

Planning Commission Staff Report

Meeting Date: February 4, 2025 Agenda Item: 8A

ABANDONMENT CASE NUMBER: WAB24-0011 (Bonca Abandonment)

BRIEF SUMMARY OF REQUEST: To abandon the 33-foot-wide government patent easement along the northern, eastern, southern, and western property lines.

STAFF PLANNER: Eric Young, Senior Planner Phone Number: 775.328.3613
E-mail: eyoung@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve an abandonment of Washoe County's interest in a 33-foot-wide government patent access easement along all property lines for APN 142-242-16.

Applicant: Justin & Danielle Bonca
Property Bonca Family Trust

Owner:

Location: 2465 Trails End Lane

APN: 142-242-16 Parcel Size: 2.5 acres

Master Plan: Suburban Residential and

Rural HDR 37% / GR 63%

Regulatory

Zone:

Area Plan: Southwest Truckee

Meadows

Development

Commission

Authorized in Article 806,

Code:

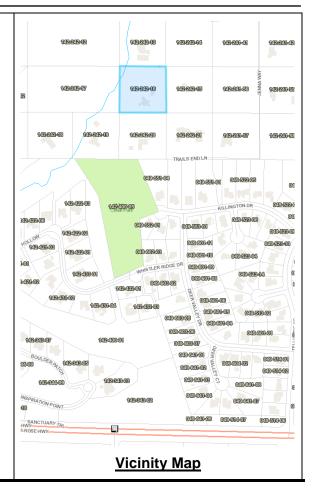
Vacations and Abandonments of

Easements or Streets

Lasci

2 – Commissioner Clark

District:



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 Abandonment Case Number WAB24-0011 with the conditions included as Exhibit A to this matter, having made all three findings in accordance with Washoe County Code Section 110.806.20.

(Motion with Findings on Page 10)

Staff Report Contents

Abandonment Definition	3
Site Plan	
Proposed Addition Site Plan	5
Project Evaluation	7
Parcel Map	8
Access Map	8
Southwest Area Plan	9
Reviewing Agencies	
Staff Comment on Required Findings	9
Recommendation	10
Motion	10
Appeal Process	10

Exhibits Contents

Conditions of Approval	Exhibit A
Agency Comments	Exhibit B
Public Notice	Exhibit C
Project Application	Exhibit D

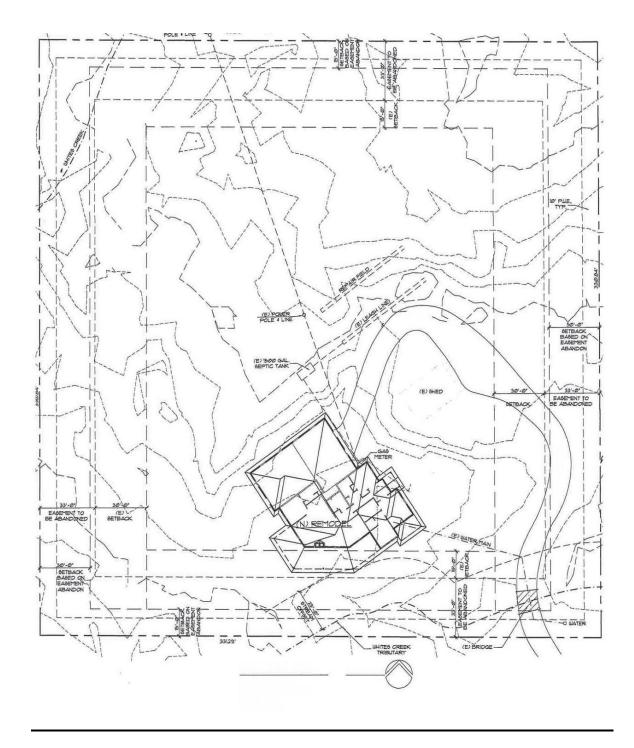
Abandonment Definition

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 <u>Resolution and Order of Abandonment</u>.

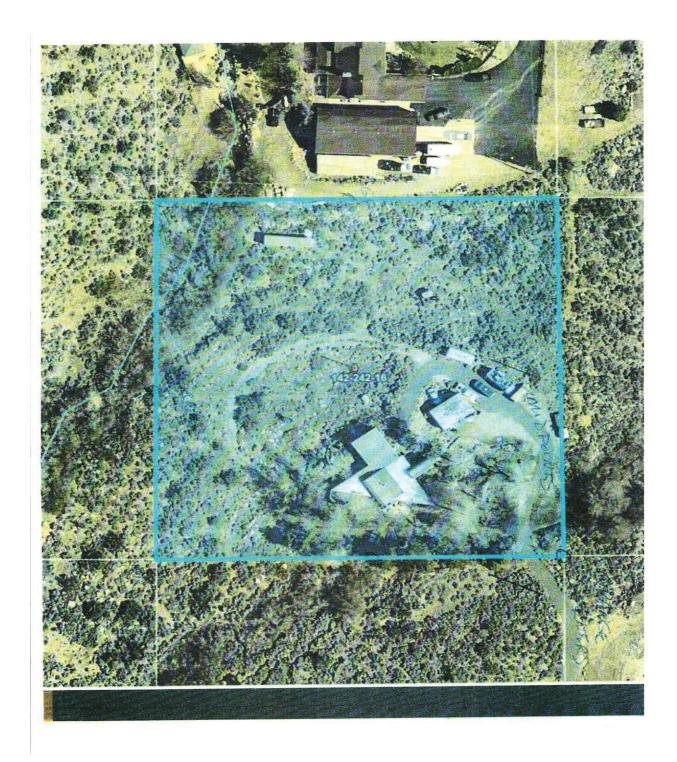
The <u>Resolution and Order of Abandonment</u> is the legal record, prepared by the Engineering and Capital Projects Division which is recorded to complete the Abandonment process. The Engineering and Capital Projects Division completes a technical review of the legal description, exhibit maps and any 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 <u>Resolution and Order of Abandonment</u> with the County Recorder. The Abandonment is complete upon the recordation of the <u>Resolution and Order of Abandonment</u> with the County Recorder.

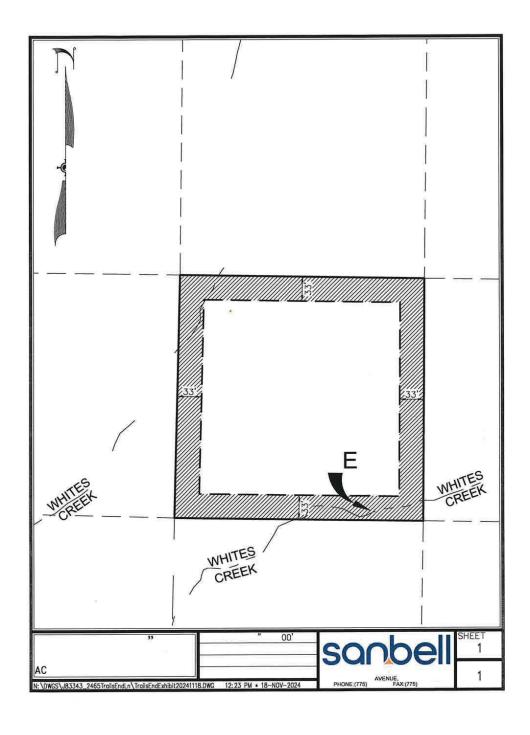
The Conditions of Approval for Abandonment Case Number WAB24-0011 are attached to this staff report and will be included with the Action Order if granted approval.

- 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 <u>Resolution and Order of Abandonment</u> by the Engineering and Capital Projects Division and after the recordation of the <u>Resolution and Order of Abandonment</u> by the County Recorder.



Site Plan





Additional Site Plans

Project Evaluation

The applicant is seeking to abandon the 33-foot-wide government patent access easements along the north, east, south, and west property lines. The area proposed to be abandoned is depicted on one of the site plans provided on the pages above and is wholly within the applicant's property. These easements were created by a government patent throughout the general area and exist on all parcels in this vicinity.

The request to abandon the access easements on all four sides is not unusual. Washoe county Code requires the setback to be measured from the easement line of any access easement that is over 20' wide. Therefore, a 30' setback results in a buildable area that is 63 feet from all parcel lines. Reducing or eliminating the easement allows the setback to be measured from the property line, resulting in a buildable area that is 30' from the parcel lines. In reviewing these requests, staff seeks to ensure that the abandonment will not result in any parcel losing its legal access. The 33' access easements subject to this abandonment are not needed to support access to any of the surrounding properties. The subject parcel and all the other parcels in the vicinity will maintain separate legal and adequate access even if all four or these 33' easements are abandoned. Public utility easements in the area will be retained. The Washoe County Engineering Department has provided conditions that address the retention of public utility easements.



Access Map

The applicant is requesting the abandonment to facilitate the construction of a patio on the south side of the dwelling as part of a current renovation project, and to facilitate potential future accessory structures. This request will permit further development of the parcel without the need for additional abandonment applications. The parcel has a regulatory zone of high density rural

(HDR) and General Rural (GR) as do all of the surrounding parcels. The split zoning with HDR and GR reflects the development constraints that result from Whites Creek traversing the parcel.

HDR setbacks are 30 feet from the front and rear yards and 12 feet from the side yards.

The Truckee Meadows Fire Protection District (TMFPD), Washoe County Health District and Engineering Division all stated they have no specific conditions for the requested Abandonment.

Southwest Truckee Meadows Area Plan

The subject parcel is located within the Southwest Truckee Meadows Area Plan. Staff was unable to find any relevant policies related to the abandonment of easements.

Reviewing Agencies

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

Agencies	Sent to Review	Responded	Provided Conditions
Washoe County Parks & Open Space	Х		
Washoe County Water Rights Manager (All Apps)	Х	x	
Washoe County Engineering (Land Development) (All Apps)	Х		x
Washoe County Engineering & Capital Projects Director (All Apps)	Х	х	
NNPH Environmental Health	Х		
TMFPD	X	x	
AT&T	Х		
NV Energy	X		
Truckee Meadows Water Authority	Х	x	X

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.

- (a) 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 Planning Area.
 - <u>Staff Comments:</u> The proposed abandonment does not affect any standards of either the Master Plan or the Southwest Truckee Meadows Planning Area. Staff has not found any applicable policies, action programs, standards or maps in either the Master Plan or Southwest Truckee Meadows Planning Area related to this abandonment request.
- (b) No Detriment. The abandonment or vacation does not result in a material injury to the public.
 - <u>Staff Comments</u>: The request was submitted to all relevant agencies and departments for review and conditions of approval are included with the staff report as Exhibit A. The

- request proposes to abandon the 33-foot-wide right-of-way easements located along the north, east, south, and west property lines of the subject parcel. Property owners in the area will continue to have access to their properties and roadways will be preserved.
- (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.

<u>Staff Comments</u>: Washoe County Engineering, AT&T, NV Energy and Truckee Meadows Water Authority (TMWA) were sent the project description and application for evaluation. TMWA is requiring the maintenance of their utility easements on the property.

Recommendation

After a thorough analysis and review, Abandonment Case Number WAB24-0011 is being recommended for approval with conditions. Staff offers the following motion for the Commission's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Abandonment Case Number WAB24-0011, with the conditions included as Exhibit A to this matter, having made all three findings in accordance with Washoe County Code Section 110.806.20.

- (a) <u>Master Plan</u>. 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
- (b) No Detriment. The abandonment or vacation does not result in a material injury to the public; and
- (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.

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).



Conditions of Approval

Abandonment Case Number WAB24-0011

The project approved under Abandonment Case Number WAB24-0011 shall be carried out in accordance with the conditions of approval granted by the Planning Commission on February 4, 2024. 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.

<u>Unless otherwise specified</u>, all conditions related to the approval of this Abandonment shall be met prior to recordation of the <u>Resolution and Order of Abandonment</u>. Prior to recordation of the <u>Resolution and Order of Abandonment</u>, 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 <u>Resolution and Order of Abandonment</u> by the Engineering and Capital Projects and after the recordation of the <u>Resolution and Order of Abandonment</u> by the County Recorder.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- The DISTRICT BOARD OF HEALTH, through Northern Nevada Public Health (NNPH), has jurisdiction over public health matters. Any conditions set by NNPH must be appealed to the District Board of Health.
- The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.

• The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own Board. Conditions recommended by the RTC may be required, at the discretion of Washoe County.

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 – Eric Young, Senior Planner, 775.328.3613, eyoung@washoecounty.gov

- 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 include a condition response memorandum with each subsequent permit application. That memorandum shall list each condition of approval, shall provide a narrative describing how each condition has been complied with, and the location of the information showing compliance with each condition within the improvement plan set that has been submitted.
- c. 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.
- d. This Abandonment will be effective upon recordation of the <u>Resolution and Order of Abandonment</u> 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 - Robert Wimer, P.E. (775) 328-2059

- Prior to recordation of the order of abandonment, the applicant shall submit a legal description and exhibit map for the area 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.
- This abandonment approval is for the elimination of public right-of-way. Public Utility and Drainage Easements remain unless relinquished by the Public Utility or other entity holding the easement right.
- 4. The applicant shall comply with conditions necessary to affect 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 ***



Engineering and Capital Projects

Date: December 24, 2024

To: Eric Young, Senior Planner

From: Janelle K. Thomas, P.E., Senior Licensed Engineer

Robert Wimer, P.E., Licensed Engineer

Re: Abandonment Case WAB24-0011 Bonca Abandonment

APN: 142-242-16

GENERAL COMMENTS

Washoe County Engineering and Capital Project staff have reviewed the above referenced application. The application is for the abandonment of the access easement along the northern, southern, eastern, and western borders of the parcel on the subject parcel and is located on approximately 2.5 acres on Trails End Lane, north of Mount Rose Highway. The Engineering and Capital Projects Division recommends approval with the following comments and conditions of approval which supplement the applicable County Code and are based upon our review of the application prepared by Ryan Cook, PLS. The County Engineer shall determine compliance with all the following conditions of approval.

For questions related to sections below, please contact the staff's name referenced.

GENERAL CONDITIONS

Contact Information: Robert Wimer, P.E. (775) 328-2059

- Prior to recordation of the Order of Abandonment, the applicant shall submit a legal description and exhibit map for the area 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. This Abandonment approval is for the elimination of the Offer of Dedication of public right-of-way and any County rights to drainage and utility easements. Public Utility Easements remain unless relinquished by the Public Utility Company holding the easement right.
- 4. The applicant shall comply with conditions necessary to affect 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.

OFFICIAL NOTICE OF PUBLIC HEARING

DATE: January 17, 2025

You are hereby notified that the **Washoe County Planning Commission** will conduct a public hearing at the following time and location:

6:00 p.m., Tuesday, February 4, 2025 1001 East Ninth Street, Building A, Reno, Nevada 89512 and via Zoom Webinar

Abandonment Case Number WAB24-0011 (Bonca Abandonment) – For hearing, discussion, and possible action to approve an abandonment of Washoe County's interest in a 33-foot-wide government patent access easement along all property lines for APN 142-242-16.

Applicant: Justin & Danielle Bonca
 Property Owner: Bonca Family Trust
 Location: 2465 Trails End Lane

APN: 142-242-16Parcel Size: 2.5 acres

Master Plan: Suburban Residential and Rural

Regulatory Zone: HDR 37% / GR 63%

Area Plan: Southwest Truckee Meadows

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

Easements or Streets

Commission District: 2 – Commissioner Clark
 Staff: Eric Young, Senior Planner

Washoe County Community Services Department

Planning and Building

• Phone: 775.328.3613

E-mail: eyoung@washoecounty.gov

As an owner of property in the vicinity, you are invited to present public comment relative to these matters. You may do so either by attending the meeting in person, attending the meeting via ZOOM webinar, or attending by phone only. To provide public comment via ZOOM, log in to the ZOOM webinar here: https://us02web.zoom.us/j/84272659406 or type zoom.us in your computer browser, click "Join a Meeting" on the ZOOM website and enter this **Meeting ID: 842 7265 9406**. Utilize the "Raise Hand" feature during any public comment period. NOTE: This option will require a computer with audio and video capabilities. Alternatively, you can join by telephone only by dialing +1-669-900-9128, entering the Meeting ID: **842 7265 9406** and pressing #. To provide public comment via telephone only, press *9 to "Raise Hand" and *6 to mute/unmute.

Additionally, public comment can be submitted via email to <u>washoe311@washoecounty.gov</u>. The County will make reasonable efforts to send all email comments received by 4:00 p.m. on **February 3, 2025**, to the Commissioners prior to the meeting. Comments are limited to 3 minutes per person per public comment period.

Explanatory material is available for inspection. Please contact the Washoe County Community Services Department, Planning and Building Division, 1001 East Ninth Street, Reno, Nevada, 89512 or (775) 328-6100. To access additional information about this item, please visit our website at https://www.washoecounty.gov/csd/planning_and_development/board_commission/planning_commission/index.php, click on 2025 and choose the meeting date. A staff report related to this public hearing will be posted at least three working days prior to the meeting.

La información sobre este aviso público está disponible en español en el siguiente enlace "link": www.washoecounty.gov/comdev/board commission/planning commission

Washoe County Development Application

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

Project Information	Staff Assigned Case No.:				
Project Name: CASCMENT ABANDONMENT					
Project REQUEST TO ABANDON 33 FT GASGMENT					
Project Address: 2465 TRAILS END LN , RENO NV. 89511					
Project Area (acres or square fee	The state of the s	52 SQUARE FEET			
Project Location (with point of reference to major cross streets AND area locator): C/TY OF RENO, WASHOE COUNTY, NV, CROSS STREETS: JENNA WAY & KILLINGTON DRIVE.					
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:		
APN 142-242-16	2.5				
Indicate any previous Washoe County approvals associated with this application: Case No.(s).					
Applicant Inf	ormation (attach	additional sheets if necess	sary)		
Property Owner: BONCA	FAMILY	Professional Consultant:			
Name: TPU	IST /	Name: RYAN COOK PLS 15224			
Address: 2465 TRAILS 6ND LN		Address: 5405 MAC	ANNE AVE		
RENO, NV. Zip: 89511		RENO, NV.	Zip: 89523		
Phone: (775) 691-2625 Fax:		Phone: 775 747 8550 Fax:			
Email: Sparks RN 580 @gwail. com		Email: rcook@sanbell.com			
Cell:	Other:	Cell:	Other:		
Contact Person: DANIEHE # TUSTIN		Contact Person:			
Applicant/Developer:		Other Persons to be Contacted:			
Name: BONCA TUSTIN & DANIELLE		Name:			
Address: 2465 TRAILS	GND LN	Address:			
REND, NV.	Zip: 89511		Zip:		
Phone: (775) 691-2625 ax: DANICHE		Phone: Fax:			
Email: Sparks PN 580	Sparks PN 580 e quail.com Email:				
Cell: (775) 691-2627 Other, TUSTIN		Cell: Other:			
Contact Person: DAN/CH	ELTUSTIN	Contact Person:			
For Office Use Only					
Date Received:	Initial:	Planning Area:			
County Commission District:		Master Plan Designation(s):			
CAB(s):		Regulatory Zoning(s):			

Abandonment Application Supplemental Information

(All required information may be separately attached)

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

33 FT. GASGMENT BORDGLING ALL PROPERTY LINES

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

UNITED STATES OF AMERICA COVERMENT PATENT NUMBER 1221278 FROM 07/20/1961

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

EXTEND SOUTH FACIND NEW ADDITION PATIO

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

EAST EASOMENT UTILITIES ACCESS

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?

MAINTAIN UNOBSTRUCTED WHITES CRECK FLOW & VEGETATION AT ALL TIMES

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.)

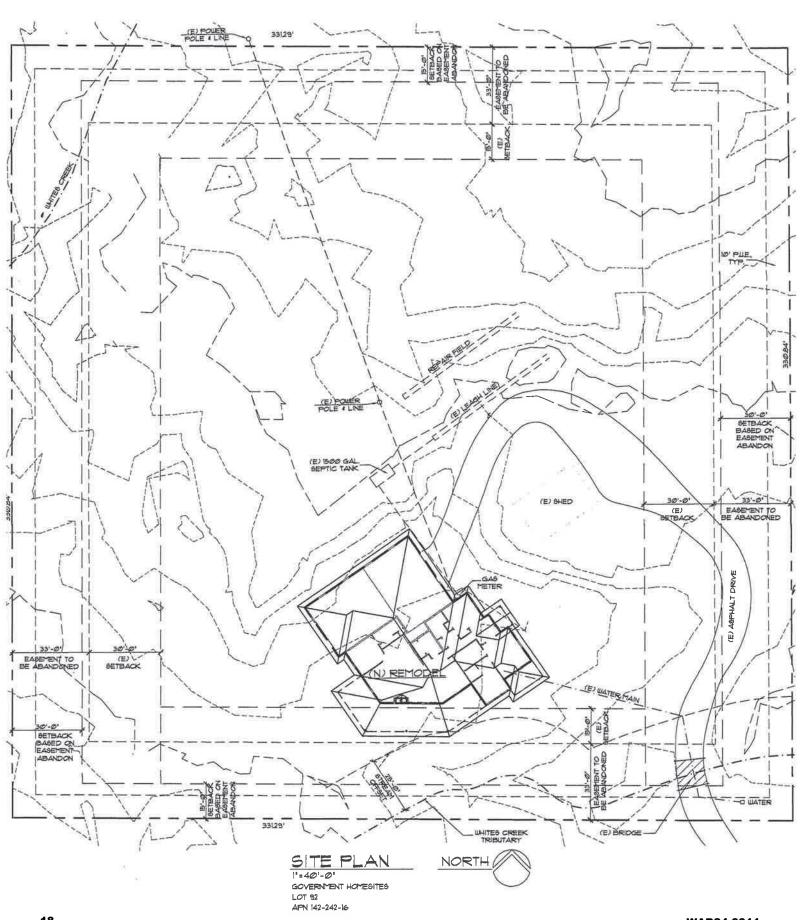
Yes * No

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.

February 2024



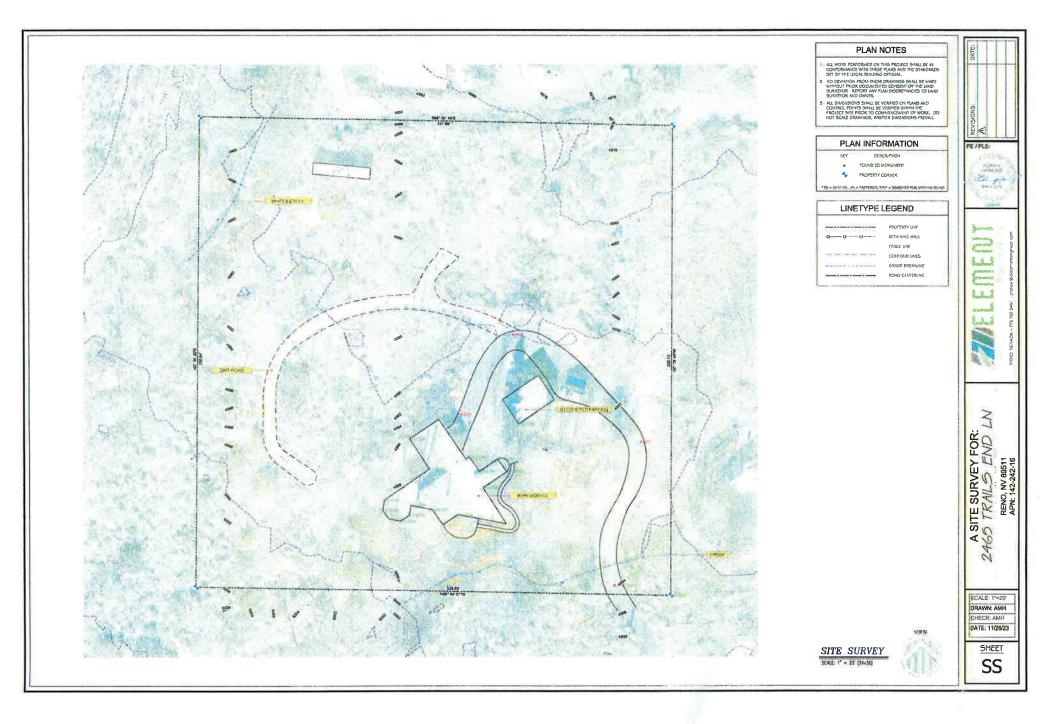


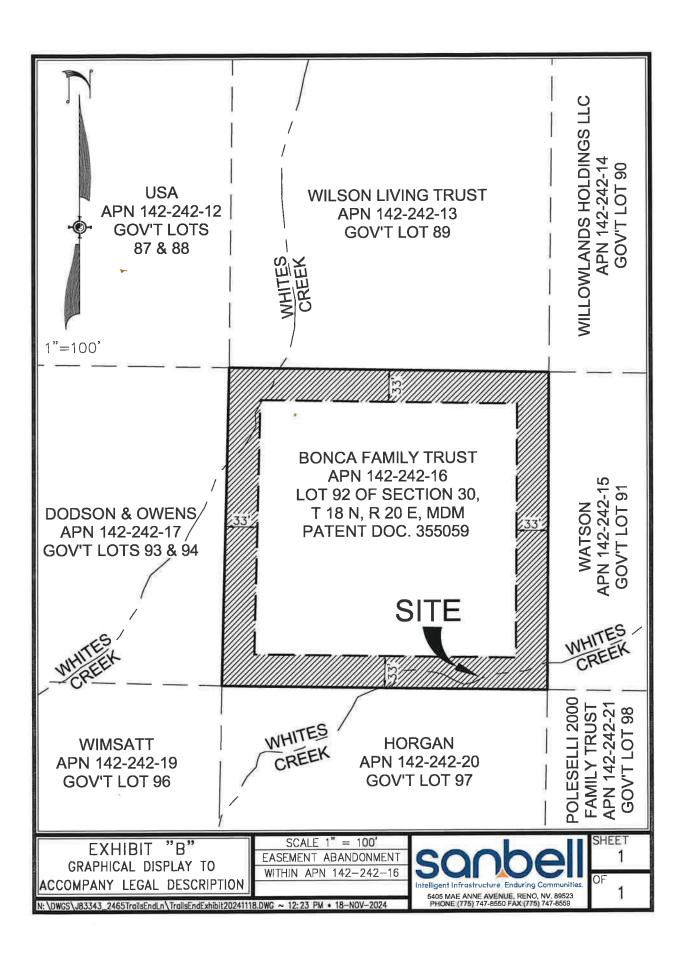
Exhibit "A" Legal Description Abandonment within a portion of APN 142-242-16

The right-of-way not exceeding 33 feet in width, for roadway and public utility purposes, located along the boundaries of Lot 92 of Section 30, Township 18 North, Range 20 East, Mount Diablo Base and Meridian, according to the Official Plat of the Survey of said land on file in the Bureau of Land Management, as reserved in the Patent from the United States of America, recorded March 12, 1962, in Book G, Page 151, as File No. 355059, of Land Patents.

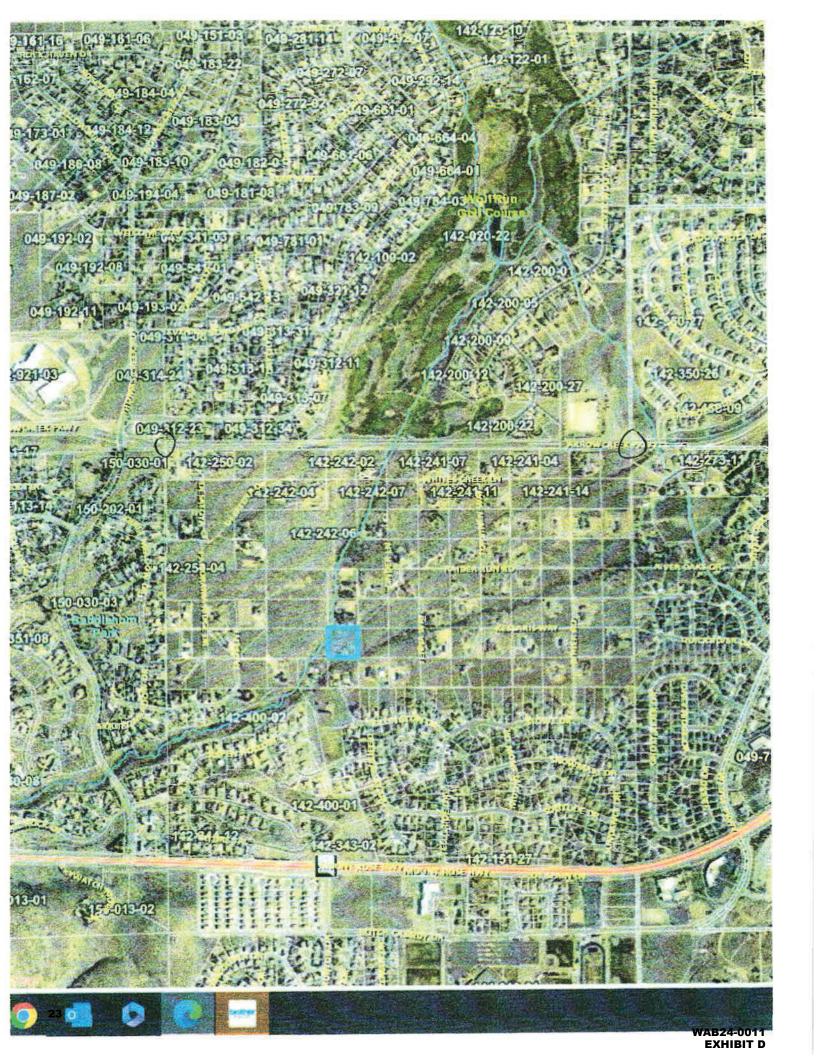
Said right-of-way contains an area of approximately 39,552 square feet.

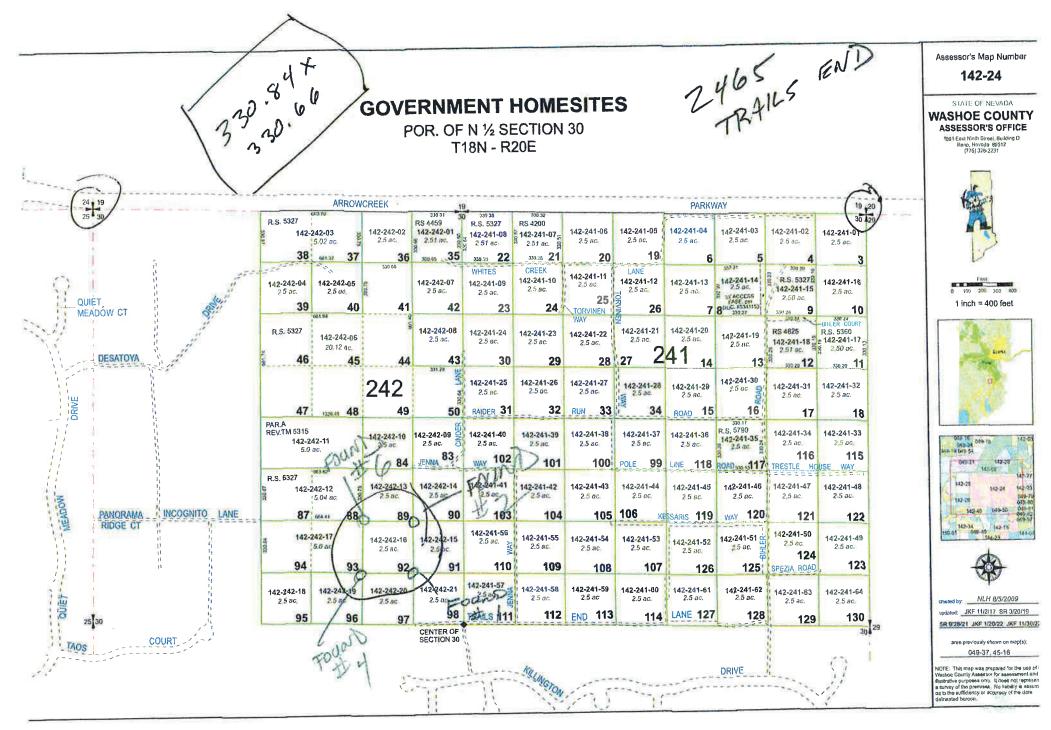
Description Prepared By: Ryan G. Cook, PLS 15224 Sanbell, formerly Summit Engineering Corporation 5405 Mae Anne Ave. Reno, NV 89523 775-747-8550











Donna Presto

From:

Donna Presto

Sent:

Wednesday, January 3, 2024 12:32 PM

To:

Don Dees; Danielle Bonca
DonDeesGroup; Justin Bonca

Cc: Subject:

RE: 2465 trails end

My title operations manager has replied with the below answer to your question pertaining to any CCRs for the subject property. thank you.

So there was no starter on this one so we ordered a full search from Data Trace and they didn't show any CCR's.

Brant Remaley | Senior Vice President

Title Operations Manager
Landmark Title Assurance Agency of NV
6785 W Russell Rd, Ste 201
Las Vegas, NV 89118
Main: (702) 869-1111

Warmest Regards,

Donna Presto
Donna.Presto@landmarknv.com
Senior Escrow Officer (LIC # 3298733)
Landmark Title Assurance Agency of Nevada, LLC (L'
1755 E Plumb Lane #260
Reno NV 89502
775-230-7730



PINE PARK HEALTH



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