easement or public street right-of-way through an application to the Department of Community Development or as part of a tentative subdivision map application if the abandonment or vacation application is related to the tentative map proposal. If the application for the vacation or abandonment of an easement or street is included as part of a tentative subdivision application, the noticing of the tentative subdivision map application shall include a description of the street or easement to be vacated or abandoned. No application shall be processed when the information necessary to review and decide upon it is deemed to be incomplete by the Director of Community Development.*

**Application materials are included. The proposed easement to be abandoned is not part of a tentative subdivision application.**

*Section 110.806.10 Supplemental Guidelines, Standards and Criteria. In addition to the standards and findings set forth in the Development Code, the Director of Community Development may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.*

**This application has addressed all applicable standards.**

*Section 110.806.15 Review Procedures of Planning Commission. The Planning Commission shall review applications for abandonments and vacations in accordance with the provisions of this section.*

*(a) General Provisions. The Planning Commission shall conduct a public hearing for the purpose of receiving evidence relative to the application. The evidence shall be reviewed to determine if the application is consistent with existing policies, standards and required findings.*

**The applicant will participate in the required hearing.**

*(b) Time Period for Hearing and Action. The Planning Commission shall hold a public hearing on the application for vacation or abandonment of an easement or street not less than 10 business days after the newspaper notice as required below is first published.*

**No action required by applicant.**

## YASORD PROPERTY EASEMENT ABANDONMENT

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*(c) Notice of Planning Commission Hearing.*

*(1) Notice of Vacation or Abandonment, Only. Notice of a vacation or abandonment application to be heard by the Planning Commission shall be given by mailing to each owner of property abutting or connected to the proposed vacation or abandonment a notice of the proposed vacation or abandonment application through a delivery method that does not require signature of receipt of the notice by the abutting property owner, but does confirm delivery of the notice to the abutting property owner. Mailing of the notice shall occur at least 10 business days prior to the date of the Planning Commission's public hearing. Furthermore, a notice shall be 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.*

**No action required by applicant.**

*(2) Notice of Vacation or Abandonment Combined with Tentative Subdivision Map Application. If the vacation or abandonment application is part of a tentative subdivision map application, the notice of the proposed vacation or abandonment shall be contained in the notice for the tentative subdivision map, and each owner of property abutting or connected to the proposed vacation or abandonment shall be provided notice of the combined proposed vacation or abandonment and tentative subdivision notice pursuant to the requirements of subsection (1). Notice shall be published at least once in a newspaper of general circulation in the County pursuant to the requirements of subsection (1).*

**No action required by applicant.**

*(3) Notice of Public Utility and Community Antenna Television Company. Each public utility as defined in NRS 360.815 and each community antenna television company as defined in NRS 711.030 serving the area in which an easement or street is proposed to be abandoned shall receive a notice no later than 10 business days prior to the date of the Planning Commission's public hearing on the application. Accompanying the application shall be a request that the public utility and/or community antenna television company indicate in writing whether that entity wishes to have an easement for its purposes provided.*

**No action required by applicant.**

*(d) Action by the Planning Commission. Except as provided in Section 110.806.40, if, upon public hearing, 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. The Planning Commission may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. Notwithstanding the final decision of the Planning Commission, if a public utility and/or community antenna television company requests an easement for its purposes pursuant to the notice provided in subsection (c)(3), an easement in favor of the public utility and/or community antenna television company shall be provided and the County shall ensure recordation of same.*

**The applicant will adhere to any conditions that may be applied and agreed to at a hearing.**

*Section 110.806.35 Appeals to Board of County Commissioners.*

*(a) An appeal of the Planning Commission's decision regarding a vacation or abandonment of an easement or street may be appealed to the Board of County Commissioners following the procedure set out in WCC 110.912.20 of the Development Code.*

## YASORD PROPERTY EASEMENT ABANDONMENT

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### **No action required by applicant.**

*(b) Except as provided in Section 110.806.40, if, upon public hearing on the appeal of the Planning Commission's final action on an abandonment or vacation of an easement or street, the Board is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The Board may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. The action of the Board of County Commissioners shall be final for the purposes of judicial review. Notwithstanding the final decision of the Board of County Commissioners, if a public utility and/or community antenna television company requests an easement for its purposes pursuant to the notice provided in subsection 110.806.15(c)(3), an easement in favor of the public utility and/or community antenna television company shall be provided and the County shall ensure recordation of same.*

### **The applicant will adhere to any conditions that may be applied and agreed to at a hearing.**

*Section 110.806.40 Utility or Community Antenna Television Company Easement. If a public utility or community antenna television company has an easement over the property, the Planning Commission or the Board, after a hearing on the appeal of the Planning Commission final action, shall provide in its order for the continuation of that easement.*

### **Not applicable.**

*Section 110.806.45 Legal Description. The applicant shall submit to the Engineering Division, a legal description for the area of the vacation or abandonment prepared by a Nevada Professional Land Surveyor, prior to publication of the order of vacation or abandonment, to the satisfaction of the Engineering Division.*

### **Legal descriptions for the abandonment area will be produced and submitted to the engineering division.**

*Section 110.806.50 Recordation. The order must be recorded in the Office of the County Recorder if all the conditions of the order have been fulfilled and, upon the recordation, title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest.*

### **The applicant will act as required to record the documents.**

*Section 110.806.55 Sale of Vacated Portion. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the Board may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the County. If the Board sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his/her property, but no action may be taken by the Board to force the owner to purchase the portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.*

### **Not applicable.**

## YASORD PROPERTY EASEMENT ABANDONMENT

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*Section 110.806.60 Payments. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, determines to be reasonable. If the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, determines that the vacation has a public benefit, it may apply the benefit as an offset against any determination of reasonable consideration which did not take into account the public benefit.*

**Not applicable.**

*Section 110.806.65 Light and Air. Any easement for light and air adjacent to any vacated street is vacated upon the vacation of the street.*

**Not applicable.**

*Section 110.806.70 Reservations. In any vacation or abandonment of any street or portion of it, the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, 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. The abandonment or vacation of a government patent easement pursuant to this section addresses only the County's interest in the subject easement and cannot be relied upon for purposes of clearing title to the property.*

**It is unlikely that the easements present any value to the County as they serve privately-owned parcels.**

*Section 110.806.75 Consistency with Plan. No procedures or approvals that are provided for in this article may be in contravention to the Master Plan.*

**This request has no impact on Master Plan policies or implementation.**

*Section 110.806.80 Reapplication. When an application for a vacation or abandonment of an easement or street has been denied, a subsequent application for the same easement or street right-of-way shall not be submitted for the next six (6) consecutive months commencing from the date of the final action by the Planning Commission or Board of County Commissioners, whichever is later.*

**No action required by applicant.**

## 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: <b>Yasord Property Easement Abandonment</b>			
Project Description: Request to abandon a redundant access and utility easement on a private residential parcel.			
Project Address: 14437 Raider Run Road, Reno, NV 89511			
Project Area (acres or square feet): 28,314 +/- square feet			
Project Location (with point of reference to major cross streets <b>AND</b> area locator): <b>Raider Run Road, west of the intersection with Torvinen Way.</b>			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
142-241-26	2.5		
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
<b>Applicant Information (attach additional sheets if necessary)</b>			
<b>Property Owner:</b>		<b>Professional Consultant:</b>	
Name: Kristen and James Yasord		Name: Rubicon Design Group	
Address: 14437 Raider Run Road		Address: 1985 Chimney Rock Trail	
Reno, NV	Zip: 89511	Reno, NV	Zip: 89523
Phone: 206-877-2295	Fax:	Phone: 775-527-6710	Fax:
Email:		Email: dwilson@rubicondesigngroup.com	
Cell:	Other:	Cell:	Other:
Contact Person: James Yasord		Contact Person: Derek Wilson	
<b>Applicant/Developer:</b>		<b>Other Persons to be Contacted:</b>	
Name: same as above		Name:	
Address:		Address:	
	Zip:		Zip:
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	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):	

**Abandonment Application  
Supplemental Information**  
(All required information may be separately attached)

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

The abandonment is for an access and utility easement contained on parcel APN 142-241-26.

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

Assessor's parcel map 142-24, included in application.

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

Open space.

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

No replacements are necessary as the easements are not being used and are not needed.

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 other property relies on these easements for access or utilities.

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 X

**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.