



Memorandum

Date: April 23, 2020

To: SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

From: Robert Fyda, P.E., REHS, *Environmental Health Engineer/Supervisor* *RF*
Herbert Luis Sequera, REHS, *Environmental Health Manager*
Chris Saxton, MPH-EH, REHS, *Environmental Health Director* *CS*
Fermin Leguen, M.D., MPH, *Acting Chief Health Officer* *FL*

Subject: Variance Request for an Application to Construct a Septic System located at 4741 Aspen Ave., Mount Charleston, Nevada with the following provisions: 1) allow installation of a septic system on an undersized lot; and 2) allow installation of a septic system to serve a structure that sits on an adjacent lot.

I. BACKGROUND:

Melanie Chacon, Owner ("Petitioner"), is requesting a variance to permit and install an individual sewage disposal system (ISDS) on an undersized lot ("Subject Property") served by municipal water, located at Assessor's Parcel Number (APN) 129-36-101-015, also known as 4741 Aspen Ave., Mt. Charleston, NV 89124.

Petitioner requests a variance from Section 11.20.2 of the *Southern Nevada District Board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management* ("SNHD ISDS Regulations"), which requires a minimum lot size of 0.25 acre for the installation of an ISDS on a lot served by municipal water. The Subject Property has an area of approximately 0.06 acres.

Petitioner further requests a variance from Section 11.26 of the SNHD ISDS Regulations, which states that an "ISDS must be constructed on and remain on the same parcel as the structure(s) it serves." Petitioner proposes to install the ISDS on APN 129-36-101-015, but the structure it will serve sits on both APNs 129-36-110-009 and 129-36-101-015. The combined area of the two properties is 0.14 acres.

The petitioner states the following with regards to these requirements:

1. There must be circumstances or conditions which are unique to the petitioner, and do not generally affect other persons subject to the regulation:

"Ms. Chacon bought APN 129-36-110-009 ("Lot 009") in 1983. Lot 009 has a cabin on it. Unknown to her at the time, most of the cabin and all of the ISDS servicing the cabin encroached on the adjacent lot owned by the Clark County Library District. Ms. Chacon did not discover this until (sic) about 2015. As a solution, the Library District created and sold to me APN 129-36-101-015 ("Lot 015") Lots 009 and 015 are adjacent. The cabin primarily sits on Lot 015. The ISDS is entirely on Lot 015. After the sale, she learned that the ISDS was not permitted when built (sic) and needs to be replaced. She no longer lives in or use (sic) the cabin and needs to sell it [to pay for] medical bills. Ms. Chacon believe (sic) that this situation is highly unique and not likely to affect any others covered by the regulations. Upon information and belief, two neighboring cabins have been granted similar variances."

2. There must be circumstances or conditions which make compliance with the regulation unduly burdensome and cause a hardship to and abridge a substantial property right of the applicant, and the variance is necessary to render substantial justice to and preserve the property rights of the applicant. Please indicate in what manner compliance with the regulation would be burdensome or cause a hardship on your business or how the free use of your property may be affected (if economic factors are an issue, please include estimates regarding the costs that would be incurred by compliance):

"Compliance would be unduly burdensome if not impossible because the only potential solution would be [to] acquire adjacent land. To Ms. Chacon's knowledge, additional, adjacent land is not available for purchase. Even if additional parcels were available, Clark County Mapping has informed Ms. Chacon that the lots could not be combined. If the variance is not granted, the property essentially cannot be sold."

3. Granting the variance will not be detrimental or pose a danger to the public health and safety. Please provide evidence that the variance request, if approved, will not adversely affect the safe and sanitary operation of the applicant(s) pool, spa, or food establishment:

"Ms. Chacon does not believe that a variance will be a [danger] to public health and safety. Granting the variance will allow the installation of a modern, functioning system. Upon information and belief, two neighboring residential properties have been granted similar variances with no effects that are detrimental to or pose a danger to public health and safety."

II. RECOMMENDATION:

The proposed ISDS will be located on APN 129-36-101-015, which is depicted in Attachment E as Parcel 3 of Parcel Map File 120 Page 99, recorded on January 27, 2016. APN 129-36-110-009 is part of the unrecorded subdivision Charleston Park Resort and is not recorded in County records. It can be seen in Attachment E as the lot located directly to the south of the Subject Property. There is one existing well located upgradient and within six hundred feet (600') of the proposed ISDS.

The Subject Property is also located in an area with a high density of existing ISDS; there are 185 lots with an active, traceable ISDS permit within one square mile of the property boundaries (see attached ISDS Density Map).

The Subject Property has an area of approximately 0.06 acres, and the combined lot size for both lots is 0.14 acres, which is smaller than the minimum lot size of 0.25 acres required by the SNHD ISDS Regulations. Lot size variances have been approved for neighboring properties on Mount Charleston, including other properties on which the ISDS and the structure served by the ISDS were on separate parcels, and in which the combined area of the parcels was as small as 0.11 acre.

The existing cabin that will be served by the proposed ISDS is sitting on the shared property line for both parcels. Currently, a parcel map cannot be submitted to reconcile the lots, so a dedicated reciprocal underground easement must be recorded until the parcels can be combined to form a single lot. This solution has been applied to neighboring properties under similar circumstances.

Staff is of the opinion that granting the variance would not endanger public health or safety. Staff recommends approval of the variance. If the Board of Health approves the variance, staff recommends approval with the following conditions outlined in Section III.

III. CONDITIONS:

1. The applicant will record the reciprocal underground easement for the ISDS (included as Attachment D) with the Clark County Surveyor's Office before sale of the Subject Property or within one (1) year after construction is completed, whichever occurs first.
2. The applicant and her successor(s) in interest shall abide by all local governmental regulations requiring connection to community sewage systems. Use of the ISDS shall be discontinued and the structure it serves shall be connected to any community sewage system constructed in the future to within four hundred feet (400') of the applicant's property line when connection can be made by gravity flow and the owner(s) are notified and legally required to do so.
3. The applicant and her successor(s) will abide by the operation and maintenance requirements of the most current SNHD regulations governing individual sewage disposal systems.
4. Construction of the ISDS must be commenced within one (1) year of the date hereof. If the construction has not been commenced within that period, this variance shall automatically expire and be of no further force and effect, unless application is made and approved for an extension of time prior to the expiration date by the applicant or the applicant's successor(s) in interest.

Attachments:

- A. Authorization Letter
- B. Variance Candidate Application
- C. Justification Letter from the Petitioner
- D. Declaration of Reciprocal Underground Easement

- E. Recorded Parcel Map
- F. Proposed ISDS Plan
- G. Percolation Test for 4741 Aspen Ave.
- H. ISDS Density Map
- I. Public Notice

Attachment A: Authorization Letter

AUTHORIZATION LETTER

September 24, 2019

Southern Nevada Health District
PO Box 3902
Las Vegas, NV 89127

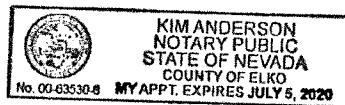
I, Paul Lamb, Trustee of the Melanie Chacon Trust, do hereby authorize John M. Naylor, Esq., to make application for a septic system variance in the matter of 4741 Aspen Avenue, Mt. Charleston, Nevada 89124, APN 129-36-110-009 and APN 129-36-101-015. Also, in the event that neither one of us can be present at the NEXT, 2019 Southern Nevada District Board of Health meeting, Mr. Paul Lamb is authorized to speak on my behalf, however, I understand that I must sign this letter of request and variance order.

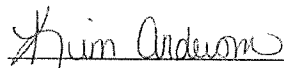


PAUL LAMB, TRUSTEE

State of Nevada)
)
County of Elko)

This instrument was acknowledged before me on this 24th day of ~~January~~ ^{September} 2019.





NOTARY

Attachment B: Variance Candidate Application (Page 1 of 4)

Submit by Email

Print Form

VARIANCE CANDIDATE WORKSHEET
(Follow Variance Procedure Worksheet Steps on Page 4)

PART I

Name of Facility/Establishment: Melanie Chacon Residence
Health Permit No.: N/A Date of Inquiry: 10 January 2019
Name of Operator/Agent: John M. Naylor, Esq., Attorney for the Melanie Chacon Trust
Address of Operator/Agent: 1050 Indigo Drive, Suite 200, Las Vegas, NV 89145
Phone Nos. of Operator/Agent:
Office 702-320-7000 Cell 702-277-9568 Fax 702-4207001

If corporation, the name/title of person to sign Variance document:

Name: N/A
Title: N/A

Name of Property Owner: Melanie Chacon Trust, Paul Lamb, Trustee
Address of Property Owner: c/o Paul Lamb, HC 64 PO Box 6, Deeth, NV 89823
Phone Nos. of Property Owner:
Office 775-385-6519 Cell _____ Fax _____
Property Address: 4741 Aspen Avenue, Mt. Charleston, NV 89124

Assessor's Parcel Number (APN): 129-36-110-009

Describe location within larger facility (i.e., shopping mall, hotel/casino/resort, etc.):
N/A

(Attach labeled map/site/floor plan with north arrow and engineering or architectural scale)

Describe Variance issue(s): Request for a variance of the Regulations Governing Individual Disposal and Liquid Waste Management Section 11.20.2 and Nevada Department of Environmental Protection Public Policy to build an ISDS on a lot that is less than 0.25 acre. Applicant also requests a variance of the Regulations Governing Individual Disposal and Liquid Waste Management Section 11.26 to build an ISDS that serves a structure that sits on two lots, one of which is the location of the system.

Attachment B: Variance Candidate Application (Page 2 of 4)

PART II

Nevada Administrative Code 439.240 states in general that certain conditions or circumstances must be shown to exist in order for a Board of Health to approve a request for a Variance from adopted public health regulations. A variance application letter (as noted below in PART III) MUST specifically address each of the following issues:

1. There must be circumstances or conditions which are unique to the applicant, and do not generally affect other persons subject to the regulation. Please indicate how your request is unique to your situation and is, therefore, not likely to affect other persons subject to specific regulation:

Ms. Chacon bought APN 129-36-110-009 ("Lot 009") in 1983. Lot 009 has a cabin on it. Unknown to her at the time, most of the cabin and all of the ISDS servicing the cabin encroached on the adjacent lot owned by the Clark County Library District. Ms. Chacon did not discover this until about 2015. As a solution, the Library District created and sold to me APN 129-36-101-015 ("Lot 015"). Lots 009 and 015 are adjacent. The cabin primarily sits on Lot 015. The ISDS is entirely on Lot 015. After the sale, she learned that the ISDS was not permitted when built and needs to be replaced. She no longer lives in or use the cabin and needs to sell it. medical bills. Ms. Chacon believe that this situation is highly unique and not likely to affect any others covered by the regulations. Upon information and belief, two neighboring cabins have been granted similar variances.

2. There must be circumstances or conditions which make compliance with the regulation unduly burdensome and cause a hardship to and abridge a substantial property right of the applicant, and the variance is necessary to render substantial justice to and preserve the property rights of the applicant. Please indicate in what manner compliance with the regulation would be burdensome or cause a hardship on your business or how the free use of your property may be affected (if economic factors are an issue, please include estimates regarding the costs that would incurred by compliance):
Compliance would be unduly burdensome if not impossible because the only potential solution would be acquire adjacent land. To Ms. Chacon's knowledge, additional, adjacent land is not available for purchase. Even if additional parcels were available, Clark County Mapping has informed Ms. Chacon that the lots could not be combined. If the variance is not granted, the property essentially cannot be sold.

3. Granting the variance will not be detrimental or pose a danger to public health and safety. Please provide evidence that the variance request, if approved, will not adversely affect the safe and sanitary operation of the applicant(s) pool, spa, or food establishment:

Ms. Chacon does not believe that a variance will be a to public health and safety. Granting the variance will allow the installation of a modern, functioning system. Upon information and belief, two neighboring residential properties have been granted similar variances with no effects that are detrimental to or pose a danger to public health and safety.

Attachment B: Variance Candidate Application (Page 3 of 4)

NAC 439.240 Approval by board.

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 right; 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 regulations, 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. [Bd. of Health, Variances Reg. §§ 2.7-2.8, eff. 10-16-80; A 2-5-82; 1-19-84]

PART III:

A Variance Application Letter, which includes all information provided by the applicant on this worksheet, must be submitted in writing to Jacqueline Reszetar, Environmental Health Division (EHD) Director no later than six (6) weeks before the monthly Board of Health Meeting on the 4th Thursday except in November and December which is on the 3rd Thursday. **The Application letter must be on the owner's letterhead signed by the Owner/Corporate Officer specifically listing which part(s) of the Regulation the proposed Variance covers with this completed Worksheet as an attachment. The written Application Letter must take particular care in providing statements and evidence of circumstances or conditions and reasons why the District Board of Health should grant the Variance as listed in NAC 439.240 as shown at the top of this page. ALL information you have provided in PART I and II of this Worksheet must be included in the body of the letter.** The evidence required may include 8½" x 11" or 11" x 17" detailed drawings and/or photographs.

The Variance process is outlined in Nevada Administrative Code (NAC) 439.200 through 439.260 with the exception that an application fee is payable to SOUTHERN NEVADA HEALTH DISTRICT (SNHD).

Next closing date: _____ For: _____ Board of Health Meeting

Referred by: _____
(Print Name of APR or DEHS)

Completed by: _____
(Print Name of CCHD Supervisor)

Received by: _____
(Owner/Operator/Agent Signature)

Reviewed by: _____
(Signature of CCHD Manager)

COPY TO: Permit File
Division Director
Department Manager

Attachment B: Variance Candidate Application (Page 4 of 4)

VARIANCE PROCEDURE

WORKSHEET STEPS:

1. If the Assigned Plan Reviewer (APR) or District Environmental Health Specialist (DEHS), after reviewing a Plan Review Application or learning about an operational situation that is in apparent conflict with existing regulation(s), respectively, finds in the process of pursuing compliance that the owner/operator/agent claims circumstances or conditions described in NAC 439.240 that may support approval by the Board of Health for a Variance from said regulation(s), then the APR or DEHS first discusses the possible Variance with his Supervisor.
2. If the Supervisor, after exploring any other feasible possibilities to achieve compliance, fails to persuade the owner/operator/agent that at least one (1) of the possibilities is feasible due to the circumstances and conditions noted in Step 1, then the **Supervisor completes all applicable information on the "... VARIANCE CANDIDATE WORKSHEET" from existing file(s) and conference call(s) or meeting(s) with the Variance candidate's representative(s), and forwards the completed WORKSHEET to the Department Manager. A Variance Candidate Worksheet Meeting fee will be required prior to completing the VARIANCE CANDIDATE WORKSHEET.**
3. If after the Manager reviews the WORKSHEET and researches any possible questions of policy and law with the Division Director and District Legal Counsel, respectively, he then signs and dates the WORKSHEET and either faxes it with confirmation or arranges to have in person owner/operator/agent sign and date for receipt of WORKSHEET.
4. After the WORKSHEET fax confirmation is received or is signed received in person, one (1) copy of each is sent to Permit File, Division Director, and Department Manager.
5. The Department's Administrative Secretary establishes a new Variance Candidate File as the repository for ALL documents generated by EHD staff and received from the Variance candidate's representative(s) during the Variance process.

VARIANCE APPLICATION STEPS:

1. When the Application for Variance as described at the bottom of the "... VARIANCE CANDIDATE WORKSHEET" is received by the Division Director and is date stamped received and the Variance Application Fee receipted, it should be forwarded as soon as possible to the appropriate Division Manager for determination of completeness.
2. If the Application is determined by the Manager to be incomplete, then the Manager must document communication of necessary additions and/or corrections to the Variance applicant's representative(s) in a timely enough manner to allow for the possibility of a second submittal prior to the published "Closing Date" for the earliest available Board of Health Meeting date.
3. Once the Application for Variance is determined by the Department Manager to be complete, the Department's Administrative Secretary prepares, on a blank sheet of paper, the letter petitioning the District Board of Health of Clark County, as drafted by the Manager for signature by the property owner/corporate officer or authorized operator/agent. (Operator/agent may sign this document only if written authorization on letterhead signed by property owner/corporate officer has been received.)

Attachment C: Justification Letter from Petitioner (Page 1 of 3)

JUSTIFICATION/HARDSHIP LETTER

To: Southern Nevada Health District
280 South Decatur Boulevard
Las Vegas, NV 89107

From: Paul Lamb
POA Melanie Chacon Trust
HC 64 PO Box 6
Deeth, NV 89823

APN: 129-36-101-015
129-36-110-009

To whom this may concern:

I hereby make application and petition the Southern Nevada Health District Board of Health for a variance from the Regulations Governing Individual Sewage Disposal and Liquid Waste Management Section 11.20.2, Section 11.26, and Nevada Department of Environmental Protection Public Policy.

This variance is requested to permit construction of an ISDS on a lot that has less than 0.25 acre with public water. The legal description of the lot is APN 129-36-110-009 ("Lot 009"). As further described below, APN 129-36-101-015 ("Lot 015") also forms part of this request.

I purchased Lot 009 in 1983, 25 years prior to the 2010 re-survey done by Kevin W. Wallace for the Mt. Charleston Library. The re-survey basically cut my property in half. The re-survey line was drawn through my home, leaving 2/3 of my home on what the Library District claimed was its property. A lawsuit filed by me made it all the way to the Nevada Supreme Court, at which time I believe politics came into play. The Nevada Supreme Court decided it would be best to side with the Library District and would not even hear the case. Justice for a blind, insulin dependent, single woman.

Disheartened and depressed I entered a License and Easement Agreement with the Library District. It basically allowed me to live in my home under the condition that I made no improvements. I was not allowed to sell the property without the consent of the Library District.

In the late 1990's, I moved to Deeth, Nevada. In 2016 I fell ill and was admitted to Northern Nevada Regional Hospital. After 3 attempts at a lumbar puncture and under the advice of my Endocrinologist I was air transported to the University of Utah Hospital. According to Dr. Stephens (a Neurologist in Twin Falls, ID.) I was deprived of oxygen which caused the main artery to my brain to collapse. This collapse caused a 1/3 permanent loss of my brain. I have an Engineering Degree. Now I can no longer even do simple addition. Since 2016, I have been to 4

Attachment C: Justification Letter from Petitioner (Page 2 of 3)

hospitals and numerous specialty clinics and have seen dozens of doctors to help with health issues. On January 13, 2019, I had major surgery (ileostomy) at the Renoun Hospital in Reno, Nevada. I am still in recovery and live in pain daily.

In an attempt to resolve the problems with the Mt. Charleston property I purchased Lot 015 from the Library District for \$46,896.66 on November 17, 2016. I hired a construction contractor to up-date the cabin at a cost of \$24,000.00. The idea was to historically restore the cabin. The job was not completed and not done in a historical manner. The contractor decided he needed more money and placed a lean on the property. Now I am forced to litigate the situation.

On June 16, 2017, I received notice from Southern Nevada Health District that my septic system was not in compliance. I hired an excavation company to dig the system up for a required inspection. I had a perk test done. I hired an attorney to deal with SNHD. It has been more than a year with no resolution. For more than a year I have had to pay interest on a loan to cover all costs involved with this property.

My health is failing and I would appreciate any help the SNHD can give so that I may pass without having the love of my life and Attorney in Fact Paul Lamb to inherit this problem.

We cannot combine Lot 009 and Lot 015 into a single parcel. Clark County Mapping has informed me that, as a matter of policy, it will not combine lots in that part of Mt. Charleston. Clark County will not make a lot line adjustment so that the cabin and septic system are on the same lot.

After the transfer of Lot 015, we discovered that the septic system, which had been in place prior to 1983, was unpermitted. She then stopped using the system and the cabin is currently vacant. She needs to sell the cabin to help pay for medical bills, however, we cannot do so until a permitted septic system is installed.

My proposed solution is to increase the lot size to be considered by recording a reciprocal easement against both Lot 009 and Lot 015, allowing both parcels to be used for purposes of the septic system. A copy of the proposed easement included as Attachment A. Even combined in this manner, however, I recognize that the lots will be smaller than 0.25 acre. Therefore, I am requesting a variance.

The variance would allow me to install a new, permitted ISDS system with a 280 sf leach field on Lot 015.

I do not see an alternate solution. I cannot purchase any adjacent land, and, even if I could, I would not be able to combine the parcels into a single, compliant lot. Not getting a variance will cause hardship because it would essentially make the property and cabin unusable, which would greatly diminish its value. Ms. Chacon no longer live in the cabin, and we need to sell the property to pay medical bills. I believe that justice requires this variance.

Attachment C: Justification Letter from Petitioner (Page 3 of 3)

Finally, I do not believe that granting the variance will pose a danger to public health. A percolation test resulted in a reading of 4 minutes per inch, which I understand to be within an acceptable range. A copy of the test results is at attachment A.

Thank you for considering my request.



PAUL LAMB, TRUSTEE

Attachments

- A – Proposed Reciprocal Easement
- B – Percolation Test Results
- C – Recorded Deed – Lot 015
- D – Recorded Deed – Lot 009
- E – Plot Plan – Lot 015
- F – Authorization Letter
- G – Names and Addresses of Adjacent Lot Owners
- H – Floor Plan of Cabin
- I – Recorded Parcel Map
- J – Topographical Map

Attachment D: Declaration of Reciprocal Underground Easement (Page 1 of 3)

APN: 129-36-110-009 &
129-36-101-015

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

John M. Naylor
Attorney at Law
1050 Indigo Drive, Suite 200
Las Vegas, NV 89145

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**DECLARATION OF RECIPROCAL UNDERGROUND EASEMENT FOR
SEPTIC TANK, LEACH FIELD AND RELATED WASTE FACILITIES**

Melanie Chacon as trustee of the Melanie Chacon Trust dated April 18, 2004, ("Grantor") for and in consideration of the sum of one Dollar (\$1.00) and other valuable consideration does hereby declare a reciprocal underground easement of such width as may be necessary for the installation, maintenance, repair, removal, replacement and enlargement of a septic tank, leach field and related waste facilities under the ground of Parcel I and Parcel II as described on Exhibit A attached hereto and incorporated herein by reference.

This easement is subject to the following conditions:

Grantor, its successors and assigns, shall have the right to use and occupy the surface of said Parcel I and Parcel II for any purpose consistent with the rights and privileges herein granted and which will not endanger or interfere with construction, maintenance, and operation or reconstruction of the septic tank and waste facilities.

These easement rights are available to the owners of said Parcel I and Parcel II, their heirs, successors, or assigns only until such time as the septic tank, leach field and related waste facilities are permanently abandoned and removed, at which time this easement shall be null and void and of no further force and effect.

[signature page follows]

Attachment D: Declaration of Reciprocal Underground Easement (Page 2 of 3)

By: _____

Melanie Chacon, as trustee
of the Melanie Chacon Trust dated April 18, 2004

STATE OF NEVADA

COUNTY OF [_____]

The foregoing instrument was acknowledged before me, a notary public, on
_____, 2018 by Melanie Chacon as trustee of the Melanie Chacon
Trust dated April 18, 2004.

(Signature of notarial officer)

EXHIBIT A

Parcel I:

APN: 129-36-101-015

Lot 3 as shown on Parcel Map Filed in File 120, Page 99, of Parcel Maps and recorded January 27, 2016 in Book 20160127, Instrument 03437, Official Records Office of the County Recorder.

Parcel II:

APN: 129-36-110-009

That portion of the North Half (N1/2) of the Northwest Quarter (NW1/4) of Section 36, Township 19 South, Range 56 East, M.D.B.&M., described as follows:

BEGINNING at a three quarter (3/4) inch pipe set in concrete block, known as Alpha Monument, which point is South 9° 59' West 573.69 feet from the North Quarter (N1/4) corner of said Section 36; thence South 82° 39' East a distance of 148.16 feet to a point; thence South 7° 21' West a distance of 235.5 feet to a point; thence North 82° 39' West a distance of 400 feet to the TRUE POINT OF BEGINNING; thence continuing North 82° 39' West a distance of 50 feet to a point; thence South 7° 21' West a distance of 50 feet to a point; thence South 82° 39' East a distance of 50 feet to a point; 7° 21' East a distance of 50 feet to the TRUE POINT OF BEGINNING.

The foregoing legal description is from Exhibit A to Grant Deed rerecorded on January 6, 2010, at Instrument 20100106-0003237 Official Records, Office of the County Recorder, Clark County, Nevada.

[illegible]

[illegible]

Attachment G: Percolation Test for 4741 Aspen Ave. (Page 1 of 5)



GeoTek, Inc.
6815 South Escondido Street Suite A Las Vegas, Nevada 89119-3832
(702) 897-1424 (702) 897-2213 www.geotekusa.com

July 2, 2018
Job No. 14255-LV

DESERT EXCAVATION

6850 North Grand Canyon Drive
Las Vegas, Nevada 89149

Subject: Percolation Testing Results
Located at 4741 Aspen Avenue
Mt. Charleston, Clark County, Nevada

Enclosed are the percolation test results for the referenced site. The Clark County Assessor's Parcel Numbers (APN) associated with the site are 129-36-101-015 and 129-36-110-009. The percolation testing for the parcel was performed in accordance with Clark County District Board of Health "Regulations Governing Individual Sewage Disposal Systems". See the attached Percolation Test Location Map for location of testing. GeoTek Residential, LLC. (GeoTek) recommends the following percolation rates to determine the needed leach field area for the specified structure:

4741 Aspen Avenue = < 4 minutes per inch >

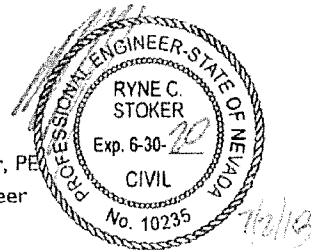
The systems should be designed and constructed in accordance with Clark County District Board of Health Standards. Attached are the percolation test results for each percolation test and a log of nearby Test Pits (TP-1). Site conditions may vary due to seasonal changes or other factors. GeoTek assumes no responsibility or liability for work, testing, or recommendations performed or provided by others. Since our study is based upon the site materials observed, selective laboratory testing and engineering analysis, the conclusions and recommendations are professional opinions.

The opportunity to be of service is greatly appreciated. If you have any questions concerning this report or if we may be of further assistance, please do not hesitate to contact the undersigned.

Respectfully submitted,

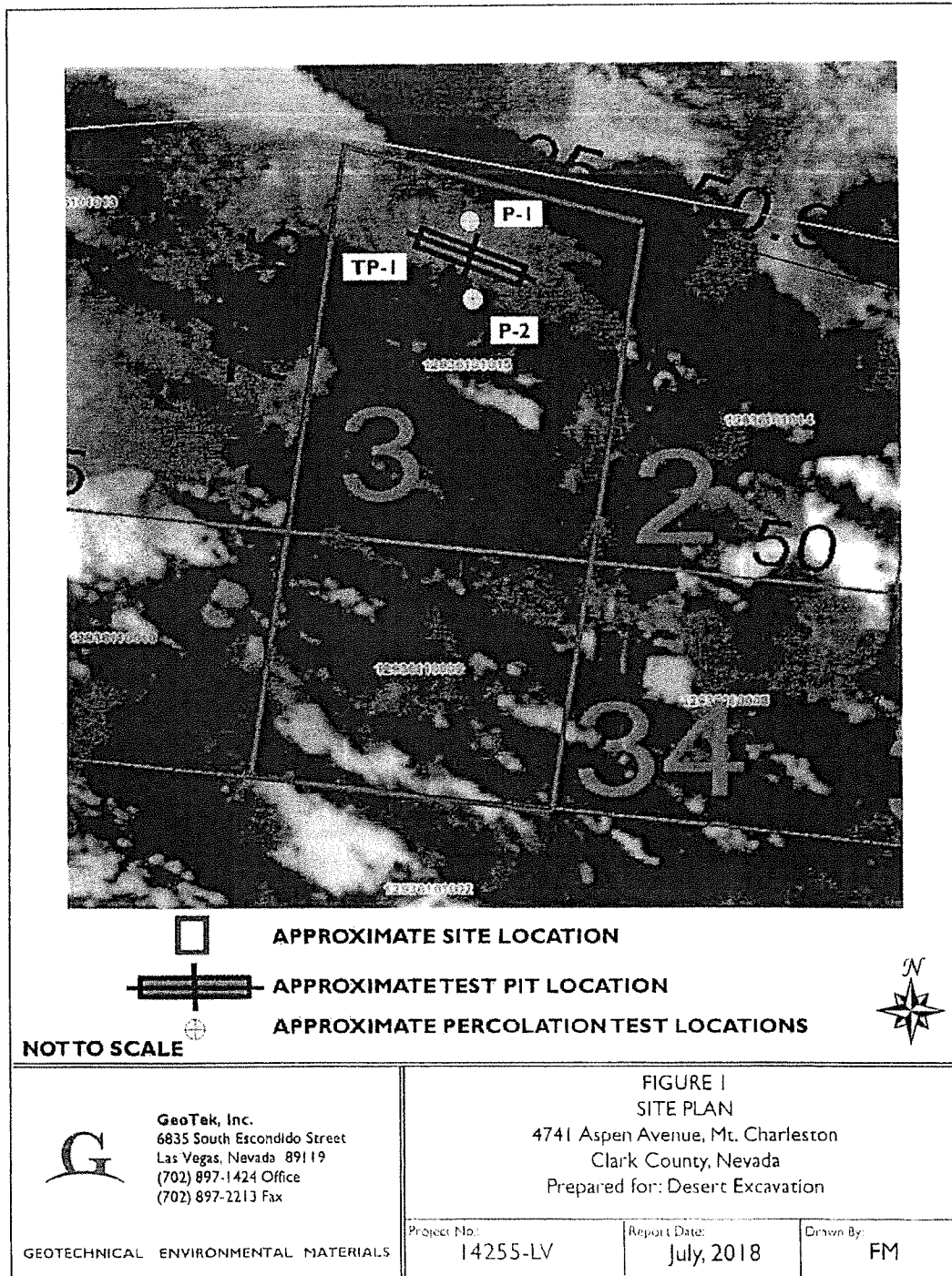
Federico Mendez, PE
Project Engineer

Ryne C. Stoker, PE
Principal Engineer



Attachment: Site Plan
Percolation Test Results
Test Pit Log

GEOTEK, INC.



PERCOLATION TEST RESULTS

TEST NUMBER: P-2 (South)

PROJECT NAME	Percolation Test	DATE	6/28/2018
PROJECT LOCATION	4741 Aspen Ave	REVIEWED BY	Ryne C. Stoker, P.E.
TEST LOCATION	See Site Plan		
TEST PERFORMED BY	Federico M.		
		REGISTRATION NO.	10235

TEST DATA

HOLE DIAMETER (inches)	6	DEPTH OF WATER IN HOLE
TIME OF PRESOAKING (hours)	11:05 AM	AT START OF TEST (inches)
TEST DEPTH (feet)	3	6

TIME OF READING	TIME DIFFERENCE (minutes)	DEPTH TO WATER (inches)	DEPTH DIFFERENCE (inches)	PERCOLATION RATE (minutes/inch)	COMMENTS
11:24 AM	-	30.0	-	-	Start
11:33	0:09	35.0	5.0	-	Refill
11:44	0:20	35.5	10.5	-	Refill
11:54	0:30	36.0	16.5	1.8	Measure
12:04	0:10	34.0	4.0	-	Refill
12:15	0:21	36.0	9.0	-	Refill
12:24	0:30	35.0	14.0	2.1	Measure
12:34	0:10	35.0	5.0	-	Refill
12:44	0:20	35.0	10.0	-	Refill
12:54	0:30	35.0	15.0	2.0	Refill
13:04	0:10	35.0	5.0	-	Refill
13:14	0:20	35.0	10.0	-	Refill
13:24	0:30	35.0	15.0	2.0	Done

SOIL DATA

Brown Poorly Graded Gravel with Sand

Attachment G: Percolation Test for 4741 Aspen Ave. (Page 4 of 5)

PERCOLATION TEST RESULTS

TEST NUMBER: P-1 (North)

PROJECT NAME	Percolation Test	DATE	6/29/2018
PROJECT LOCATION	4741 Aspen Ave		
TEST LOCATION	See Site Plan	REVIEWED BY	Ryne C. Stoker, P.E.
TEST PERFORMED BY	Federico M.	REGISTRATION NO.	10235


TEST DATA

HOLE DIAMETER (inches)	6	DEPTH OF WATER IN HOLE	
TIME OF PRESOAKING (hours)	11:07 AM	AT START OF TEST (inches)	6
TEST DEPTH (feet)	3		

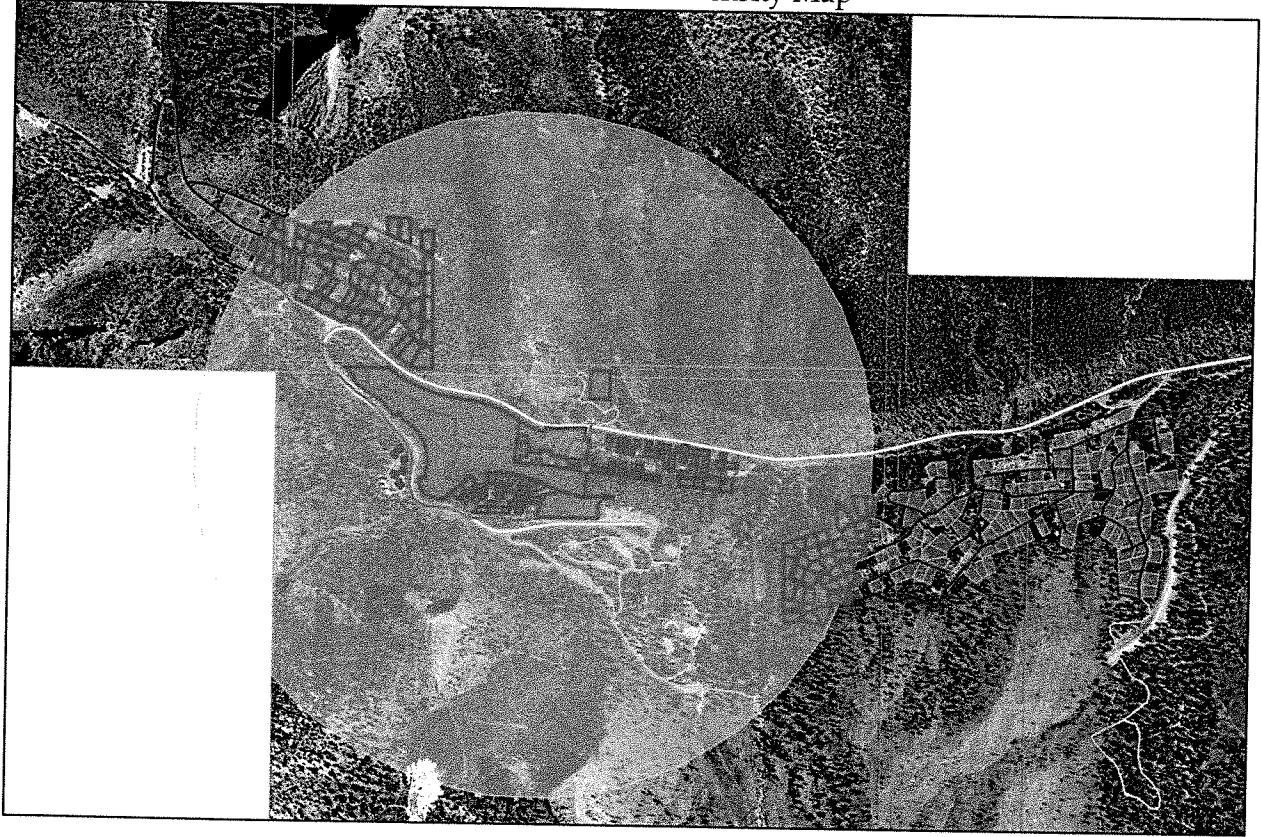
TIME OF READING	TIME DIFFERENCE (minutes)	DEPTH TO WATER (inches)	DEPTH DIFFERENCE (inches)	PERCOLATION RATE (minutes/inch)	COMMENTS
11:26 AM	-	30.0	-	-	Start
11:35	0:09	35.0	5.0	-	Refill
11:46	0:20	35.0	10.0	-	Refill
11:56	0:30	34.0	14.0	2.1	Measure
12:06	0:10	33.5	3.5	-	Refill
12:17	0:21	34.0	7.5	-	Refill
12:26	0:30	35.0	12.5	2.4	Measure
12:36	0:10	34.5	4.5	-	Refill
12:46	0:20	34.0	8.5	-	Refill
12:56	0:30	33.0	11.5	2.6	Measure
13:06	0:10	32.8	2.8	-	Refill
13:16	0:20	33.0	5.8	-	Refill
13:26	0:30	32.8	8.5	3.5	Measure
13:36	0:10	32.5	2.5	-	Refill
13:46	0:20	33.0	5.5	-	Refill
13:56	0:30	32.8	8.3	3.6	Measure
14:07	0:11	32.8	2.8	-	Refill
14:16	0:20	32.8	5.5	-	Refill
14:26	0:30	32.8	8.3	3.6	Done

SOIL DATA

Brown Poorly Graded Gravel with Sand

				<h2 style="text-align: center;">TEST PIT LOG</h2>		LOGGED BY: <u>FM</u>				
				PROJECT #: <u>14255-LV</u>		DRILL METHOD: <u>Backhoe</u>				
				PROJECT: <u>4741 Aspen Avenue</u>		DRILLER: <u>Desert Excavation</u>				
				CLIENT: <u>Desert Excavation</u>		DATE: <u>6/29/18</u>				
				LOCATION: <u>≈ 36°15'32", -115°38'48"</u>		ELEVATION: <u>≈ 7500 ft</u>				
Depth (ft)	SAMPLES			USCS Symbol	TEST PIT NUMBER: TP-1	Consistency	LABORATORY TESTING			
	Sample Type	Blows / 6 in.	Soil Pattern				Water Content (%)	Dry Density (pcf)	Swell (%)	Other Testing
1				SM	Dark Brown Silty SAND with Gravel; Slightly Moist, Slightly Plastic. Roots to 36"					
2										
3				GP-GM	Brown Poorly Graded GRAVEL with Silt and Sand; Slightly Moist. 2"-3" Gravel. 4" -10" Cobbles					
4										
5					60% Gravel					
6										
7										
8										
9										
10					Test Pit Ends at Approximately 10.0 Feet Depth					
11					No Groundwater Encountered					
12										
13										
14										
15										
16										
17										
18										
19										
20										

Attachment H: ISDS Density Map



There is one existing well located upgradient and within six hundred feet (600') of the proposed ISDS. The Subject Property is also located in an area with a high density of existing ISDS; there are 185 lots with an active, traceable ISDS permit within one square mile of the property boundaries.

Attachment I: Public Notice



APR 11 2020 10:00 AM

PUBLIC NOTICE

The Southern Nevada District Board of Health will conduct a PUBLIC HEARING on Thursday, April 23, 2020 at 9:00 AM during its regular monthly meeting in the Red Rock Conference Room at the Southern Nevada Health District at 280 S. Decatur Blvd., Las Vegas, Nevada, to approve or deny a variance request filed by Melanie Chacon, to permit and install a new individual sewage disposal system on the property located at 4741 Aspen Ave., Mt. Charleston, NV 89124, APN 129-36-101-015.

The variance request is made to allow the Petitioner to permit the installation of a conventional septic system not in accordance with the *Southern Nevada District Board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management*. The variance will allow the Petitioner to: 1) install a septic system on an undersized lot; and 2) allow installation of a septic system to serve a structure that sits on an adjacent lot.

All interested persons may appear at the hearing and state their positions. All written and oral submissions will be considered by the Southern Nevada District Board of Health. Written comments must be forwarded by April 22, 2020 to:

Robert Fyda, P.E., REHS
Environmental Health Engineer/Supervisor
Southern Nevada Health District
P.O. Box 3902
Las Vegas, Nevada 89127
fyda@snhd.org

The variance application is available for review at the Southern Nevada Health District, 280 S Decatur Blvd, Las Vegas, Nevada 89107. Please contact Mallory Jett-Edwards at (702) 759-0660 to schedule an appointment to review the application during the normal business hours of 8:00 AM to 4:30 PM.

-S-

Chris Saxton, MPH-EH, REHS
Environmental Health Director

April 8, 2020

Date

APR 11 2020 10:00 AM

APR 11 2020 10:00 AM
APR 11 2020 10:00 AM

