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23 April 2024

TRPA Hearing Officer
Brandy McMahon, AICP
Local Government Coordinator
Permitting & Compliance Department
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Kelly Mullin
Washoe County Community Services Department- Planning & Building Division
1001 E. Ninth St., Bldg A.
Reno, NV 89512

Re: Public hearing for Application for New Single Family Dwelling Addition/Modification Application for APN 123-143-21

On 4 October 2023, GilanFarr Architecture (“GilanFarr”) submitted a single-family dwelling application to the TRPA on behalf of Kurt Caillier / Caillier Living Trust (“Caillier”) to tear down an existing residence located at 425 Pahute Road in Crystal Bay, NV (the “Property”) and construct a new residence in its place. After reviewing the staff report, Mr. Caillier’s neighbors have significant concerns with regards to the proposed plan he has placed before the Tahoe Regional Planning Authority for approval.

I. Introduction

There are two concerns with the proposed permit which have not been adequately addressed, namely access during construction and public access after the project is completed. Both the application submitted by Phil GilanFarr and the Staff

Report prepared by the TRPA do not adequately address the concerns that the TRPA Code of Ordinances requires.

II. Portions of the Staff Report are unsupported by the record evidence

There are four inaccuracies in the staff report that need attention, namely the representations made by Phil GilanFarr, and the unsupported conclusions in the staff report regarding Chapters 21, 32, and 34 of the TRPA Code of Ordinances. Each is addressed in turn.

A. Promises to improve the cul-de-sac

Throughout the past four years Phil GilanFarr made numerous promises and representations to Washoe County officials in order to get the Pahute Abandonment approved. This [short dead-end residential road](#) is very narrow and can be difficult to traverse all year around and even more so in the winter months.

During the Washoe County Planning Commission hearing, Ms. Quina Williams – his employee – made numerous representations to the planning commission staff regarding the access conditions and the end of Pahute Road. She stated:

Thirdly, this orange outline is the actual drivable area so you're driving down Pahute, uh, whether you are a UPS delivery man or just a visitor to the neighborhood, this is really what you have to be able to turn around. Uh, it's very small. This white line shows the turnaround radius. It's kind of about just 20 or 21 feet. It's extremely small. It's not, it's not ideal at all. So, this is a problem, this is a huge problem. We have a house built into the right of way, there's minimal turn around capability. We want to fix this problem. We have a proposed solution that is the

abandonment of this highlighted area that you see on the right of the Washoe County Right of Way.¹

Ms. Williams went on to represent in her conclusion to the Washoe County Planning Commission:

To speak more about compliance, we're absolutely more than happy to comply with all conditions set forth by TRPA regarding the process of the abandonment. We have will obviously already submitted a Washoe County abandonment application. Uh, we are happy to comply with all the conditions set forth by the agencies and the staff report with the addition that we would like to contribute to the enhancement of the turnaround. Um, the homeowner is uh, a professional in the industry um um, concrete and whatnot and uh you know in the construction process we would be happy to improve the situation at the end of Pahute Road.²

On appeal, in her presentation to the Washoe County Board of Commissioners, she stated:

But, as you can see, this purple area is the drivable area that Victor just showed in his [video of the truck turning around](#).³ Its its really not ideal and the um you know clearly the the house does get in the way of some of that turnaround capability. But more importantly, this red shows that there is even smaller amounts of that road that are paved.⁴

As part of her conclusion to the Washoe Board of Commissioners, Ms. Williams testified:

¹ https://youtu.be/u-NWdBIXQ_Y?t=1133.

² https://youtu.be/u-NWdBIXQ_Y?t=1464

³ <https://youtu.be/mWA06wx-gFQ>

⁴ https://youtu.be/iZABC6gIR_k?list=PLdx9_2ZV4M_wIoqR6PPWz-mvMqpxh44SU&t=13582

We can also look to um coordinate with Washoe County and the neighbors to actually improve the turn around on the end of the street. So, just to clarify, we absolutely have no intention of reducing or eliminating the turnaround capacity in any way.⁵

This is just a proposed option of what we could be looking at in the future where we can actually improve the turnaround. So again, I just want to be clear that you know uh we we don't have any intention of decreasing the ability for any of the um the neighbors or the snow removal equipment or emergency equipment or even delivery trucks to reduce their ability to use the road. Um, in fact, we would be definitely willing to participate with the County to improve that turnaround and to utilize that Washoe County quitclaim deed area to expand the turnaround uh for all of the neighbors to use.⁶

Um, so as you can see, the existing road conditions are really not ideal. It's a lot of wasted space and we hope to improve that situation um as a part of this abandonment process and the construction process.⁷

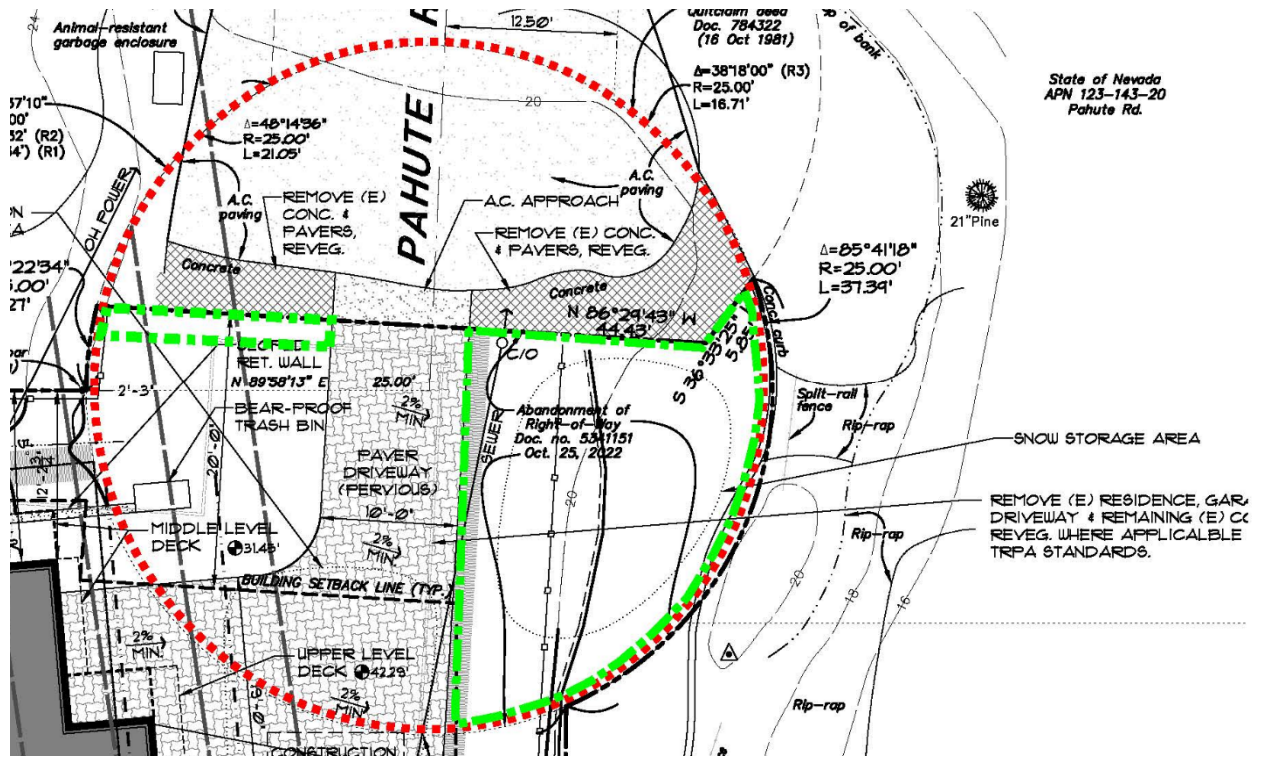
Even in the abandonment application, GilanFarr answered the question of replacement easements with the statement that “[a] replaced and improved turnaround area is proposed compared to the existing turnaround capability.”⁸ The problem here is that the plans filed with the TRPA to demolish and rebuild the residence do not fulfill any of the promises. Moreover, the Code of Ordinances prohibit the implementation of any such promise.

⁵ https://youtu.be/iZABC6gIR_k?list=PLdx9_2ZV4M_wIoqR6PPWz-mvMqpxh44SU&t=13707

⁶ https://youtu.be/iZABC6gIR_k?list=PLdx9_2ZV4M_wIoqR6PPWz-mvMqpxh44SU&t=13762

⁷ https://youtu.be/iZABC6gIR_k?list=PLdx9_2ZV4M_wIoqR6PPWz-mvMqpxh44SU&t=13843

⁸ See Exhibit A



The concern is represented graphically above. The red circle is what was originally platted as a turnaround for Pahute Road. Although the *cul-de-sac* never met the strictures of Washoe Development Code §110.436 which is discussed in more detail below, all of the impervious surface which was available to the public for access to turn around that is represented by the green areas is now being transferred to the building and the private driveway and is required to be revegetated pursuant to the proposed permit. Indeed, on page 8 of the Staff Report the requirements state that “[t]he area from which the land coverage was removed for relocation is restored in accordance with Subsection 30.5.3.”

That is not an improvement at all since there is now an even smaller area for residential and emergency vehicles to safely navigate the street and turn around. Moreover, any owner of the parcel – present or future – will have every legal right to place barriers to prevent any trespass. In the words of Ms. Williams, this proposed

plan is not only “not ideal”, it continues to fail to “contribute to the enhancement of the turnaround” and her “hope to improve” it.

B. The proposed building plan and permit does not meet the requirements of Chapter 32 of the TRPA Code of Ordinances

In the Staff Report, there is only one mention of Chapter 32 which is contained on page 35 of the report. It states:

CATEGORY: CODE/RULES OF PROCEDURE REQUIREMENTS

1.	Does the project require Governing Board Review (Chapter 2)?		Y <input type="checkbox"/>	N <input checked="" type="checkbox"/>
5.	Does the project require notice to adjacent property owners (Art. XII Rules of Procedure)?		Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
6.	Is the project consistent with the following:			
	Chapter 2 (Project Review)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
	Chapter 6 (Tracking-Data Sheets/Log Book)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
	Chapter 21 (Permissible Uses)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
	Chapter 22 (Temporary Uses)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>
	Chapter 30 (Coverage)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
	Chapter 31 (Density)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
	Chapter 32 (Basic Service)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
	Chapter 33.3 (Grading)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>

Chapter 32 of the TRPA’s Code of Ordinances states that:

All projects proposing a new structure or reconstruction or expansion of an existing structure designed or intended for human occupancy shall meet the standards set forth in this chapter.

Moreover, section 32.3 requires:

All projects described in Section 32.2 and that require vehicular access shall be served by a paved roadway. To be considered “served,” a right-of-way or easement shall abut the driveway serving the parcel and **shall contain a paved roadway of adequate size and construction to accommodate the vehicular traffic resulting from the project.** [emphasis added]

As mentioned in previous correspondence already in the record, Crystal Bay in general and Pahute Road specifically is part of a planned residential neighborhood. As such, it is reasonable for owners of an abutting residential parcel and structure to expect not only adequate roads for emergency services, but also be able to maintain the ability to receive common household goods by delivery vehicles used by UPS and FedEx and vital services such as garbage collection.

Since neither the Application nor the Staff Report address this critical issue, it needs further study and review prior to the issuance of a permit.

C. The proposed building plan and permit does not meet the requirements of Chapter 34 of the TRPA Code of Ordinances

In the Staff Report, there is only one mention of Chapter 34 which is contained on page 29 of the report. It states:

CATEGORY: AIR QUALITY

THRESHOLD: CARBON MONOXIDE (CO)

INDICATOR: (CO) 8-hr. avg. Stateline CA station

- | | | | | |
|----|----|---|---------------------------------------|---------------------------------------|
| 1. | a. | Does the project generate new vehicle trips? | Y <input type="checkbox"/> | N <input checked="" type="checkbox"/> |
| | b. | If yes, is the project consistent with Subsection 65.2.4.B.1? | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| 2. | a. | Does the project create new points of vehicular access? | Y <input checked="" type="checkbox"/> | N <input type="checkbox"/> |
| | b. | If yes, is the project consistent with Subsection 34.3.2? | Y <input checked="" type="checkbox"/> | N <input type="checkbox"/> |

[Chapter 34.3.2](#) of the TRPA’s Code of Ordinances states that:

Driveways shall comply with the following standards:

...

D. Standards of Caltrans and Nevada Department of Transportation

On state and federal highways, *the ingress/egress standards* of the California or Nevada Department of Transportation shall apply, as appropriate, in addition to the standards in subsections 34.3.3 through 34.3.5, inclusive. Where the state standards conflict with subsections 34.3.3 through 34.3.5, inclusive, the

state standards shall control.

Washoe County is the responsible arm of the State of Nevada for developing standards for the roads in its portion of the Tahoe Basin. The Washoe County Development Code goes to *great* lengths in promulgating the design of streets. [Washoe County Development Code §110.604.10](#) also states that “Streets within the subdivision shall be designed in conformance with Article 436, Street Design Standards.” The purpose of [Washoe Development Code §110.436](#) is stated clearly in §110.436.00. It says:

The purpose of this article, Article 436, Street Design Standards, is to provide *safe, properly designed*, attractive streets that minimize environmental disturbance, including impacts on water quality, and minimize maintenance costs for the street system within Washoe County. [emphasis added]

This development code section also specifically codifies its applicability. It says:

The provisions of this article shall apply to public and private street improvements for projects including, but not limited to, the following:

...

(b) Projects that may be subject to this article are:

...

(1) Projects requiring a site plan review.

[Washoe County Development Code §110.436.120\(e\) and \(f\)](#) requires that

. . . a minimum turnaround radius of the cul-de-sac bulb shall be forty-eight (48) feet measured from the radius point to the face of the curb. . . [and a] [m]inimum right-of-way for the cul-de-sac bulb shall be forty-eight (48) feet

measured from the radius point to the right-of-way line.

Even [Washoe County Development Code §110.436.125\(d\)](#) states that “[p]artial width streets . . . shall be improved at least to half width, but in no instance shall the paved travel way be less than twenty-four (24) feet in width (with no on-street parking).”

Both the application on file as well as the Staff Report have not addressed this critical part of the Ordinances. In its original platted condition – which was done many decades ago – Pahute Road never met the current design standards. But with this Application and proposed permit, those design standards remain not only unaddressed, they are reduced even further to the detriment of the public and residents of Pahute – including Kurt Caillier.

D. The proposed plan for redevelopment is unsafe and does not comply with Washoe County Master Plan – Public Services and Facilities Element

The Staff Report states:

According to Phil GilanFarr, the project’s representative, during the process of the abandonment, all agencies, including North Lake Tahoe Fire District, reviewed and approved the abandonment. One of the conditions was if the existing home is removed and a new home is constructed then the new home must conform to a 20-foot setback from the new property line.

But the actual record does not support those assertions. First, North Lake Tahoe Fire District only gave the following response to the Pahute Abandonment to Washoe County Planning and Development. They said:

Morning.

NLTFPD recognizes the access challenges in this area and agrees with

Engineering's recommendation, please.

Thank you,

Jen⁹

Likewise, in response to Traffic and Roadway, Mitchell Fink reports “no Traffic related comments.”¹⁰ The suggestion that a condition of the abandonment was that the new home must conform to a 20-foot setback is not reflected in the abandonment proceedings. It is also not reflected in the Order of Abandonment that is filed in the Washoe County Recorder's Office.¹¹

As mentioned previously, emergency services are more than just public services for the extinguishment of fires. [North Lake Tahoe Fire Protection District](#) provides Emergency Medical Services to the citizens and visitors of Incline Village and Crystal Bay. Moreover, the [Washoe County Master Plan – Public Services](#) and Facilities Element goes on at length about the issue of Public Safety. That Master Plan element acknowledges that response to medical emergencies “are among the most basic and valuable services provided to citizens by government.” That Plan further points out that:

Due to the long distances from hospitals to outlying areas in the County, the responsibility for providing initial emergency medical services frequently falls to the fire department. As the primary basic life support providers in Washoe County, the proximity of fire units to the emergency is often the difference between life and serious injury or death.

Even the Washoe County Planning Commission Staff acknowledge on the

⁹ See Exhibit B

¹⁰ See Exhibit C

¹¹ See Exhibit D

record that there is a serious problem.¹² As Julee Olander from the Planning Commission Staff testified in the abandonment hearings:

The applicant [Caillier] originally asked to abandon and you sort of see where the house is underneath. But they originally asked to abandon the 31 feet and then also to meet the setback which is 20 ft. However, this is on a cul-de-sac and because of that narrow road, a lot of people, the neighborhood uses that cul-de-sac as a turnaround area. They come down Pahute Road and then they turn around in this cul-de-sac.

So after reviewing this with Engineering, it was decided that they would only that County was only comfortable with abandoning the portion that where the house is residing on the Property . . . on the right-of-way, excuse me.¹³

During the course of the abandonment proceedings, it was repeatedly pointed out that the overall course of action needed TRPA input to resolve the pending collision of interests given the confines of the Code of Ordinances. But Washoe County and GilanFarr insisted that all those development codes and ordinances did not apply for purposes of abandonment. Four years later, affected parties are back at the same juncture where these codes need to be properly addressed so that the proposed plan is reasonable for all who are affected.

¹² https://youtu.be/u-NWdBIXQ_Y?t=465

¹³ https://youtu.be/u-NWdBIXQ_Y?t=465

III. The special condition for a construction management plan needs to be a part of the permit approval

On page 13, paragraph G of the Staff Report, TRPA Staff recommends that “[t]he permittee shall provide a construction management plan that outlines how access to neighboring properties will be maintained during construction.” Washoe County has a similar requirement for the proposed demolition permit. But unlike the Washoe County demolition permit, the TRPA permit does not make it a requirement to present a plan before approval so that those affected can comment on both the proposal and its implementation. Indeed, a very poor plan can be submitted and there is no administrative recourse if it is deemed unworkable or causes other access issues for residents or service providers. This issue of what the plan looks like and the details it contains needs to be addressed prior to any issuance of a permit.

IV. Conclusion

This particular set of facts have posed a real challenge for all parties concerned. In a more traditional property development setting, the proposed new structure would simply be placed back on the lot after removal of the offending one. But the Tahoe Regional Planning Authority’s Code of Ordinances never contemplated such a black swan set of circumstances that are currently preventing such a simple solution in this case.

First, Washoe County had a strong desire to remedy a nonconforming condition that was caused either by grossly mis-platting a necessary road or more likely failing to enforce its own building code and allowing a building to perpetually occupy a large portion of the end of a necessary roadway for decades. Similarly, Caillier reasonably believed he was entitled to maintain the status quo and rebuild his residence given the multiple encroachment permits that Washoe County issued

to previous owners. Third, the general public and service providers that use this road as well as owners along it have an expectation of a safe thoroughfare that gets them access to each individual property. Finally, the TRPA Code of Ordinances has a real purpose with regards to its coverage enforcement. That is to provide protection to Lake Tahoe on a macro level and to also provide a workable regulatory regime that achieves that overall purpose. But under the current rigid interpretation of the Code of Ordinances, those who had no hand whatsoever in creating this condition are left to bear the full brunt of the consequences in perpetuity. Indeed, the public, immediate residents, and even Caillier draw a short straw in its blind and rigid interpretation since it really negatively affects all those parties.

Back in 2020 when this process started, Phil GilanFarr was contacted to craft a more moderate solution to the task he had been retained to perform. Although he admitted that this solution was not ideal, he claimed that it was the only solution the TRPA – through its general counsel Mr. John Marshall – would ever consider or accept. During the administrative process of abandonment, an olive branch was again held out to Washoe County through Assistant District Attorney Jen Gustafson to try and bring *all* the parties together to resolve the matter without further judicial intervention. That, too, met without success.

Four years later with hundreds of collective hours of legal resources having been expended and numerous promises having been made; the competing parties now all find themselves yet again at the same juncture, with the same conundrum, and still without an elegant solution. Only this time, the TRPA is now formally involved and must administratively navigate its own Code to reach an administrative decision that is ultimately subject to another round of federal judicial review.

In the spirit of compromise, an olive branch is again held out to all the parties for consideration to at least agree to try and formulate a solution under the TRPA Code of Ordinances that strikes a rational balance among the competing interests.

There is a solution contained in Chapter 32 of the Code of Ordinances that can solve the problem, but it will take the expertise of good real estate lawyers for all parties to craft the solution that meets the concerns of all parties. It is hoped that the third attempt at requesting a real and open dialog will result in a compromise that all affected parties can live with.

Respectfully Submitted


A handwritten signature in black ink that reads "Victor Egohe". The signature is written in a cursive style with a large, stylized 'V' and 'E'.

EXHIBIT A

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

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

The requested abandonment is the last (200?) feet of 425 Pahute Road

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

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

The proposed use for the vacated area is to rebuild a new single family residence in approximately the same footprint.

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

A replaced and improved turnaround area is proposed compared to the existing turnaround capability.

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?

There are no other properties serviced by this area of the road; this property is the last and only serviced property by this section of ROW.

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.

EXHIBIT B

From: [Jennifer Donohue](#)
To: [Olander, Julee](#)
Subject: RE: WAB20-0005
Date: Monday, August 10, 2020 7:55:36 AM
Attachments: [image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Morning.

NLTFPD recognizes the access challenges in this area and agrees with Engineering's recommendation, please.

Thank you,
Jen



Jennifer Donohue
Interim Fire Marshal

Office: [775.831.0351](tel:775.831.0351) x8127 | Cell: [775.434.4555](tel:775.434.4555)

Email: jdonohue@nltpd.net

[866 Oriole Way | Incline Village | NV 89451](#)



From: Olander, Julee <JOlander@washoecounty.us>
Sent: Thursday, July 30, 2020 3:54 PM
To: Jennifer Donohue <JDonohue@nltpd.net>
Subject: WAB20-0005

Jennifer,

Realized that I didn't have the attached application sent to you for your review. The applicant is now suggesting to have a portion of the abandonment left as an access easement- see the last attachment. Please let me know what you think and let me know if you have any questions.

Thanks,



Julee Olander

Planner | Community Services Department- Planning & Building Division

jolander@washoecounty.us | Office: 775.328.3627

1001 E. Ninth St., Bldg A., Reno, NV 89512

Visit us first online: www.washoecounty.us/csd

For Planning call (775) 328-6100

Email: Planning@washoecounty.us





WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Engineering and Capital Projects

Attachment C
 1001 EAST 9TH STREET Page 13
 PO BOX 11130
 RENO, NEVADA 89520-0027
 PHONE (775) 328-3600
 FAX (775) 328.3699

EXHIBIT C

Date: August 4, 2020
 To: Julee Olander, Planner, Planning and Building Division
 From: Leo Vesely, P.E., Engineering and Capitol Projects Division
 Re: Abandonment Case **WAB20-0003 – Pahute Road abandonment**
 APN 123-143-11

GENERAL PROJECT DISCUSSION

Washoe County Engineering and Capital Project staff has reviewed the above referenced application. The application is for the abandonment of Washoe County’s interest in ±200 square feet of right-of-way of Pahute Road at the end of the road adjacent to 425 Pahute Road. 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 Gilanfarr Architecture. 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) 328-2041

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 area to be abandoned shall only include the portion as shown in yellow below:



INTEGRITY

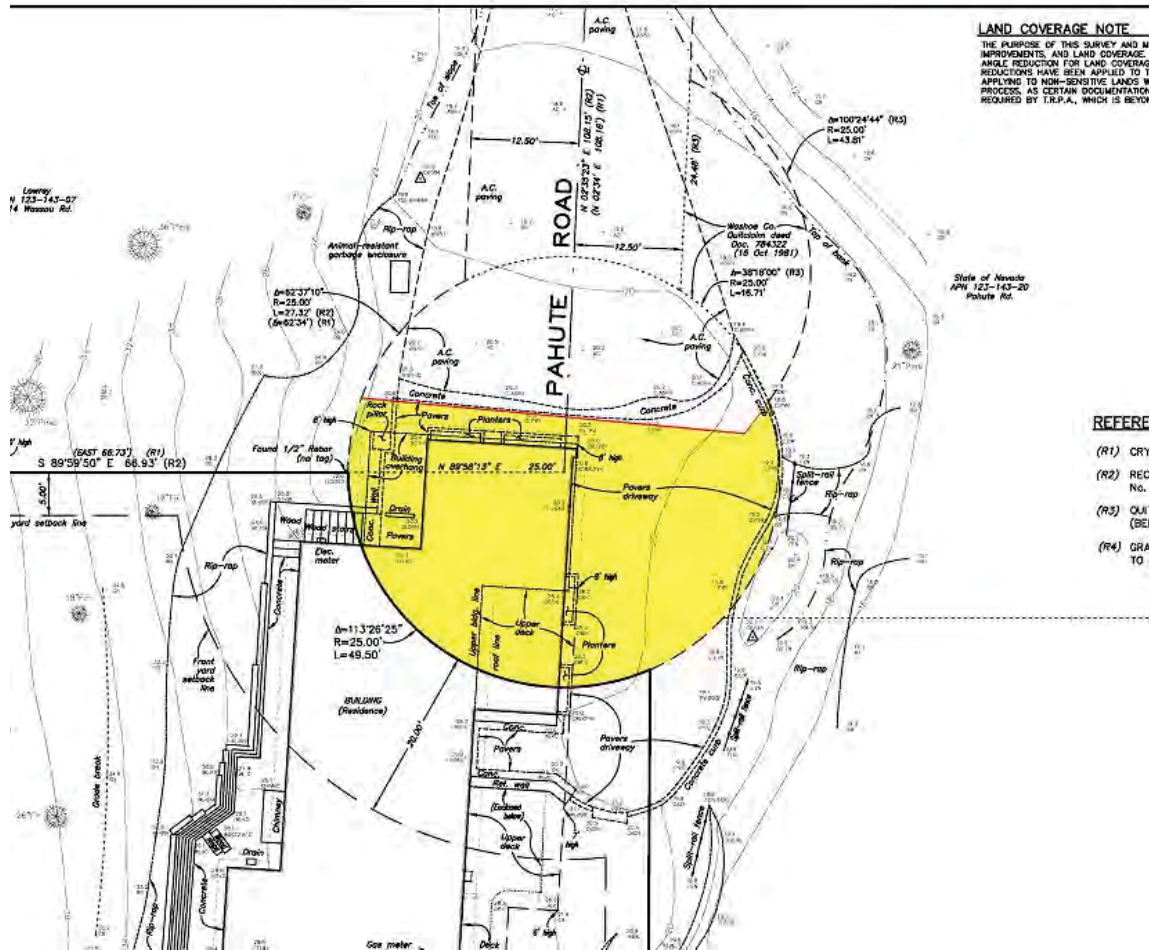


EFFECTIVE COMMUNICATION



QUALITY PUBLIC SERVICE

Subject: Pahute Abandonment – WAB20-0003
Date: August 4, 2020
Page: 2



- 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.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

Contact Information: Leo Vesely, P.E. (775) 328-2041

There are no Drainage related comments.

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

Contact Information: Mitchell Fink (775) 328-2050

Subject: Pahute Abandonment – WAB20-0003
Date: August 4, 2020
Page: 3

There are no Traffic related comments.

UTILITIES (County Code 422 & Sewer Ordinance)

Contact Information: Tim Simpson, P.E. (775) 954-4648

There are no utility related conditions of approval.

EXHIBIT D

APN: 123-143-11

When recorded return to:
Washoe County Engineering Division
1001 E. Ninth Street
Reno, NV 89512
Attn: Robert Wimer
WAB20-0003

DOC #5341151

10/25/2022 09:00:49 AM
Requested By
WASHOE COUNTY CSD
Washoe County Recorder
Kalie M. Work
Fee: \$0.00 RPTT: \$
Page 1 of 6

RESOLUTION AND ORDER OF ABANDONMENT

WHEREAS, the Washoe county Planning Commission did receive a petition to abandon a portion of the right-of-way of Pahute Road as shown on the unofficial map of Crystal Bay Park Subdivision, said map being the basis of bearings of this description. The area is designated Tahoe – Crystal Bay in the Washoe County Planning Area, and is situated in the Lot II of Section 19, Township 16 North, Range 18 East, of the Mount Diablo Meridian, and

WHEREAS, pursuant to NRS 244.276 and 278.480 the County of Washoe has the power to vacate the roadway easement, and

WHEREAS, existing public utility and drainage easements shall remain; and

WHEREAS, upon evidence presented by the County Engineer and other interested persons, the Washoe County Planning Commission finds 1) that the public will not be materially injured by the proposed abandonment; and 2) that the abandonment is in the best interests of the County; and 3) the Planning Commissioners gave reasoned consideration to information presented; and

WHEREAS, the Washoe County Planning Commission ordered on September 1, 2020, the abandonment of the above-mentioned roadway easements.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE WASHOE COUNTY PLANNING COMMISSION that the following described portions of roadway easements be abandoned and that this Order of Abandonment be recorded in the Office of the Washoe County Recorder pursuant to NRS 278.480.

See attached: Exhibit "A" Description of Abandonment Area
Exhibit "1" Plat to Accompany Description of Abandonment Area

RESOLUTION AND ORDER OF ABANDONMENT 123-143-11, CONTINUED

WASHOE COUNTY PLANNING COMMISSION

WASHOE COUNTY, NEVADA

By: 
FRANCINE DONSHICK, Chair

Date

10/18/22

ATTEST:


TREVOR LLOYD
Secretary to the Planning Commission

COPY

EXHIBIT "A" - DESCRIPTION OF ABANDONMENT AREA

All that real property situate within Lot II of Section 19, Township 16 North, Range 18 East, M.D.B. & M., Washoe County, Nevada, being a portion of the right-of-way of Pahute Road as shown on the unofficial map of Crystal Bay Park Subdivision, said map being the basis of bearings of this description, and being more particularly described as follows:

COMMENCING at the southeast corner of Lot 3 of Section 19, Township 16 North, Range 18 East, M.D.B. & M.;

THENCE, along the South line of said Lot 3, South 89°18'50" West for 176.13 feet, to the centerline of Tuscarora Road as shown on said Crystal Bay Park map;

THENCE, along aforementioned centerline, North 18°35' East for 629.87 feet, to the centerline of Beowawie Road as shown on said Crystal Bay Park map;

THENCE, along said centerline of Beowawie Road, the following two (2) courses:

- 1) North 41°33' East for 71.22 feet;
- 2) North 34°11' East for 329.05 feet;

to the centerline of Wassou Road as shown on said Crystal Bay Park map;

THENCE, along said centerline of Wassou Road, the following eleven (11) courses:

1. North 55°49' West for 21.33 feet;
2. North 30°28' East for 115.37 feet;
3. North 17°46' East for 89.37 feet;
4. North 7°14' West for 101.12 feet;
5. North 19°29' East for 46.63 feet;
6. North 62°48' East for 65.42 feet;
7. North 4°06' East for 67.95 feet;
8. North 13°49' East for 332.39 feet;
9. North 1°31' West for 69.89 feet;
10. North 25°36' West for 149.58 feet;
11. North 16°15' West for 96.58 feet;

THENCE, leaving said centerline, North 84°05' East for 12.71 feet, to the easterly right-of-way line of aforementioned Wassou Road, being further described as the westernmost corner of lot 20 as shown on said Crystal Bay Park map;

THENCE, along said easterly right-of-way and the westerly line of said lot 20, North 4°25'00" East for 110.45 feet to the northwest corner of said lot 20;

THENCE, leaving said easterly right-of-way line, along the northerly line of said lot 20, East for 66.73 feet, to the northerly corner of said lot 20, being further described as lying on the westerly right-of-way line of Pahute Road as shown on said Crystal Bay Park map, and being the beginning of a non-tangent curve to the left having a radius of 25.00 feet, the radial of which bears West from the center point of said curve, also being the **POINT OF BEGINNING** of this description;

THENCE, southeasterly along said curve, through a central angle of 90°00'00" for an arc length of 39.27 feet, to the northeasterly corner of said lot 20, being further described as lying on the southerly right-of-way line of said Pahute Road;

THENCE, leaving the northerly line of said lot 20 and continuing along said southerly right-of-way line of Pahute Road, further described as being a compound curve to the left having a radius of 25.00 feet, a central angle of 109°07'43" and an arc length of 47.62 feet ;

EXHIBIT "A" - DESCRIPTION OF ABANDONMENT AREA
(continued)

THENCE, leaving said right-of-way line, South 36°33'25" West for 5.85 feet;

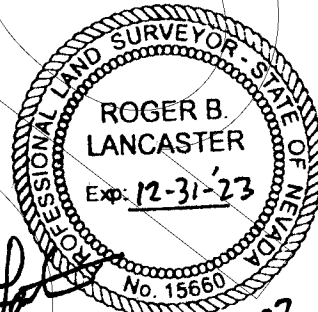
THENCE, North 86°29'43" West for 44.43 feet, to the westerly right-of-way line of said Pahute Road, and being the beginning of a non-tangent curve to the left having a radius of 25.00 feet, the radial of which bears North 75°37'26" West from the center point of said curve;

THENCE, thence southwesterly along said curve, through a central angle of 14°22'34" for an arc length of 6.27 feet; to the **POINT OF BEGINNING** of this description;

Containing 1,228 square feet, more or less.

See "Exhibit '1', Plat to Accompany Description of Abandonment Area", attached hereto and incorporated herein by reference.

Prepared by: Roger B. Lancaster, PLS
Lancaster Land Surveys
930 Tahoe Blvd Ste 802-118
Incline Village NV 89451-9488



Roger B. Lancaster

19 AUG 2022

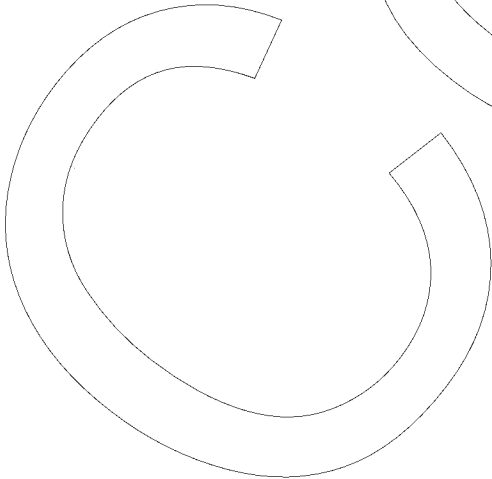


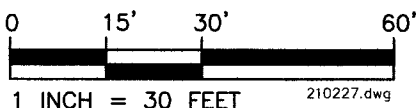
EXHIBIT '1'

PLAT TO ACCOMPANY
DESCRIPTION OF
ABANDONMENT AREA

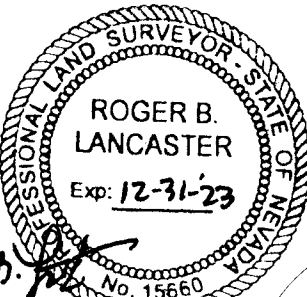
LOT 20, BLOCK 9,
CRYSTAL BAY PARK
(UNOFFICIAL SUBDIVISION)
CRYSTAL BAY,
WASHOE COUNTY, NEVADA

425 PAHUTE ROAD
APN 123-143-11

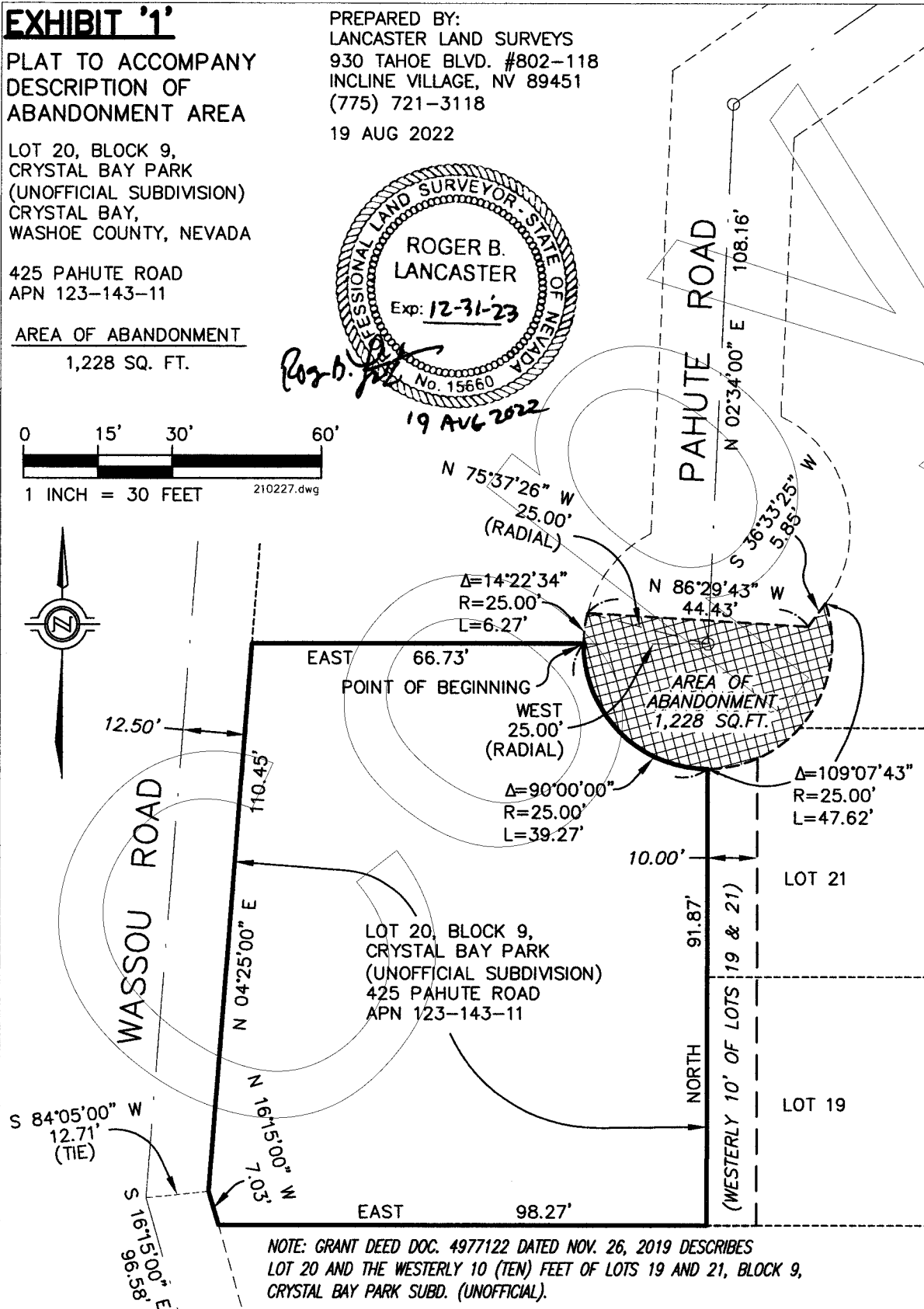
AREA OF ABANDONMENT
1,228 SQ. FT.



PREPARED BY:
LANCASTER LAND SURVEYS
930 TAHOE BLVD. #802-118
INCLINE VILLAGE, NV 89451
(775) 721-3118
19 AUG 2022



Roger B. Lancaster
19 AUG 2022





WASHOE COUNTY RECORDER

OFFICE OF THE RECORDER
KALIE M. WORK, RECORDER

1001 E. NINTH STREET
RENO, NV 89512
PHONE (775) 328-3661
FAX (775) 325-8010

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By my signing below, I acknowledge that I have been advised that once the document has been microfilmed it may not reproduce a legible copy.

Robert Wimer

Signature

10/25/22

Date

ROBERT WIMER

Printed Name

To: Brandy McMahon
Cc: John Marshall; Marsha Burch
Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

From: Victor Elgohary <victor@vselgohary.com>
Sent: Friday, April 12, 2024 8:27 AM
To: 'Gustafson, Jennifer' <jgustafson@da.washoecounty.gov>
Cc: 'Mullin, Kelly D.' <KMullin@washoecounty.gov>; 'John Clymer' <jclymerofnh@gmail.com>; mfink@washoecounty.us;
Julie Roll <jroll@trpa.gov>; Brandy McMahon <bmcmahon@trpa.gov>
Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

Jen-

I see the proposed condition was posted the other day. It is a good start. On the other hand, it presumes everyone will be working with good intentions. We would request the following edits:

Building - 1 Applied

Selectron Test Condition Type

WASHOE COUNTY NOTICE ABOUT WORK PERFORMED AT 425 PAHUTE RD.

*WASHOE COUNTY NOTICE ABOUT WORK PERFORMED AT 425 PAHUTE RD. PER PLANNING AND BUILDING DIRECTOR KELLY MULLIN 1. Pahute Rd. is very narrow with a paved roadway width varying from 11'-15' wide with minimal shoulder width to park off the asphalt. There is limited parking for contractors along Pahute Rd. Vehicles encroaching on the asphalt, which reduces the travelable lane width and would not allow for safe access by emergency vehicles, are subject to enforcement through the Sheriff's Office. 2. During construction and demolition, any road closures on Pahute Rd. (ex. due to large equipment blocking the road or restricting access) will require a traffic control plan to be submitted in advance for review and approval, including coordination with emergency service providers. It is **recommended required** that any such closures be communicated in advance with homes adjacent to Pahute Rd. that may be affected by such closures **at least 48 hours before such planned closure. Any closures cannot be more than _____ (length of time) and there can be no more than ___ (number of) closures per day.** To coordinate submission of a traffic control plan, please contact Washoe County's traffic engineer Mitch Fink at mfink@washoecounty.gov.*

Applied | Notice | 04/09/2024

Also, this notice addresses almost *nothing* about real issue of parking for contractors. Those few spots tiny spots (3 to 4) are typically used for guests of residents. There will be a significant number of tradesmen and their vehicles during the duration of this multi-year process. This – as written – has a good likelihood of quickly devolving into a real mess. These conditions really need more thought from those aspects.

--
Victor

Victor Elgohary
6406 Arcadia Bend Ct.
Houston, Texas 77041
713.410.0743
victor@vselgohary.com

From: Gustafson, Jennifer <jgustafson@da.washoecounty.gov>
Sent: Thursday, April 11, 2024 12:13 PM
To: Victor Elgohary <victor@vselgohary.com>
Cc: Mullin, Kelly D. <KMullin@washoecounty.gov>; 'John Clymer' <jclymerofnh@gmail.com>
Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

Hi Victor,

Thank you for sending this correspondence detailing your concerns. Director Mullin has received and is reviewing in connection with her consideration of the demolition permit.

Thank you,

Jen Gustafson

From: Victor Elgohary <victor@vselgohary.com>
Sent: Friday, April 5, 2024 7:54 PM
To: Gustafson, Jennifer <jgustafson@da.washoecounty.gov>
Cc: Mullin, Kelly D. <KMullin@washoecounty.gov>; 'John Clymer' <jclymerofnh@gmail.com>; 'Brandy McMahon' <bcmcmahon@trpa.gov>; 'Julie Roll' <jroll@trpa.gov>
Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

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Good evening Jen,

Per our conversation this past Monday please find attached written correspondence regarding our concerns with the demolition and construction being proposed for 425 Pahute. We look forward to working with everyone in a substantive dialog which addresses these concerns.

--
Victor

Victor Elgohary, Attorney at Law
6406 Arcadia Bend Ct.
Houston, Texas 77041
713.410.0743
victor@vselgohary.com

From: Gustafson, Jennifer <jgustafson@da.washoecounty.gov>
Sent: Friday, March 29, 2024 5:35 PM
To: Victor Elgohary <victor@vselgohary.com>
Cc: Mullin, Kelly D. <KMullin@washoecounty.gov>
Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

Hi Victor,

I received a message from my office that you called to presumably speak about the matters in the below email chain. As Director Mullin mentions below, the only permit request that I'm aware of that is currently before the

County is for the demolition—which is a ministerial permit. As long as County standards are met, that permit will be issued.

If you'd like to have a brief conversation on Monday morning, I could be available sometime between 10:00-11:30 a.m. Please let me know if there is a specific time that works for you and I'll give you a call.

Thanks,

Jen Gustafson

From: Victor Elgohary <victor@vselgohary.com>
Sent: Tuesday, March 26, 2024 7:53 AM
To: Mullin, Kelly D. <KMullin@washoecounty.gov>; 'Brandy McMahon' <bmcmahon@trpa.gov>
Cc: 'Julie Roll' <jroll@trpa.gov>; 'John Clymer' <jclymerofnh@gmail.com>; Gustafson, Jennifer <jgustafson@da.washoecounty.gov>
Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

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Kelly-

First, thank you for the response.

Second, there are specific and more immediate concerns regarding the demolition permit request that the Pahute residents would like to discuss with Washoe County. If Jen can make herself available tomorrow at a mutually agreeable time, that would be wonderful. If Jen's schedule is not open, we can all convene at another mutually agreeable time. We can also have two separate meetings, one with Washoe County and the other with the TRPA. Given that the TRPA approval, the demolition permit request, the future building permit, and a future variance request all overlap with concerns that the Pahute residents have with regards to the construction plans at 425 Pahute, a discussion with everyone involved with the administrative approval process should be insightful for everyone.

--

Victor

Victor Elgohary, Attorney at Law
6406 Arcadia Bend Ct.
Houston, Texas 77041
713.410.0743
victor@vselgohary.com

From: Mullin, Kelly D. <KMullin@washoecounty.gov>
Sent: Monday, March 25, 2024 9:17 PM
To: Victor Elgohary <victor@vselgohary.com>; 'Brandy McMahon' <bmcmahon@trpa.gov>
Cc: 'Julie Roll' <jroll@trpa.gov>; 'John Clymer' <jclymerofnh@gmail.com>; Gustafson, Jennifer <jgustafson@da.washoecounty.gov>
Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

Mr. Elgohary,

Washoe County staff are represented by the District Attorney's Office. I believe you have Ms. Gustafson's contact information, but I've also CC'd her here.

At this point, Washoe County has received a request for a demolition permit, but no construction permit. Once an application for construction has been received, it will be reviewed against adopted codes and standards. I am unable to attend the meeting this week, but have received your Feb. 7, 2024 letter. Thank you.



Kelly Mullin, AICP
Planning & Building Division Director | Community Services Department
kmullin@washoecounty.gov | Office: 775.328.3619
1001 E. Ninth Street, Building A, Reno, NV 89512



Visit us online at www.washoecounty.us/csd
For Building, call 775.328.2020 or email building@washoecounty.gov
For Planning, call 775.328.6100 or email planning@washoecounty.gov

From: Victor Elgohary <victor@vselgohary.com>
Sent: Monday, March 25, 2024 3:24 PM
To: 'Brandy McMahon' <bmcmahon@trpa.gov>; Mullin, Kelly D. <KMullin@washoecounty.gov>
Cc: 'Julie Roll' <jroll@trpa.gov>; 'John Clymer' <jclymerofnh@gmail.com>
Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

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Brandy-

Thank you for your prompt response. Anytime between 9:30 and noon Wednesday would be great. I think the conversation requires maybe 30 to 45 minutes of your time. Just let us know what time you would like to start and which phone number you would like for us to call. We can also do a Zoom meeting if you prefer.

My next door neighbor, John Clymer, would also like to attend if that is o.k. He has day to day experience of what is transpiring out there at the site and can provide us more insight as necessary. Also, I think it would be beneficial to invite Washoe County into the conversation at the same time if it is possible since the same administrative issues overlap between the two jurisdictions.

Look forward to speaking with all of you on Wednesday.

--

Victor

Victor Elgohary, Attorney at Law
6406 Arcadia Bend Ct.
Houston, Texas 77041
713.410.0743
victor@vselgohary.com

From: Brandy McMahon <bmcmahon@trpa.gov>
Sent: Monday, March 25, 2024 4:06 PM
To: Victor Elgohary <victor@vselgohary.com>; KMullin@washoecounty.gov

Cc: Julie Roll <jroll@trpa.gov>

Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

Hi Victor,

I am available for a call from 1:00 to 1:30 tomorrow or 9:30 to noon on Wednesday.

Brandy McMahon, AICP
Principal Planner
Permitting & Compliance Department
(775) 589-5274
bcmahon@trpa.gov



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From: Victor Elgohary <victor@vselgohary.com>

Sent: Monday, March 25, 2024 10:28 AM

To: Brandy McMahon <bcmahon@trpa.gov>; KMullin@washoecounty.gov

Cc: Julie Roll <jroll@trpa.gov>

Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

Good morning Brandy-

I was wondering if we can schedule a time this week to have a conversation by telephone.

--

Victor

Victor Elgohary, Attorney at Law
6406 Arcadia Bend Ct.
Houston, Texas 77041
713.410.0743
victor@vselgohary.com

From: Brandy McMahon <bcmahon@trpa.gov>

Sent: Wednesday, February 7, 2024 3:36 PM

To: Victor Elgohary <victor@vselgohary.com>; KMullin@washoecounty.gov

Cc: Julie Roll <jroll@trpa.gov>

Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

Dear Victor,

I received your letter. I will let you know if I have any questions after I review it.

Thanks,

Brandy McMahon, AICP
Local Government Coordinator
Permitting & Compliance Department
(775) 589-5274
bcmcmahon@trpa.gov



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From: Victor Elgohary <victor@vselgohary.com>

Sent: Wednesday, February 7, 2024 12:09 PM

To: Brandy McMahon <bcmcmahon@trpa.gov>; KMullin@washoecounty.gov

Cc: Julie Roll <jroll@trpa.gov>

Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

Thank you Brandy.

Attached is an analysis of our issues with regards this building permit. The document has numerous links to Washoe County presentations and also videos that help highlight the issues of concern.

If you would, please copy us on all correspondence with regards to this application so that we can timely review and respond.

Look forward to working with all of you to get this matter amicably resolved.

--

Victor

Victor Elgohary, Attorney at Law
6406 Arcadia Bend Ct.
Houston, Texas 77041
281.858.0014
victor@vselgohary.com

From: Brandy McMahon <bmcMahon@trpa.gov>
Sent: Thursday, February 1, 2024 5:16 PM
To: victor@vselgohary.com
Cc: Julie Roll <jroll@trpa.gov>
Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

Hi Victor,

I don't think Phil GilanFarr has submitted the application to the County yet.

Kelly Mullin is the director of the department. You can send your comments to her and ask they be forwarded to the Planner assigned to the project.

KMullin@washoecounty.gov

Thanks,

Brandy McMahon, AICP
Local Government Coordinator
Permitting & Compliance Department
(775) 589-5274
bmcMahon@trpa.gov



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From: victor@vselgohary.com <victor@vselgohary.com>
Sent: Thursday, February 1, 2024 2:11 PM
To: Brandy McMahon <bmcMahon@trpa.gov>

Cc: Julie Roll <jroll@trpa.gov>

Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

Thanks Brandy.

I'm almost done with a response to Caillier's and GilanFarr's application for your files and consideration. Hope to have that to you by next week.

Is there a Washoe County planner assigned to this project? All I see in OneNV is a Special Inspection Permit 24TMP-000837 filed 16 January 2024, but the details are not accessible.

--

Victor

Victor Elgohary, Attorney at Law
6406 Arcadia Bend Ct.
Houston, Texas 77041
281.858.0014
victor@vselgohary.com

From: Brandy McMahon <bmcMahon@trpa.gov>

Sent: Friday, January 26, 2024 2:02 PM

To: victor@vselgohary.com

Cc: Julie Roll <jroll@trpa.gov>

Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

Hi Victor,

I will look into this and get back to you.

Thanks,

Brandy McMahon, AICP
Local Government Coordinator
Permitting & Compliance Department
(775) 589-5274
bmcMahon@trpa.gov



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From: victor@vselgohary.com <victor@vselgohary.com>
Sent: Thursday, January 25, 2024 2:38 PM
To: Brandy McMahon <bmcMahon@trpa.gov>
Cc: Julie Roll <jroll@trpa.gov>
Subject: RE: permit application for 425 Pahute (APN# 123-143-21)

Brandy-

Thanks for taking the time to speak with me yesterday. It will take me some time to condense the legal and factual information on the abandonment challenge that was briefed in the Nevada trial and supreme courts and apply it to challenging Caillier's current application for building a new residence at 425 Pahute (APN #123-143-11 and 123-143-21) in its current proposed form.

I do have a couple of questions with regards to the attached letter and acknowledged permit. First, the highlighted sentences in paragraphs 1 and 4 of the attached abandonment permit seem to run contrary to the idea that the abandonment consolidated the impervious coverage that existed on the right of way and the original parcel. If you can help me understand why the permit is or is not read that way, that would be appreciated. Second, I would note that the acknowledged permit states that 1,228 square feet of land area was relocated to Caillier's parcel 123-143-21 (formerly 123-143-11), but somehow the verified existing off-site coverage is 1,474 square feet. That does not make sense to me.

I look forward to working with everyone to achieve a result that balances Caillier's ambitions with making something workable that satisfies the Master Plans, Washoe County and TRPA Ordinances, as well as public access and safety issues.

--
Victor

Victor Elgohary, Attorney at Law
6406 Arcadia Bend Ct.
Houston, Texas 77041
281.858.0014
victor@vselgohary.com

From: Brandy McMahon <bmcMahon@trpa.gov>
Sent: Wednesday, January 24, 2024 2:01 PM
To: victor@vselgohary.com
Subject: LLAD2023-0504

<https://parcels.laketahoeinfo.org/AccelaCAPRecord/Detail/LLAD2023-0504>

Brandy McMahon, AICP
Local Government Coordinator
Permitting & Compliance Department
(775) 589-5274
bmcMahon@trpa.gov



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From: ff_infos@yahoo.com <ff_infos@yahoo.com>
Sent: 4/18/2024 1:50:38 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Washoe County APN 123-143-21/TRPA File Number ERSP2023-1610; Applicant: Kurt Caillier

To Whom It May Concern:

I am residing at 400 Tuscarora Rd in Crystal Bay, NV -and with that in very close proximity to the site in question-, submit my full support for the applicant's project.

Every year the advances in technology not withstanding building technology and coding, including even those projects permitted last year, should constitute sufficient reasons for replacing a structure of the previous year, let alone one built more than 80 years ago.

Imagine the increase of insulation effectiveness, fire protections, smoke reductions of fireplaces to name just the most obvious advancements.

With kind regards,
Felix Friedrich

Victor S. Elgohary
6406 Arcadia Bend Ct.
Houston, Texas 77041
281-858-0014
victor@vselgohary.com

John & Denise Clymer
480 Pahute
Crystal Bay, NV 89402
617-872-3505
jclymerofnh@gmail.com

5 April 2024

Jen Gustafson
Washoe County Deputy District Attorney
One South Sierra Street
Reno, Nevada 89501
jgustafson@da.washoecounty.us

Kelly Mullin
Washoe County Community Services Department- Planning & Building Division
1001 E. Ninth St., Bldg A.
Reno, Nevada 89512
KMullin@washoecounty.gov

Brandy McMahon, AICP
Local Government Coordinator
Permitting & Compliance Department
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, Nevada 89449

Re: Application for Demolition of Single-Family Dwelling for APN 123-143-21

Jen,

Thank you for taking the time to discuss this matter by telephone this past Monday. As we discussed, there are three categories of issues with regard to the demolition permit which is now pending before both Washoe County and the Tahoe Regional Planning Authority as well as a future building permit which has not yet been submitted. Those issues are (i) safety, (ii) road weight capacity, and (iii) parking for workers. As you requested, we address each in turn.

I. Safety

As we outlined in our previous 7 February letter, [Pahute Road](#) (linked here) is very narrow, steep, and challenging to navigate with vehicles larger than passenger

cars and light trucks. In fact, the road is so narrow that it can only support the passing of one vehicle, requiring oncoming traffic to exit the road into a neighbor's driveway. Another navigational feature is that as one reaches the [crest of the road](#), there is a rather sharp and narrow turn back down right at the Clymer's garage which is only a couple of feet from the edge of the road. Repeatedly [backing up quint-axle dump trucks](#) in this manner with no weight limitations has a very high likelihood of causing personal injury or property damage to anything it impacts. On 20 March 2024, John Clymer personally witnessed a test run of a contractor seeing if he could even get one of his [quint-axle dump trucks](#) to back up Pahute Road. The Clymers are quite concerned for their personal safety and their home as all these trucks will continually pass with inches to spare for clearance from both their garage and their vehicles fully parked on their lot. When asked, the driver indicated to John that he would need to have only his "best drivers" working on this job because of the difficulty involved. That comment although well intentioned does little to assuage these real concerns.

The current plans that have been submitted seek permission for removal of the structure itself which is approximately 20-50 tons of material. But a more careful review of the plans shows that Mr. Caillier will also be removing a significant amount of the mountainside itself which easily triples or quadruples the total amount of material being taken down this narrow road that residents and the general public need to use. Given that (i) these trucks have a Gross Vehicle Weight Rating of more than 60,000 pounds, (ii) a considerable grade to traverse from Hwy 28, (iii) the narrowness of Pahute Road, and (iv) blind corners along the proposed route to Callier's parcel; an unbounded demolition permit has a significant risk of causing harm to property, residents, and the general public trying to use the road to access other residences.

II. Pahute Roadbed Load Capacities

A second parallel consideration in this overall effort is the load bearing capacity of Pahute Road itself. The road has not received any maintenance from Washoe County in years and is already well worn with cracks and uneven surfaces throughout. Given that this residential area is built on the steepest slope of the basin in Washoe County, streets are necessarily narrow and constructed on embankments which are further shored up by retaining walls. That residential roadway has both significantly aged since its original construction and has load limitations which need

to be addressed for any permits issued for the proposed demolition and construction. Since this narrow access is the only way to access all the occupied homes on Pahute Road, if the roadway or retaining walls are damaged due to excessive loads or use by heavy equipment, the residents of Pahute will have no way to access their property. Even in a best-case scenario where there is no catastrophic damage to the roadway, Pahute Road will most certainly be in great need of repairs as a result of the traffic of very large trucks and heavy excavation equipment over the multiple seasons that this work goes on.

III. Parking for Workers

Turnaround access has been a point of concern ever since Mr. Caillier disclosed plans to tear down and rebuild a residence on this parcel. In addition to having current access issues for the public, demolition and reconstruction will add to the access issues that already exist. Indeed, there will most certainly be dozens of people and trades on site over the duration of the process with each tradesman bringing a vehicle so they can transport themselves and the necessary tools to perform the work. In its current configuration, Mr. Caillier has existing onsite parking for four vehicles. But that will be lost as demolition and reconstruction commences. Indeed, as the video of the roadway and the lot boundaries reveal, there is simply not adequate space for a large number of vehicles to park in order to accommodate the necessary personnel on site during either demolition or construction. Even if vehicles are fully parked on the lot to the edge of the new north lot line as the result of the abandonment, turnaround for any vehicles will become virtually impossible. That turns a somewhat bearable inconvenience and irritation into a real challenge for the surrounding residents.

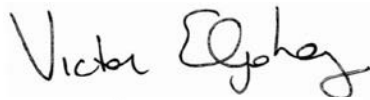

IV. Conclusion

Pahute residents are not opposed to Mr. Caillier's construction of a new residence but would like some real input and assurances as how that process is conducted given its disruptive nature. The demolition and construction – which will take several seasons – will at best be very inconvenient and an irritation for everyone living around the job site which is an unavoidable consequence of the process. If not tightly managed with a strict and bounded set of permits that everyone has participated in formulating, will at worst present residents and the general public

with a dangerous gauntlet of trucks and heavy equipment mixing and interacting with residents, unaware visitors, vehicles, and structures.

The residents of Pahute request a more transparent process that involves real dialog and input into what will be permissible during this multi-year construction process. We hope that a real and open dialog will ensue regarding these concerns. We look forward to working with everyone involved towards reaching a livable compromise under the circumstances.

Regards,

Handwritten signature of Victor Elphay in black ink.Handwritten signature of John Clymer in black ink.