SWEET CLOVER RESIDENTIAL TRUST EASEMENT ABANDONMENT REQUEST

WAB24-0008

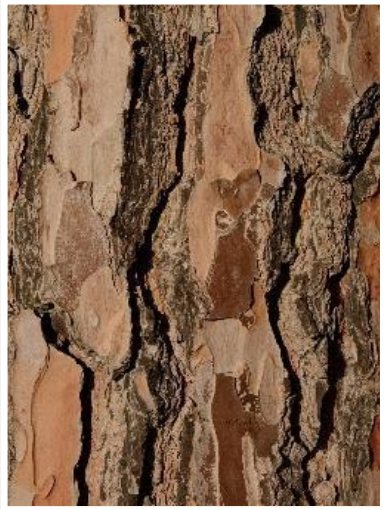
THE TRAVIS FAMILY



ADDRESSING STAFF CONCERNS:

- **Staff Concern:** Full abandonment will remove legal access (of parcels 049-080-25 and 049-080-26)
  - The United States Forest Service has stated they will issue either a Special Use Permit (SUP) or Forest Road And Trails Act Easement (FRTA) which would legalize the access that has been established and utilized for 30 years.
  - County has acknowledged this would resolve staff concerns
  - Commission Chair Rob Pierce stated he was in favor of a full abandonment even without consideration of the FRTA easement.

- **Staff Concern:** Full abandonment would be inconsistent with previous abandonment request filed by the northern neighbor (049-080-20)
  - Staff recommended and the planning commission did in fact rule in favor of full abandonment of northern parcel's road access easements (See Staff notes and Planning Commission Meeting minutes from September 2016)






PARCEL & NEIGHBORHOOD CONCERNS:

- **Profession Surveyor & Construction Analysis Indicate:**
  - Impractical topography for development & useablity
  - Subsequent harm: erosion, flooding & safety hazards upon two parcels: 049-080-19 and 049-080-20.
- **Fiscal & Liability Considerations**
- **Historical use of Caswell Lane & Rose Rock Lane**

Re: WAB24-0008 Sweet Clover Residential Trust Abandonment update

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From Randy Meyer <rmeyer@meyersurvey.com>
Date Tue 10/1/2024 1:26 PM
To Oakley, Katherine <KOakley@washoecounty.gov>
Cc Loise Yates <loiseyates@outlook.com>; Nikolai Travis <ntravis@buildingbt.com>

6 attachments (1 MB)
PATENT_1211930.pdf; ROAD_AGREEMENT_1161654.pdf; p666.pdf; p775.pdf; p774.pdf; p1031.pdf;

Hi Kat,

The intent is to abandon the road for the full-width, (40' vs. 33' still needs to be determined see below).
and a reduction in width for the utilities. Loise and I discussed 10'.
A reduction of the road easement width may be considered if the full width is denied.

I recently re-visited the site with Nickolai and Loise. The impacts on the existing house and yard are significant; I observed drainage issues - the road would be 5'-6' higher than the house and will require a Civil design to mitigate the drainage, walls, etc. Please consider that there were likely valid reasons at the time of construction the road did not connect to Caswell and was routed to Rock Rose and Thompson. We are working on sorting out some of the records. Hopefully, we will discover something in writing.

1. **Engineering:** the access road will first need to be engineered for soil retention, storm water/snow runoff drainage, and safety (guardrail or barriers). Engineering costs should be anticipated at 30-40% of overall project budget.
2. **Temporary Easement:** A 40' construction easement will be needed to construct the roadway, engineered wall system, drainage, and guardrail system. This easement would trend toward your property: A. because it is the downhill side requiring earthwork balance, and B. because there needs to be access in front of the retaining wall (or system) for construction. In my opinion, you might need a couple of feet beyond the 20' easement to the north side and nearly 20' (or potentially more) to the south for the structures, earthwork, and retaining system being installed. This is the reason you would need to have all trees on the north of your house removed.
3. **Land Clearing**: Approximately 52 trees & their root systems will need to be removed from your property prior to the start of construction along with 2 outbuildings, 12 boulders, and garden.
    1. 7 EA mature pine trees
    2. 5 EA deciduous trees
    3. 40 EA 20' hedge trees
4. **Flooding/Erosion Harm:** Because of tree and root removal erosion issues with the potential to cause harm will need to be addressed. Flooding will be an ongoing concern due to topography and larger amounts of precipitation in this area.
5. **Drainage System:** Non-permeable surface (asphalt) should be considered with a proper drainage system to prevent harm from run-off onto your property. Either a designed rip rap ditch or storm drain system will need to be designed and constructed to ensure flooding protection of your property. Drainage from behind the retention wall will also need to be considered to prevent harm/failure of the retaining system. Another consideration to run-off will be the proximity of the drainage system to existing infrastructure. Domestic wells and septic leach fields will have regulated set-backs that would pertain to this system as well as the roadway itself.
6. **Retention Wall and Guardrail System:** Because of the elevation change and proximity to the residence, an engineered retaining wall will need to be designed and constructed. This wall should be 5-6' tall and will need an engineered barrier system to prevent harm to your house/property due to the potential of an errant vehicle. A jersey barrier system would be most ideal for this location to further assist with snow removal and directing run-off as well as provide a visual barrier to the road from your property.
7. **Maintenance:** Private road owners will need to perform continued maintenance to keep up all engineered systems. Snow removal will need to be done in a way to ensure no runoff onto your property from this easement. Ditches and/or pipes will need to be cleaned and kept up on a regular basis.
8. **Privacy/Nuisance:** The design should consider room for a privacy fence. Because of the tight location of this easement, light and noise will be directed toward your living area and within 15' of your residence. Provisions for privacy fencing should be considered in the design and budget.

Because of the mature and established nature of this easement, along with the potential harm from flooding and proximity to the residence, the cost for this easement design and construction would be exorbitant when comparing it to other options that are available for these properties. If you would like us to proceed with a ROM for this work, please let me know. We will be happy to put something together.

Thank you,

Shaun Taylor - Manager
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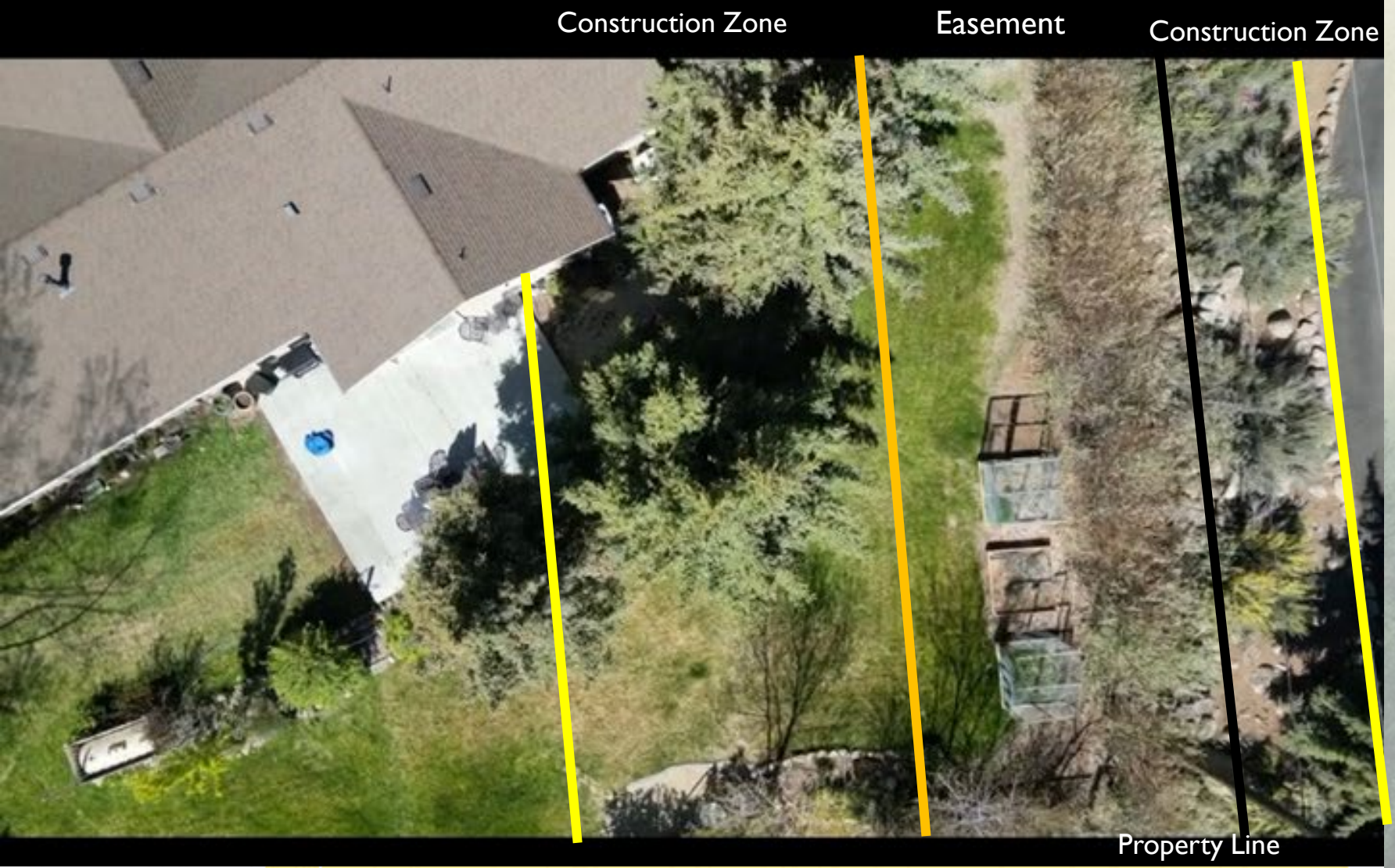
PO Box 7724
Reno, NV 89510
NV Contractors License # 0086389
www.Nevadadirtworks.com

Nevada



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- Extensive construction area to both parcels
- Removal of 52 mature trees and their root systems
- Erosion and flooding







4. **Flooding/Erosion Harm:** Because of tree and root removal erosion issues with the potential to cause harm will need to be addressed. Flooding will be an ongoing concern due to topography and larger amounts of precipitation in this area.
5. **Drainage System:** Non-permeable surface (asphalt) should be considered with a proper drainage system to prevent harm from run-off onto your property. Either a designed rip rap ditch or storm drain system will need to be designed and constructed to ensure flooding protection of your property. Drainage from behind the retention wall will also need to be considered to prevent harm/failure of the retaining system. Another consideration to run-off will be the proximity of the drainage system to existing infrastructure. Domestic wells and septic leach fields will have regulated set-backs that would pertain to this system as well as the roadway itself.

The steep topography is due to a 22% grade of the slope with occurs within 15' of the house.



- Large precipitation includes snowstorms that yield 5’ of snow in a single storm.
- Vehicle traffic
- Snow removal to ensure no runoff occurs.

6. **Retention Wall and Guardrail System:** Because of the elevation change and proximity to the residence, an engineered retaining wall will need to be designed and constructed. This wall should be 5-6’ tall and will need an engineered barrier system to prevent harm to your house/property due to the potential of an errant vehicle. A jersey barrier system would be most ideal for this location to further assist with snow removal and directing run-off as well as provide a visual barrier to the road from your property.
7. **Maintenance:** Private road owners will need to perform continued maintenance to keep up all engineered systems. Snow removal will need to be done in a way to ensure no runoff onto your property from this easement. Ditches and/or pipes will need to be cleaned and kept up on a regular basis.

ROAD MAINTENANCE & LIABILITY

- In the case of development, two parcels would be responsible for the construction cost and ongoing maintenance as well as bear significant liability in the event of human failures.
- Furthermore, they also would incur additional fiscal responsibility for improvements and maintenance of Caswell Lane per the Caswell Lane RMA.
- As the county appropriately pointed out, when evaluating this abandonment request, the parcels and not individual owners are the consideration.
  - Future owners could consider these maintenance and liability hazards unnecessary and harmful.

STAFF CONCERNS ADDRESSED WITH USFS DOCUMENTATION

From Zumstein, Matthew - FS, NV <matthew.zumstein@usda.gov>
Date Mon 4/7/2025 11:24 AM
To Loise Yates <loiseyates@outlook.com>; Bonesteel, Marnie - FS, NV <marnie.bonesteel@usda.gov>
Cc nikolai travis <nikolaigiantsfan@gmail.com>

We would entertain issuance of a Special Use Permit under the circumstances surrounding Rose Rock Lane. We would also entertain issuance of a FRTA easement to the County on Rose Rock Lane. This information has been shared with multiple residents of the area, as well as with Washoe County.

Matthew D Zumstein
District Ranger
Forest Service
Humboldt Toiyabe National Forest, Carson Ranger District
p: 775-884-8100
c: 775-721-1259
f: 775-884-8199
matthew.zumstein@usda.gov
1536 S. Carson Street
Carson City, NV 89701
www.fs.usda.gov

Caring for the land and serving people

From: Loise Yates <loiseyates@outlook.com>
Sent: Friday, April 4, 2025 10:41 AM
To: Zumstein, Matthew - FS, NV <matthew.zumstein@usda.gov>; Bonesteel, Marnie - FS, NV <marnie.bonesteel@usda.gov>
Cc: nikolai travis <nikolaigiantsfan@gmail.com>
Subject: Re: [External Email]Special Use Permit Question

Hello Mr. Zumstein,

Thank you for your response—that is what we thought. They stated that because, according to them, a special use permit is revokable without cause or reason that it is not a 'legitimate' solution to their access problem and shouldn't be considered as a resolution.

Another concern that was presented is if filing for a special use permit is even worthwhile because of "other legal access" being present. They felt that, while the easements has never been developed in over 45 years due to practical use concerns because of topography and subsequent harm, it is still considered "other legal access" so a special use permit application would not be considered.

My understanding is that applications are evaluated based on their individual circumstances which is why "other legal access" is intentionally and understandably vague. Given the specific circumstances on Rose Rock Lane, in which unpermitted access has been established and used for about thirty years and no other developed access points are present, submitting an application is appropriate. Is my understanding correct?

- There had been a concern that if there was "current legal access" that a SUP would not be considered by the USFS.
- USFS is aware of our undeveloped easement and will still entertain issuance of both a SUP or FRTA easement given the unique circumstances on Rose Rock Lane.
- Their access was established 30 years ago and has served as their only access for the duration of the history of both parcels 049-080-25 amd 049-080-26.
- At the time of construction for parcels 049-080-25 and 049-080-26, BLM was the owner of the northern parcels through whom their access was established.
  It was a common assumption at that time that there were easements throughout that area.

From: Zumstein, Matthew - FS, NV <matthew.zumstein@usda.gov>
Sent: Wednesday, February 26, 2025 5:46 PM
To: Oakley, Katherine
Cc: Bonesteel, Marnie - FS, NV
Subject: RE: [EXTERNAL: Suspicious Link]WAB24-0008 Comments
Attachments: RE: [External Email]Re: Road access/Easement use

This Message Is From an External Sender

This message came from outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Report Suspicious

We are not advising whether or not to abandon any Road easements.

We were contacted by Barret Young and provided the following option that could potentially legalize access to his property via Rose Rock Lane (which is the current access to Mr. Youngs property) if his current legal access is proven non feasible: Special Use Permit.

To consider a special use permit on Rose Rock, Mr. Young would submit an SF-299 and we will screen the application consistent with initial and secondary screening criteria in 36 CFR 251.54.
If the application passes the screening criteria, it's FS policy that they form a road users' association.

A users association needs to contain 3 elements: designation of an individual to serve as a POC with the FS for all official business concerning the association, a statement that the agreement run with the land, and that it is properly developed/recognized by state law. The application would be subject to cost recovery processing and annual land use fees associated with the special use permit.

Another potential option is the County submit an application for an easement under FRTA-Forest Road and Trail Act Easement and they operate and maintain the road.

I believe we have some discretion to legalize access on Rose Rock Lane per ANILCA.

Attached is previous correspondence that we exchanged with Mr. Young.

Please reach out with any further questions.

Matthew D Zumstein
District Ranger
Forest Service
Humboldt Toiyabe National Forest, Carson Ranger District

- It is appropriate to apply for one of these permits and USFS has been in communication with the residents on Rose Rock Lane to resolve the unpermitted access issue.
- The USFS has also offered the FRTA easement to the county as a solution to this problem.
- The USFS has been very helpful and supportive to resolve this issue, providing forms to potential applicants and offering multiple contacts within their office to facilitate a permit to legalize access.

From Oakley, Katherine <KOakley@washoecounty.gov>
Date Thu 5/29/2025 10:36 AM
To Loise Yates <loiseyates@outlook.com>

Hello,

The lack of a developed legal access to 049-080-25 and 049-080-26 and thus the potential detriment caused by abandoning an access easement to those parcels led to staff's recommendation of partial approval and retention of 20' of the northern access easement, as described on pages 6-7 of the Planning Commission staff report. If the existing access were legalized through the Forest Service's required process as you described, then that would resolve the staff concern that led to the partial approval recommendation at this time. If future application were made under new circumstances, Planning staff and staff at other agencies would conduct a new review and determine a recommendation based on those circumstances.

Best,

Kat Oakley
Senior Planner, Planning & Building Division | Community Services Department
koakley@washoecounty.gov | Direct Line: 775.328.3628
My working hours: Monday-Friday 8:00am to 5:00pm
Visit us first online: www.washoecounty.gov/csd
Planning Division: 775.328.6100 | Planning@washoecounty.gov
CSD Office Hours: Monday-Friday 8:00am to 4:00pm
1001 East Ninth Street, Reno, NV 89512

Have some kudos to share about a Community Services Department employee or experience?
Submit a Nomination

From: Loise Yates <loiseyates@outlook.com>
Sent: Tuesday, May 27, 2025 9:18 AM
To: Oakley, Katherine <KOakley@washoecounty.gov>
Subject: Sweet Clover Easement 2nd Question

Hello Kat,

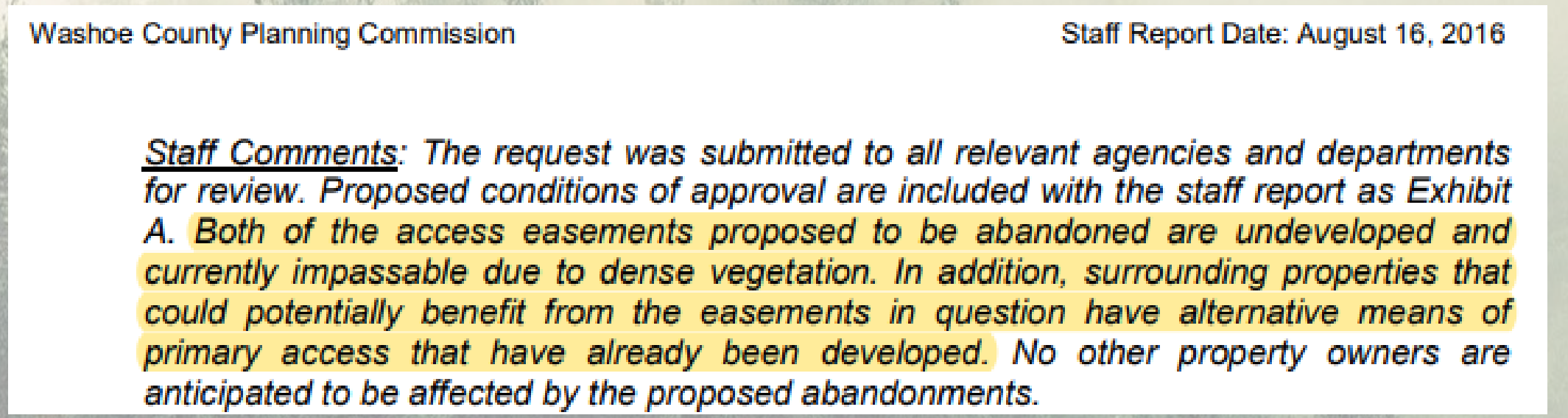
I have a second question clarifying question about something that was said at the hearing 4/1/25. Given the circumstances in this situation, establishing legal access to parcels 049-080-25 and 049-080-26 with SUP or FRTA easement would assuage the staff's concern that led to the recommendation to retain a 20' road access easement along our northern property line, correct?

- If a SUP or FRTA easement were obtained, that would alleviate the staff's concern that led to the recommendation to retain a 20' road access easement on the northern boundary.



- In September 2016, the staff recommended approval to abandon the road access easements for parcel 048-080-20, under case number AB16-003.

- At the time of that decision, it was believed that parcels 049-080-25 and 049-080-26 had authorized access and, as a result, no detriment was found.



Washoe County Planning Commission — Staff Report Date: August 16, 2016

Staff Comments: The request was submitted to all relevant agencies and departments for review. Proposed conditions of approval are included with the staff report as Exhibit A. Both of the access easements proposed to be abandoned are undeveloped and currently impassable due to dense vegetation. In addition, surrounding properties that could potentially benefit from the easements in question have alternative means of primary access that have already been developed. No other property owners are anticipated to be affected by the proposed abandonments.

Chair Barnes asked for Commission discussion. Seeing none, he asked for a motion. Commissioner Chesney made the following 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 AB16-003 for Richard Keefhaver, 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.

Commissioner Horan made a second to the motion. The motion was approved unanimously (five in favor of approval, one absent).

- At the Planning Commission Meeting on 9/6/2016, the Planning Commission voted in favor of the staff's recommendation for a full abandonment of the eastern and southern road access easements for parcel 049-080-20.

According to the county both in 2016 and current, in the event that our full abandonment request were approved, parcels 049-080-25 and 049-080-26 would not be landlocked.



IN CONCLUSION

- Undeveloped easement access to Caswell Lane is unnecessary and harmful to multiple parties.
- All members of the Caswell Lane RMA are in support of the full abandonment of the public access easement.
- Rose Rock Lane has provided access to parcels 049-080-25 and 049-080-26 for 30+ years without incident.
- There are two readily available avenues to permit their current established access per USFS without creating harm to either neighborhood.
- A simple permit to legalize their access is not only in our parcel's and neighborhood's best interest, but also the best interest of parcels 049-080-25 and 049-080-26.

Thank you for your time and consideration of our request.

Sincerely,

The Travis Family