

STEVE SISOLAK  
Governor



LISA SHERYCH  
Interim Administrator

RICHARD WHITLEY, MS  
Director

IHSAN AZZAM, Ph.D., M.D.  
Chief Medical Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way  
Carson City, Nevada 89706  
Telephone (775) 684-4200 • Fax (775) 687-7570  
<http://dpbh.nv.gov>

May 24, 2019

**MEMORANDUM**

TO: Jon Pennell, DVM, Chairperson  
State Board of Health

FROM: Lisa Sherych, Secretary  
State Board of Health

RE: Case #701, Mr. Steven Miller: Request for a Variance to NAC 444.790(1),  
"Lot Size".

NAC 444.790(1) states: "A minimum area of 1 acre (43,560 square feet), including public streets and alleys or other public rights-of-way, lands or any portion thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a well."

**STAFF REVIEW**

A variance request was received by the Division of Public & Behavioral Health (DPBH) on April 25, 2019 from Mr. Steven Miller, who is requesting to build a new home to be served by a well and septic system on his property. The lot in question is currently undeveloped, with a total area of 0.72 acres. NAC 444.790(1) requires a minimum of 1 acre for a septic system on a lot served by a domestic well.

Mr. Miller's property is located at 1951 Comstock, Topaz Lake, NV. Topaz Lake is a rural community located in Douglas County. All other lots within the immediate area are served by private wells and individual sewage disposal systems. This subdivision of Douglas County does not have a community sewer system. Based on well log records available from the Nevada Division Water Resources (DWR) depth to groundwater in the area varies and is as shallow as 10 ft to 40 feet from the surface.

Mr. Miller is requesting to deed-restrict construction on two additional lots located 5 blocks uphill from the subject parcel to count towards the 1 acre lot requirement and install a Nitrogen removal waste water treatment unit and maintain a service agreement for the life of the system. These parcels, Douglas County APN 1022-29-411-004 and 1022-29-411-007, are .27 and .187 acres, respectively. This would

bring the total area owned by Mr. Miller in the subdivision to 1.177 acres. These parcels are not contiguous with the subject parcel and therefore cannot be added to the total acres near the lakefront.

The Environmental Health Section of the Nevada Division of Public & Behavioral Health (DPBH-EHS) first learned of the circumstances of this property when Division of Water Resources (DWR) referred the property owner to DPBH-EHS. Over the last several years, DWR has included review of the lot size per NAC 444 when receiving notices of intent to drill a domestic well. Property owners filing to install, repair, or replace a domestic well on a parcel of less than 1 acre are referred to DPBH-EHS. DWR has not approved construction of a well on such lots without approval from DPBH-EHS or the Board of Health, as appropriate.

During review of Mr. Miller's circumstances, DPBH-EHS staff learned of a variance approved for a neighboring parcel (Neddenriep, #207, 1997) with similar circumstances. The findings of that variance were specific to the applicant and the Board's decision do not appear to extend to other properties. Further discussion with Douglas County officials and thorough review of the Douglas County Assessor's records showed that since 1997, both DPBH-EHS and Douglas County officials have approved construction on undersized lots in the Topaz Lake subdivision provided other lots (adjacent to the construction location or otherwise) have been deed restricted to provide a total land area of 1 acre. These approvals appear to have been without an application for a variance made to this Board. This practice has led to locally high concentrations of septic systems in parts of the subdivision.

DPBH-EHS staff used data provided by Douglas County and the Division of Water Resources to calculate that there are currently 0.31 septic systems per acre in the 370.21 acres surrounding the subject property. Staff considered typical protocol and drew a circular area with a radius of 0.5 miles (total area: 0.79 mi<sup>2</sup>, or 505.6 acres) around the referenced property. As this circle extended over the lake, mapping software was used to measure and subtract the lake area from the total area. This left 370.21 acres of land area with 115 single-family and commercial properties served by septic systems. DPBH staff have taken a conservative approach by using 1 septic system per acre, due to the fact that lots in the area are served by private wells. The calculated density of septic systems for the area (0.31) is still well below the conservative requirement of 1 septic system per acre.

Due to the history of allowing construction on undersized lots, Environmental Health Staff also considered the immediate area around the subject parcel by area in blocks 810 and 811 of the subdivision. These blocks contain 14 septic systems in the approximately 12 acres immediately around the subject parcel at the lakefront. This corresponds to a localized septic density of 1.16 systems per acre, and exceeds the conservative requirements of 1 system per acre.

Staff engineers at the Nevada Division of Environmental Protection, Bureau of Water Pollution Control expressed concerns about the density of septic systems along the lakefront. Per BWPC staff, the average nitrate level of standard septic tank effluent is 40-50 mg/L. A well-functioning and maintained nitrogen removal system can reduce the effluent level to 20 mg/L; however, the cutoff for drinking water per the Safe Drinking Water Act is 10 mg/L of nitrate. Any installation of a septic system could increase nitrate loading of the groundwater supplying domestic wells in the area. Elevated nitrate levels in drinking water are an early indicator of fecal contamination and high levels can cause methemoglobinemia in infants (blue baby syndrome).

## **INTENT OF THE REGULATION**

NAC 444.790(1) states, "A minimum area of 1 acre (43,560 square feet), including public streets and alleys or other public rights-of-way, lands or any portion thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a well." The regulation requires the minimum space of 1 contiguous acre to ensure that the density of these systems in a given area will not affect the public health.

#### **DEGREE OF RISK TO PUBLIC HEALTH**

There is risk to public welfare should groundwater in the area become contaminated by localized high septic densities. However, the installation and continued maintenance of a well-functioning nitrogen removal system would produce half of the nitrates of a standard system and would slow degradation of the water quality in and around this parcel compared to a standard system.

#### **EXCEPTIONAL AND UNDUE HARDSHIP**

Mr. Miller states that strict application of the regulation noted in this memorandum would render his property unusable as a residential property. Denial of the variance application would require Mr. Miller to abandon the property.

#### **PUBLIC COMMENT RECEIVED**

Notice of the hearing is scheduled to be published in The Record Courier on or before May 23, 2019. DPBH solicited comment from the Douglas County Building Department and the Nevada Division of Environmental Protection. Douglas County recommended approval of the system based on prior precedence. NDEP staff recommended considering long-term enforcement of the deed restrictions and advised against the variance request in the case of a high local septic density. No public comments have been received to date.

#### **STAFF RECOMMENDATION**

DPBH staff recommend the State Board of Health approve Case #701, Mr. Steven Miller's request for a variance to NAC 444.790(1), with the following conditions:

1. That a nitrogen removal system be installed and adequately maintained for as long as 1951 Comstock is occupied.
2. That all required setbacks be maintained.
3. That parcels 1022-29-411-004 and 1022-29-411-007 be deed-restricted to prevent construction of a dwelling or septic system for as long as 1951 Comstock is occupied.

The variance would no longer be required should a Public Water System be constructed or expanded to serve the Topaz Subdivision.

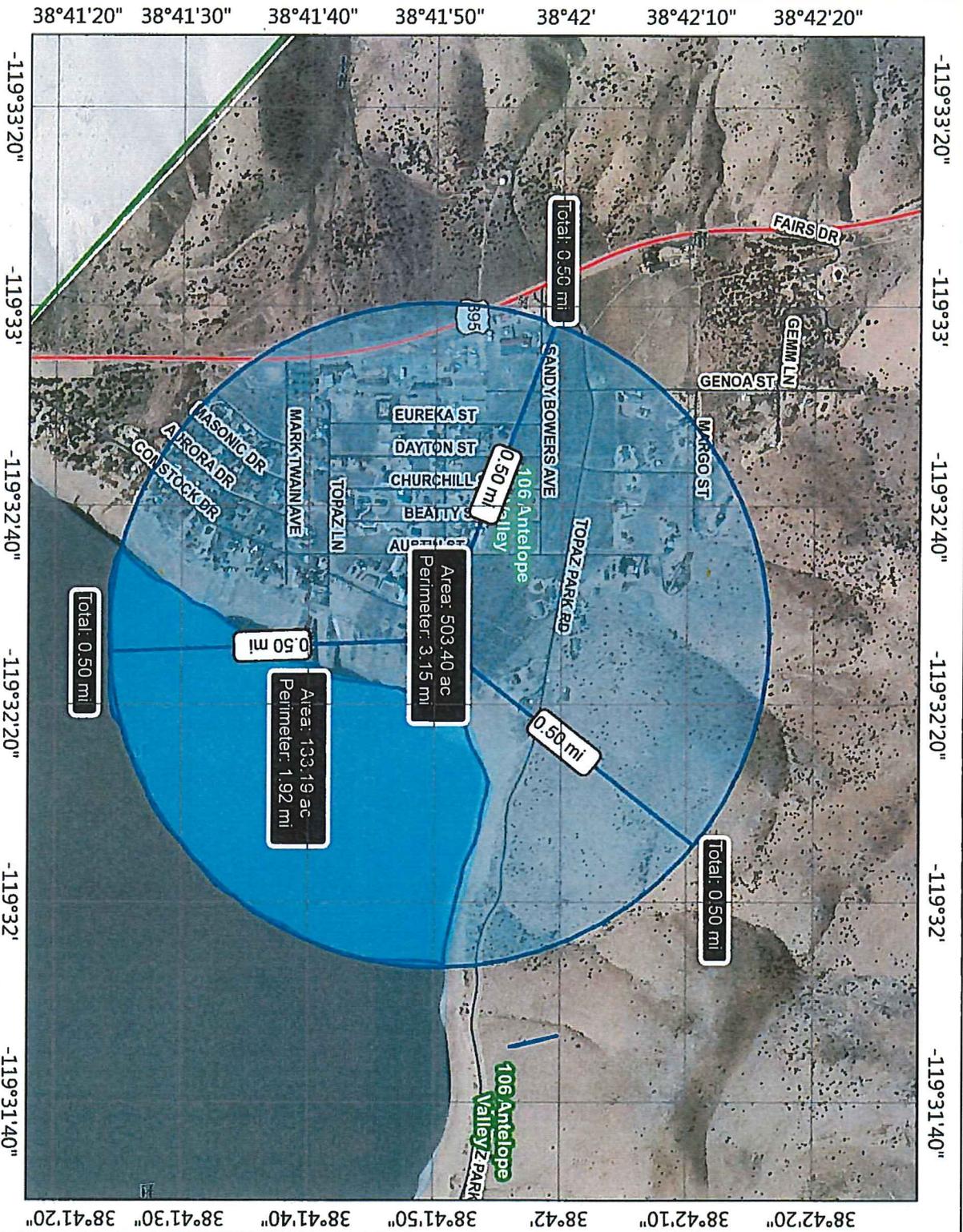
#### **PRESENTER**

Lindsey Doolittle, Public Health Rating & Survey Officer, Environmental Health

Encl.: Map with area calculations  
Well Logs (4)  
NDEP statement regarding nitrogen levels of effluent  
Douglas County Building Department support for approval



# Topaz Lake Free Form



0.6  
0  
0.28  
0.6 Miles  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
5/17/2019

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

- Legend**
- Basin Boundaries
  - World Boundaries and Places
  - Rivers, Streams, Ditches
  - Ditch
  - Inter.
  - Perennial
  - Lakes
  - <all other values>
  - Dry
  - Inter.
  - Perennial
  - Streams, Tributaries
  - Major Roads
  - Interstate
  - US Highway
  - State Highway
  - Local Roads

WATER AREA =  
133.19 ACRES

LAND AREA =  
370.21 ACRES

1:18,056

OFFICE USE ONLY  
 Log No. 31602  
 Permit No. \_\_\_\_\_  
 Basin 9-106

**WELL DRILLER'S REPORT**  
 Please complete this form in its entirety

PRINT OR TYPE ONLY

NOTICE OF INTENT NO. 12868

1. OWNER Gary Moyle ADDRESS AT WELL LOCATION Not assigned yet  
 MAILING ADDRESS 1952 Mally Dr  
Carson City, Nev. 89706  
 2. LOCATION NW 1/4 SE 1/4 Sec. 29 T. 10 N/S R. 22 E Douglas County  
 PERMIT NO. 39-200-03 Issued by Water Resources Parcel No. Subdivision Name

3. TYPE OF WORK  
 New Well  Recondition   
 Deepen  Other   
 4. PROPOSED USE  
 Domestic  Irrigation  Test   
 Municipal  Industrial  Stock   
 5. TYPE WELL  
 Cable  Rotary   
 Other

6. LITHOLOGIC LOG

Material	Water Strata	From	To	Thick-ness
<u>MULTI-COLORED ROCKS MIXED W/CLAY</u>		<u>0</u>	<u>140</u>	<u>140</u>
<u>white clay</u>		<u>140</u>	<u>150</u>	<u>10</u>
<u>BROKEN &amp; FRACTURED X MULTI-COLORED ROCK</u>		<u>150</u>	<u>197</u>	<u>47</u>
<u>HARD ROCK</u>	<u>X</u>	<u>197</u>	<u>200</u>	<u>3</u>

8. WELL CONSTRUCTION  
 Diameter 12 1/4 inches Total depth 200 feet  
 \_\_\_\_\_ inches  
 \_\_\_\_\_ inches  
 Casing record \_\_\_\_\_  
 Weight per foot 18 Thickness .188  
 Diameter From To  
8 inches 0 feet 200 feet  
 \_\_\_\_\_ inches \_\_\_\_\_ feet \_\_\_\_\_ feet  
 Surface seal: Yes  No  Type Cement  
 Depth of seal 50 feet  
 Gravel packed: Yes  No   
 Gravel packed from 50 feet to 200 feet  
 Perforations:  
 Type perforation FACTORY SLOT  
 Size perforation 1/8" X 3" 6 Per Foot  
 From 160 feet to 200 feet  
 From \_\_\_\_\_ feet to \_\_\_\_\_ feet

Date started 5-30, 1989  
 Date completed 5-31, 1989

7. WELL TEST DATA

Pump RPM	G.P.M.	Draw Down	After Hours Pump

BAILER TEST  
 G.P.M. \_\_\_\_\_ Draw down \_\_\_\_\_ feet \_\_\_\_\_ hours  
 G.P.M. \_\_\_\_\_ Draw down \_\_\_\_\_ feet \_\_\_\_\_ hours  
 G.P.M. \_\_\_\_\_ Draw down \_\_\_\_\_ feet \_\_\_\_\_ hours

9. WATER LEVEL  
 Static water level 90 feet below land surface  
 Flow \_\_\_\_\_ G.P.M. \_\_\_\_\_ P.S.I.  
 Water temperature 58 °F Quality good

10. DRILLER'S CERTIFICATION  
 This well was drilled under my supervision and the report is true to the best of my knowledge.  
 Name Energy Exploration Drilling Inc Contractor  
 Address P.O. Box 1538 Minden NV 89423 Contractor  
 Nevada contractor's license number issued by the State Contractor's Board 21491  
 Nevada contractor's driller's number issued by the Division of Water Resources 1407  
 Nevada driller's license number issued by the Division of Water Resources, the on-site driller 1407  
 Signed John Woods  
 By driller performing actual drilling on site or contractor  
 Date 6-1-89

**WELL DRILLERS REPORT**

Please complete this form in its entirety

1. OWNER Mike Moore ADDRESS \_\_\_\_\_  
Jeffrey Lake  
 2. LOCATION N.W. 1/4 SE 1/4 Sec. 29 T. 10 N. S. R. 22 East Douglas County  
 PERMIT NO. \_\_\_\_\_

3. TYPE OF WORK	4. PROPOSED USE	5. TYPE WELL
New Well <input checked="" type="checkbox"/> Recondition <input type="checkbox"/>	Domestic <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Test <input type="checkbox"/>	Cable <input type="checkbox"/> Rotary <input checked="" type="checkbox"/>
Deepen <input type="checkbox"/> Other <input type="checkbox"/>	Municipal <input type="checkbox"/> Industrial <input type="checkbox"/> Stock <input type="checkbox"/>	Other <input type="checkbox"/>

6. LITHOLOGIC LOG

Material	Water Strata	From	To	Thick-ness
Clay & little Broken Rock		1	20	
Clay & Gravel		21	23	
Clay & Broken Rock		24	55	
Broken Rock & Gravel		56	59	
Gravel		60	70	
Clay		71	80	
Broken Rock		81	117	

8. WELL CONSTRUCTION

Diameter hole 8 inches Total depth 117 feet  
 Casing record 1 7/8 117  
 Weight per foot \_\_\_\_\_ Thickness 12.8

Diameter	From	To
<u>8</u> inches	<u>1</u> feet	<u>117</u> feet
_____ inches	_____ feet	_____ feet
_____ inches	_____ feet	_____ feet
_____ inches	_____ feet	_____ feet
_____ inches	_____ feet	_____ feet
_____ inches	_____ feet	_____ feet

Surface seal: Yes  No  Type neoprene  
 Depth of seal 50 feet  
 Gravel packed: Yes  No   
 Gravel packed from \_\_\_\_\_ feet to \_\_\_\_\_ feet

Perforations:  
 Type perforation factory knife  
 Size perforation 1/2  
 From 60 feet to 70 feet  
 From 97 feet to 117 feet  
 From \_\_\_\_\_ feet to \_\_\_\_\_ feet  
 From \_\_\_\_\_ feet to \_\_\_\_\_ feet  
 From \_\_\_\_\_ feet to \_\_\_\_\_ feet

9. WATER LEVEL

Static water level \_\_\_\_\_ Feet below land surface 30  
 Flow \_\_\_\_\_ G.P.M. 50  
 Water temperature 64 ° F. Quality \_\_\_\_\_

Date started Nov 7 1978  
 Date completed Nov 5 1978

7. WELL TEST DATA

Pump RPM	G.P.M.	Draw Down	After Hours Pump

BAILER TEST

G.P.M. \_\_\_\_\_ Draw down \_\_\_\_\_ feet \_\_\_\_\_ hours  
 G.P.M. \_\_\_\_\_ Draw down \_\_\_\_\_ feet \_\_\_\_\_ hours  
 G.P.M. \_\_\_\_\_ Draw down \_\_\_\_\_ feet \_\_\_\_\_ hours

10. DRILLERS CERTIFICATION

This well was drilled under my supervision and the report is true to the best of my knowledge.

Name Kamichak Pump & Well  
 Address Box 536 Gardnerville  
 Nevada contractor's license number #9511A  
 Nevada driller's license number 433  
 Signed Peter A. Kamichak  
 Date Nov 8 1978





NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Please check the appropriate box that pertains to the NAC for which you are requesting a variance.

Division Administration  
(NAC 439, 441A, 452, 453A, & 629)

Health Care Quality & Compliance  
(NAC 449, 457, 459 & 652)

Child, Family & Community Wellness  
(NAC 392, 394, 432A, 439, 441A, & 442)

Health Statistics, Planning,  
Epidemiology and Response  
(NAC 440, 450B, 452, 453, 453A, & 695C)

Public Health & Clinical Services  
(NAC 211, 444, 446, 447, 583, & 585)

Date: 4-25-2019

Name of Applicant: STEVE MILLER Phone: 775-315-0285

Mailing Address: 757 LINDA DR #B

City: GARDNERVILLE State: NV Zip: 89460

We do hereby apply for a variance to  
chapter/section \_\_\_\_\_ of the Nevada  
Administrative Code (NAC). (For example: NAC 449.204) NAC 444.790 (1)

Title of section in  
question: Lot size

Statement of existing or proposed conditions in violation of the NAC:

LOT UNDER SIZED SO I HAVE TWO OTHER LOTS NEEDED  
FOR SEPTIC & WELL ACE

NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Date of initial operation (if existing): \_\_\_\_\_

**ATTENTION: Please read this section closely. Your request for variance will be examined against these criteria:**

Any person who, because of unique circumstances, is unduly burdened by a regulation of the State Board of Health and thereby suffers a hardship and the abridgement of a substantial property right may apply for a variance from a regulation. (NAC 439.200(1))

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
  - (a) There are circumstances or conditions which:
    - (1) Are unique to the applicant;
    - (2) Do not generally affect other persons subject to the regulation;
    - (3) Make compliance with the regulation unduly burdensome; and
    - (4) Cause a hardship to and abridge a substantial property right of the applicant; and
  - (b) Granting the variance:
    - (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property; and
    - (2) Will not be detrimental or pose a danger to public health and safety.
2. Whenever an applicant for a variance alleges that he suffers or will suffer economic hardship by complying with the regulation, he must submit evidence demonstrating the costs of his compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable. (NAC 439.240)

**Therefore, it is important for your variance request to be as complete as possible. It is your responsibility to attach documentation supportive of your variance request.**

Statement of degree of risk of health

AT THIS TIME I FEEL THERE IS  
NO HEALTH RISK FOR SEPTIC AS THE PERK TEST PASSED  
AND THERE IS PLENTY OF ROOM FOR SEPTIC & WELL AT  
THIS TIME

NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

**APPLICATION FOR VARIANCE**

Please state in detail the circumstances or conditions which demonstrate that:

I BOUGHT THREE LOTS FOR BUILDING ON ONE THAT WITHOUT A VARIANCE AT THIS TIME WOULD BE A HARDSHIP

2. The variance, if granted, would not:

A. Cause substantial detriment to the public welfare.

BY THE VARIANCE GRANTED I FEEL IT WOULD NOT CAUSE SUBSTANTIAL DETRIMENT TO MY NEIGHBORS

B. Impair substantially the purpose of the regulation from which the application seeks a variance.

AT THIS TIME I FEEL MY LOTS ARE NOT OR DO NOT HAVE GROUND WATER PROBLEMS

The bureau may require the following supporting documents to be submitted with and as a part of this application:

1. Legal description of property concerned

1951 COMSTOCK DR

YES

2. General area identification map

COPIES OF APN #'S

NEVADA STATE BOARD OF HEALTH  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
4150 Technology Way, Suite 300  
CARSON CITY, NV 89706

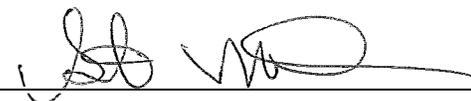
**APPLICATION FOR VARIANCE**

- YES 3. Plat map showing locations of all pertinent items and appurtenances
- YES 4. Well log (if applicable)
- N/A 5. Applicable lab reports
- YES 6. Applicable engineering or construction/remodeling information
- YES 7. Other items (see following pages)

This application must be accompanied by evidence demonstrating the costs of your compliance with regulations or specific statutory standards. Your request will be placed on the Board of Health agenda 40 days or more after receipt in this office if accompanied by the required fee (NAC 439.210). The application and supporting documentation will form the basis for the Health Division staff report and recommendation to the Board. Failure to respond to the above statements may cause the Board to deny consideration of the application at the requested Board meeting.

Please schedule this hearing as:

- The next regularly scheduled Board of Health meeting, regardless of location.
- The next scheduled meeting in Carson City.
- The next scheduled meeting in Las Vegas.

Signature: 

Printed Name: STEVE MILLER

Title: OWNER

Date: 4-25-19

DOUGLAS COUNTY, NV 2019-927545  
Rec:\$35.00  
Total:\$35.00 04/05/2019 01:04 PM  
STEVEN MILLER Pgs=4

APN: 1022-29-810-018 & 1022-29-411-007

RECORDING REQUESTED BY:

Steven M. Miller & Elaine C. Miller  
757 Linda Dr., Apt. B  
Gardnerville, NV 89460



KAREN ELLISON, RECORDER E03

AFTER RECORDATION, RETURN BY MAIL TO:

Steven M. Miller & Elaine C. Miller  
757 Linda Dr., Apt. B  
Gardnerville, NV 89460

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT, BARGAIN, SALE DEED WITH RESTRICTIONS**

**THIS INDENTURE WITNESSETH:** On this **5** day of ~~APRIL~~ 2019, STEVEN M. MILLER and ELAINE C. MILLER, husband and wife as joint tenants with right of survivorship, do hereby Grant, Bargain, Sell and Convey to STEVEN M. MILLER and ELAINE C. MILLER, husband and wife as joint tenants with right of survivorship, and to the heirs and assigns of such Grantee forever, his interest in all that real property situated in the County of Douglas, State of Nevada, bounded and described as follows:

See Exhibit "A" attached hereto and made a part hereof for the legal description of the two (2) lots subject to the restriction below.

**Restriction**

The above two (2) described lots can only be sold together as one (1) lot for purposes of installation of a residential individual sewage disposal system and building permit. If a sanitary sewer system is installed to service these two lots, this deed restriction will no longer be valid.

Subject to Restrictions, Conditions, Covenants, Rights, Rights of Way, and Easements now of record, if any. TOGETHER with all and singular the tenements, hereditaments and appurtenances now of record, if any.

**IN WITNESS WHEREOF**, the said first party has signed and sealed these presents the day and year first above written.

Steven M. Miller  
Steven M. Miller

Elaine C. Miller  
Elaine C. Miller

STATE OF NEVADA            )  
  ) ss.  
COUNTY OF DOUGLAS        )

This instrument was acknowledged before me on the 5 day of April, 2019, by Steven M. Miller and Elaine C. Miller.

Sara Hood  
Notary Public

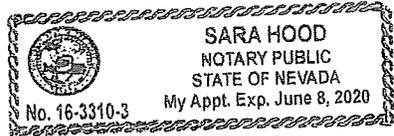


EXHIBIT "A"

All that certain real property situate in the County of Douglas, State of Nevada, described as follows:

Parcel 1:

Parcel A:

Lot 85 of TOPAZ SUBDIVISION, as the same appears upon a Plat of said subdivision, duly filed in the office of the County Recorder of Douglas County, State of Nevada on August 10, 1954, as Document No. 9774.

Parcel B:

Together with that portion of Kit Carson Avenue described in Abandonment of Public Right of Way #2018.051 recorded in the office of the Douglas County Recorder, State of Nevada, on March 22, 2018 as Document No. 2018-911912 and further described as follows:

A parcel of land within the Southwest 1/4 of the Southeast 1/4 of Section 29, Township 10 North, Range 22 East, M.D.B.&M., Douglas County, Nevada and more particularly described as follows:

Commencing at the South 1/4 corner of said Section 29; thence North 23°57'56" East a distance of 1,424.70 feet to the TRUE POINT OF BEGINNING, said point being the intersection of the North right-of-way line of Kit Carson Avenue and the extension of the Easterly right-of-way line of Comstock Drive; thence South 89°41'05" East a distance of 209.78 feet; thence South 17°42'00" West a distance of 62.87 feet to a 3/8" rebar marking the Northeast property corner of Lot 85; thence North 89°41'05" West a distance of 209.78 feet to a 5/8" rebar with cap stamped PLS 3090 marking the Northwest property corner of Lot 85; thence North 17°42'02" East a distance of 62.87 feet to the TRUE POINT OF BEGINNING.

NOTE: The above metes and bounds description appeared previously in that certain Abandonment of Public Right of Way recorded in the office of the County Recorder of Douglas County, Nevada on March 22, 2018, as Document No. 2018-911912 of Official Records.

Parcel 2:

Lot 23, as shown on the Amended Map of TOPAZ LODGE SUBDIVISION, FIRST AND SECOND SECTIONS, filed in the office of the County Recorder of Douglas County, State of Nevada, on September 16, 1958, in Book 3 of Maps, Page 3, as File No. 13594.

Assessor's Parcel Numbers:  
1022-29-810-018 & 1022-29-411-007

STATE OF NEVADA  
DECLARATION OF VALUE

1. Assessor Parcel Number(s)  
 a) 1022-29-810-018  
 b) 1022-29-411-007  
 c) \_\_\_\_\_  
 d) \_\_\_\_\_

2. Type of Property:  
 a)  Vacant Land    b)  Single Fam. Res.  
 c)  Condo/Twnhse    d)  2-4 Plex  
 e)  Apt. Bldg    f)  Comm'l/Ind'l  
 g)  Agricultural    h)  Mobile Home  
 i)  Other \_\_\_\_\_

<b>FOR RECORDERS OPTIONAL USE ONLY</b>	
BOOK _____	PAGE _____
DATE OF RECORDING: _____	
NOTES: _____	

3. Total Value/Sales Price of Property: \$ \_\_\_\_\_  
 Deed in Lieu of Foreclosure Only (value of property) ( \_\_\_\_\_  
 Transfer Tax Value: \$ \_\_\_\_\_  
 Real Property Transfer Tax Due: \$ \_\_\_\_\_

4. If Exemption Claimed:  
 a. Transfer Tax Exemption per NRS 375.090, Section # 3 3  
 b. Explain Reason for Exemption: Transfer without consideration to add deed restriction

5. Partial Interest: Percentage being transferred: \_\_\_\_\_ %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month.

Pursuant to NRS 375.130, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature Steven M. Miller Capacity \_\_\_\_\_ Grantor

Signature \_\_\_\_\_ Capacity \_\_\_\_\_ Grantor

**SELLER (GRANTOR) INFORMATION  
(REQUIRED)**

Print Name: Steven M. Miller & Elaine C. Miller  
 Address: 757 Linda Dr., Apt. B  
 City: Gardnerville  
 State: NV Zip: 89460

**BUYER (GRANTEE) INFORMATION  
(REQUIRED)**

Print Name: Steven M. Miller & Elaine C. Miller  
 Address: 757 Linda Dr., Apt. B  
 City: Gardnerville  
 State: NV Zip: 89460

**COMPANY/PERSON REQUESTING RECORDING**

(required if not the seller or buyer)

Print Name: \_\_\_\_\_ Escrow # \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)



**SEPTIC PERMIT APPLICATION**

<b>Douglas County Community Development</b>	Permit No.:	Permit Type:
<b>SEPTIC PERMIT APPLICATION</b>	Submittal Date:	

Assessor's Parcel # 1022-29-810-018

Job Site Address 1951 COMSTOCK DR

<b>Owner</b>	Owner's Name <u>STEVE &amp; ELAINE MILLER</u>	Phone Number <u>315-0285</u>
	Mailing Address <u>757 LINDA DR APT B</u>	
	City <u>GDVILLE</u>	State <u>NV</u>

<b>Applicant</b>	Applicant's Name <u>SAME</u>	Phone Number
	Mailing Address	
	City	State

<b>Contractor</b>	Contractor's Name	Nevada License #/Limit Amount
	Mailing Address	
	City	State

New System  Replacment Septic System  Number of Bedrooms 3

SEPTIC WILL SERVE:  
 Single Family Dwelling     Mobile     Accessory Unit     Garage Without Kitchen Facilities

Tank Size 1000 GAL Manufacturer JELSEN Acreage of Parcel .79 AC

PLEASE INDICATE WHO PERFORMED THE PERCOLATION TEST:

Percolation Test Performed By DALI JENKINS Date 31 JAN 19

Owner/Builder  Contractor

Contractor Name \_\_\_\_\_ License Number \_\_\_\_\_

Does the plot plan accurately show location of percolation test?  YES / NO (Circle One)

I will save, indemnify, and keep harmless the COUNTY OF DOUGLAS, its officers, employees, and agents against all liabilities, judgments, costs, and expenses which may accrue against them in consequence of the granting of this permit, inspections, or use of any on-site or off-site improvements placed by virtue hereof, and will in all things strictly comply with all applicable rules, ordinances, and laws. Signature constitutes an attestation by the owner that application complies with all covenants, conditions, and restrictions.

**Applicant's Signature** \_\_\_\_\_ **Date:** \_\_\_\_\_

<b>FOR OFFICE USE</b>	Taken In By:	<b>BUILDING PERMIT FEES</b>	
	COMMENTS:	Permit Fee:	<b>\$100.00</b>
		Other (Specify):	
		TOTAL FEES:	

- Other Inspections and Fees**
- \$90.00 1. After Hour Inspections (per hour)
  - \$180.00 2. Weekend and Holiday Inspections (per hour)
  - \$45.00 3. Reinspection fees assessed under provisions of Section 116.6, per inspection
  - \$45.00 4. Inspections for which no fee is specifically indicated, per hour (minimum charge--one hour)
  - \$45.00 5. Additional plan review required by changes, additions, or revisions to plans or to plans for which an initial review has been completed (minimum charge--one hour)

NOTE: The total hourly cost to the jurisdiction shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**See Back for Site Plan Requirements**

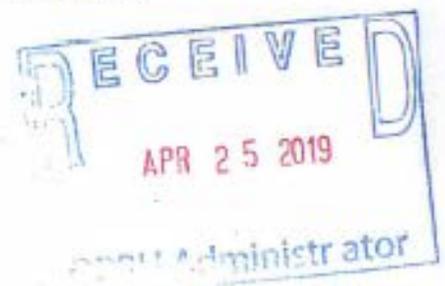
# PLOT PLAN REQUIREMENTS

## Two (2) Separate Plot Plans Are Required for Septic Permit

### PENCIL DRAWINGS ARE NOT ACCEPTABLE

Please use this checklist to insure a completed plot plan. **All of the following items shall be shown on the plan.** Incomplete plot plans will be denied.

- Assessor's parcel number and address of property.
- Signature of owner or owner's representative.
- Show the distance of neighboring well and septic systems from the proposed septic system.
- Indicate scale used. Scale must be 1" = 10', 20', 30', 40', or 50' (maximum).
- North clearly indicated (North Arrow).
- Note acreage of the parcel.
- Provide dimensions of entire parcel.
- Show all existing and proposed structures, as well as any existing or future paved areas.
- Show all underground water and sewer line routing, existing and proposed.
- Dimensionally locate well on the lot. Show distance from the well to the nearest portion of the proposed septic system. Minimum distance allowed is 100' when well is sealed to 50' and 150' when well is not sealed.
- Dimensionally locate percolation holes. **Note: Location of percolation test must be within the actual area of the proposed field.**
- Show (label and dimension) all proposed septic system components (distribution box, tank, leach lines, etc.) and note the size of the septic tank.
- Show the distance of the well and proposed septic system from all property lines.
- Note the number of bedrooms in the house, existing and/or proposed.
- Show the depth, length, width and spacing of septic field trenches.
- Show the distance of any watercourse (pond, lagoon, stream, drainage ditch, etc.) within 500 feet of proposed septic system. If there are none, then note that on the plot plan.
- Dimensionally locate sewer clean-out within 2' outside of the structure.
- Indicate percentage of slope in two (2) directions across the leach field.
- Note the distance to the nearest public sewer system.
- Indicate the location of the replacement leach field area.



## Percolation Test Results

Percolation Test # 1    Presoak Start Time: 8:30  
 Depth of Hole: 12" @ 3'    No Hours Presoak: 4HR

Presoak End Time: 12:30  
 Date of Test: 31 JAN 19

Start Time	Water Depth Start	Stop Time	Water Depth Stop	Time Intervals	Drop in Inches
12:30	6"	12:56	0	26 min	6 1/8
12:56	6	1:16	5 3/8	10 min	5/8
1:16	5 3/8	1:26	4 3/4	"	5/8
1:26	4 3/4	1:36	4 1/4	"	1/2
1:36	4 1/4	1:46	3 3/4	"	1/2
1:46	3 3/4	1:56	3 1/4	"	1/2

Perc Rate 20 min/inch

Percolation Test #2    Presoak Start Time: 8:40  
 Depth of Hole: 12" @ 4'    Tot. Hours Presoak: 4HR

Presoak End Time: 12:40  
 Date of Test: 31 JAN 19

Start Time	Water Depth Start	Stop Time	Water Depth Stop	Time Intervals	Drop in Inches
12:40	6"	1:02	0	22 min	6 1/8
1:02	6	1:12	5 3/8	10 min	5/8
1:12	5 3/8	1:22	4 7/8	"	1/2
1:22	4 7/8	1:32	4 3/8	"	1/2
1:32	4 3/8	1:42	3 15/16	"	7/16
1:42	3 15/16	1:52	3 1/2	"	7/16
1:52	3 1/2	2:02	3 1/16	"	7/16

Perc Rate 22.9 min/inch

Use lowest drop in inches to compute perc rate.

**Divide time interval in minutes by drop in inches equals perc rate.**

**Minimum design rate is 10.**

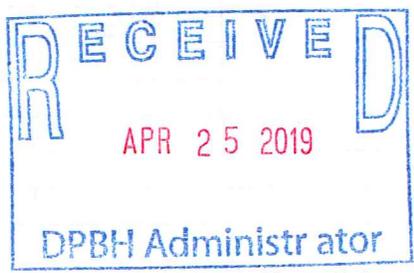
**Soils Analysis & Depth to Ground Water**

SCS #1 HOLBROOK VERY STONY SANDY LOAM 4% TO 15% SLOPES  
 Define soil by type and color at 1' intervals to 10' below grade.

Identify highest potential to ground water.

Date: 31 JAN 19

Soils Analysis		Depth to Ground Water
1'	ROCKY CLAYEY SC COARSE SAND (WST) (DK BRN)	1'
2'		2'
3'		3'
4'		4'
5'		5'
6'	VERY ROCKY	6'
7'		7'
8'	SILTY SP COARSE	8'
9'		9'
10'	SAND (BRN)	10' SEASONAL HIGH GROUND WATER > 10' BEDROCK > 10'



## Calculating Size of System

**NOTE:** The system is sized based on tank size, perc rate and effective depth.

<u>Number of Bedrooms</u>	<u>Minimum Liquid Capacity of Tank (in gallons)</u>
3 or less	1,000
4	1,200
5 or 6	1,500
More than 6	150 gallons for each additional bedroom must be added to 1,500 gallons.

<u>Percolation Rate</u>	<u>Design Application Rate (gallon/square foot)</u>
0-10	1.6
11-15	1.3
16-20	1.1
21-25	1.0
26-30	0.9
31-40	0.8
41-50	0.7
51-60	0.6

**Example of how to size your system**

Step 1 – Choose tank size based on number of bedrooms.

Step 2 – Use the slower percolation rate to determine gallon/square foot design application rate.

Step 3 – The absorption area is calculated by dividing the capacity of the septic tank by the design application rate as follows:

4 bedroom house = 1,200 gallon tank

Perc rate of 23 minutes = 1

1,200 by ÷1 = 1,200 square feet

Step 4 – Multiply the effective sidewall by 2, maximum depth is 4', 4 x 2 = 8.

Step 5 – Determine the required length by dividing the required absorption area by the effective sidewall as follows:

1,200 square feet ÷ 8 (depth of trench multiplied by 2) = 150 lineal feet.

Step 6 – Maximum length of leach line is 110 feet. A minimum of two trenches, 75 feet long with 4 feet of aggregate beneath the distribution lines, is acceptable.

.....  
Enter your calculation below:

Number of Bedrooms 3 Tank Size 1000 Perc Rate 22.8 INCH/INCH

Tank Size 1000 ÷ Design Application Rate 1.0 = 1000 50.FT.

Sidewall depth X 2 = 8 Number & Length of lines 2 @ 62.5 FT. EA.

PROPOSAL - 2 LINES  
2 FT. WIDE  
4 FT. DEEP  
65 FT. LONG

Or Number of Infiltrators used N/A

DOUGLAS COUNTY, NV

2019-927545

Rec:\$35.00

Total:\$35.00

04/05/2019 01:04 PM

STEVEN MILLER

Pgs=4

APN: 1022-29-810-018 & 1022-29-411-007

RECORDING REQUESTED BY:

Steven M. Miller & Elaine C. Miller  
757 Linda Dr., Apt. B  
Gardnerville, NV 89460



KAREN ELLISON, RECORDER

E03

AFTER RECORDATION, RETURN BY MAIL TO:

Steven M. Miller & Elaine C. Miller  
757 Linda Dr., Apt. B  
Gardnerville, NV 89460

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT, BARGAIN, SALE DEED WITH RESTRICTIONS

**THIS INDENTURE WITNESSETH:** On this 5 day of ~~April~~ April, 2019, STEVEN M. MILLER and ELAINE C. MILLER, husband and wife as joint tenants with right of survivorship, do hereby Grant, Bargain, Sell and Convey to STEVEN M. MILLER and ELAINE C. MILLER, husband and wife as joint tenants with right of survivorship, and to the heirs and assigns of such Grantee forever, his interest in all that real property situated in the County of Douglas, State of Nevada, bounded and described as follows:

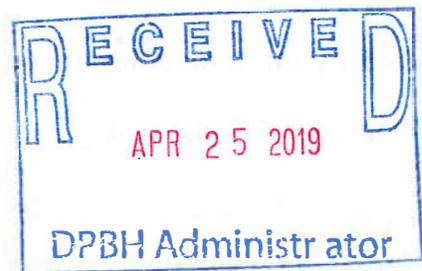
See Exhibit "A" attached hereto and made a part hereof for the legal description of the two (2) lots subject to the restriction below.

Restriction

The above two (2) described lots can only be sold together as one (1) lot for purposes of installation of a residential individual sewage disposal system and building permit. If a sanitary sewer system is installed to service these two lots, this deed restriction will no longer be valid.

Subject to Restrictions, Conditions, Covenants, Rights, Rights of Way, and Easements now of record, if any. TOGETHER with all and singular the tenements, hereditaments and appurtenances now of record, if any.

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written.



Steven M. Miller  
Steven M. Miller

Elaine C. Miller  
Elaine C. Miller

STATE OF NEVADA            )  
  ) ss.  
COUNTY OF DOUGLAS        )

This instrument was acknowledged before me on the 5 day of April, 2019, by Steven M. Miller and Elaine C. Miller.

Sara Hood  
Notary Public

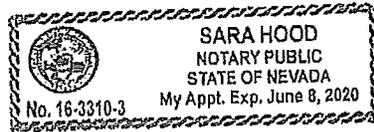


EXHIBIT "A"

All that certain real property situate in the County of Douglas, State of Nevada, described as follows:

Parcel 1:

Parcel A:

Lot 85 of TOPAZ SUBDIVISION, as the same appears upon a Plat of said subdivision, duly filed in the office of the County Recorder of Douglas County, State of Nevada on August 10, 1954, as Document No. 9774.

Parcel B:

Together with that portion of Kit Carson Avenue described in Abandonment of Public Right of Way #2018.051 recorded in the office of the Douglas County Recorder, State of Nevada, on March 22, 2018 as Document No. 2018-911912 and further described as follows:

A parcel of land within the Southwest 1/4 of the Southeast 1/4 of Section 29, Township 10 North, Range 22 East, M.D.B.&M., Douglas County, Nevada and more particularly described as follows:

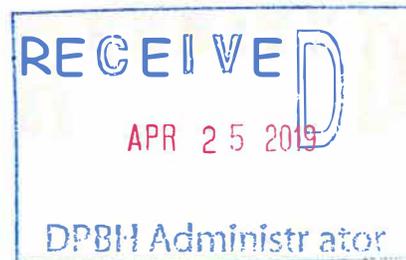
Commencing at the South 1/4 corner of said Section 29; thence North 23°57'56" East a distance of 1,424.70 feet to the TRUE POINT OF BEGINNING, said point being the intersection of the North right-of-way line of Kit Carson Avenue and the extension of the Easterly right-of-way line of Comstock Drive; thence South 89°41'05" East a distance of 209.78 feet; thence South 17°42'00" West a distance of 62.87 feet to a 3/8" rebar marking the Northeast property corner of Lot 85; thence North 89°41'05" West a distance of 209.78 feet to a 5/8" rebar with cap stamped PLS 3090 marking the Northwest property corner of Lot 85; thence North 17°42'02" East a distance of 62.87 feet to the TRUE POINT OF BEGINNING.

NOTE: The above metes and bounds description appeared previously in that certain Abandonment of Public Right of Way recorded in the office of the County Recorder of Douglas County, Nevada on March 22, 2018, as Document No. 2018-911912 of Official Records.

Parcel 2:

Lot 23, as shown on the Amended Map of TOPAZ LODGE SUBDIVISION, FIRST AND SECOND SECTIONS, filed in the office of the County Recorder of Douglas County, State of Nevada, on September 16, 1958, in Book 3 of Maps, Page 3, as File No. 13594.

Assessor's Parcel Numbers:  
1022-29-810-018 & 1022-29-411-007



STATE OF NEVADA  
DECLARATION OF VALUE

1. Assessor Parcel Number(s)  
 a) 1022-29-810-010  
 b) 1022-29-411-007  
 c) \_\_\_\_\_  
 d) \_\_\_\_\_

2. Type of Property:  
 a)  Vacant Land    b)  Single Fam. Res.  
 c)  Condo/Twnhse    d)  2-4 Plex  
 e)  Apt. Bldg    f)  Comm'Mnd'l  
 g)  Agricultural    h)  Mobile Home  
 i)  Other \_\_\_\_\_

FOR RECORDERS OPTIONAL USE ONLY	
BOOK _____	PAGE _____
DATE OF RECORDING: _____	
NOTES: _____	

3. Total Value/Sales Price of Property: \$ \_\_\_\_\_  
 Deed in Lieu of Foreclosure Only (value of property) ( \_\_\_\_\_  
 Transfer Tax Value: \$ \_\_\_\_\_  
 Real Property Transfer Tax Due: \$ \_\_\_\_\_

4. If Exemption Claimed:  
 a. Transfer Tax Exemption per NRS 375.090, Section # 3  
 b. Explain Reason for Exemption: Transfer without consideration to add deed restriction

5. Partial Interest: Percentage being transferred: \_\_\_\_\_ %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month.

Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature Steven M. Miller Capacity \_\_\_\_\_ Grantor

Signature \_\_\_\_\_ Capacity \_\_\_\_\_ Grantor

SELLER (GRANTOR) INFORMATION  
(REQUIRED)

Print Name: Steven M. Miller & Elaine C. Miller  
 Address: 757 Linda Dr., Apt. B  
 City: Gardnerville  
 State: NV Zip: 89400

BUYER (GRANTEE) INFORMATION  
(REQUIRED)

Print Name: Steven M. Miller & Elaine C. Miller  
 Address: 757 Linda Dr., Apt. B  
 City: Gardnerville  
 State: NV Zip: 89400

COMPANY/PERSON REQUESTING RECORDING  
(required if not the seller or buyer)

Print Name: \_\_\_\_\_ Escrow # \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)



## NOTICE OF PUBLIC HEARING

STEVE MILLER IS REQUESTING A VARIANCE, #701, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS.

NOTICE IS HEREBY GIVEN that Steve Miller has requested a variance from Nevada Administrative Code (NAC) 444.790(1). A public hearing will be conducted on June 7, 2019 at 9:00 am, by the Nevada State Board of Health to consider this request as follows:

Division of Public and Behavioral Health  
4150 Technology Way, Suite 303  
Carson City, NV 89706

Grant Sawyer Building  
Room 5100  
555 E. Washington Ave.  
Las Vegas, NV 89101

**NAC 444.790(1) states:**

1. A minimum area of 1 acre (43,560 square feet), including public streets and alleys or other public rights-of-way, lands or any portion thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a well.

Persons wishing to comment upon the proposed variance may appear at the scheduled public hearing or may submit written testimony at least five days before the scheduled hearing to:

Secretary, State Board of Health  
Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89706

Anyone wishing to testify for more than five minutes on the proposed variance must petition the Board of Health at the above address. Petitions shall contain the following: 1) a concise statement of the subject(s) on which the petitioner will present testimony; 2) the estimated time for the petitioner's presentation.

This notice has also been posted at the following locations:

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH, 4150 TECHNOLOGY WAY, CARSON CITY, NV  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH WEBSITE: <http://dpbh.nv.gov>