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Building Division  
Engineering Division  
Planning Division  
Code Enforcement

## **DOUGLAS COUNTY ADMINISTRATIVE HEARING PANEL**

### **MINUTES OF THE JUNE 9, 2016 MEETING**

#### **I. Call to Order.**

Meeting was called to order at 2:05 pm by Mimi Moss, Community Development Director and it was determined a quorum was present.

Administrative Hearing Panel members present: Mimi Moss, Community Development Director, Planning Division, Erik Nilssen, County Engineer, Engineering Division, and Valerie Nunes, Building Department Manager, Building Division

Staff members present: Lucille Rao, Case Planner and Barbra Resnik, Case Engineer, Dean Patterson, Planning Manager, Coleen Thran-Zepeda, Development Coordinator

Public present: Pete Beekhof, Jeremy Hutchings, Cory Kleine, Tammy Kinsley and Dan Morris

#### **Public Comment:**

No public comment; public comment closed.

#### **II. Public Hearing - Discussion and Possible Action.**

- 1) Discussion on Land Division Application (LDA) 16-013 for Peter Beekhof, Westridge Homes, Inc., for a Tentative Parcel Map to divide a 21.95 acre parcel into four parcels, the smallest being 2.07 acres and the largest being 14.24 acres in size, using the provision of Douglas County Code Section 20.712, *Tentative Parcel Map*. The subject parcel is located at 1553 Johnson Lane, in the SFR-2 (Single-Family Residential, 2-acre minimum net parcel size) zoning district in the Johnson Lane Community Plan (APN 1320-03-001-014).**

**Case Planner: Lucille Rao (775) 782-6218 [lrao@douglasnv.us](mailto:lrao@douglasnv.us)**  
**Case Engineer: Barbra Resnik (775) 782-6234 [bresnik@douglasnv.us](mailto:bresnik@douglasnv.us)**

Ms. Moss asked Ms. Rao if there have been any changes since the development of the staff report.

Ms. Rao stated no changes; she had two inquires at the counter from neighbors that wanted to look at the project.

Ms. Moss asked the panel if they had any questions. No panel questions.

Ms. Moss opened up comment from the Applicant. Tammy Kinsley from RO Anderson Engineering wanted clarification on condition A.1. Jeremy Hutchings with RO Anderson Engineering questioned what is meant by the preliminary sewer design. Mr. Nilssen stated this area on Squires Street is identified to have a sewer line in the future and it's just to verify that you have the slopes and depths where a sewer would be located behind those lots. Also for the lots on the east side that there would be a way to get the sewage across and back down to Squires Street so if there needs to be an easement along the property line or something like that to outflow at the southwest corner of the property; Mr. Hutchings asked what level of design is Mr. Nilssen looking for; Mr. Nilssen stated 30% in alignment, manhole locations and depth; Depth may not be as critical. What would we design to; just location, the horizontal location and manhole location to get the lots that are east of Last Chance Court, down across to Squires and also the lots on Squires, they are easier and would be able to reach that street as well. Mr. Hutchings state something horizontal was pretty easy and going through the design to make sure if you are looking for something gravity; Mr. Nilssen stated it would be a gravity sewer line flowing south and then west; Mr. Nilssen said we can give him a copy of the Sewer Master Plan. Mr. Hutchings said if it's just a preliminary design he's ok with that; Mr. Nilssen said we don't know the vertical depths of the sewer yet so it would just be preliminary; Mr. Hutchings stated that resolves his questions.

Mr. Beekhof stated that designing something without knowing where the end starts for them to hook into is kind of redundant. We will give the easement but how do we know how deep you guys are. He can go deep enough to get theirs to the street; Mr. Hutchings stated they can do a layout. Mr. Nilssen stated Mr. Beekhof just needs to do a horizontal layout to verify easements are in place.

Ms. Kinsley stated the next condition for clarification is A.2.B; Mr. Hutchings said they have a high pressure area that is over 100 psi; they are used to seeing something at each individual house and avoiding the vault; Mr. Hutchings would like to know if that is something the County would accept, where he does the pressure reduction in the crawl space and have it individually done; Mr. Nilssen would personally prefer the individual ones due to high maintenance costs for the County; Ms. Resnik stated that is not a design that the county supports; they have individual PRV stations throughout our system, not for each resident; Mr. Nilssen stated they will have to verify with Public Works; Mr. Beekhof stated that in the last year or so they have had to put private pressure use valves in 5 or 6 homes; they haven't had any problems and it leaves the County with no maintenance;

Ms. Moss stated that the condition states that they refer to Douglas County standard detail and coordinate with Public Works on final design; Is the applicant

comfortable with how the condition is written based on the discussion we are having, because it is really Public Works determination on what they are going to require; Mr. Nilssen is not comfortable waiving that but can get the applicant an answer within a few days; Mr. Hutchings stated that was fair; Mr. Beekhof stated he has no problem with that. The private systems are working and why would the County want to take on something more;

Ms. Moss stated that we will keep the condition, as is, based on the discussion; Mr Hutchings stated yes he appreciates that discussion.

Mr. Hutchings stated his last clarification is on A 3.c; it states the applicant will submit a water system model report pursuant to the Division 4, Section 4.2; that Section states that the Engineering Division will model all county distribution and transmission lines; usually we would give Pw our CAD file so they have our water line laid out, because they maintain the model and typically they don't release it to the private industry; they would model it and tell us if we have the wrong size; Mr. Nilssen stated that he doesn't believe we have an updated working model; Ms. Resnik stated there was a time that Engineering staff was able to keep up with the models; We are not afforded the opportunity to have staff do that now. That is why our condition is worded the way it is. It is required of the applicant to provide the water model. You will need to contact Public Works to see what they have available. Mr. Nilssen stated that this may be a dead end line and pressures at the end of it; Mr. Hutchings stated he's willing to work with staff but he doesn't think Mr. Beekhof needs to build a complete new model for the County's water system; Ms. Resnik stated no not a whole new model, just for that portion; Mr. Hutchings asked if we are just assuring the we can get the flow and pressure at the end of this line; Ms. Resnik confirmed his statement and said he will need to apply to the NDEP Bureau of Safe drinking water; Mr. Hutchings stated that was understood; Ms. Moss asked if it was worth adding to the condition that the extent of the model should be determined by Public Works or do we include the flow and pressure and call that out specifically; Mr. Hutchings would like some clarification because if they are going to model it he would like some assurance. Mr. Nilssen stated the model would consist of verifying the pressures and fire flows are significant, lines are sized for the length and elevation change with fire flows; Mr. Kleine asked for some clarification on Condition B 1.e; the last part, AE flood zone boundary shall be utilized as the high water mark, is not consistent with that section of code; the flood zone is not mentioned in the title 20 that is referring to; for this drainage channel they would normally use the top of bank; Ms. Resnik stated the code section speaks to top of bank or the high water mark and historically what the County has done is recognized AE flood zone boundary as the high water mark which is the terminology used in our code, top of bank or high water mark, so that is the precedent we have set; Mr. Kleine wanted to note that this section of code clearly states that the 50 foot setback shall extend landward from the banks or normal high water points of the drainage ways; he doesn't think normal high water points should be considered in a flood zone; Ms. Moss asked how far does the flood plain extend past the bank; Mr. Kleine stated approximately 35 feet at its largest here in the southeast corner of the

property; if they took another 50 feet would render it undevelopable; Ms. Moss asked where the home would be placed on the parcel; Ms. Rao stated that she had them put building and septic envelopes on those two parcels; Ms. Rao stated that staff was concerned that they were not buildable so they needed to know how they would be buildable; Mr. Kleine stated that when they offset the top of bank which is consistent with the code we do land well outside of the flood zone so restricted use covers all the flood zone area and would not allow any development in the flood zone;

Ms. Moss stated the code does say the 50 foot setback shall extend landward from the banks or normal high water points from the drainage ways; in some cases the County has been conservative and hasn't been questioned in the past; as a Director I have to say we should be following the code and follow either the bank or the normal high water point in the drainage way in this case; In some cases there is plenty of room and it's not an issue and it's protecting that part of the flood plain; people need to realize that there are limitations when you have a primary flood plain going through the property and because we have shown the building envelopes and that everything can work in terms of constructing a building there and having the septic and the leachfield area and everything else that works and not impacted by the flood plain, I think that was the right thing to require so that it's clear that portion of the parcel is buildable and can meet all the setback requirements so her suggestion would be to remove that section of the condition; as staff we can talk about amending that portion of the code so we can clearly get that; it's the proper thing to do, the code doesn't call for it; Mr. Nilssen stated he would recommend in this area where the soils and banks are extremely unstable and extremely erosive that if we are to eliminate the 50 foot setback from the flood plain, that the bank of the channel at least past the home be improved with some key and riprap to maintain the bank of the channel in place; Ms. Moss stated as a property owner that would be a smart thing to do; Mr. Beekhof stated that it's pretty straightforward and deep, it's pretty hard to riprap 90 degree portion of the bank; Mr. Nilssen suggested gabions, it will undermine that bank 12 feet high; Mr. Beekhof stated he is guessing it is 12 feet deep, it's pretty deep; how long it's been that way and that channel he's not sure but we see it every time it rains how much mud comes down Johnson Lane and the ponds up there that have to be cleaned out so he understands the erosion there; Ms. Moss stated that this parcel does take access off East Valley Road, it's the only parcel that is allowed to do that; Ms. Moss stated the question is as the Applicant and future property owner if you want to look at doing anything different for that section to help improve any erosion that we know is going to occur; Mr. Nilssen would state to drop the 50 foot setback from the top of the high water limits, that be a condition if you are going to build closer to the bank then it needs to be protected; not the whole property but at least where it gets past the home; Mr. Beekhof asked if that condition would be at the time of construction of the house or at the time of the improvement plans for the parcel; Mr. Nilssen stated it could be at the time of the construction of the home; Mr. Beekhof asked if staff would be ok to submit whatever type of design; Mr. Nilssen stated we have a new flow 2d model of the flood plain so the depths velocity is pretty well

established; that information is available to RO Anderson; they could pull that to size if it's riprap or gabion to stabilize the bank they could size it at that time; Ms. Moss asked how that would be enforced; Mr. Beekhof suggested a note on the recorded map for that lot; Mr. Nilssen agreed and stated they can also flag the parcel as well that bank stabilization will be required, just on one side where the house is; Ms. Moss stated we would want to amend condition B2 to add something to that effect;

Mr. Hutchings stated you are removing the setback requirement but where the house goes you want a stabilized bank; Mr. Nilssen stated it would be from East Valley Road to just past the foundation; Mr. Hutchings asked that the condition of the 50 foot deal goes away; Mr. Nilssen stated it would still be from the bank; Ms. Moss asked for B1e should be clarify it is from top of bank; Ms. Resnik stated or just strike the last part of the sentence; Mr. Nilssen stated yes; Ms. Moss stated she wanted to make sure we are all on the same page so we will just strike after comma the AE flood zone boundary shall be utilized as the high water mark, and replaced with the other condition; Ms. Rao asked for clarification that the building and septic envelopes remain, but what about accessory structures in the future; Ms. Moss stated yes and that is something we will have to deal with at the time they come in with any accessory structure; Mr. Nilssen stated that accessory structures are generally aren't subject to flood insurance and that would be up to the property owner if they wish to protect their accessory structure; as long as the main residence is protected, that is the critical item; Ms. Rao asked if they were ok with 4D2 with the top of the bank, where the house is located, we don't need to include that with any of the changes we are doing; Ms. Moss stated that the other conditions will need to be modified to reflect that; Mr. Nilssen stated those would be revised based on the new setbacks; Ms. Moss stated yes when we get to those we will have to look at the same conditions and modify or adjust them accordingly; Ms. Resnik stated the restricted use area easement and adding in this other conditions doesn't apply until the second or third serial parcel map; Ms. Rao agreed, this is not Parcel map 1; Ms. Moss stated the remainder parcel include the primary flood zone; so it applies to the first parcel map and any parcel map following that is subject to the flood plain; Essentially it applies to all of them; they can show it on the first map and call it good;

Ms. Moss asked the applicant if he had any discussion on this item; there were none.

Ms. Moss asked the panel if they had any discussion on this item; there were none.

Ms. Moss opened the meeting for public comment;

Dan Morris resides directly south of 4D1, he has lived there for 40 years; he has seen water on that property twice in that 40 years; where it floods is east of Johnson Lane right where it crosses that ditch; the water has come onto his property and hasn't affected his house; Ms. Moss asked for Mr. Morris to show them on the map;

Mr. Morris proceeded to do that; Mr. Morris is concerned that 4D1 will flood again and the liability to the county; it should be one lot and only build in one area; if the septic gets flooded it will be sewage into the ditch; the south side of the ditch is very unstable

Ms. Moss asked if there was other public comment; there were none.

Ms. Moss stated that Mr. Morris just reaffirmed the county concerns in terms of stabilizing that area;

Mr. Nilssen made a motion to approve a request for a serial Tentative Parcel Map to create three parcels, the smallest parcel size being 2.07 acres located in 1553 Johnson Lane, SFR 2 zoning district, LDA 16-013, subject to the conditions provided with revised condition A1 that the development of a preliminary sewer design to connect to a future gravity sewer design as shown on the sewer master plan along the extension of Squires Street and provide a minimum 20 foot wide easement along the appropriate lot location between Last Chance Ct and Squires Street. The design will not include vertical alignment. It will include horizontal alignment and location of manholes. Also, condition A3c will be revised that for Douglas County water system, the applicant will submit a water system model report pursuant to DCDCIS Division 4, Section 4.2 specifically a model shall consist of verifying the pipe water main diameter length and elevation change, has sufficient pressures, water pressure during fire flow including any additional fire district fire flow requirements. Condition B1e, the portion that reads "For blue-line streams, a restricted use area extending landward 50-feet from both sides of the high water mark of the "blue-line" drainage courses as identified on the USGS 7.5-minute quadrangle map" shall be shown. We are eliminating the requirement to have the boundary zone AE flood plain be considered as the high water mark. Additionally, a note shall be placed on the final map, Section B2 condition 1, bank stabilization shall be required on the south bank of Johnson Lane wash for Parcel 4D1 from East Valley Road to west of the proposed building foundation at the time of building construction.

A second was made by Ms. Nunes; motion carried unanimously.

- 2) Discussion on Land Division Application (LDA) 16-014 for Peter Beekhof, Westridge Homes, Inc., for a Tentative Parcel Map to divide a 14.24 acre parcel into four parcels, the smallest being 2.0 acres and the largest being 7.97 acres in size, using the provision of Douglas County Code Section 20.712, Tentative Parcel Map. The subject parcel is located at 1553 Johnson Lane, in the SFR-2 (Single-Family Residential, 2-acre minimum net parcel size) zoning district in the Johnson Lane Community Plan (APN 1320-03-001-014).**

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Ms. Moss asked Ms. Rao if there have been any changes since the development of the staff report.

Ms. Rao stated no changes, no modifications and no public comment.

Ms. Moss stated if those same conditions apply to this parcel map then they would all consider the same changes to this parcel map; The panel agreed;

Ms. Moss opened up comment from the Applicant other than the changes they would like to see similar to the first parcel map. Ms. Kinsley replied that is correct;

Ms. Moss opened the meeting for public comment; there were none.

Ms. Nunes made a motion to approve LDA 16-014, with changes as previously approved in LDA 16-013, otherwise the staff report remains the same.

A second was made by Mr. Nilssen; motion carried unanimously.

**3) Discussion on Land Division Application (LDA) 16-015 for Peter Beekhof, Westridge Homes, Inc., for a Tentative Parcel Map to divide a 7.97 acre parcel into three parcels, the smallest being 2.0 acres and the largest being 3.09 acres in size, using the provision of Douglas County Code Section 20.712, Tentative Parcel Map. The subject parcel is located at 1553 Johnson Lane, in the SFR-2 (Single-Family Residential, 2-acre minimum net parcel size) zoning district in the Johnson Lane Community Plan (APN 1320-03-001-014).**

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Ms. Moss stated based on the discussion we had on the two prior Parcel Maps she would ask the panel that we would apply the same conditions as required for LDA 16-013 and LDA 16-014 to this parcel map since it applies that same.

Ms. Moss asked the Panel if they had any questions regarding that; there were none;

Ms. Moss opened up comment from the Applicant for questions; there were none;

Ms. Moss opened the meeting for public comment; there were none.

Ms. Nunes made a motion to approve LDA 16-015, with the same changes as LDA 16-013 and LDA 16-014.

A second was made by Mr. Nilssen; motion carried unanimously.

**III. Adjournment.**

The meeting was adjourned at 2:44 p.m.



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Planning Representative



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Engineering Representative



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Building Representative