WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: June 10, 2025

DATE: May 9, 2025

TO: Board of County Commissioners

FROM: Kat Oakley, Senior Planner, Community Services Dept., (775) 328-3628, koakley@washoecounty.gov

THROUGH: Kelly Mullin, AICP, Division Director, Planning & Building Division, Community Services Department, (775) 328-3619, kmullin@washoecounty.gov

SUBJECT: Public Hearing: Appeal of the Washoe County Planning Commission's partial approval of Abandonment Case Number WAB24-0008 (Sweet Clover Residential Trust Abandonment) for abandonment of Washoe County's interest in two 40-foot-wide government patent access easements along the northern and eastern property lines of 15870 Caswell Lane (APN 049-080-19), and to reduce two 40-foot-wide public utility easements in the same locations to 10 feet. The appellant and applicant are Loise and Nikolai Travis.

The Board of County Commissioners (Board) shall consider the appeal based on the record on appeal and testimony and materials submitted at the Board's public hearing. The Board may affirm, modify or reverse the Planning Commission's decision. (Commission District 2.) FOR POSSIBLE ACTION

SUMMARY

Appellants Loise and Nikoli Travis are seeking to overturn the Washoe County Planning Commission's April 1, 2025, partial approval of WAB24-0008, seeking full approval of their request. The Planning Commission's partial approval granted the abandonment of Washoe County's interest in 20 feet of the property's northern access easement so that a 20 foot-wide portion of the northern access easement would be retained. The appeal cites concerns about potential harm caused if the northern access easement is eventually developed into a road, such as concerns about safety, flooding and erosion due to the topography of the northern access easement. *See Appeal*, included as Attachment B, for more details. The Appellant also states that there is additional information regarding Forest Road and Trails Act (FTRA) easements from the United States Forest Service (USFS) that was not presented to the Planning Commission for its consideration at the hearing.

AGENDA ITEM # _____

Washoe County Strategic Objective supported by this item: Economic Impacts: Meet the needs of our growing community.

PREVIOUS ACTION

April 14, 2025. Appellants Louise and Nickoli Travis submitted an appeal of the Planning Commission's decision in WAB24-0008.

April 1, 2025. The Washoe County Planning Commission reviewed Loise and Nickoli Travis' application for an abandonment and unanimously voted (4-0) to partially approve the request, approving all aspects of the request except only granting partial abandonment of the public access easement adjoining the northern parcel line. In making this determination, the Planning Commission found that with retention of the 20 foot-wide public access easement along the northern parcel line, the Planning Commission could make all three required findings from WCC 110.806.20, which are 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 Forest Planning Area; 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.

BACKGROUND

Washoe County may approve an abandonment of public access easements at the request of an abutting property owner after holding a public hearing, but only if the public (surrounding property owners) will not be materially injured by the proposed abandonment. *See* NRS 278.480(5); WCC 110.806.35(b). An abandonment is effectively a quitclaim by the local jurisdiction of whatever interest it might have in that portion of the right-of-way in favor of the adjacent property owner who applied for the abandonment.

On April 1, 2025, the Planning Commission partially approved Abandonment Case Number WAB24-0008 for the Sweet Clover Residential Trust. The request sought full abandonment of 40' wide government patent access easements along the northern and eastern property lines, and partial abandonment of 40' public utility easements (PUE) along the same property lines to a reduced width of 10' for the PUE. In alignment with staff's recommendation, the Planning Commission partially approved the request, granting all aspects of the request except for the request for full abandonment of the northern access easement. The Planning Commission approved partial abandonment of the northern access easement, reducing it to 20' in width. In partially approving WAB24-0008, the Planning Commission made all three findings from WCC 110.806.20, which must be made in order to approve an abandonment request:

a) Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Forest Planning Area; 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.

The Planning Commission indicated that it supported partial approval of the abandonment request because of potential detriment to two properties to the immediate east of the subject parcel caused by full abandonment of the northern easement. Full abandonment of the northern easement would remove a legal access option for two parcels (APN 049-080-25 and 049-080-26, highlighted in yellow in *Figure 1*) that are currently using an unpermitted road through Forest Service land to access their properties (shown in green in *Figure 1*). Currently, these two properties have no legal right to utilize the road through Forest Service land. Thus, full abandonment of the northern easement would remove a legal access opportunity for these property owners. (The northern easement is the only current legal access that would directly access the front (driveways) of the properties). Full abandonment of the northern easement would also be inconsistent with a previous abandonment on the parcel directly to the north of the subject property (APN 049-080-20), which was partially abandoned, retaining a 20 foot-wide access easement along the property line contiguous with the subject parcel. The Planning Commission's approval of a partial abandonment of the northern easement (maintaining a 20 foot-wide easement) would simply maintain a legal access option. It does not mandate that a roadway ever be built in that location. Since the current easement is 40' wide, extending approximately to the location of the existing house, reduction of the easement to 20' wide also expands the portion of the parcel usable to the applicants and increases the distance between any future developed access and the residence, should such an access ever be developed.

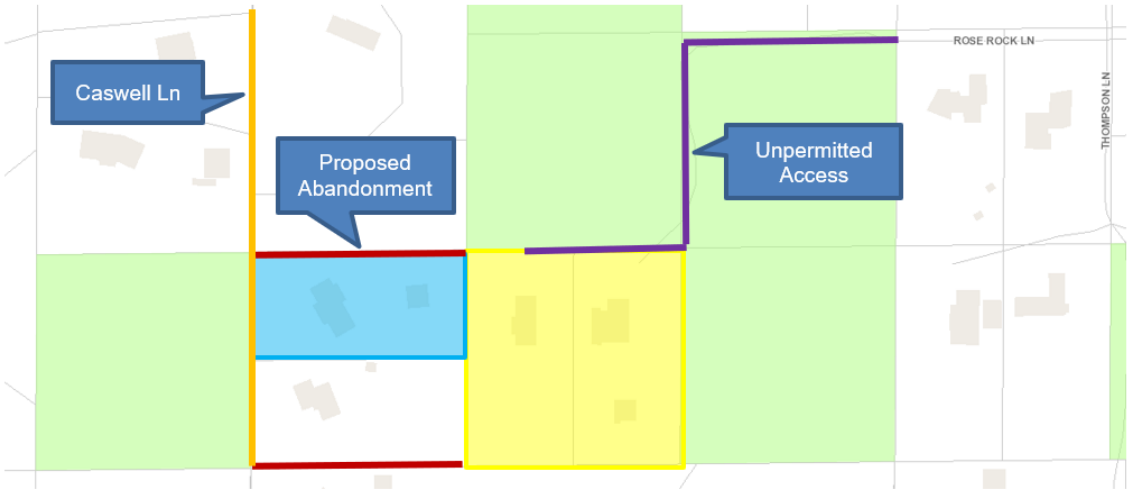

Figure 1 Access Map

A full staff analysis of the project and required findings can be found in Attachment C, Planning Commission Staff Report. A full recording of the Planning Commission hearing is included as Attachment G. A determination on the merits must be based on the three findings in WCC 110.806.20 (listed above).

FISCAL IMPACT

No fiscal impact.

POSSIBLE OPTIONS

The Board of County Commissioners should review the record and the evidence submitted during the Board's public hearing and may take one of the following actions:

1. Affirm the decision of the Planning Commission and partially approve WAB24-0008 (Sweet Clover Residential Trust Abandonment); or
2. Overturn the decision of the Planning Commission and fully approve WAB24-0008 (Sweet Clover Residential Trust Abandonment).

POSSIBLE MOTIONS (ON THE MERITS)

Should the Board agree with the *Planning Commission's* partial approval of WAB24-0008 (Sweet Clover Residential Trust Abandonment), staff offers the following motion:

"Move to *deny* the appeal and affirm the decision of the Planning Commission to partially approve WAB24-0008 (Sweet Clover Residential Trust Abandonment). The denial of the appeal and affirmance of the Planning Commission's decision is based upon the Board's ability to make the findings required by WCC Section 110.806.20, *Findings*."

or

Should the Board disagree with the *Planning Commission's* partial approval of WAB24-0008 (Sweet Clover Residential Trust Abandonment), staff offers the following motion:

"Move to *grant* the appeal and reverse the decision of the Planning Commission to partially approve WAB24-0008 (Sweet Clover Residential Trust Abandonment). Further move to fully approve WAB24-0008 with revised conditions consistent with this approval. The approval of the appeal and reversal of the Planning Commission's decision is based on the Board's ability to make all the findings required by WCC Section 110.806.20, *Findings*."

Attachments:
- A. Record on Appeal: Planning Commission signed Action Order dated 4/4/25
- B. Record on Appeal: Appeal received 4/14/25
- C. Record on Appeal: Planning Commission staff report dated 3/12/2025
- D. Record on Appeal: Written Public Comments received for Planning Commission public hearing on WAB24-0008
- E. Record on Appeal: Planning Commission Minutes dated 4/1/2025
- F. Record on Appeal: County Staff Powerpoint Presentation to Planning Commission
- G. Video recording of Planning Commission hearing is available here: Washoe County Planning Commission April 1, 2025. The hearing on WAB24-0008 begins at approximately 5:35 minutes into the recording.
- H. Additional materials provided by appellant on 5/8/25

cc:

Applicant/ Appellant:	Nickoli Travis, ntravis@buildingbt.com ; Loise Travis, loiseyates@outlook.com
Property Owner:	Sweet Clover Residential Trust, loiseyates@outlook.com
Representatives:	Meyer Surveying, rmeyer@meyersurvey.com
Action Order xc:	Jennifer Gustafson, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office; Katrina Pascual, Utilities; Rob Wimer, Engineering and Capital Projects; Dale Way, Truckee Meadows Fire Protection District; Nevada Division of Environmental Protection; Regional Transportation Commission; Truckee Meadows Regional Planning Agency.