

**Douglas County Administrative Hearing Panel**

**AGENDA ACTION SHEET**

1. **Title:** For possible action. Discussion on Land Division Application (LDA) 16-006 for Andre and Carol Aldax, for a Tentative Parcel Map to divide a 39.49 acre parcel into two parcels, the smallest being 3.47 acres and the largest being 36.02 acres in size, using the provision of Douglas County Code Section 20.714.040, *Agricultural 2- acre parcel*. The subject parcel is located on the east side of Highway 395, approximately 1,360 feet north of Airport Road in the A-19 (Agricultural- 19 acres minimum net parcel size) zoning district in the Airport Planning Area (APN 1320-04-001-004).
  
2. **Recommended Motion:** Approve Land Division Application (LDA) 16-006 for Andre and Carol Aldax, for a Tentative Parcel Map resulting in two parcels, the smallest being 3.47 acres and the largest being 36.025 acres in size, using the provisions of Douglas County Code Section 20.714.040, *Agricultural 2-acre parcels*, subject to the conditions listed below and based on the findings and conclusions in the staff report.
  
3. **Prepared by:** Heather Anderson, Associate Planner  
Natalia Moore, Civil Engineering Plans Examiner
  
4. **Meeting Date:** May 12, 2016                      **Time Required:** 15 minutes
  
5. **Background Information:** The landowners/applicants currently own three contiguous parcels, zoned A-19 (Agricultural, 19 acre minimum net parcel size), totaling approximately 118 acres. The subject parcel, located at 2135 N. Highway 395 in Minden, is approximately 40 acres in size. The parcel contains two single family residences and several agricultural out buildings. The applicant is requesting approval of the tentative parcel map to divide the parent parcel into two parcels the smallest being 3.47 acres (gross) and the largest being 36.02 acres (gross), utilizing the provisions of Douglas County Code Section 20.714.040, *Agricultural 2 acre parcels*, which allows owners of more than 100 acres of irrigated agricultural land to create 2-5 acre parcels once every 5-15 years until their holdings are reduced to 100 acres of irrigated agricultural land.
  
6. **Committee/Other Agency Review:** The Water Conveyance Advisory Committee (WCAC) reviewed this request at the May 2, 2016 meeting and recommended approval of the map subject to the conditions included in the WCAC staff report. Staff has incorporated these conditions, by reference, into the recommended conditions of approval for this tentative parcel map (see Condition 1).

7. **Reviewed by:**

\_\_\_\_\_ Planning Manager

 \_\_\_\_\_ Community Development Director

8. **AHP Action:**

\_\_\_\_\_ Approved  
\_\_\_\_\_ Denied  
\_\_\_\_\_ Other

\_\_\_\_\_ Approved with Modifications  
\_\_\_\_\_ Deferred

**Agenda Item #**       1



**COMMUNITY DEVELOPMENT**  
1594 Esmeralda Avenue, Minden, Nevada 89423

**Mimi Moss**  
**DIRECTOR**

775-782-6201  
FAX: 775-782-6297  
website: www.douglascountynv.gov

Building Division  
Engineering Division  
Planning Division  
Code Enforcement

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**MEMORANDUM**

Date: May 12, 2016

To: Douglas County Administrative Hearing Panel

From: Heather Anderson, Associate Planner  
Natalia Moore, Civil Engineering Plans Examiner

Subject: Land Division Application (LDA 16-006), for property located on the east side of Highway 395, approximately 1,360 feet north of Airport Road in the A-19 (Agricultural- 19 acre minimum net parcel size) zoning district in the Airport Planning Area (APN 1320-04-001-004).

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**I. REQUEST**

For possible action. Discussion on Land Division Application (LDA) 16-006 for Andre and Carol Aldax, for a Tentative Parcel Map to divide a 39.49 acre parcel into two parcels, the smallest being 3.47 acres and the largest being 36.02 acres in size, using the provision of Douglas County Code Section 20.714.040, *Agricultural 2-acre parcel*. The subject parcel is located on the east side of Highway 395, approximately 1,360 feet north of Airport Road in the A-19 (Agricultural- 19 acre minimum net parcel size) zoning district in the Airport Planning Area (APN 1320-04-001-004).

**II. RECOMMENDATION**

Approve Land Division Application (LDA) 16-006 for Andre and Carol Aldax, for a Tentative Parcel Map resulting in two parcels, the smallest being 3.47 acres and the largest being 36.02 acres in size, using the provisions of Douglas County Code Section 20.714.040, *Agricultural 2 acre parcels*, subject to the conditions listed below and based on the findings and conclusion in the staff report.

**THE FOLLOWING CONDITIONS MUST BE MET PRIOR TO THE FINAL MAP SUBMITTAL:**

1. The plans shall be substantially consistent with those reviewed by the Water Conveyance Advisory Committee (WCAC), on May 2, 2016.

**THE FOLLOWING CNODITIONS MUST BE MET WITH THE SUBMITTAL OF A FINAL MAP**

**Engineering Division Conditions**

2. The Final Map must provide notes that read as follows:

1/2

- a. A seven and one-half (7.5) foot wide, for residential, or ten (10) foot wide, for commercial, public utility easement along all road frontages and a five (5) foot wide public utility easement along the side and rear lot lines.
- b. Any further division of these parcels may be subject to subdivision improvements as provided under NRS 278.462(3).
- c. The Community Development Certificate must state, "There are no public roads offered for dedication as part of this map and all offers of dedication for other public use elements were rejected with the reservation to accept said offers at a later date."
- d. Douglas County does not insure the development of any lot(s) where wells or septic systems are required for water and sewer service.
- e. The use of individual sewage disposal systems is for temporary use only. The parcels must connect to a community sewer system when such a system is within 330 feet of the parcels.
- f. The subject property lies within the AE, X-shaded, and X-unshaded flood zone, per community FIRM Pane No. 32005C0070G, effective date 2010. All construction and development within the floodplain (or special flood hazard area) must comply with Douglas County Code, Chapter 20.50 *Floodplain Management*.
- g. Maintenance of all drainage facilities and easements must be the responsibility of the individual property owners or other private entity, including a homeowner's association. Douglas County rejects any offer of dedication of drainage facilities or drainage easements.
- h. Obstructing the flow or altering the course of a drainage channel is prohibited, unless permitted by authorizing agency.

### **Planning Division Conditions**

3. The applicant shall submit a copy of a recorded deed restriction stating the following:  
  
*"Douglas County has declared it a policy to protect and encourage agricultural operations. If your property is located near an agricultural operation, you may at some time be subject to inconvenience or discomfort arising from agricultural operations. If conducted in a manner consistent with proper and accepted standards, these inconveniences and discomforts do not constitute a nuisance for purposes of the Douglas County Code."*
4. The applicant must submit documentation that all property taxes, assessment, and any agricultural liens of the property have been paid in full for the current fiscal year. Additionally, the applicant must submit an affidavit stating that the person proposing to divide the land, or any successor in interest, will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923.
5. The final map shall meet all the requirements of NRS 278 as well as County Code Chapters 20.714 and 20.712.

**THE FOLLOWING CONDITIONS APPLICABLE THROUGHOUT THE LIFE OF THE PROJECT**

**Planning Division Condition**

6. This tentative parcel map shall expire one year from the date of approval. If a final map application that conforms to all the conditions of approval is not recorded prior to the expiration date, extensions of time may be granted in accordance with Douglas County Code Section 20.712.030.

**III. PROPERTY INFORMATION**

Owner/Applicant	Aldax Family Trust Andre and Carol Aldax, Trustees 2315 N. Highway 395 Minden, NV 89423
Representative	R.O. Anderson Engineering, Inc. PO Box 2229 Minden, NV 89423
Location	On the east side of Highway 395, approximately 1,360 feet north of Airport Road (APN 1320-04-001-004).
Existing Land Use	Agricultural/Residential
Master Plan Designation	Agricultural (1 du/ 19 acres)
Zoning Designation	A-19 (Agricultural, 19 acre minimum parcel size)

**IV. BACKGROUND**

The landowners/applicants currently own three contiguous parcels, zoned A-19 (Agricultural, 19 acre minimum net parcel size), totaling approximately 118 acres. The subject parcel, located at 2135 N. Highway 395 in Minden, is approximately 40 acres in size. The parcel contains two single family residences and several agricultural out buildings. The applicant is requesting approval of the tentative parcel map to divide the parent parcel into two parcels the smallest being 3.47 acres (gross) and the largest being 36.02 acres (gross), utilizing the provisions of Douglas County Code Section 20.714.040, *Agricultural 2 acre parcels*.

**V. DISCUSSION AND EVALUATION**

The Tentative Parcel Map application has been submitted pursuant to County Code, Chapter 20.714, *Division of Agricultural Land for Conservation Purposes*. This Chapter provides a means for owners of agricultural and forest and range lands to engage in limited property development to assist in the conservation of these lands, allowing for the continuation of agricultural uses and the preservation of open space. The applicant is proposing to use the provisions in County Code, Section 20.714.040, *Agricultural 2-acre Parcels*, which allows 2-5 acre parcels to be created once every 5-15 years until the landowners holdings are reduced to 100 acres of irrigated agricultural land.

The 2011 Master Plan establishes goals and policies within the Agricultural Element to reinforce the importance of agriculture in Douglas County. The Agricultural Element notes the importance of maintaining economically viable agricultural operations and planning for the succession of agricultural lands to the next generation. Agricultural 2-acre Parcels (County Code Section 20.714.040) were implemented as a result of the policies of the 2007 Master Plan and continue to be an important tool for agricultural land owners for both the preservation of irrigated agricultural land as well as providing for limited development which can provide supplemental income for agricultural landowners or additional parcels for the next generation to build their home while participating in the agricultural operation. Douglas County Code Section 20.714.040 was amended earlier this year to allow for the creation of up to three 2-5 acre parcels every fifteen years in the A-19 and FR-19 zone districts subject to compliance with other provisions of Title 20. This provides the owners of 100 acres or more of irrigated agricultural land with more flexibility with respect to the size of the parcels being created, but does not change the type or intensity of development from what was permitted previously.

The application was forwarded to the Water Conveyance Advisory Committee (WCAC) for review and recommendation in accordance with Douglas County Code Sections 20.100.070 and 20.100.080. WCAC reviewed this request at the May 2, 2016 meeting and recommended approval of the map as presented. Staff is recommending Condition 1 to ensure that the final map is substantially the same as that reviewed by WCAC.

## VI. FINDINGS

### *Tentative Parcel Map*

The following findings, required by Douglas County Code Section 20.712.060, are recommended to the Administrative Hearing Panel for approval of the Tentative Parcel Map based on the evidence provided by the applicant and contained in the staff report.

- A. The property to be divided is zoned for the intended uses and the density and design of the division conforms to the requirements of the zoning regulations contained in the development code;*

**Staff Response:** The subject property is zoned A-19. Section 20.714.040 of Douglas County Code, allows owners of more than 100 acres of irrigated agricultural land to create up to three 2-5 acre parcels every fifteen years until their holdings are reduced to 100 acres of irrigated agricultural land. The proposed tentative parcel map is consistent with Section 20.714.040. In total, the landowners own approximately 118 acres of irrigated agricultural land. Per Section 20.714.040, the landowners cannot create another parcel using this provision for another five years.

- B. The proposed parcel map conforms to public facilities and improvement standards of the land development code;*

**Staff Response:** The tentative parcel map will result in the creation of a 3.47 acre parcel with one single family dwelling and a 36.02 acre parcel with a single family dwelling and several agricultural buildings. No additional construction is proposed as a result of this tentative map. Each home is served by an on-site septic system and domestic well. Staff has recommended condition 2e which requires connection to a community sewer system when one is within 330 feet of the subject parcels. As conditioned, the land division conforms to the public facilities and improvement standards of the land and development code.

- C. *The proposed parcel map conforms to the improvement and design standards contained in this title;*

**Staff Response:** The proposed parcel map conforms to improvement and design standards contained in Title 20. Additionally, no new improvements are required with this tentative parcel map as all improvements necessary to serve the existing homes on each lot are currently in place.

- D. *There are no delinquent taxes or assessments on the land to be divided, as certified by the county treasurer;*

**Staff Response:** The applicant has provided documentation that the taxes are current. Staff is recommending a condition requiring documentation that all property taxes and any agricultural liens of the property have been paid in full prior to recordation of the final map (Condition 4).

- E. *The project is not located within an identified archeological or cultural study area, as recognized by the County. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the finding in the report.*

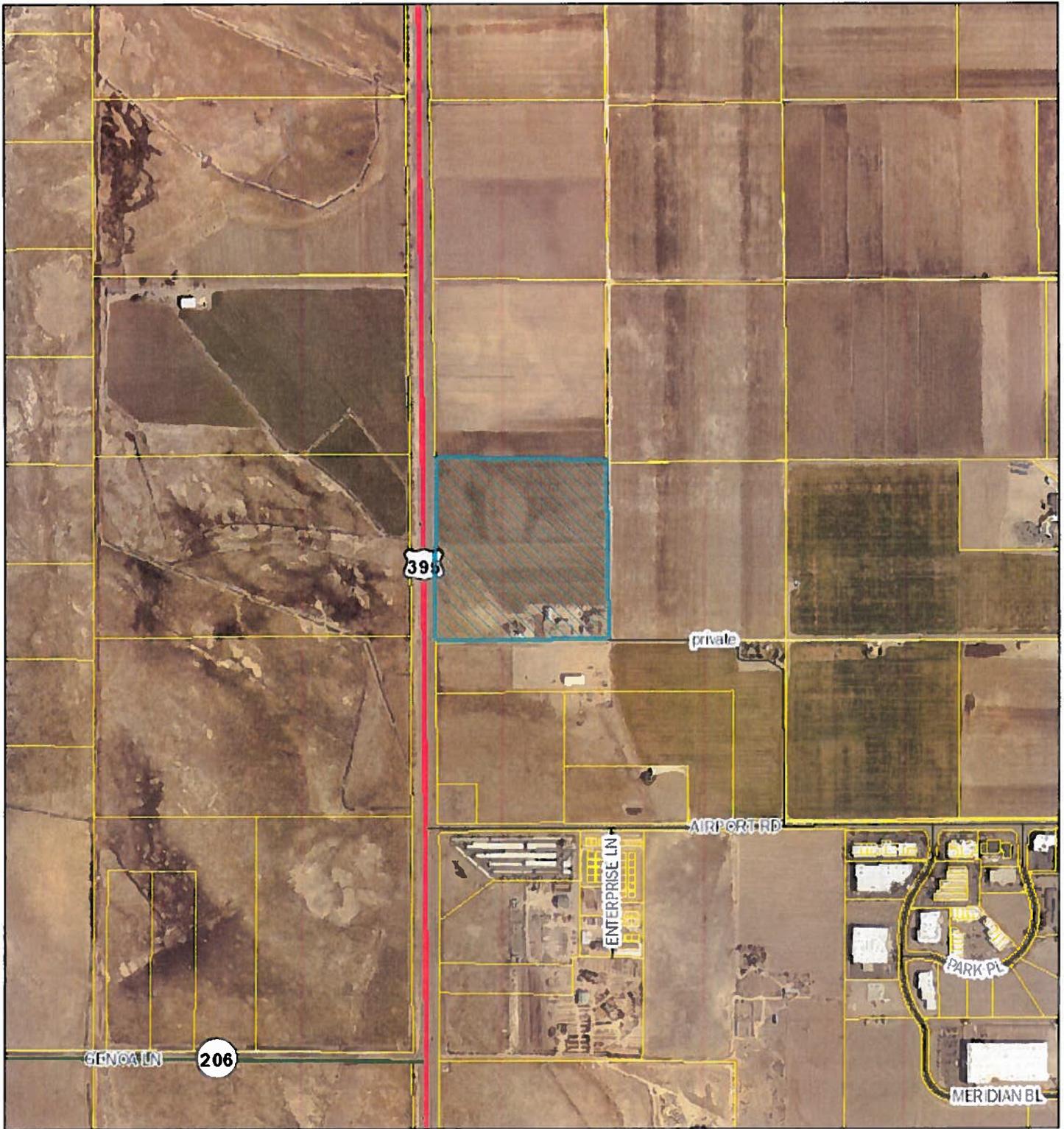
**Staff Response:** The project is not located within any known archeological or cultural study area recognized by Douglas County.

## VII. CONCLUSION

Based on the ability to make the findings as required per Section 20.712.060 of the Douglas County Code, staff recommends the Administrative Hearing Panel approve the Tentative Parcel Map subject to the recommended conditions of approval.

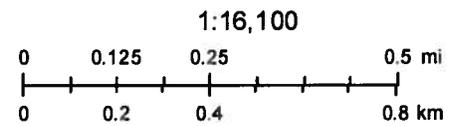
### **Attachments:**

1. Vicinity Map
2. Applicant's Statement of Justification
3. Tentative Parcel Map
4. County Code, Section 20.714.040



April 26, 2016

- Rivers
- Federal
- State
- Primary Road
- Other Roads
- Parcels



DCGIS 2015

1/7

April 19, 2016

Via Hand Delivery

DOUGLAS COUNTY COMMUNITY DEVELOPMENT  
PLANNING DIVISION  
Post Office Box 218  
Minden, Nevada 89423

RECEIVED  
APR 20 2016  
DOUGLAS COUNTY  
COMMUNITY DEVELOPMENT

**REVISED**  
**Statement of Justification/Project Description**  
**Tentative Parcel Map for Andre and Carol Aldax**

To Whom It May Concern:

On behalf of the applicants, Andre and Carol Aldax, please consider this letter our statement of justification and project description for a Tentative Parcel Map.

The applicant is requesting a tentative parcel map to divide approximately 40.00 acres into two parcels, the smallest being 3.40 net acres in size. The site of the tentative parcel map is located on the east side of North Hwy 395, approximately 1,360 feet north of Airport Road in the Airport Planning Area (APN: 1320-07-001-004). The site is zoned A-19 (Agricultural – 19-acre minimum net parcel size) and has a Master Plan designation of Agricultural. There are two existing residences on the parcel with additional agricultural out buildings. There are two existing wells and two existing septic systems on the parcel that serve the existing two residences. The parcel is located within the AE, X-shaded and X-unshaded flood zones per FEMA FIRM number 32005C0070G dated January 20, 2010.

This application is being filed under the Agricultural 2-acre Parcel provision of Douglas County Code Section 20.714.040, which allows land owners with holdings of over 100 acres of irrigated agricultural land to create a 2-acre parcel once every five years through parcel maps in the A-19 and FR-19 zoning districts. Andre and Carol Aldax, the Andre M. & Carol Aldax, Trustee own approximately 118 acres of irrigated agricultural land holdings.

**Tentative Parcel Map Findings:**

The following is our analysis of the required findings for a Tentative Parcel Map per Douglas County Code Section 20.712.060.

1. *The property to be divided is zoned for the intended uses and the density and design of the division conforms to the requirements of the zoning regulations contained in Part II of this development code;*

**REVISED Comment:** The proposal is consistent with the density as identified with the existing zoning of A-19 and the Master Plan designation Agricultural. The parcels

being created are Parcel A-1 a 35.76 net acre parcel and Parcel A-2 a 3.40 net acre parcel.

2. *The proposed parcel map conforms to public facilities and improvement standards of this land development code;*

**Comment:**

- **Water:** There are two existing domestic wells to serve the two existing residences; therefore no water rights will be dedicated with this Tentative Parcel Map to serve the one newly created parcel for water usage.
- **Sewer:** There are two existing septic systems to serve the two existing residences, therefore the applicant requests the requirement for this map to have a courtesy review by the Nevada Division of Environmental Protection (NDEP) for the one newly created parcel be waived and the requirement of percolation tests also be waived as the existing agricultural use will continue with and after this tentative parcel map.
- **Traffic:** These are Agricultural zoned parcels; traffic generated from the one new agricultural parcel is less than 500 ADT and 80 peak hour trips which is the threshold for requiring a more detailed traffic impact study. The additional trips will have no significant impact, therefore a Traffic and Impact Study is not required per Douglas County Engineering.
- **Access:** Pursuant to Douglas County Code Section 20.100.090, new development shall be served by a paved roadway adequate to accommodate the vehicular traffic to be generated by the development. The proposed parcels have existing access from the existing 30' Non-Exclusive Private Farm Access Road Easement per Document No. 245838. No intensification or change of use from the current Agricultural use is proposed with this tentative parcel map.
- **Utilities:** The existing parcel is currently served by Southwest Gas for natural gas service, by NV Energy for electrical service and by Frontier Communications for telephone facilities, therefore no Will Serve letters are provided as services are existing and no new utility improvements are proposed with this tentative parcel map.
- **Flood Plain:** The site is located within the AE and "X-shaded" and "X-unshaded" Flood zone designations as per FEMA FIRM number 32005C0070G dated January 20, 2010.
- **Irrigation Ditches:** The majority of the parcel is currently used as irrigated land. There is an existing 37' Ditch Irrigation and Maintenance Easement that runs south to north along the east property line, and is recorded as Document

No. 298087. The applicants will present their application to the Water Conveyance Advisory Committee for review of the existing irrigation ditch and the open irrigation existing on the irrigated land.

3. *The proposed parcel map conforms to the improvement and design standards contained in this title;*

**Comment:** No new public improvements are proposed with the parcel map.

4. *There are no delinquent taxes or assessments on the land to be divided, as certified by the county treasurer;*

**Comment:** Please find attached a Tax receipt showing taxes are paid and current as signed by the Douglas County Treasurer.

5. *The project is not located within an identified archeological/cultural study area, as recognized by the county. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report.*

**Comment:** The project is not located in an identified archeological/cultural study area.

Thank you for your consideration regarding this matter. Should you have any further questions, please do not hesitate to call.

Yours sincerely,

R.O. ANDERSON ENGINEERING, INC.



Tammy J. Kinsley,  
Associate Planner



**20.714.040 Agricultural 2-acre parcels**

Agricultural 2-5-acre parcels are allowed to be created once every five years through the parcel maps in the A-19 and the FR-19 zoning districts for landowners with holding of over 100 acres of irrigated agricultural land. One parcel may be created every 5 years. Alternatively two parcels can be created every ten years or three every fifteen years provided there is compliance with all other provisions of this code. No more than three agricultural 2-5 acre parcels can be created every fifteen years. The creation of these parcels is designed to allow owners of more than 100 acres of irrigated agricultural land a means to dispose of small portions of their property, rather than portions at least 19 acres in size, in order to retain the remainder or their holdings in agricultural use.

A. Landowners with holdings of over 100 acres of irrigated agricultural land not subject to a conservation easement may create a 2-5-acre parcel every five years per the provisions above until said holdings are reduced to 100 acres of irrigated agricultural land. These holdings must have been held by the same owner for the previous five years to be eligible for one Agricultural 2-5 acre parcel. Eligibility for the two parcels every ten years or three every fifteen years requires the holdings to have been held by the same owner for the required ten or fifteen years. For purposes of this provision, landowner shall include ownership by the same person, family or family members, and any entity or trust controlled by the same.

1. The creation of a 2-5-acre parcel may not result in the creation of a non-conforming remainder parcel.

2. If the landowner's holdings are in the primary flood zone, the landowner may create up to three 2-5-acre parcels every fifteen years per (A) until said holdings are reduced to 100 acres of irrigated agricultural land or the total number of units of development equals one unit per 19 acres, whichever comes first.

3. If the maximum number of 2-5-acre parcels has been created, either due to the holdings of irrigated agricultural land being reduced to 100 acres or the total number of development units equaling one unit per 19 acres, then the undeveloped remainder may still qualify for non-contiguous clustered development. The units of density allowed in the non-contiguous clustering project will be reduced by the number of 2-5 acre parcels already created. (Ord. 1452, 2016; Ord. 1224, 2008)





**COMMUNITY DEVELOPMENT**  
1594 Esmeralda Avenue, Minden, Nevada 89423

Building Division  
Engineering Division  
Planning Division  
Code Enforcement

**Mimi Moss**  
COMMUNITY DEVELOPMENT DIRECTOR

775-782-6201  
FAX: 775-782-6297  
website: [www.douglascountynv.gov](http://www.douglascountynv.gov)

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## MEMORANDUM

Date: May 12, 2016

To: Douglas County Administrative Hearing Panel

From: Lucille Rao, Assistant Planner  
Erik Nilssen, County Engineer

Subject: LDA 16-005 (Tentative Parcel Map); for Mark Neuffer, Alta Consulting, Ltd.  
Located at 1144 Highway 395, Gardnerville, NV; APN: 1220-10-601-002

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### I. REQUEST

For possible action. Discussion on Land Division Application (LDA) 16-005, for Mark Neuffer, Alta Consulting, Ltd., for a Tentative Parcel Map to divide 3.27 acres into four parcels, the smallest being .63 net acres in area. The subject property is located at 1144 Highway 395 in the GC (General Commercial, 10,000 square foot minimum parcel size) zoning district and within the Minden-Gardnerville Community Plan (APN: 1220-10-601-002). The Administrative Hearing Panel may approve, approve with modifications or deny the request.

### II. RECOMMENDATION

Approve Land Division Application (LDA) 16-005, for Mark Neuffer, Alta Consulting, Ltd., to divide 3.27 acres into four parcels, the smallest being .63 net acres in area, based on the discussion in the staff report and recommended conditions.

The following conditions apply:

### THE FOLLOWING CONDITIONS MUST BE MET PRIOR TO FINAL MAP SUBMITTAL:

#### Engineering Division Condition(s)

1. The applicant must submit plans and supporting documents for review and approval. Plans and documentation must be in conformance with the Douglas County Design Criteria and Improvement Standards (DCDCIS) including the following project specific items:
  - a. The applicant must submit civil improvement plans in conformance with Division 7 *Improvement Plans*.

- b. A driveway approach restricting left and through movements out shall be constructed in alignment with Virginia Ranch Road on the east side of U.S. Highway 395 as required in the Traffic Impact Study Update prepared by Lumos & Associates dated December 2013.
  - c. The applicant must submit a final technical drainage report and plans meeting the requirements of Division 6 *Storm Drainage* and Appendix D *Storm Drainage Details*.
  - d. The plans must show all necessary drainage easements accepting runoff from the public right of way shall be identified as public any drainage easements accepting runoff from or perpetuating flows across private property shall be identified as private.
2. The development will be served by a public water system, and the following conditions apply:
    - a. The applicant must meet the requirements of the "Water Will Serve" letter or other letter of intent to serve.
    - b. Water lines must meet the requirements of Division 4 *Water Systems* and Appendix B *Water System Details*, or standards from other applicable agencies.
  3. The development will be served by a public sewer system, and the following conditions apply:
    - a. The applicant must meet the requirements of the "Sewer Will Serve" letter or other letter of intent to serve.
    - b. Sewer lines must meet the requirements of Division 5 *Sewer Systems* and Appendix C *Sewer System Details* or standards from other applicable agencies.
  4. The applicant must provide a paved pullout for a new cluster mailbox location. If a new cluster mailbox location is not required, then the applicant must be responsible for providing documentation to that effect from the U.S. Postal Service.
  5. On-site and off-site improvements must be constructed or secured. If the applicant proposes to secure for any of the required improvements, the applicant must enter into a security and improvement agreement with Douglas County. The security improvement agreement and the security deposit shall comply with Douglas County Code Sections 20.720.020 and 20.720.030.
  6. The applicant must provide documentation that all required improvements are constructed or secured.
  7. The applicant must provide documentation that all utilities are installed or have been secured.
  8. The applicant must provide evidence that the Nevada Department of Transportation (NDOT) has reviewed and approved any development within their jurisdiction.

**Planning Division Condition(s)**

9. The applicant must provide evidence that the GIS Department has approved all new street names. Any easement or road (public or private) providing access to two or more parcels must be named and street signs erected per Douglas County Code, Chapter 20.900 *Numbering Structures and Naming Streets*.
10. The applicant must comply with the requirements of Douglas County Code, Title 20, Chapter 20.50 *Floodplain Management* and provide the following:
  - a. A Floodplain Development Permit.
11. The applicant must annex the existing parcel into the Gardnerville Town Boundary.

**THE FOLLOWING CONDITIONS MUST BE MET WITH THE SUBMITTAL OF A FINAL MAP:**

**Engineering Division Condition(s)**

12. The Final Map must show the following:
  - a. An easement for any new cluster mailbox location.
  - b. Identify and delineate special flood hazard areas per the revised FIRM panel 0265G dated December 24, 2013.
  - c. Drainage easements necessary to mitigate onsite, offsite, and cross-lot drainage impacts. All drainage easements not accepting flow from a public right-of-way must be shown as private.
  - d. The applicant shall provide a "reciprocating access easement" over APN 1220-10-701-002 for APN 1220-10-601-002 to ensure legal access to the parcels from U.S. Hwy 395.
  - e. The applicant shall provide a "private shared access easement" over all four new parcels created to ensure legal access to each parcel.
  - f. 30' Public Access Easement identified per R5 appears that it is incorrectly identified and should be 50' per DOC 287403. With the new reciprocating access easement, this public access easement does not appear to be necessary and could be abandoned.
  - g. Verify ROW dimensions called out as 100' for US HWY 395. Documents in the title report suggest the ROW may be 120'.
13. The Final Map must provide notes that read as follows:
  - a. A ten (10) foot wide, for commercial, public utility easement along all road frontages and a five (5) foot wide public utility easement along the side and rear lot lines.
  - b. Any further division of these parcels may be subject to subdivision improvements as provided under NRS 278.462(3).
  - c. The subject property lies within the "AO-D1 and A" flood zones, per community FIRM Panel No. 0265, effective date December 24, 2013.
  - d. All construction and development within the floodplain must comply with Douglas County Code, Chapter 20.50 *Floodplain Management*.

- e. Maintenance of all drainage facilities and easements must be the responsibility of the individual property owners or other private entity, including a homeowner's association. Douglas County rejects any offer of dedication of drainage facilities or drainage easements.
- f. Obstructing the flow or altering the course of a drainage channel is prohibited, unless permitted by authorizing agency.

**Planning Division Condition(s)**

- 14. If the existing primary structure is to remain, the structure must meet setback requirements on each new parcel.
- 15. All accessory structures must be removed, or located on a parcel with a primary structure. Accessory structures must meet setback requirements.
- 16. The applicant must submit a copy of a recorded deed restriction stating the following:  
  
"Douglas County has declared it a policy to protect and encourage agricultural operations. If your property is located near an agricultural operation, you may at some time be subject to inconvenience or discomfort arising from agricultural operations. If conducted in a manner consistent with proper and accepted standards, these inconveniences and discomforts do not constitute a nuisance for purposes of the Douglas County Code."
- 17. The applicant must submit documentation that all property taxes and any agricultural liens of the property have been paid in full for the current fiscal year.
- 18. The applicant must comply with the Final Map requirements as prescribed by NRS 278 and Douglas County Code, Chapter 20.712 *Parcel Maps*.
- 19. The applicant must submit an affidavit stating that the person proposing to divide the land, or any successor in interest, will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923.

**THE FOLLOWING CONDITION IS APPLICABLE THROUGHOUT THE LIFE OF THE PROJECT:**

**Planning Division Condition(s)**

- 20. This Tentative Parcel Map approval will expire one year from the date of approval if a final map application that conforms to all the conditions of approval is not recorded prior to the expiration date. Extensions of time may be granted in accordance with Douglas County Code, Section 20.712.030.

### III. BACKGROUND

APPLICANT/OWNER: Mark Neuffer, Alta Consulting, Ltd  
P.O. Box 905  
Genoa, NV 89411

Clark Living Trust/Richard Clark  
716 N. Carson Street  
Carson City, NV89701

ENGINEER/REPRESENTATIVE: Mike Bennett, Lumos and Associates  
800 East College  
Carson City, NV 89706

EXISTING LAND USE: Retail (Landscaping Supply/Nursery)

PROPOSED USE: Offices

MASTER PLAN DESIGNATION: Commercial

ZONING DESIGNATION: GC (General Commercial, 10,000 square foot  
minimum parcel size)

The applicant is proposing to divide a 3.27 acre parcel into four parcels, the smallest being .63 acres (27,383 square feet). The parcel is zoned General Commercial, which has a 10,000 square foot minimum parcel size. The parcel is presently developed as a landscaping supply/nursery center (Carson Valley Garden Center).

### IV. DISCUSSION AND EVALUATION

The Land Division Application for a Tentative Parcel Map has been submitted pursuant to the Douglas County Development Code, Chapter 20.712 *Parcel Maps*. The applicant has submitted a Statement of Justification and Site Plan for the Administrative Hearing Panel's consideration (See Attachment 1 and 2). Staff has reviewed the submitted application, inspected the site, and offers the following comments:

#### **Noticing**

Property owners within 925 feet of the subject site were noticed of the request. The Noticing Radius Map is attached for reference (*See Attachments 3*).

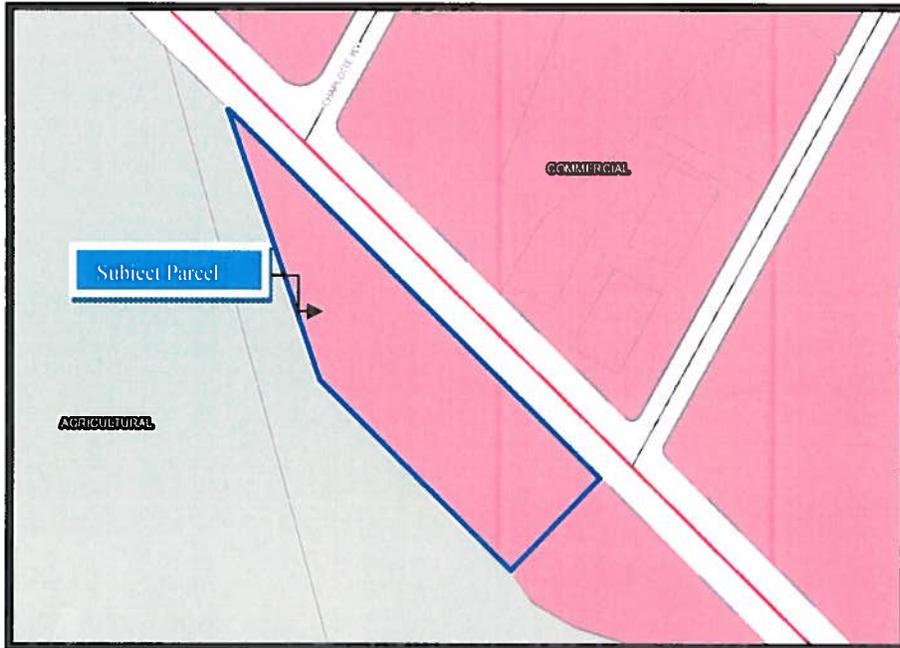
#### **Land Use and Zoning**

The subject parcel is designated as Commercial in the Douglas County Master Plan. The parcel is zoned GC (General Commercial -10,000 square foot minimum parcel size). The property is located in the Minden/Gardnerville Community Plan. Surrounding land uses are Agricultural and Commercial.

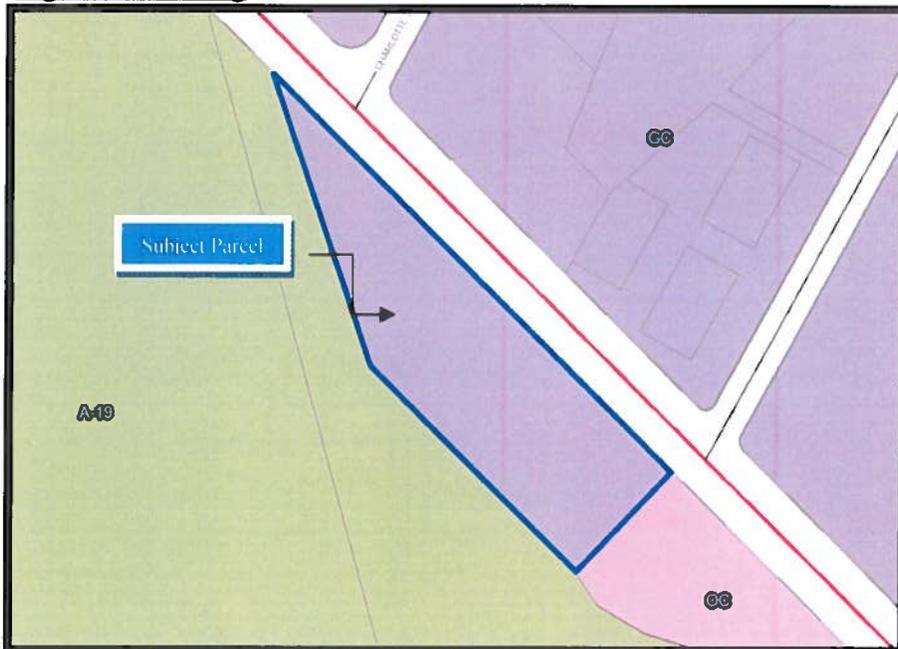
2/6

If the existing primary structure is to remain, the structure must meet setback requirements prior to recording a final map. In addition, accessory structures must be removed unless the structure is located on parcel with an existing primary structure and complies with zoning setback requirements.

**Figure 1.0 Land Use**



**Figure 2.0 Zoning**



**Figure 3.0 Aerial**



**Town of Gardnerville**

As required by code, a copy of the land division application has been sent to the Town of Gardnerville. The land development application was heard by the Town Board at its February 4<sup>th</sup>, 2014 meeting. The parcel was annexed into the water and sewer districts on May 5<sup>th</sup>, 2016

**Water & Water Rights**

The parcel is located inside the urban service area. The development will be served by the Gardnerville Water Company. A Will Serve letter was submitted with the application and the applicant is conditioned to comply with the requirements of the Will Serve letter.

**Sewer**

The parcel is located inside the urban service area. The development will be served by the Minden Gardnerville Sanitation District. A Will Serve letter was submitted with the application and the applicant is conditioned to comply with the requirements of the Will Serve letter.

**Utilities**

The applicant shall insure adequate utilities are provided or secured for the new parcels, per condition 7. Per Douglas County Code, Chapter 20.220, power must be installed underground.

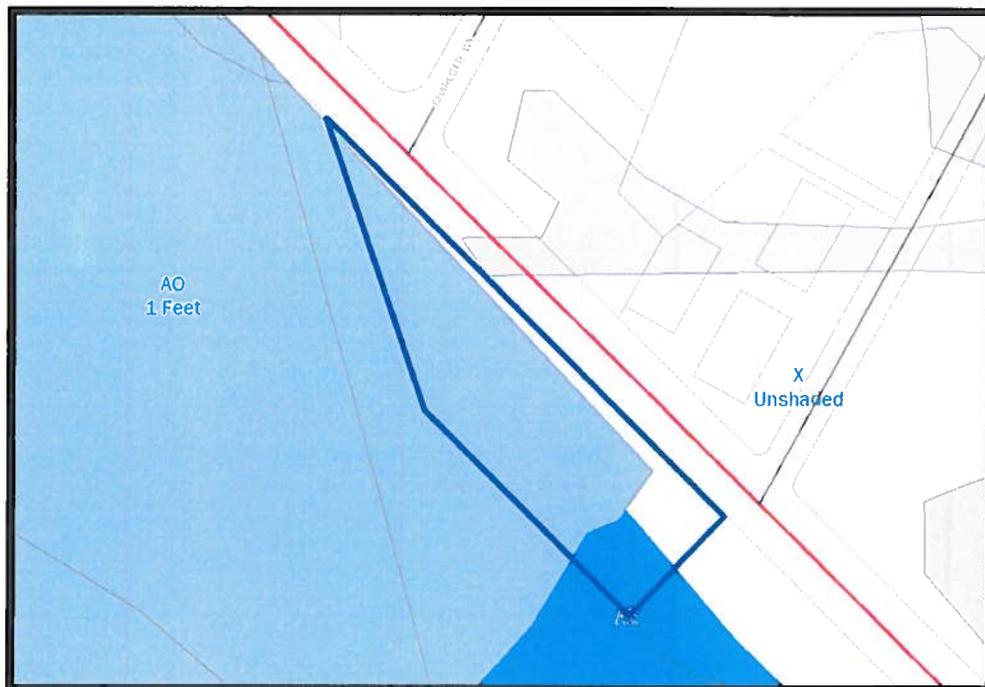
**Traffic/Access/Roads**

Per the applicant’s Statement of Justification, the applicant is negotiating with the adjacent parcel owner to gain an access easement, which would align with Virginia Ranch Road located on the east side of U.S. Highway 395. This alignment is preferred by NDOT staff. Based on NDOT’s preference and the applicant’s proposal, County staff has conditioned the applicant to provide a “reciprocating access easement” over APN 1220-10-701-002 for APN 1220-10-601-002 to ensure legal access to the parcels from US 395. In addition, the applicant is conditioned to construct a right in/right out only approach for access to Virginia Ranch Road (extending west of U.S. Highway 395) as required in the Traffic Impact Study Updated prepared by Lumos & Associates on December 2013.

**Floodplain**

The subject property lies within the “AO-D1 and A” flood zones, per community FIRM Panel No. 0265, effective date December 24, 2013. All future development must comply with the County’s adopted floodplain regulations.

Figure 4.0 Floodplain



**Drainage**

The proposed parcel map will have four parcels draining to one pond for storage and discharge. The drainage system design will need to be retained and treated prior to its discharge into the Company ditch. The drainage facilities will be private and not maintained by the town. The existing parcel drains to the west into the company ditch.

## V. FINDINGS

Pursuant to the Douglas County Development Code, Section 20.712.060, the following findings must be made for approval of a Land Division Application (Tentative Parcel Map):

1. The property to be divided is zoned for the intended uses and the density and the design of the division conforms to the requirements of the zoning regulations contained in the development code.

**Staff response:** The four proposed parcels conform to the minimum lot size requirement for the GC (General Commercial, 10,000 square foot minimum parcel size) zoning district. In addition, the intend use of offices conform to the allowed uses within the General Commercial zoning district.

2. The proposed parcel map conforms to public facilities and improvement standards contained of this land development code.

**Staff response:** The applicant is conditioned to comply with the requirements of the Will Serve letter for the Gardnerville Water Company and Minden Gardnerville Sanitation District. The applicant has not requested any variances to improvement standards. Furthermore, the project is conditioned to comply with all public facilities and improvement standards contained in the County's adopted development code.

3. The proposed parcel map conforms to the improvement and design standards contained in this title.

**Staff response:** On-site and off-site improvements must be constructed or secured, which includes power, gas, and cable.

4. There are no delinquent taxes or assessments on the land to be divided, as certified by the county treasurer.

**Staff response:** The applicant has verified that all taxes are paid current.

5. The project is not located within an identified archeological or cultural study area, as recognized by the county. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report.

**Staff response:** The property is not located within any known archeological or cultural study area recognized by Douglas County.

## **VII. CONCLUSION**

County staff has found the proposed tentative parcel map to be in conformance with the County's development code and master plan. As a result, staff is recommending approval of the tentative parcel map.

***Attachments:***

1. Vicinity Map
2. Noticing Radius Map
3. Tentative Parcel Map
4. Applicant's Statement of Justification

# Douglas County Vicinity Map AHP ATTACHMENT 1

APN: 1220-10-601-002



1 inch = 3,000 feet

### Legend

Subject Parcel

Print Date: 1/28/2016



The data contained herein has been compiled on a geographic information system for the use of Douglas County. The data does not represent survey delineation and should not be construed as a replacement for the authoritative source, plat maps, deeds, resurveys, etc. No liability is assumed by Douglas County as to the sufficiency or accuracy of the data.



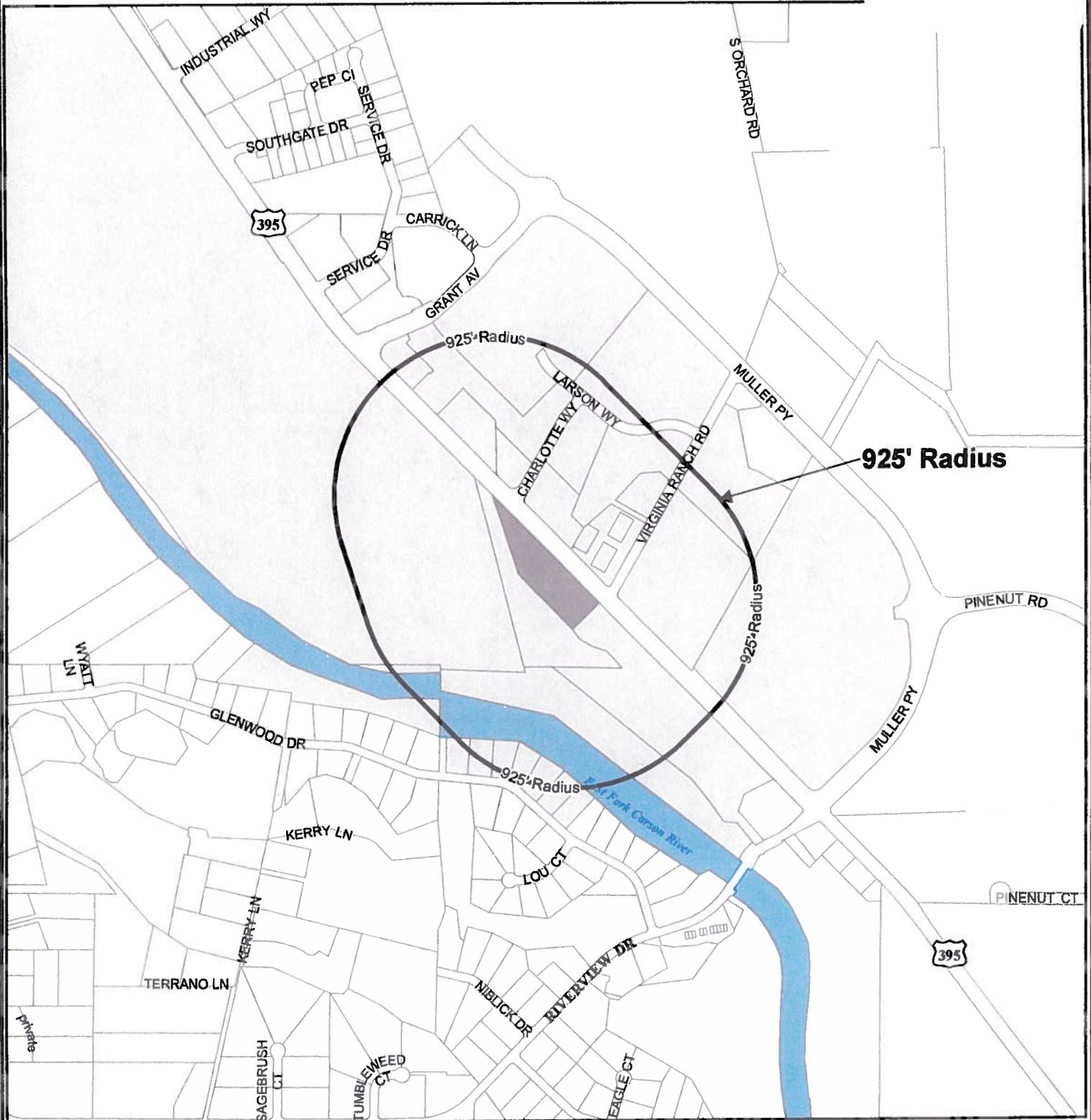
217

# Douglas County Noticing Radius Map

925' Radius

AHP ATTACHMENT 2

APN: 1220-10-601-002



1 inch = 800 feet

Print Date: 1/28/2016

## Legend

— Noticing Radius    ■ Subject Parcel(s)    □ Parcels Within noticing Radius



The data contained herein has been compiled on a geographic information system for the use of Douglas County. The data does not represent survey delineation and should not be construed as a replacement for the authoritative source, plat maps, deeds, resurveys, etc. No liability is assumed by Douglas County as to the sufficiency or accuracy of the data.





April 4, 2016

Coleen Thran-Zepeda, Development Coordinator  
Douglas County Planning Division  
Douglas County Community Development  
1594 Esmeralda Avenue  
Minden, NV 89423

RE: Tentative Parcel Map for 1144 Highway 395 South, Gardnerville, Nevada  
89410 (APN 1220-10-601-002)

Dear Coleen Thran-Zepeda:

On behalf of Richard L. Clark, Alta Consulting, Ltd., is pleased to submit this application for a tentative parcel map for 1144 Highway 395 South, Gardnerville, Nevada 89410. This tentative parcel map application proposes to divide a 3.27 acre parcel into 4 lots, with the smallest being .63 acres (27,383 square feet). The current zoning for the entire parcel is General Commercial and the Future Land Use is Commercial. The parcel is located within the Minden/Gardnerville Community Plan. The required findings for this tentative parcel map application are provided below:

Findings for Tentative Parcel Map (20.712.060)

*A. The property to be divided is zoned for the intended uses and the density and design of the division conforms to the requirements of the zoning regulations contained in the development code.*

The entire parcel is designated with a future land use of Commercial in the Douglas County Master Plan and is zoned as General Commercial (GC). This application would create 4 new parcels. Each proposed parcel would meet the minimum parcel size of 10,000 square feet for GC parcels. The smallest parcel would be 27,383 square feet.

*B. The proposed parcel map conforms to public facilities and improvement standards of this land development code.*

The applicant has received will serve letters from the Gardnerville Town Water Company as well as the Minden Gardnerville Sanitation District (see attached letters).

A traffic impact analysis is not available since the eventual land uses on each parcel are not known at this time. At the current time, there is one permitted access from Highway 395, but the owner is proposing to relocate the access

further south, based on negotiation with the adjacent property owner and NDOT.

The parcel is located within the AO Special Flood Hazard Zone and a flood impact study is included with this application. At such time as a building permit is submitted, the current or future owner will submit a floodplain development permit to Douglas County. The finished floor elevations for each building pad are depicted on the proposed parcel map. This proposed tentative parcel map will create parcels for commercial development and will be compliant with Section 20.50.110 of the Douglas County Development Code.

*C. The proposed parcel map conforms to the improvement and design standards contained in this title.*

The proposed parcel map is in conformance with the improvement and design standards contained in the Development Code.

*D. There are no delinquent taxes or assessments on the land to be divided, as certified by the county treasurer.*

There are no delinquent taxes or assessments and a current tax receipt is included with this application.

*E. The project is not located within an identified archeological or cultural study area, as recognized by the county. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report.*

The parcel is not located within an identified archeological or cultural study area.

Please contact me at 775-720-9087 if you need any further information in order to schedule this application before the Administrative Hearing Panel on May 12, 2016.

Sincerely,



Mark Neuffer, Principal  
Alta Consulting, LTD.