

Board of County Commissioners

CLARK COUNTY, NEVADA

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COMMISSION CHAMBERS, GOVERNMENT CENTER
500 SOUTH GRAND CENTRAL PARKWAY
LAS VEGAS, NEVADA 89106
TUESDAY, OCTOBER 4, 2022

The Board of County Commissioners of Clark County, Nevada met in recessed regular session in full conformity with law and bylaws of said Board at the regular place of meeting in the Commission Chambers, Government Center, Las Vegas, Clark County, Nevada on Tuesday, the 4th day of October 2022 at the hour of 1:00 p.m. The meeting was called to order at 1:04 p.m. by Chair Gibson and on roll call, the following members were present, constituting a quorum of the members:

CALL TO ORDER

CHAIR AND COMMISSIONERS:

Jim Gibson
Justin Jones
Marilyn K. Kirkpatrick
William McCurdy II
Michael Naft
Tick Segerblom

Absent:

Ross Miller

Also Present:

Robert Warhola, Deputy District Attorney
Nancy Amundsen, Director, Comprehensive Planning
Sami Real, Planning Manager
Antonio Papazian, Manager, Development Review
Jason Allswang, Senior Plan Checker
Jewel Gooden, Assistant Clerk, BCC
Keri Miller, Deputy Clerk

Commissioner Miller entered the meeting during Public Comment.

ITEM NO. 1 Public Comment

JIM GIBSON

At this time, I'll call the zoning meeting to order. We welcome you here. The first item on this agenda is public comment. These would be comments as they relate to items on the agenda. If you have a - a concern about an item on the agenda, please tell us the item number and - uh - your name, first and last name, and please - um - limit yourself to the three minutes, which you're entitled to. Um - we have a couple of items that - uh - are listed - uh - on the consent agenda that may well be continued over, so if it turns out that an item is on the consent agenda and gets moved over - uh - you'll have one opportunity to speak for three minutes to that item. It's each of those items is a public hearing. It's probably not fair to say that to you and then not tell you what those items are. Um - Nancy, where are we on, I - I think the items are seven, eight, and nine.

NANCY AMUNDSEN

Correct. Seven, eight are together and nine is a separate one, but all three will be heard separately.

GIBSON

Okay. So those items will not be voted on as a part of the consent agenda, rather they would be - they will be called individually. So if you speak now during public comment as to one of those, that will be the opportunity you have to offer up public comment on those items. I hope that's clear. Uh - so at this time, anyone who wishes to make public comment, please come forward. Remember, tell us which item you're speaking to and give us your first and last name. Is there anyone. Please come down.

UNIDENTIFIED SPEAKER

I have a quick question, is this my only time to speak on these? Seven, eight and nine?

GIBSON

Yes.

UNIDENTIFIED SPEAKER

Okay. I am -

GIBSON

No. No.

UNIDENTIFIED SPEAKER

- speaking -

GIBSON

No. This is the - if you speak to one of the items that is on the consent agenda that is going to be held where there will be a public hearing, this is the three minutes you get to offer up for that item. Where this is - this is public comment time but -

UNIDENTIFIED SPEAKER

Okay. So, I will be able to speak later on these?

GIBSON

No. I'm hearing yes, yes. I'm saying no. (laughs)

MARILYN KIRKPATRICK

So, Commissioner Gibson, let me I - let me understand. So, the consent agenda is Items 4 through 18. However, I know Commissioner Jones and myself have pulled 7, 8, and 9 so they can be heard as public hearings,

KIRKPATRICK which is then they'll get the opportunity to speak at that time. But I think they can speak now, or you can wait 'til each individual item is heard and speak.

UNIDENTIFIED SPEAKER Alright. So, I did sign up -

GIBSON I think that's what I said.

UNIDENTIFIED SPEAKER For one of those. Okay. Alright. Thank you. I'll wait my turn.

GIBSON Is there anyone who wishes to speak now? Public care - the public comment period is closed. Nancy, take us through the agenda.

ITEM NO. 2 Approval of the Agenda After Considering Requests to Add, Hold, or Delete Items. (For possible action)

NANCY AMUNDSEN The second item is the approval of the agenda. After considering any additions or deletions of items, staff has the following requests. Hold to the October 19th, 2022 BCC meeting: Item 11 ZC-22-0450; Item 16 CP-22-900601; Item 30 UC-22-0459; Item 36 ZC-22-0443; Item 37 VS-22-0444. And Item 38 TM-22-500159.

Hold to the November 2nd, 2022, BCC meeting: Item 4 DR-22-0465; Item 10 WS-22-0474 this is being held for the applicant to return to the October 25th, 2022 Spring Valley Town Board meeting, Item 20 UC-22-0461; Item 21 UC-22-0468; Item 22 WS-22-0458; Item 23 WS-22-0463; Item 24 WS-22-0464; Item 25 WS-22-0466; Item 26 WS-22-0467; Item 33 WS-22-0484; Item 39 NZC-22-0381; Item 40 VS-22-0382; and Item 41 TM-22-500129.

Hold to the November 16th, 2022 BCC meeting: Item 12 ZC-22-0471; Item 13 VS-22-0470; Item 27 VS-22-0447; Item 28 UC-22-0446; and Item 34 ZC-22-0413.

The above public hearing items are going to be open as a public hearing and immediately recessed until the dates as previously stated. With these deletions, which are Items 4, 10, 11, 12, 13, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 33, 34, 36, 37, 38, 39, 40, and 4, the agenda stands ready for your approval.

GIBSON So, are we gonna be doing anything? (laughs) Alright. So, are there additional changes to the agenda at the pleasure of the Board?

JONES (inaudible)

GIBSON There's a motion to approve the agenda. As with the - the changes as noted, please cast your votes. And the motion carries.

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the agenda be approved.

ITEM NO. 3 Approval of minutes. (For possible action)

AMUNDSEN The third item on the agenda is the approval of minutes. The minutes of the September 7th, 2022 zoning meeting are ready for your approval.

GIBSON I entertain a motion.

JONES (inaudible)

GIBSON Motion by Commissioner Jones for approval. Any discussion on the motion? Please cast your votes. The motion carries.

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the minutes be approved.

ROUTINE ACTION ITEMS (4-18):

AMUNDSEN Next are the routine action items which consists of Items 4 through 18. Except those items previously deleted, and Items 7, 8, and 9 which will be heard separately. These items may be considered together on one motion and are subject to the conditions listed with each agenda item. In addition, we have the following amendment for Item 15: add Current Planning condition to read: Work with Las Vegas Metropolitan Police Department for the installation of security cameras and surveillance operation - surveillance operation. If there are no objections, the public hearing is now open, and the routine action portion of the agenda stands ready for your approval.

GIBSON I'll entertain a motion on the routine action items.

JONES (inaudible)

GIBSON There's a motion for approval of the routine action items subject to the noted changes that have been indicated and the additional condition – uh - condition on Item 15. Any discussion? Please cast your votes. The motion carries.

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the routine action items be approved.

ITEM NO. 4 DR-22-0465-COUNTY OF CLARK (PUBLIC WORKS):

DESIGN REVIEW for parking lots in conjunction with an existing detention basin on 97.3 acres in a P-F (Public Facility) (AE-60 and AE-65) Zone. Generally located on the east side of Decatur Boulevard and the north side of Sobb Avenue within Paradise. MN/md/syp (For possible action):

ACTION: Deleted from the agenda (held to November 2, 2022 per the applicant).

ITEM NO. 5 DR-22-0479-LAGUNA RICARDO & MARISELA:

DESIGN REVIEW for finished grade for a previously approved single family residential development on 1.9 acres in an R-E (Rural Estates Residential) Zone. Generally located on the west side of Los Feliz Street and the south side of Kell Lane within Sunrise Manor. MK/lm/syp (For possible action):

ACTION:

It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the application be approved subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0003-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 6 ET-22-400096 (WS-20-0171)-CAPSTONE CHRISTIAN SCHOOL:

DESIGN REVIEW FIRST EXTENSION OF TIME for the following: 1) a private school with parking area; and 2) finished grade on a portion of 45.3 acres in a P-F (Public Facilities) Zone. Generally located on the north side of Cactus Avenue, 1,200 feet east of Amigo Street within Enterprise. MN/dd/syp (For possible action):

ACTION:

It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the application be approved subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- Until July 22, 2024 to commence.
- Applicant is advised that the installation and use of cooling systems that consumptively use water are prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Compliance with previous conditions.

ITEM NO. 7 UC-22-0453-GYPSUM RESOURCES LLC:

USE PERMIT for a single family residential planned unit development.

DESIGN REVIEWS for the following: 1) single family residential planned unit development; and 2) finished grade on 671.0 acres in an R-U (Rural Open Land) Zone in the Red Rock Design Overlay District. Generally located 3,700 feet north of SR 159, approximately 2.5 miles northwest of the intersection of SR 160 (Blue Diamond Road) and SR 159 within Red Rock. JJ/jad/syp (For possible action):

AMUNDSEN

Next are Items 7 and 8, which can be heard together.

Item 7, UC-22-0453. Use permit for a single-family residential planned unit development, design reviews for the following: a single-family residential planned unit development. Finished grade on 671 acres in an R-U (Rural Open Land) Zone and the Red Rock Design Overlay District generally located 3,700 feet north of SR 159, approximately 2.5 miles northwest of the intersection of SR 160 (Blue Diamond Road) and SR 159 within Red Rock.

Item 8, TM-22-500161, tentative map consisting of 429 lots and common lots on 671 acres.

GIBSON

Good morning or good afternoon.

LISA MAYO-DERISO

It's afternoon. Good afternoon. Lisa Mayo on behalf of the applicant, Gypsum Resources, 8912, Spanish Ridge Avenue, Suite 200, 89148. We're here today on a conforming application – um - with a – uh - the PUD, which is item number – uh – UC-22-053, and the tentative map TM-22-516. Before I get started with the presentation, I wanna read something into the record and then I would like to submit it for public record. As stated before, all Gypsum's submittals are without prejudice too and in reservation of all of the rights against Clark County. Gypsum is not waving and intends to hold the County responsible for all damages, including for delays, increased – um - costs, and any new restrictions. So we'd like to put this in the public record please. Do I sneak it? Oh, (laughs) There you go.

Um - the item before you today is a tentative map, which was actually approved by you unanimously on August 4th of 2021. On August 4th of 2021, there was nobody here from Save Red Rock. Nobody opposed the item and you approved it. What happened was the Water District – um - came in and as you know, with the water concerns, said that we couldn't have and put restriction on golf courses. So, we had to come back and redesign the application. You expunged the other two items and we're here today with that resubmittal and the redesign of the – uh - project without a golf course.

Uh - we are conforming in the R-U zoning. Uh – this – uh - application was approved by the staff. Uh - we got a three to one in favor vote last week at the Red Rock – uh - Citizens Advisory Council. And this was on the consent agenda, which I was really hoping it'd stay on the consent agenda, but it's been removed. But I think all indications are that this is an application that should be re- approved and – um - I'm sure we can listen to a public comment, and I'll reserve any comments further until after we listen to that. But I would certainly urge you to approve this again today as you did on August 4th on 2021. Thank you.

GIBSON

And that concludes your presentation.

MAYO-DERISO

That concludes my presentation.

GIBSON

This is a public hearing which is now open. I have cards from folks, maybe I'll let you come up in the order you wish to come up in. Please – uh - indicate to us your name. Please spell your last name for the - so that we can keep an accurate record and please limit your comments to three minutes. Hello.

MING CHAO

Good afternoon. Uh - my name is Ming Chao. And I'm here to support number seven for the single-family resident plan and – uh - development. Um - this is nearby the Red Rock. It's a great location, especially right now where Columbia is going down and we need to create more job opportunities. Also – um - it will help the park – uh - get more gener – uh - generate more revenues 'cause people are – uh - the resident nearby the Red Rock, they definitely – uh – uh - want to go to the Red Rock but collect the – uh - tickets and we'll help protect the – uh - the Red Rock Park. And – uh – um - sorry about that. Um - that's – uh - from what I saw. Thank you, Jimmy.

CHAO

GIBSON

Thank you. Next.

PAULINE VAN BETTEN

Pauline Van Betten, 17 Modarango. There's several documents governing this application, Title 30, the Red Rock Overlay and the 2010 settlement agreement between Gypsum Resources in the County of Clark. In 2010, the County entered into a settle agreement with Gypsum Resources. There are two major components to this agreement. Gypsum ros - Resources would not be allowed to submit a major project application, would be allowed to submit a major project application in a newly created exception area to the Red Rock Overlay. That exception area includes the parcels in this application. Gypsum must use an access from the east and could not have primary access to the major project via Scenic Byway 159, which runs through Red Rock Canyon. That's referencing page seven, Transportation and Access. This application meets the criteria for a major project, a residential project of 300 acres or more anywhere in the counter. That's Title 30, section 30.20.020.

Again, any residential project of 300 acres or more should be considered a major project. As a major project, you cannot have access off of 159, which is what he's asking. If you want to consider that this is not a major project, then you need to put it under the Red Rock Overlay. The exception to the o - Red Rock Overlay was only granted for a major project. This project is not in compliance with the Red Rock Overlay. Clustering is not allowed in the Red Rock Overlay per section 30.48-21. Clustering is not allowed, and this is not an exception because you're saying it's not a major project.

Further, this project does not meet the building envelope required by the Red Rock Overlay. The building envelope requires a natural area of 25 feet around each lot. The - there's no setback proposed in this development that's less - that's more than 25 feet. Further, the Red Rock Overlay does not have language that says that there is an exception for

VAN BETTEN

properties that are mined out or disturbed. And I would like to address Miss Mayo's comments. There were several people here who testified on August 4th, myself included, and Lisa Mayo testified against this application because there was a pending litigation and she didn't feel that it was ripe for hearing. Thank you.

STEFFANIE GRAY

Good afternoon. My name is Steffanie Gray, G-R-A-Y, 19 Cottonwood, Blue Diamond. We would like to also request that the following condition of approval be considered along with staff re - staff's recommendations that also aligns with the 2010 Settlement Agreement between Gypsum Resources and the County of Clark, along with the waiver of condition 18-400232 that is applicable to the subject prop - property of the current application. We would ask the conditions state the same, that there shall be no permanent access to State Route 159 except as required for temporary construction of the project and construction of a primary east access road. And that permanent access on 159 shall only be considered permanent for life safety purposes. This condition would ensure the safety and manageable access to Red Rock Canyon for the four million annual visitors that they expect. It would also ensure that the intent of the - of the County is to uphold the requirements of the settlement agreement, which states the primary access not connect to State Route 159.

As Pauline said before, we are very concerned that this application is not being reviewed as a major project and that staff has not addressed the access on State Route 159. It's cleared - clear by the lot layout within the tentative map that there is intent to expand the residential units and commercial space. Lots one through four contain a combined average of approximately 66 acres. Lots 3- 377, 378, 379, 393 are labeled as Club Villas slash open space. Obviously, it's intended for future increased density requests and any future land use applications requesting density would make it impossible for this to be considered under the density requirement of the rur - R-U zoning with a PUD attached. This is a huge concern. And Title 30 does state that any residential or mixed-use project of 300 acres or more should be considered as a major project. My concern is this look, is looking more like a bait and switch to sw - to - to slip in primary access to 159 and the condition requested would ensure that that's not what's happening here. Thank you.

GIBSON

Thank you.

HEATHER FISHER

My name is Heather Fisher, at 29 Cerritos Street, Blue Diamond, Nevada. I'm the president of Save Red Rock. And - um - I wrote a speech about getting it off of the consent agenda, but since you did, thank you so much. I appreciate that. Appreciate the - the opportunity to be heard. I'll just read it anyway and in hopes this time that it gets moved beyond litigation circumstances because I feel like actual decisions can't be made and voices can't be heard while this is - um - there's this - while there's this conflict of interest. My - um - honorable Members of the Board, I respectfully request that these two items be tabled and unre - until related legal actions are over and the application can be heard in good faith and based on merit.

FISHER

I had an argument about the dangerous conditions on 159, but I feel like merit can't be considered until current conditions are – um - passed. So, this - so this morning I decided to tell you instead just three reasons why our people deserve to be heard in a free and clear setting. First, these are wonderful people who care about protecting Red Rock Canyon. Second, these are wonderful people who care about protecting personal property rights and protecting the law. In 22 years, these people have never asked that any property right be taken away. Our signs even say build what you bought. We would welcome this application if it respected the laws it came with, like one house for two acres, et cetera. If it followed the Red Rock Overlay, Title 30, and the other - the other things that - that we have found that it doesn't follow.

But having property owner rights isn't the same as having the right to change and break the rules. If so, then property owners in Summerlin would have the right to change and break Summerlin's rules even if they are on “disturbed land.” Third and most importantly, these wonderful people are your people and they're here today. These people have stayed up all night writing speeches. These are your people who have been humiliated, threatened, and brought to tears over and over again. Yet they are still here. I know your job is even harder and yet you are still here too. We are grateful for all the hard work you do. We are grateful for your time. So let's move this item until the “dark shadow of the legal action is over and can no longer” stifle open communication and access. This is a quote from the last meeting from - that was said in August 4th.

And besides these people you see I have 2,000 more people who have signed the petition, over 2,000 original people, they have been filtered out so they're not from the old 50,000 people. These are 2,000 new people. Plus you got over 800 letters. Um - I just wanna close with this ballot says don't lose your voice, vote. Well we did vote. We voted for you. Now it's up to you to not lose our voice. Please answer just one question. Can we hear this when our voices can be heard above that noise? Thank you.

GIBSON

Thank you.

CHRIS GUINCHIGLIANI

Chris Guinchigliani, 439 Crestview Drive, Mount Charleston and 1717 South 15th Street, Las Vegas. I never thought I'd have to be back here again talking about Red Rock. Um - my entire (laughs) career as a County Commissioner we dealt with Red Rock. And when I got - flew in last night and found out that this was on the consent agenda, I kind of went a little bit crazy and reached out to Heather and said what's going on? She said, we've got a petition out. I think the disingenuousness of not calling this a major project is what's allowing you to have staff bring forward the access to 159. I'm the one who made sure that we didn't give them anything more and nothing less than what they were entitled to as property owners. We - they never had access to 159. This now gives them that, which then makes it their buildable project. That's not your job, your job - that violates not only the open agreement but everything that has been passed for the last 20 some odd years.

GUINCHIGLIANI

Now, you've gotta, in my opinion, you need to clean up your documents for your attachments for what's been brought back in because throughout it says – uh - and I quote, statements like, “Blue Diamond Hill Access Road extends from 159 to the subject property.” The property is served via the historic access road providing access to one, from the property 159. Never did they have access to 159. So, if you wanna pass the - the building part, there's questions there, then leave the road access the way it was pursuant to the agreement. There's also no reference in here to hillside. It says that the hillside, they're not subject to it because they're mining, but they're gonna be allowed to mine everything out before they actually become – uh - able to develop. Well, if that's the case, then at some point they should be subject to the hillside.

Number two, they should be a subject to the actual Red Rock Overlay. Um - they also have no water and sewer. Okay, let me just remind folks, it's 22 years of a drought. Lake Meads dropped by 150 feet. They have no water and no utilities up there. That's their problem. To have to figure out how they get there. But you also mentioned in your docu - that possible septic, but I believe somehow your Board just said no more septic. So that needs to be cleaned up in your documents as well.

Finally – um - commencement language I think is a little bit too long. It's four years. Why? Make that very tight. Since you've been in litigation all these years, you all, some - several of you are attorneys - make it tight on how you mean to define commencing the project and then I would suggest shortening the number of years, especially if they're going to plan on having mining going on while they're dev - building a development, then what's the quality of life for those people that may be buying that property? They don't need four years to commence. If they wanna do it, give them time to do it. But make sure you tighten up the commencement.

I just would argue that if you're going to make sure that they are complying with what they're allowed to, I think there's more lots than they were really ever subject or allowed to. But get rid of the reference to 159, 'cause that is not to be permitted. That's their problem. Thank you.

GIBSON

Thank you.

ERIK KLAUSEN

Uh - Erik Klausen, (unintelligible), Blue Diamond. Uh - I can't follow quite that eloquently. Um - my concerns are with the road itself off of 159. Um - I believe it's - it's pretty established and settled now between Title 30, the Overlay, and the Settlement Agreement that any major development has to come up the front. I'm all for it. Build off the front. Build what you bought, build what the rules say. The concern with that road, the mine haul road, it hasn't been paved as yet for a reason, because it's not allowed to be paved. Even if the BLM was able to miraculously grant the right of way on that road and they were able to pave it, it's not gonna meet the - the requirements for residential access up that hill. I can tell you right now, as a local dragon public servant, there is absolutely no way a fire engine will be able to make it up that road, which means the road has to move, which means the road has to change and it's all of a sudden

KLAUSEN

it's not off the haul road, it is a whole separate entity, which changes this project entirely from a tiny little development of 400 houses to a major road, which is a backdoor to building on the whole mountain.

So that's my concern for, excuse me, from a - a logistics standpoint, is that road will not be able to support the development as it's drawn up in the agreement as it stands here. So I know I'm the outlier here, I say if you wanna build on what you bought with what you have, that's fine, but you have to do it the way that you agreed up the front. That was the settlement that everybody came to and everybody agreed to. Um - and I think if for no other reason then it's the right thing to do. Uh - logistically it's the only way to make it happen. So that's all I got. Thank you.

BARBARA LUKE

Good afternoon. Can I use the – uh - visual thing? If I put something down will it be projected?

GIBSON

Pick up - pick up the microphone -

LUKE

Great.

GIBSON

- the handheld microphone.

LUKE

Oh, okay. Good afternoon. Wow. I'm Barbara Luke. I am a Professor Emeritus, UNLV in Civil Engineering. Um - and I currently teach a course in sustainable construction. Um - I wanna ask you to – um - to reflect a little bit on something from Title 30. It's the part on the planned unit development and I just have a couple of things highlighted here. A planned unit development is intended to utilize area sensitive site planning. So here we are right up against Red Rock National Conservation Area. All PUD shall minimize adverse impacts on surrounding property, conservation area. Uh - the Commission, you, may approve only such level of intensity or density that is appropriate for a particular location and is not obligated - you are not obligated to automatically approve the level that is requested.

And then I just have two more things down here in what a PUD shall do. It shall encourage infill development that is compatible and harmonious with adjacent uses. Nothing to infill up there. And it should provide development that is compatible with the County's goals and objectives. So here we are in our resilient community. Our community needs to be a sustainable community and building as far away – um - from utilities and other resources as possible without any – um - other amenities, right? We talk about the 15-minute city and we're doing a good job of - of developing that – um - in some parts of our - of our area. But this would be the absolute opposite of that.

Um - so that's mainly what I wanted to say except for one more thing, which is whatever you do, please do away, hang on one more graphic. Please do away with the Valley West disposal area. The area that we're talking about right now is here and we've got a disposal area that could, as the last person said, expand this thing to three times what we have now.

LUKE

Thank you very much.

GIBSON

Is there anyone else who's - who wishes to speak on this item? There's a John Ward who submitted a card. Do you intend to speak Mister Ward?

JOHN WARD

John Wards the name from Crown Valley North Las Vegas. I - I'm a little confused because I don't do a lot of these meetings and stuff. How you got the cart ahead of the horse here? How can you, I don't understand, how you can approve this many houses and stuff without paying attention to the - the - uh - utility situation that's so terrible and the land use and the effect on the - you got millions of people come to this County to see Red Rock. You think they come to see destruction and new roads and extra construction up there. They - they've in town's fine, but you're supposed to have some natural areas and us people that vote for you, I don't believe I know for sure anybody in my club, 300 people, not a zero one would ever vote for somebody who would approve this desecration of our Red Rock areas scenic views.

I don't know what your legal standing is for that, and stuff, and - but I - I understand all this stuff that the other people said, but other - the very few meetings I've been at that - it was voted down and now the same company, it keeps coming back and keeps coming back and finding these backdoor ways that you people think you don't have a way of changing or getting around and you have to vote to approve their backdoor way to slip it in so that the millionaires can have something to desecrate the view and stuff outta something that was supposed to have been approved a hundred years ago for mining and never in the world would anybody ever thought it would've been for construction. Now we're in this big drought, no water, no utilities, and you want to build something way out there instead of saying, why don't you build in town where the utilities already are? And that's - and then far as us people that vote for you guys, I don't know your legal ramifications, but we would think that's your job to make sure that the - we're protected and all this area is protected and you support the economy by building in town, not out here in this, in the beautiful areas. Thank you.

GIBSON

Thank you. Is there anyone else who wishes to speak on this item? We've got one more coming up.

MAYO-DERISO

Oh, okay. That's okay.

SCOTT HOWAY

Hey, my name's Scott Howay, H-O-W-A-Y. 1445 Stone Lake Cove Avenue. Um - there's two points I wanna make. The first point is approving this at this time would be good because we're brought into recession, creates more jobs, and, as you know, Vegas kind of gets hurt hard into recession. So that'd be appreciated. The second one is, this ain't really in Red Rock, so a lot of people are saying let's save Red Rock. It's not in Red Rock. Red Rock does have homes in it though, in Calico Basin and Blue Diamond. And I'm sure some of these people live there and I think it's pretty obvious why they don't want these houses approved and it's 'cause it hurts their property values. That's all. Thanks.

GIBSON Thank you. Is there anyone else who wishes to speak?

MARK WEINER Mark Weiner, 2809, Ashby Avenue, Las Vegas, Nevada. What I wanted to say is, has anybody been up to the area that we're talking about? It's literally a desert with a mine. There's nothing to be desecrated. Red Rock is two to three miles away from it and the area that it - is in question will actually be improved by the homes. That's what I wanted to say.

GIBSON Thank you.

WEINER I've been up there, that's why I'm speaking. I've taken a tour around there. There's nothing. It's rock.

GIBSON Thank you. Yes, please step forward ma'am.

ALLISON BONNANO I have something to show. This is an example of a -

GIBSON Ma'am, if you're gonna speak to us - we - so that we can hear you, we need you to do that into a microphone.

BONNANO My name's Allison Bonanno, and I'm just a resident of Las Vegas, avid hiker. I'm a disabled person who appreciates the desert. Getting to Red Rocks and I used to walk up on those hills before all this construction, before all these things. But this is a tooth from some sort of a dinosaur.

GIBSON Would you please speak into that microphone you're holding? Thank you.

BONNANO Can you hear me now?

GIBSON Yes.

BONNANO Sorry. So, this is - sorry. So, my name's Allison Bonnano and I'm here on behalf of the invisible, the lives before, the lives living now that are unable to access this facility and the lives that have yet to be. Property rights, what about individual rights? The land needs protection from individuals with dollars who seek more dollars. Knowing that the potential value of the buildings yet to be, and their willful mind would be untouchable by my wallet or anybody else's wallet. Um - places need to be protected for education and then also for the animals and wildlife that are walking there now, that walked there in the past, and that might walk there in the future. And when will it stop - if we don't put a stop to this? They can rearrange things. They keep bumping and sliding. I think it was 10 years ago when I first came to the first hearing ever for Jim Rhodes and I've showed his illegal dumping in the deserts with pictures, which I gave to Senator Titus that they first put a stop to things, they reconsidered what they were doing.

I just think that this is a really wrong thing to do and it needs to be controlled or done the proper way to not ruin the lives of others, whether they're animals or plants or the people that like to come here and visit this

BONNANO

City for whatever adventures that they might wanna go on; just to walk on the desert, or to see an eagle in the sky, or a red tailed hawk, or even a donkey that's just walking out in Blue Diamond. People need to have places to get away. That's it.

GIBSON

Thank you.

BONNANO

And this is an example of a - this is an example of just rocks that are on the hillside. This crumbled earlier this year. I never knew this fossil was in there till afterwards. Thank you for the opportunity to speak.

GIBSON

Thank you.

PAUL DELATORRE

Hello. My name is Paul Delatorre, and my address is 319, excuse me, 3918 Placita Del Lazo. All right. So for this project, it is my understanding that this property is currently a strip mine. I do not believe that a strip mine is beneficial for desert wildlife. This property is not located in Red Rock. And the water situation in Nevada is not only a Nevada issue. So, with the influx of Californian residents, or California residents, the demand for housing will rise, and so will the demand for jobs. Thank you.

GIBSON

Thank you.

AUDREY DOTSON

Good afternoon.

GIBSON

Hello.

DOTSON

My name is Audrey Dotson. I am a local Blue Diamond native. Born and raised. There's four generations that have been there from my great-grandmother to my son. I live at 6 Aurora Road. Dotson is my last name, D-O-T-S-O-N. My concern is he has the right to build his homes. But does he have the right to have the road there? The road he's trying to access is a mine road. Back in the day the road was made just for mining only, and a bus used to drive the workers up there. No one drove their cars.

We have hundreds of trucks running up and down that road. There's been accidents from the trucks. And now you wanna put construction with the Gypsum mine? Also, construction building their homes? Like you said, can a fire truck get up there? Can an ambulance get up there? We've watched trucks stall on that road. It's a very dangerous road, it was never meant for construction to drive up and down. It's very hazardous, so like I said, Title 30 says he has to build a right of way road on the east side, which if he can get that done, then he should be able to build his homes and stay in the two-acre lot.

There's a lot you guys have to decide on, like I said, people say we need more homes. There's still lots of Nevada that can be developed. It's a mine up there. I've been up there my whole life. There are still animals up there. There are still hawks, yes it's a strip mine. It's been exploded for

DOTSON

over 50 years, and I'm sure there's 50 more years. He's making plenty of money mining it right now. You know, you want both, I understand he bought it. He has his rights. But least come in compliance of what the rights are to build up there.

It is a beautiful mountain. I'm sure people would love to live there, but can you come in compliance to what you need? Which is an access road. That is not an access road, it's a mining road. It's a very dangerous road. And I don't see how these hundreds of trucks run up and down there every day. There's been trucks turned around and said, "I'm not driving up that road." Thank you for your time, and I hope you guys make a good decision on this.

GIBSON

Thank you. Anyone else?

MYLES TAYLOR

Good afternoon, my name is Myles Taylor. I'm a citizen here in Las Vegas, and I'm here to advocate for this item. Uh - I'm a loan originator and real estate agent, and I've had the pleasure of moving several families into communities – um - you know, by this developer. And just from their reception of these communities and how well I've seen the economies around these areas – uh – prosper, I think is a very creative and beautiful use of that particular area. Like it's been mentioned before, there is nothing up there currently.

I like to do rock climbing in Red Rock, I go up there quite frequently. I think this is something that's gonna bring a lot of people to Red Rock, and I think in that in and of itself, that'll create an economy up there. And I think that's something that Nevada can prosper with - from. Thank you.

GIBSON

Thank you.

LISA HARRISON

Hello, my name is Lisa Harrison. I live at 2 El Legro out in Blue Diamond. And I'm also the volunteer coordinator for the Southern Nevada Climbers Coalition. Um - when you are looking at this item I would like you to consider the access off 159. As you know, 159 is one of the major ways to get to the Red Rock and into enjoy the BLM land there. However, the housing development, and with access off 159 there is going to be added traffic, which is going to decrease people's ability to recreate.

So when you're looking at this agenda item, I want you to consider that access road. Yes, he has a right to build on his property, but again, look at the road to get to that property. Thank you.

GIBSON

Thank you. Anyone else? Then the public hearing is ... Okay.

MICHAEL MCDONALD

Hello, my name is Michael McDonald. I've lived in Las Vegas for many years, me and my family. I wanted to say – uh - voice my approval for agenda Item 7. I want to tell you guys how I - I've enjoyed Red Rock for many years, and that area isn't part of Red Rock. It's a - it's a beautiful area. It's part desert. And I'm sure that this development will improve the

MCDONALD

area. It will also – um - I'm sure that the - the developers will make sure that all concessions, and considerations are put in place and that it'll - it'll actually add value to the area.

I want to say that - that Red Rock is a - a beautiful area, I've been going there for years. And – and my grandpa even runs – uh - art shows up there at Spring Mountain Ranch. And this - this item - this action item that you guys are considering would just be able to beautify the area. Be able to - to improve the community. We have such a housing crisis going on right now. We have so many people looking for housing and it's - there's a – a shortage. And I believe this would - would actually alleviate that. And - and help to - to develop Las Vegas and make - make it even a better community.

So we - I appreciate your concern – your - the concerns of the people that are – uh - looking into Red Rock and to see - that have that opposition. But this isn't going to be affecting that area, and it'll just be an improvement for the community. I voice my approval for this and thank you guys all for - for your consideration. Thank you.

GIBSON

Thank you. Is there anyone else? There being no one, the public hearing on this item is closed. I invite the applicant to come forward. And I'll - I'll give you a moment, yes, to rebut some of the things that you've - you said you wanted to rebut.

MAYO-DERISO

Yes, Chairman, thank you so much. And thank you Commissioners. Um - the first thing I want to rebut is the – uh - comment that - and the fact that I was on the side of save Red Rock. Uh - 22 years ago I was asked by a sitting County Commissioner at the time to go to a meeting out of Red Rock about a development. The intent from the beginning was not to stifle property rights. It was not to disallow someone on the hill to build. It was to build something that made sense.

And – um - and I think for over the last 22 years – um - the intent was to try to work that way. Uh - when the legislature unanimously passed the Red Rock overlay, it allowed for housing and some design standards. Unfortunately, over the time from - over these 22 years the save Red Rock initiative has taken some bad turns. And some things that I don't agree with.

And about six months ago, I was – um - looking at some I – I - issues running a campaign for somebody that was running for County Commission, and really started to look into the Red Rock issue. And ran upon the court documents. And I challenge anybody who reads the court documents around this case, and the way that save Red Rock was used as a pawn to – uh - advance political careers – um - save Red Rock now has the tagline, "Adventure Saturday." And one of the members of Save Red Rock just happens to own an adventure company.

So, a lot of people have used save Red Rock in what I didn't intend it to be. And my legacy would have been tied to Red Rock in some way. And I

MAYO-DERISO

don't want my legacy to be tied to something that was used as a political pawn that stifled the property rights of someone, which it has, and continued to be obstructionist. When you're just continually being obstructionist, nothing ever happens in the community that's good.

So, I am on this side. And I do believe that Jim Rhodes has a right to build what he bought. And while save Red Rock says, "Oh, we always said build what they bought," as many obstacles as they could place in front of this project, they have. And when I've read the le - the litigation, I've read the case, and I believe that I am on the right side. And I believe today when this was approved already on August 4th of 2021 – uh - unanimously, to not approve it today, when the only reason we had to change it 'cause we complied with the fact that a golf course is no longer to be allowed in this parcel – um - isn't right.

And it does reek of property rights, and not allowing people, and Mister Roads to build to that. A lot of the issues that they brought up about access, and Title 30 are all covered in litigation. And I don't want to get into all that now. Robert Warhola's probably the best person to comment about that part of this. But it is a conforming application. It was approved by staff. Staff does a very good job of addressing all the issues that the Red Rock people had in the staff report. They did a great job with that.

And the – uh - and the Red Rock Citizens Advisory Board voted 3-1 for this, for approval. So, I hope today – uh - that you will approve this. That you will – um - recognize the property rights, and that Mister Rhodes has a right to - to start to build up there. And everything that's they've addressed, we've addressed in the application. And – um - you know, we'd like to be, you know, move across the path to be a good neighbor. To do what, you know, to be able to use his property. And with that, I would urge you to please approve Items 7 and 8 – um - the PUD and the tentative map. And I thank you very much for your time.

GIBSON

Commissioner Jones.

JONES

Thank you, Mister Chair. Uh - Miss Mayo-DeRiso, over the last 10 plus years, you've raised major concerns with – uh - the access road onto 159. Can you address the – uh - concerns that have been raised with regards to legal access on 159 to the project?

MAYO-DERISO

Um - I can. The County in - I think so- in litigation. Litigation actually released that – um – uh – the – the - it - that the access couldn't come from the 159. Um - and I - I think that tw - 10 or 15 years ago, what Mister Rhodes was gonna build up there, we all had problems with. Colleges, and universities, and all sorts of things. That's not what he's gonna build now. That is not what he's gonna bring to the top of the hill. And I ... So, the access road – um - I don't believe is an issue.

Um – I - I'm gonna point something else out. (laughs) We - you - this Board approved a hotel and 16 luxury homes at the floor of the conservation area. And nobody raised anything about that. I - I don't ever

MAYO-DERISO remember anybody saying anything about that.

JONES If - if you could stick to just the legal access on the road.

MAYO-DERISO Okay. So, the access road -

JONES I appreciate it.

MAYO-DERISO Off of the 159 – um - we've met with the BLM, who actually has to approve that access in a right of way application, and we don't believe that access is going to be a problem.

JONES When did you meet with the BLM?

MAYO-DERISO When?

JONES Yep.

MAYO-DERISO We have talked with the BLM, I personally talked with them on a Zoom call four months ago.

JONES Okay. Does the applicant currently have – uh - paved legal access to the project?

MAYO-DERISO Do we have paved legal access?

JONES Yes.

MAYO-DERISO No, but this is a tentative map, and a PUD, and all of that as we know, with any development comes at a later date.

JONES Okay. And you understand that under the staff conditions that you said the staff has addressed, so you're agreeing to all the staff conditions?

MAYO-DERISO Yes.

JONES Okay. And so those staff conditions include demonstrate paved legal access?

MAYO-DERISO Yes.

JONES Okay, and you understand that that is a condition?

MAYO-DERISO Yes.

JONES Okay. And that this application will expire if commencement doesn't occur within four years? So that means that you have to have paved legal access within the next four years.

MAYO-DERISO Mm-hmm. Okay.

JONES Do you understand that?

MAYO-DERISO Yes, we understand that.

JONES Okay. Is it the applicants position that this is a major project, or not a major project?

MAYO-DERISO Is not a major project.

JONES Why?

MAYO-DERISO Because we're - we are developing under 400 ac - 461 acres. When I think of a major project, I believe when Toll Brothers, or a major developer comes in with a major project, where they're including schools, and fire, and all those other things, my understanding that is a major project. We do not believe this is a major project or falls under that definition.

JONES Because it doesn't have any other amenities other than homes?

MAYO-DERISO Right now we have just homes, yes.

JONES Okay. You understand that's not the definition of major project, right? It's based on acreage.

MAYO-DERISO Well, I don't think we, I - I ... We do not ... Our team does not believe this is a major project.

JONES Okay. Now, with regards to the Red Rock Overlay, I know that, again this is something that you raised previously, over the last decade as something that should be enforced. So, why do you believe, now, that the Red Rock Overlay doesn't apply?

MAYO-DERISO Well, the Red Rock Overlay, when it was first – um - passed in 2003, it came about because of legislation. And the Red Rock overlay was an attempt to make sure that it was aesth - aesthetically pleasing to, you know, if these homes were gonna be up there, they'd be an aesthetic - aesthetically pleasing. And the colors, and - and so forth. The Red Rock Overlay now has turned into this gigantic (laughs) obstructionist thing, again, that – oh - the Red Rock Overlay. I can tell you that my opinion – uh - on this project now, versus 10 years ago is completely different because I feel that it has been used – um - very negatively to the benefit of people. And it's no longer - it's no longer just Save Red Rock.

If we could start over, maybe we would. But no, I do not believe that – um - this portion, if you know we're building on the southern portion, should be subject to that.

JONES Okay. With regards to septic, what is your understanding as to whether septic could be – uh - available up on top of the mountain?

MAYO-DERISO Um - my understanding is that the staff put in that if we could not bring sewer to the property, that we would have to reduce the lot sizes, and look at septic. But we believe we'll bring sewer to the property, and we - that's what we were – um - going to - um -

JONES If - if I might ask my – uh - my colleague, the Chair of the Health District to chime in on that one?

KIRKPATRICK Uh - thank you Mister Vice-Chair. I, you know, I was gonna say something towards the end because this is the same situation that we've been in on a couple of different projects, and we are not approving. If you get water, if you're wanting water service from the Water Authority, we are not approving septic tanks unless you have your water rights, and the reason for that is we just recently changed the service rules at the Health District – uh - to ensure – uh - that we have a purple line coming back all the time. So, I just, I - I always ... There's a couple projects like this, I just want to disclose that there is no – um - there's not been a appetite of the Water District to give out septic tanks like we have in the past.

MAYO-DERISO Okay. Well, it, it's noted in the backup, it's noted – uh - with staff giving us that condition, and if we get to that point, then ... You know, but we believe we'll have sewer to the property.

JONES All right, I want to get back to the staff conditions, which again, you said the applicant is agreeing to. Um - under Current Planning, one of those – uh - one of those cond - staff conditions is that mining for the proposed phase of the subdivision shall be complete prior to the recordation of a subdivision map, and construction on the residential units. There is currently mining operations on top of the hill. You understand that mining operations will cease before recordation of a subdivision map and construction of the residential units?

MAYO-DERISO My understanding is that the study would -

JONES That's the staff conditions.

MAYO-DERISO Cease on that, on those parcels.

JONES For the subdivision. This is a subdivision. Right, Miss Amundsen?

AMUNDSEN That is correct, but the condition is for every phase, so when a map comes in, the – uh - for whatever phase it is, that mining has to have stopped. For that phase. And remember the – um - paved legal access? Has to be provided for whatever map comes in, so it's - it's kind of a domino effect on that.

MAYO-DERISO Sorry, I was just getting clarification on the mining. So, the project is in phases. We will cont - discontinue mining when we're building on those phases. And if the project moves forward, I didn't ... I'm sorry, Nancy, I did not get to hear what you said, I was in a conversation. Was it something about the mining?

AMUNDSEN What I said was that the mining has to cease before a map for that area is recorded. And also, you have to have paved legal access for that map that you want to record. So, it's a - it's a two pronged – um - there's a two-pronged rule. The first is you have to have paved legal access for that map. The second is, the mining has to have stopped on that map area.

MAYO-DERISO Okay.

JONES So you understand?

MAYO-DERISO Yep, and those parcels that's - that would be exactly right.

JONES Okay.

MAYO-DERISO I wanted to go back, my colleagues pointed out that in the settlement agreement, the master – um - major projects was at 700 acres. And we're at 671 acres, so in technically, so we are under that – um - threshold.

JONES Okay. I just want to make sure it's really clear, paved legal access is a condition. Ceasing construction for each phase, also a condition.

MAYO-DERISO Yes.

JONES Four years in order to start construction or commencement. Four years.

MAYO-DERISO Yes.

JONES Okay?

MAYO-DERISO Yep.

JONES Do you all understand all of those things?

MAYO-DERISO I understand it all. Yes.

JONES Okay. Um - with that – uh - I don't know, Antonio, you want to chime in on the road access at all?

ANTONIO PAPAZIAN Thank you, Commissioner. Um - the developer will need to get a BLM grant. So the access they are using today does not – uh - meet our standards. They will have to design and meet our standards and work with the jurisdiction.

JONES Hold up, I want to make sure the applicant is hearing you. - Miss Mayo-DeRiso.

MAYO-DERISO I'm sorry.

JONES If you could listen to Mister Papazian, that would be great.

MAYO-DERISO Sorry, sorry. Yes.

PAPAZIAN What I was saying is – uh - there are references in Title 30 to design standards of a - of a roadway system. So, they will have to get a BLM grant. They will have to design to our standards, and they will have to work with the jurisdiction, which is NDOT, in this case for that roadway access.

JONES So that includes access to police, fire, garbage trucks, all of the things?

PAPAZIAN Absolutely.

JONES Okay.

MAYO-DERISO Yeah, yeah, we understand anything that would – um – um - supply, you know, would be typical for a subdivision, or for a - a project like this. Yes.

JONES Okay. All right, with that I'll - I'll turn it over to my colleagues if they have any other questions or concerns.

GIBSON So, the ... And are there questions from -

KIRKPATRICK Can I just ... Can I just ...

GIBSON - other members of the Board? Yes.

KIRKPATRICK Uh - one, ask one question. So, well maybe two. So – um - on the fire – um - getting the fire out there. So, 400 homes is a lot. Is that ... I'm trying to remember if that was part of ... 'Cause normally we do a development agreement and it's a major access. So, is, does that come at another phase? Or how does that work on the fire? 'Cause I just worry, 'cause we have volunteer firefighters. So, I just want to understand that, and then I want to get clarification on Rob, on the 159 roadway, 'cause that was controversial when I - since I've been here. So, but I'm concerned about the fire.

JONES Yeah, I - I'd love to know the answer to that one, too because – uh - Blue Diamond is currently – uh - served primarily by a volunteer – uh – fire – uh – department – um - with only access to Fire Station 28, which is in Summerlin, and mostly Fire Station 66, which is in Mountain's Edge.

MAYO-DERISO Well, prior to – um - file- you know, we come in to file our – uh - the design and stuff like that, normally, or at least on other projects I've worked on, we meet with Fire, we meet with everybody. And we have that meeting, and we discuss those things. We're not at that point yet, this is a tentative map. And a PUD, so we will meet with Fire, and we will discuss what we need to – um - to do to make sure that that development is covered by Fire and - and Metro and everybody else.

GIBSON So, Rob do you have comment here?

ROBERT WARHOLA Right, the - uh - alternative road requirement kicked in if it was a major

WARHOLA

project, or increased density. And so, this is not a major project, because it's less than 700 acres. And the reason for that is because when we entered into the Settlement Agreement, which is a contract – uh - the regulations at the time, a major project was defined as a – uh - a project of 700 acres or more.

So, that was a mutual understanding of the parties at that time. And we cannot unilaterally now say that the major project consists of 300 acres or more. So, that's why it's - it's under the Settlement Agreement, which is a contract, a mutual understanding is 700 acres. And since this is less than 700 acres, it's not a major project.

GIBSON

All right. Anything more? Miss – Miss Kir - Kirkpatrick? Nothing. Anyone else, any questions? Commissioner Jones?

JONES

Uh - well – um - because this is a – uh - conforming request, because it's been recommended by staff, and because it's been recommended by the Red Rock Citizen Advisory Council, which is the first time that anything ever proposed by this applicant has been approved by both of them – uh - I am going to reluctantly vote in favor of agenda Item 7 and 8 with all of the staff conditions, which Miss Mayo-DeRiso -

MAYO-DERISO

Yes.

JONES

– um - confirmed here on the record -

MAYO-DERISO

Yes, I am on record. It's public record.

JONES

Thank you.

GIBSON

And that's a motion for approval. You've heard the motion, is there any further discussion? There being none, please cast your votes. The motion carries. Thank you.

MAYO-DERISO

Thank you very much, thanks for your time.

ACTION:

It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 7 and 8 be approved subject to staff conditions.

CONDITIONS OF APPROVAL -
Current Planning

- Expunge UC-21-0280 and TM-21-500083;
- If public water or sewer are not attainable, then lots must meet minimum lot size requirements from the Nevada Division of Water Resources and/or Southern Nevada Health District for water and septic;
- Mining for the proposed phase of a subdivision shall be complete prior to recordation of a subdivision map and construction of the residential units.
- Applicant is advised that the project will result in a density of 0.63 du/ac, consistent with Chapter 30.24, and that no additional density will be allowed without proper land use approval; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for

conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 4 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Demonstrate paved legal access.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that Nevada Department of Transportation (NDOT) permits may be required.

Fire Prevention Bureau

- Please contact khoyt@clarkcountynv.gov for a meeting regarding this submittal;
- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; to show on-site fire lane, turning radius, and turnarounds; and that dead-end streets/cul-de-sacs in excess of 500 feet must have an approved Fire Department turn-around provided.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0255-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 8 TM-22-500161-GYPSUM RESOURCES, LLC:

TENTATIVE MAP consisting of 429 lots and common lots on 671.0 acres in an R-U (Rural Open Land) Zone. Generally located 3,700 feet north of SR 159, approximately 2.5 miles northwest of the intersection of SR 160 (Blue Diamond Road) and SR 159 within Red Rock. JJ/jad/syp (For possible action):

ACTION:

It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 7 and 8 be approved subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- Expunge UC-21-0280 and TM-21-500083;
- If public water or sewer are not attainable, then lots must meet minimum lot size requirements from the Nevada Division of Water Resources and/or Southern Nevada Health District for water and septic;
- Mining for the proposed phase of a subdivision shall be complete prior to recordation of a subdivision map and construction of the residential units.
- Applicant is advised that the project will result in a density of 0.63 du/ac, consistent with Chapter 30.24, and that no additional density will be allowed without proper land use approval; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that a final map for all, or a portion, of the property included under this application must

be recorded within 4 years or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Demonstrate paved legal access.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that Nevada Department of Transportation (NDOT) permits may be required.

Current Planning Division - Addressing

- Streets shall have approved street names and suffixes;
- Approved street name list from the Combined Fire Communications Center shall be provided;
- The access road shown as Blue Diamond Hill shall be named by a Street Naming or Street Name Change application.

Fire Prevention Bureau

- Please contact khoyt@clarkcountynv.gov for a meeting regarding this submittal;
- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; to show on-site fire lane, turning radius, and turnarounds; and that dead-end streets/cul-de-sacs in excess of 500 feet must have an approved Fire Department turn-around provided.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0255-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 9 VS-22-0485-CLARK COUNTY:

VACATE AND ABANDON a portion of a right-of-way being Torrey Pines Drive located between Bridal Cave Avenue and Rome Boulevard, a portion of a right-of-way being Mustang Street located between Deer Springs Way and Rome Boulevard, a portion of a right-of-way being Maverick Street located between Deer Springs Way and Rome Boulevard, and a portion of right-of-way being Deer Springs Way between Maverick Street and Rebecca Road (alignment) within Lone Mountain (description on file). MK/jud/syp (For possible action):

AMUNDSEN

Next is Item 9, VS-22-0485, vacate and abandon a portion of a right-of-way being Torrey Pines Drive, located between Bridal Cave Avenue and Rome Boulevard, and a portion of a right of way being Mustang Street, located between Deer Springs Way, and Rome Boulevard. A portion of a right-of-way being Maverick Street, located between Deer Springs Way and Rome Boulevard. And a portion of a right of way being Deer Springs way, between Maverick Street and Rebecca Road (alignment) within Lone Mountain.

Commissioners, you will remember a few months ago the Board directed us – um - to bring forth these vacations, Public Works staff has a presentation.

GIBSON

Hello.

JASON ALLSWANG

Hello Commissioners, Jason Allswang with Public Works. Um – uh - as – uh - Miss Amundsen said, we were directed by the Board to bring forward a vacation of some rights-of-way up in the northwest part of town. Uh - what we have before you is a map showing the yellow, which is all of the roads in that area that have been previously vacated. And then the red, which is Deer Springs, Mustang Street, and Torrey Pines Drive. Those are the roads that are proposed to be vacated with this application.

Um - and with that, I'm going to complete my presentation, and Antonio and I will be available to answer any questions.

GIBSON

Alright. Thank you, this is a public hearing. And I have cards from various of you, if you intend to speak, please come on up. Give us your name and please limit your comments to three minutes.

TIFFANY BUTTERFIELD

Good afternoon, I am Tiffany Butterfield. I live just adjacent to the area. Um - I am opposed to this very strongly, as are many people in the area. As you can see, it is the only way that some of us can get to things safely. I am also going to point out that at the Lone Mountain CAC meeting on September 13th, Miss Kirkpatrick stated she has a friend in this neighborhood, and that she herself will be footing this bill. (laughs)

Seems that – um - it's a direct violation of the County Co- the Clark County Code section 2.42.020 since she has not formally submitted a potential conflict of interest form. The presenter at the Board Meeting on that said night also said, Deer Springs ends, it does not. It goes all the way to Jones and beyond, which is important, and I will get to that in a minute.

The problem boils down to certain residents in this area being upset that the public is accessing public roads. Now, granted, the public has increased since Centennial Boulevard has been completed, people are cutting through. I am one of those. I live adjacent. I use Mustang to get up to Deer Springs. It would be easier to use Rome Boulevard, but Rome Boulevard and Jones is a blind left turn. It is very dangerous. And it cannot be fixed. The east side of Jones is a gated community that you can't just put up a light at. And you cannot move back gates, and walls from that area on the west side.

Although Deer Springs and Jones has a better view of oncoming traffic. And as a mother of teenage drivers, and myself, (laughs) we do use that better. The City has also said that they are going to put up a traffic light at Jones and Deer Springs. Mustang Street, which is part, or sorry, excuse me. Yes, Mustang Street, which is part of this proposed gating will restrict our access to this traffic light. It will restrict our access to even a safer intersection.

A while back, some gates were put up here on this yellow. Right there. We were assured, and it was reaffirmed by Miss Kirkpatrick on

BUTTERFIELD

September 13th that the gate would be open for horses and pedestrians. I have pictures that show the horse gate is locked. Another gate is going up. Please do not restrict our access to public roads. Thank you.

GIBSON

Thank you. Next speaker on this item. Let me just call your names then – uh - Craig Daves - Davis.

CRAIG DAVIS

My name is Craig Davis – uh - 7101 Rio Grande Gorge Court. In the 1,500 square mile Los Vegas Valley, the only contiguous green spaces are the old Gilcrease Ranch area and golf courses. The area is uniquely shaded, has public roads running through it, and is an invaluable public asset - asset. I'm a rural preservation advocate and have been a Rio Grande runner - runner in this area for about 10 years. I greatly value this urban oasis immersed in wildlife as a runner's sanctuary, and a source of artistic inspiration.

As a runner, I've been assaulted by mean spirited drivers on West Centennial Parkway, which is a southern boundary of this area. I recorded two assaults and posted them on my website. Law enforcement refused to do anything to hold these drivers accountable. I share these incidents because this remnant of the old Gilcrease Ranch serves as a sanctuary and a safe haven for a broad community of walkers, runners, cyclists, and parents with baby strollers. This is an invaluable community asset.

During the June 2003 – uh - Commissioner Zoning Meeting, Jeff Gayle, Jay Bingham, Chairman Chip Maxfield all stated the conditions of vacating their public roads to private was that they would have no gates and they would be kept open. Jeff Gayle immediately put up gates in violation of the conditions of the vacation. Over four and a half years ago, I documented all this in detail and brought the violations to Commissioner Kirkpatrick, she said she would speak with the property owners.

Nothing changed, and here we are with the property owners who violated the conditions of the original vacations being rewarded by getting offered a much larger area, increasing their property values, and the gates are being paid for with taxpayer dollars. Commissioner Kirkpatrick states the reasons for gating off the area is crime and rural preservation.

Over the last 10 years, owners within the gated area have told me there is no crime. I personally witnessed the one incident that David Chesnoff recounts, when one of his ex-employees broke into the break room. 10 police cars responded for that one person breaking into a break room for food. Law enforcement did nothing when I was assaulted by drivers, but 10 police cars responded when one ex-employee broke into the break room.

Three weeks ago I asked Commissioner Kirkpatrick to provide a list of the people sited, charged, and prosecuted with criminal violations in the gated area. She agreed to provide it, I've yet to receive it. Without this documentation, any suggestion of crime within the gated community -

DAVIS

gated area - is purely anecdotal. The re - the rural preservation neighborhood statute does not contain any mention of gates. During your February meeting, a couple of citizens stated the CAC voted unani - unanimately to deny erecting gates saying it was exclusionary and discriminatory.

Title 30, land use application processing states under, that all community goals must be met. Number two is, contributing to the general prosperity, health, safety and welfare of the community. The fact that the general safety, the general prosperity, health safety in the community, specifically walkers, runners, and cyclists have not been represented in this process is a cont- contradiction of Title 30.

As it stands, the only ones who prosper from this effort are those who broke the conditions of the original vacations by erecting gates and posting "No trespassing," signs. They are rewarded for their violations with exclusive, complete access to this invaluable public asset. May I have one more minute?

GIBSON

You can finish – uh - just a couple more sentences there.

DAVIS

The gates will be open from dawn to dusk, what about walkers, runners, cyclists, that need to walk, run or cycle when they get home from work? Last December 30th, the sun rose at 6:51 AM, and set at 4:33 PM. The claims of crime and rural preservation feel like a thinly veiled pretext for erecting exclusionary and discriminatory gates for the benefit of a few wealthy property owners. This effort will cause irreparable harm to the general community by the council legitimizing and normalizing exclusionary and discriminatory vacations as a precursor to gates. Thank you.

GIBSON

Thank you, sir. Judi Chide? Chide.

JUDI CHIDE

Hello, I'm Judi Chide, my address is 6661 Mustang Street, and Mister Davis is correct. The – um - all the vehicles going up and down Deer Springs and Mustang are becoming a hazard to anybody walking. I, myself have almost gotten run over by a truck that was driving down the street. And – um - people are using Mustang as a cut through to get to Jones because they're going – uh - north on Jones and they - just ripping up and down the street, and they don't care if there's - we'll put children out playing signs. They don't care.

I've had a guy stop and flip me off and cuss me out and tell me to get out of the street. I ... That's - it's a resident - I'm sorr - it's a residential area, I'm sorry. Um - I was at the meeting at Town Board Mee – uh - Meeting, and I do not recall – um - Miss Kirkpatrick stating that she had a friend there. I know Miss Kirkpatrick from dealing with this, and I think that is the ... What she has been talking about, because we have been working on this for years with her.

And she said that, that we were friends because we know each other from this, dealing with this. So, that was an inaccurate statement. Um - as far

CHIDE as Mister Gayle's gates, they are locked 24/7 right now. He doesn't open them. And the horse path is got a giant metal square around it. I don't know how you're supposed to get horses through there or anybody walking, pushing a stroller or anything, because you can't. It's very dangerous and – um - when we do get our gates, those gates do need to come down because we don't have access to those roads right now. And – um - want to keep this area as rural as we can keep it, and if they put the lights up at Deer Springs and Jones, that will minimize and slow down the traf - the traffic at Rome and Jones because it's gonna put in a brake there. And I am totally for all of the vacations of these roads. Thank you.

GIBSON Thank you. Jenna Waltho. What's that? Oh, I'm sorry, Jenna. You're not on this item.

PEARLY ROHRBACHER Oh, Jenna. I thought it said general. I'm so sorry.

GIBSON No, let me... I'm sorry.

ROHRBACHER Is Jenna here?

GIBSON I'm just reading everything but thing I oughta be reading.

ROHRBACHER Isn't there somebody else?

GIBSON So, you're on Item 35, I think, right?

ROHRBACHER Yes. Yes.

GIBSON Yes. So, if you'll just pause for a moment. You're – are - you wanna speak on Item 9?

ROHRBACHER I do, I do.

GIBSON Oh. Have at it.

ROHRBACHER My name's Pearly Rohrbacher.

GIBSON Oh, okay.

ROHRBACHER Um, I am, I'm for the vacations. I live right here on the corner. Um - and I wanna be clear that this is only regarding the vacations, it's not regarding the gates at this point, it's just about vacating the streets as far as I know. Um - and Mister – uh - I'm sorry, I forgot your last name. Davis. Mister Davis. He - he cites Title 30 why he is again - I don't know if he's against the vacations, but – um - to protect general welfare and green space and rural communities. Um - I think that's exactly what we're trying to do here is keep the traffic out of this area. Um - and again, it's - we haven't discussed any gates or design of gates or anything like that. It's really just to preserve this area for... And he talked about the green spaces as well. There is limited green space and limited access to nature in this area, and that's exactly what we're trying to keep available. Um - I live in the

ROHRBACHER

neighborhood, I'm not trying to restrict anybody's access. I would actually like to see it be more welcoming for people with strollers and walkers and wheelchairs. Um - I have horses as well and I agree that the step over that's there now is not adequate. So, hopefully we can do something to fix that, but – um - again, I'm all f - all in favor of the – the – uh - vacations there.

GIBSON

Thank you. Is there anyone else who wishes to speak on Item 9? Please come forward. Is there anyone else other than this gentleman who wishes to speak on Item 9?

WILLIAM FORLONG

Hi, my name is William Furlong – uh - 6280 Deer Springs Way, which is right here. Um - I guess – I - my question is – y - you know - I'm trying to learn all of this, you know, g - going to a private road, if we were to have responsibility for lia - or liability or maintenance on that road is one of my concerns. Um - my second concern is over here on - on Deer Springs during moderate to heavy rainfall there's a lot of flooding over here, so we would need to have access through Mustang to Rome whenever that road floods over there. Um - just 'cause I don't know what the plan is with the gates and - I've heard about gates, I don't know where they're planning to go or anything like that. You know, we just recently learned about all this. And – uh - and I wasn't sure if one of the reasons we were doing this was because of a fear of it being an - an annexed to the City. I don't - I mean - I don't know about that, I just, I guess I just didn't really know what the plan is to do all this vacation. Was it just to put the gates up and gate everybody in? And – uh - so I - I guess at this point since I don't really know I was just curious, you know, what the - kind of what the plan was with starting with this – uh - step. Uh - thank you.

GIBSON

Thank you. I think you'll hear a little more here in a few minutes. Is there anyone else who wishes to speak on Item 9? There being no one, the public hearing is closed. Commissioner?

KIRKPATRICK

Uh - thank you – uh - Mister Chairman. So - um - Jason, can you move that map over just a little bit? And I want to give a little bit of history, because I think there were some things taken out of context. And I can't win either way because on the last agenda I was a crook, on this agenda I'm a crook on all these conflicts, and it's troubling because at the end of the day, no one's worked harder to actually protect – uh - Range Estates than myself. So, current - so what happened before is all of these roads have always been vacated, and they've been vacated for a very long time. Uh - actually, prior to, they were vacated prior to – um - the 215 going in if the truth be told, because they wanted to protect - because Rainbow, and correct me if I'm wrong at any point, Antonio or Jason, Rainbow was actually going to be a major – uh - off ramp to – um - get across the 215. And so we wanted to protect the integrity of the neighborhoods, and if people will remember Gilcrease started – um - selling off components of it and so we were - and so I - I actually was in the legislature when we were trying to protect it.

So to give you an example of some crazy things that we have, Hailey

KIRKPATRICK

Road, which we're trying to work with Ingrid and Mister Stockton, half of that - that whole road was vacated by Clark County, but now half of it's been annexed into the City. So the people on the north side of Hailey actually live in the City, while the people on the south side live in the County. And- um - they also are seeing tons of cut through traffic because Tenaya is meant to be 35 miles an hour, I don't think anybody's ever driven 35 miles an hour on Tenaya. More like 65 miles an hour. Um - also - uh - the City annexed up to the - uh - cemetery. So as you'll look down here on - um - Deer Springs that - that is the City road. The only portion that's left of the County is in the red, which we are trying to be consistent. And for the person that lives on Deer Springs, y - it's my recollection that you won't have any additional - um - thing, any additional responsibility because we actually never got your right-of-way to begin with. So, everybody else will get their property to the center of the road.

Is that correct, Antonio?

PAPAZIAN

Thank you, Commissioner. That is correct - uh - because there is no dedication within that parcel - uh - he d - he doesn't get - he's never given anything up to get anything back.

KIRKPATRICK

C - correct. And for the others, so, th - there... So, we had an application to say that they wanted to start putting up gates because if you look at... And I indulge... I, thank you my colleagues for letting me explain this, but I feel that there were some unfair statements put on the record, so I wanna clear them up. So, the City also on Tenaya now has commercial - um - which is over here - uh - just past... Is it at, I think it's at Bath Drive, right? That there's some commercial that was approved - um - for the C store at Tenaya and - um - maybe it's between Rome, but the... So it's been approved for a gas station and that. So we've been trying to protect the area so that it doesn't become a cut through for everybody. Um - so there was talk about putting up gates. Uh - they came, they had a public hearing, the rest of the neighborhood said, "Hey, we wanna participate. We wanna - um - we don't wanna live within a gate within a gate." And we agreed that that did not make sense at any point. We agreed to move forward with the vacation process so that we could give them back their roads so that we could come up with a long term, alternative plan so that we could ensure that the horse trails existed, because that's the one thing that no one's talking about today.

So, we've been working on Centennial - uh - up to Elkhorn, right Nancy? 13 feet of horse trails all the way around so that people could get to it. Um - yes, I plan to use some trails dollars to - uh - make sure that we have full trail system. Uh - one of the other things that we've seen in, and that we heard, ironically, is people were - uh - coming in from the southwest to ride their horses in this neighborhood and leaving trailers along the sides. They were - um - filling the streets so we're - we're trying to protect... This is private property, many of these roads have already been private property. So, we're just trying to square it up so that it makes sense. So, I said at the Town Hall meeting that I would - um - work with

the neighborhood to determine when we get to that point, but we can't even - we can't even have that gate discussion without vacating the roads, 'cause we have to get the roads back. So, we said we would continue to have – um - follow-up meetings so we can determine what makes the most sense so we can work with the City to see what their intention is.

Um - but really – um - there's a couple things that have not changed. One, that pedestrian access. And so, if the gate is locked, I'll have to call and find out why the gate is locked. Mister Davis, I honestly did not respond to your email because you accused me of being a terrible person, which I am not. I - this, you know, it's a thankless job to begin with. Let me finish. Uh - two, you turned me into the Sierra Club like I was doing something terrible. Three, I've been traveling out of town. And four, I wouldn't know to call you 'cause I have no idea 'cause you've yet, in four years, told us where your address is. So, I couldn't even remember your email for - from four years ago. So, I'm a pretty stand-up person, but when you start calling me – um - names and all these other things when I'm just trying to do the right thing, I - it's a little bit harder to reach out.

Um - but the neighborhood on all sides has said they want pedestrian access, but they want it when it's light out so that people know who's coming and who's supposed to be there. Um - just like any other neighborhood, I'm a little nervous in my neighborhood if someone is standing in front of my driveway when it's dark out because I don't know who it is and there's not a lot of lighting, if people remember, in this neighborhood. So, the neighborhood has agreed. So, today what we're discussing is the vacations. I intend, and I am pretty good for my word, to keep having neighborhood meetings to determine what the long term is. Um - there is yet to be a quote for gates to see what that cost is, there's yet for us to finish the trail alignment that is going on there, but this is a long process. And at the end of the day, the vacation... And I just wanna thank my staff, because they s - worked on it for five months, and that's getting every single legal description, making sure that we've dotted the I's and crossed the T's, it's driving the neighborhood to see what it was.

Pearly, you know I was out there several times with the County vehicle trying to make sure that we – um - made it so it was all of the unincorporated Clark County piece. We are currently working with Mister Stockton and Ingrid, 'cause we're trying to figure out... h - here's – uh - here's how crazy it is today, trying to figure out if they get half of the gates permits in the City and half of the gate permit in the County. And that is a reality of what's going on, that's why we're trying to fix this area. That is why that right-of-way was never given. If we actually went back and asked for that right-of-way so we could finish improving Deer Springs up to where the County owns it, I would have to make people tear things out and that's not what I'm trying to do. It's an amazing neighborhood. So, I'm trying to keep it. I don't know how much anybody makes in that neighborhood, but I can tell you this, many people invested in that neighborhood, nobody wanted to live past Cheyenne. So, that is - um - Mister Chairman, I'm very passionate about this but I feel like – uh - I don't need to be called names. If you don't agree with me, great. And if

KIRKPATRICK

you agree with me, great.

But at the end of the day, this is a unique place where we want pedestrian access, we wanna clear up the roads so that we can ensure that they stay County roads, because that neighborhood has changed. Back in the day – uh - Jones Road was a dirt road and it stopped at Vegas Drive. And here we are today, it's the center of town. So this is all the reasons why we're vacating it. D - did I miss anything, Antonio? And further discussion will be on everything else in the future, but I gotta start with the vacations.

PAPAZIAN

Uh - thank you Commissioner. All I wanted to add was, so, east of Maverick – um - the cemetery is in the City's jurisdiction, and although it appears there is asphalt and today you can drive it, it is technically private property, and the cemetery can close off that access at any time.

KIRKPATRICK

This is why we're trying to clean up these roads, because it's a hodgepodge.

GIBSON

So, the item -

KIRKPATRICK

I forgot, where am I at now?

GIBSON

- that is before us... So the item that is before us is simply the vacation.

KIRKPATRICK

Correct.

GIBSON

Okay. Are you ready - I - are there other questions or questions for members of the Board?

KIRKPATRICK

Sorry.

GIBSON

Okay.

KIRKPATRICK

I can't win in this neighborhood, and I try. Uh - I'm gonna make a motion to approve the vacations – uh - as they are. And at such time when we have neighborhood meetings should we go further with the gates and all of that – um - we will make sure everybody gets invited. So, I'm making a motion to approve the vacations as they are today.

GIBSON

(unintelligible) Thank you, Miss Kirkpatrick. Is there any comment on the motion? Then please cast your votes.

And the motion carries. Thank you.

ACTION:

It was moved by Commissioner Marilyn Kirkpatrick, and carried by unanimous vote, that the application be approved subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- Satisfy utility companies' requirements.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

Public Works - Development Review

- Grant private access easements to prevent land locking individual parcels;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

Fire Prevention Bureau

- This submittal will require a meeting with this office.

ITEM NO. 10 WS-22-0474-BEAZER HOMES HOLDINGS, LLC:

WAIVER OF DEVELOPMENT STANDARDS to increase wall height.

DESIGN REVIEW for finished grade in conjunction with a previously approved attached single family (townhouse) residential planned unit development on 5.0 acres in an R-3 (Multiple Family Residential) Zone in the CMA Design Overlay District. Generally located on the north side of Russell Road and the east side of Bonita Vista Street within Spring Valley. JJ/md/syp (For possible action):

ACTION: Deleted from the agenda (held to November 2, 2022 per Commissioner Jones).

ITEM NO. 11: ZC-22-0450-STIMPSON KENNETH O:

ZONE CHANGE to reclassify 0.9 acres from an R-E (Rural Estates Residential) (AE-65 & APZ-2) Zone to an M-D (Designed Manufacturing) (AE-65 & APZ-2) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce setback; 2) reduce height/setback ratio; 3) building design standards; and 4) allow modified driveway design.

DESIGN REVIEWS for the following: 1) warehouse and fabrication shop; and 2) alternative parking lot landscaping. Generally located on the east side of Marion Drive, 155 feet north of Holt Avenue within Sunrise Manor (description on file). TS/rk/syp (For possible action):

ACTION: Deleted from the agenda (held to October 19, 2022 per Commissioner Segerblom).

ITEM NO. 12 ZC-22-0471-GREEN WOOD VALLEY INC:

ZONE CHANGE to reclassify 4.7 acres from an H-2 (General Highway Frontage) Zone and an R-E (Rural Estates Residential) Zone to an M-D (Designed Manufacturing) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce setback; and 2) reduce throat depth.

DESIGN REVIEW for an office/warehouse facility. Generally located on the north and south sides of Torino Avenue and the west side of I-15 within Enterprise (description on file). JJ/sd/syp (For possible action):

ACTION: Deleted from the agenda (held to November 16, 2022 per the applicant).

ITEM NO. 13 VS-22-0470-GREEN WOOD VALLEY INC:

VACATE AND ABANDON easements of interest to Clark County located between I-15 and Dean Martin Drive and between Pebble Road and Ford Avenue within Enterprise (description on file). JJ/sd/syp (For possible action):

ACTION: Deleted from the agenda (held to November 16, 2022 per the applicant).

ITEM NO. 14 ZC-22-0475-RIZAL PROPERTIES LLC SERIES B:

ZONE CHANGE to reclassify 1.0 acre from an H-2 (General Highway Frontage) Zone to a C-2 (General Commercial) Zone.

WAIVER OF DEVELOPMENT STANDARDS to reduce parking.

DESIGN REVIEW for a motel. Generally located on the east side of Fremont Street, 910 feet southeast of Atlantic Street within Sunrise Manor (description on file). TS/sd/syp (For possible action):

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the application be approved subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Work with the Las Vegas Metropolitan Police Department for the installation of security cameras and surveillance operations.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waiver of development standards and design review must commence within 2 years of approval date or it will expire.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

ITEM NO. 15 NZC-22-0392-SOUTHWEST CORPORATE CAMPUS LLC:

ZONE CHANGE to reclassify 3.7 acres from a C-2 (General Commercial) Zone to an M-D (Designed Manufacturing) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) cross access; and 2) modified driveway design standards.

DESIGN REVIEWS for the following: 1) distribution warehouse complex; and 2) finished grade in the CMA Design Overlay District. Generally located on the east side of Warbonnet Way and the north side of Sunset Road within Spring Valley (description on file). MN/rk/jo (For possible action):

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the application be approved subject to staff conditions.

CONDITIONS OF APPROVAL –

Current Planning

- Resolution of Intent to complete in three years;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;

- Work with the Las Vegas Metropolitan Police Department for the installation and use of security cameras and surveillance operation.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- 30 days to coordinate with Public Works - Kaizad Yazdani and to dedicate any necessary right-of-way and easements for the Sunset Road improvement project.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that off-site improvement permits may be required.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0351- 2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 16 CP-22-900601: Conduct a public hearing, adopt the Flood Control Master Plan Amendment, and authorize the Chair to sign a Resolution amending the Plan. (For possible action):

ACTION: Deleted from the agenda (held to October 19, 2022 per staff).

ITEM NO. 17 ORD-22-900514: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with AMH NV14 Development, LLC for a single family development (Cactus & Mann) on 6.5 acres, generally located north of Cactus Avenue and west of Mann Street within Enterprise. JJ/dd (For possible action):

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the recommendation (including the adoption of Ordinance No. 4985) be approved.

ITEM NO. 18 ORD-22-900550: Conduct a public hearing on an ordinance to amend the official zoning map reclassifying certain properties as approved by the Board of County Commissioners through various zone change applications in Assessor’s Books 140, 161, 162, 163, 176, 177, and 191. (For possible action):

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the recommendation (including the adoption of Ordinance No. 4986) be approved.

ITEM NO. 19 UC-22-0377-KETHER, LLC:

HOLDOVER USE PERMITS for the following: 1) reduce the separation of a proposed convenience store; 2) reduce the setback of a proposed vehicle wash; and 3) reduce the setback of a proposed gasoline station.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce height setback ratio; 2) driveway geometrics; 3) reduce throat depth; 4) reduce approach distance; 5) reduce departure distance; and 6) allow non-standard improvements within the right-of-way.

DESIGN REVIEW for a shopping center on 3.5 acres in a C-2 (General Commercial) Zone in the Mountains Edge Master Planned Community. Generally located on the south side of Cactus Avenue and the west side of Rainbow Boulevard within Enterprise. JJ/jor/ja (For possible action):

AMUNDSEN

Next is Item 19 UC-22-0377, holdover use permits for the following: reduces separation of a proposed convenience store, reduces setback of a proposed vehicle wash, reduces setback of a proposed gasoline station. Waivers of development standards for the following: reduce height setback ratio, driveway geometrics, reduce throat depth, reduce approach distance, reduce departure distance, allow non-standard improvements within the right of way, design reviews for a shopping center on 3.5 acres, and a C-2 (General Commercial) Zone in the Mountains Edge master plan community, generally located on the south side of Cactus Avenue and the west side of Rainbow Boulevard within Enterprise.

GIBSON

Is - is the applicant here? Commissioner Jones – uh - I suppose the thing to do is open the public hearing on the item, hear if there's testimony to be offered, close it, and then I'll turn the floor to you. So this is a public hearing on Item 19, which is now open. Is there anyone who wishes to offer testimony on this item? There being no one, the public hearing is closed. Commissioner Jones.

JONES

Thank you, Mister Chair. Uh – my - myself and my office have been in contact with the applicant and they were told very clearly – uh – to - to keep in contact with my office. Uh - out of an abundance of being nice, I will make a motion to hold this agenda item for two weeks, but the applicant – uh - ought to know that – um - if they don't show up in two weeks then the application – uh - I will make a motion to deny the application.

GIBSON

All right. We have a nice motion. Uh - any discussion on it? Please cast your votes. The motion carries.

ACTION:

It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the application be held to October 19, 2022.

VOTING AYE:	Jim Gibson, Justin Jones, Ross Miller, Michael Naft, Tick Segerblom
VOTING NAY:	None
ABSTAINING:	None
ABSENT:	Marilyn Kirkpatrick, William McCurdy II

ITEM NO. 20 UC-22-0461-ITAI INVESTMENTS, LLC:

USE PERMIT for a parking lot.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) eliminate street landscaping; 2) eliminate parking lot landscaping; 3) reduce setbacks; 4) increase fence height; and 5) required trash enclosure.

DESIGN REVIEW for a parking lot on 1.9 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone. Generally located on the north side of Hacienda Avenue and the west side of Dean Martin Drive within Paradise. MN/md/syp (For possible action):

ACTION: Deleted from the agenda (held to November 2, 2022 per the applicant).

ITEM NO. 21 UC-22-0468-WESTSTATE LAND:

USE PERMIT for a parking lot.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) eliminate street landscaping; 2) eliminate parking lot landscaping; 3) reduce setbacks; 4) increase fence height; and 5) required trash enclosure.

DESIGN REVIEW for a parking lot on 2.5 acres in an H-1 (Limited Resort and Apartment) (AE-60 and AE-65) Zone. Generally located on the west side of Century Park Drive and the south side of Quail Avenue within Paradise. MN/md/syp (For possible action):

ACTION: Deleted from the agenda (held to November 2, 2022 per the applicant).

ITEM NO. 22 WS-22-0458-GLOBAL LUXURY REAL ESTATE INVESTMENT FUND, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) eliminate parking lot landscaping; 2) reduce access gate setback; and 3) required trash enclosure.

DESIGN REVIEW for a parking lot on 2.5 acres in an M-1 (Light Manufacturing) (AE-60) Zone. Generally located on the north side of Hacienda Avenue, 270 feet west of Dean Martin Drive within Paradise. MN/md/syp (For possible action):

ACTION: Deleted from the agenda (held to November 2, 2022 per the applicant).

ITEM NO. 23 WS-22-0463-LV LIVE LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) eliminate street landscaping; 2) eliminate parking lot landscaping; 3) reduce setbacks; and 4) required trash enclosure.

DESIGN REVIEW for a parking lot on 2.1 acres in an M-1 (Light Manufacturing) (AE-60) Zone. Generally located on the north side of Dewey Drive and the west side of Polaris Avenue within Paradise. MN/jud/syp (For possible action):

ACTION: Deleted from the agenda (held to November 2, 2022 per the applicant).

ITEM NO. 24 WS-22-0464-SERVICE MASTERS PROPERTY, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) eliminate street landscaping; 2) eliminate parking lot landscaping; 3) reduce setbacks; and 4) required trash enclosure.

DESIGN REVIEW for a parking lot on 2.0 acres in an M-1 (Light Manufacturing) Zone. Generally located on the south side of Ali Baba Lane and the west side of Polaris Avenue within Paradise. MN/hw/syp (For possible action):

ACTION: Deleted from the agenda (held to November 2, 2022 per the applicant).

ITEM NO. 25 WS-22-0466-PRECISION PROPERTIES, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) eliminate street landscaping; 2) eliminate parking lot landscaping; 3) reduce setbacks; and 4) required trash enclosure.

DESIGN REVIEW for a parking lot on 2.3 acres in an M-1 (Light Manufacturing) Zone. Generally located on the south side of Diablo Drive, 355 feet east of Wynn Road within Paradise. MN/hw/syp (For possible action):

ACTION: Deleted from the agenda (held to November 2, 2022 per the applicant).

ITEM NO. 26 WS-22-0467-5 STAR DEVELOPMENT, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) eliminate street landscaping; 2) eliminate parking lot landscaping; 3) reduce setbacks; and 4) required trash enclosure.

DESIGN REVIEW for a parking lot on 2.2 acres in an M-1 (Light Manufacturing) Zone. Generally located on the west side of Polaris Avenue, 670 feet north of Dewey Drive within Paradise. MN/md/syp (For possible action):

ACTION: Deleted from the agenda (held to November 2, 2022 per the applicant).

ITEM NO. 27 VS-22-0447-4251 OQUENDO RD LLC:

VACATE AND ABANDON a portion of a right-of-way being Oquendo Road located between Wynn Road and Arville Street within Paradise (description on file). MN/bb/syp (For possible action):

ACTION: Deleted from the agenda (held to November 16, 2022 per Commissioner Naft).

ITEM NO. 28 UC-22-0446-4251 OQUENDO RD LLC:

USE PERMITS for the following: 1) outdoor banquet facility; and 2) live entertainment.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduced parking; 2) alternative landscaping; and 3) modified driveways.

DESIGN REVIEWS for the following: 1) live entertainment; 2) outdoor banquet facility; and 3) lighting on 0.5 acres in an M-1 (Light Manufacturing) Zone. Generally located on the south side of Oquendo Road, 300 feet west of Wynn Road within Paradise. MN/bb/syp (For possible action):

ACTION: Deleted from the agenda (held to November 16, 2022 per Commissioner Naft).

ITEM NO. 29 VS-22-0460-1984 DEVELOPMENT LLC:

VACATE AND ABANDON easements of interest to Clark County located between Maule Avenue and Badura Avenue, and between Redwood Street (alignment) and Rainbow Boulevard; and a portion of a right-of-way being Maule Avenue located between Redwood Street (alignment) and Rainbow Boulevard and a portion of a right-of-way being Badura Avenue located between Redwood Street (alignment) and Rainbow Boulevard within Enterprise (description on file). MN/rk/syp (For possible action):

AMUNDSEN

Next are Items 29 and 31. 30 - Item 30 being held. Items 29 and 31 can be heard together. Item 29, VS-22-0460, vacate and abandon easements of interest to Clark County located between Maule Avenue and Badura Avenue, and between Redwood Street (alignment) and Rainbow Boulevard, and a portion of a right-of-way being Maule Avenue, located between Redwood Street (alignment) and Rainbow Boulevard, and a portion of a right-of-way being Badura Avenue, located between Redwood Street (alignment) and Rainbow Boulevard within Enterprise.

Item 31, TM-22-500164, tentative map for commercial subdivision on nine acres - on a nine-acre parcel and an M-D (Design Manufacturing) Zone. Generally located on the south side of Maule Avenue and the west side of Redwood Street within Enterprise. In addition, Commissioners, the Department of Public Works would like to add a condition to Item 31 that reads, "Construct full off-site improvements on Redwood Street by March of 2025."

GIBSON And do you understand what she just read?

MICHAEL ANDERSON Yes, we do.

GIBSON Please tell y - tell us who you are and present your – uh - item.

ANDERSON Good afternoon, Mister Chairperson and Chair Members. Uh - Michael Anderson, 2714 Timber Crossing Court. I'm here on behalf of the applicant 1984 Development, and I do understand the condition that was read into our – uh - request. And I'm here to answer any question – uh - that the County, or Commissioners may have. And...

GIBSON Thank you.

ANDERSON Thank you.

GIBSON Then that completes your presentation?

ANDERSON It does, yes.

GIBSON Alright. This is a public hearing, is there anyone here who wishes to speak on either 29 or 31? There being no one here, the public hearing is closed. Commissioner Naft.

NAFT Thank you, Chairman. That was a record-breaking presentation. Um – uh – j - in addition to the condition that was added, I just wanna state for the public – uh - that might be watching, I had some outreach on – uh - these three items, but particularly on – uh - the use permit and design review. So that portion's been held, that was Item 30. That's been held until October 19th.

GIBSON Correct.

NAFT Um - but with the added condition from Public Works, I'm comfortable moving for approval of Items 29 and 31 today.

GIBSON There's a motion for approval by Commissioner Naft. Any discussion on the motion? Please cast your votes. The motion carries

ANDERSON Great. Thank you.

GIBSON Thank you, sir.

ACTION: It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item Nos. 29 and 31 be approved subject to staff and additional conditions.

CONDITIONS OF APPROVAL -
Current Planning

- Satisfy utility companies' requirements.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including

applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

Public Works - Development Review

- Right-of-way dedication to include 30 feet for Maule Avenue, 35 feet to the back of curb for Badura Avenue, and associated spandrel;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.
- Applicant is advised that the installation of detached sidewalks will require the recordation of this vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control, and the dedication of right-of-way to the back of curb.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions; and that fire/emergency access must comply with the Fire Code as amended.

ITEM NO. 30 UC-22-0459-1984 DEVELOPMENT LLC:

USE PERMITS for the following: 1) a 230kV electric substation; 2) 230kV transmission lines; 3) increase the height of utility structures; and 4) waive trash enclosure.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) waive off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving); and 2) allow modified driveway design standards.

DESIGN REVIEWS for the following: 1) a proposed 230kV substation with associated equipment; 2) proposed utility structures (200kV to 230kV transmission lines); and 3) finished grade on 9.0 acres in an M-D (Designed Manufacturing) Zone. Generally located on the south side of Maule Avenue and the west side of Redwood Street within Enterprise. MN/rk/syp (For possible action):

ACTION: Deleted from the agenda (held to October 19, 2022 per the applicant).

ITEM NO. 31 TM-22-500164-1984 DEVELOPMENT LLC:

TENTATIVE MAP for a commercial subdivision on a 9.0 acre parcel in an M-D (Designed Manufacturing) Zone. Generally located on the south side of Maule Avenue and the west side of Redwood Street within Enterprise. MN/rk/syp (For possible action):

ACTION: It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item Nos. 29 and 31 be approved subject to staff and additional conditions.

CONDITIONS OF APPROVAL - Current Planning

- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that a final map for all, or a

portion, of the property included under this application must be recorded within 4 years or it will expire.

Public Works - Development Review

- Construct full off-site improvements on Redwood Street by March of 2025;
- Comply with approved drainage study PW21-16235;
- Full off-site improvements on Badura Avenue and Maule Avenue;
- Right-of-way dedication to include 30 feet for Maule Avenue, 35 feet to the back of curb for Badura Avenue, and associated spandrel;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Design Review required to address the location of each pole.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of way and the dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions; and that fire/emergency access must comply with the Fire Code as amended.

ITEM NO. 32 WS-22-0454-REPUBLIC RECYCLING SERVICES NV:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduced parking; 2) eliminate parking lot landscaping; 3) alternative perimeter screening; 4) reduced throat depth; 5) driveway width; 6) off-site improvements (streetlights, sidewalk, curb, gutter, and partial paving); and 7) allow nonstandard improvements.

DESIGN REVIEWS for the following: 1) modifications to an existing manufacturing facility and recycling center; and 2) finished grade on 7.0 acres in an M-2 (Industrial) (AE-70) Zone. Generally located on the north and south sides of Accurate Drive (private street), 300 feet east of Bledsoe Lane within Sunrise Manor. MK/sd/syp (For possible action):

AMUNDSEN

Next is Item 32, WS-22-0454, waivers of development standards for the following: reduced parking, eliminate parking lot landscaping, alternative perimeter screening, reduced throat depth, driveway width, offsite improvements, streetlights, sidewalk, curb, gutter, and partial paving, allow non-standard improvements. Design reviews for the following: modifications to an existing manufacturing facility and recycling center, finished grade on seven acres in an M-2 (Industrial) (AE-70) Zone. Generally located on the north and south sides of Accurate Drive, which is a private street, 300 feet east of Bledsoe Lane within Sunrise Manor.

GIBSON

Thank you.

JENNIFER LAZOVICH

Good afternoon. Jennifer Lazovich, 1980 Festival Plaza Drive, here today on behalf of Republic Services. The location of the site is – uh – as – uh - Miss Amundsen indicated, east side of Bledsoe, which sits right here, and it is on either side of Accurate Drive, it is a private road, to the north side of us on this particular northern site is Tolentino. We have a number of – um – applications – uh - or I should say – uh - waivers in front of you today. Many of you may – uh - recognize this area. It w - was at one point the Evergreen recycling facility. That building still exists, it sits here – uh - on the south side of Accurate. And what we wanna do is repurpose that building – uh - into a polymer center. For those of you who may not

LAZOVICH

know what a polymer center is, a polymer – uh - center accepts plastics – uh - and turns it into flake and then re – uh - or sells that, the flake, to be reused in other plastic products. So, it's a way to – um - recapture something, have it not go to the landfill, repurpose it, and put it back in the – um – ar - in the – uh - stream of goods.

We have a number of waivers. Um - again, most of this facility, or at least on the south side, is an existing building. So, we're kind of – uh - doing waivers to certain things that are already in existence. But what I do wanna do is make a couple of changes to what we asked for. Uh - under 6A, we originally asked to waive full off-site improvements, which included sidewalk, curb, gutter, and partial paving along Accurate. We are changing that so we are only going to ask to waive full off-site improvements of sidewalk and partial paving on Accurate. So basically – um - I'll say it in the positive. We are going to install curb and gutter on our side of the property on the north side and on our side of the property on the south side of Accurate. That is something that doesn't exist today and we're gonna install that. We are not asking to waive that.

On Tolentino, which is right on the north side of our northern property, we are also gonna install curb and gutter there. So, for 6B, we are only going to be asking to waive full off-site improvements to include sidewalk and partial paving. We are going to install curb and gutter on Tolentino. There is already curb and gutter existing on Bledsoe, so around basically all of our – uh - property we will have curb and gutter.

The final change that I wanna – uh - point out is on 6C, which deals with a waiver of s – um – off-site improvements to include sidewalk and street lights along Bledsoe. We are gonna put in streetlights. Uh - so the only thing that we're asking to do is waive a sidewalk on Bledsoe, which is consistent with other – um - improvements that the County is doing in the area to mean that we aren't – um - installing sidewalks, so we are staying consistent with what the area is improving towards. And those would be the changes to the application, and I'd be happy to answer any questions.

GIBSON

Thank you very much. This is a public hearing, is there anyone here who wishes to speak on Item 32 at this time? There being no one, the public hearing is closed. Commissioner Kirkpatrick.

KIRKPATRICK

Uh - thank you, Mister Chairman. This f - this one's a little bit easier, but I'm gonna make a motion to approve Item 32, and I'd like to make sure that we modify the waivers. Um - we're not looking to put a sidewalk in – um - this area, but I - Miss Lazovich, I do believe that you guys at the Town Board said that you would do a slurry seal, at the very least.

LAZOVICH

A slurry seal on the – um - streets?

KIRKPATRICK

Uh - on Accurate and – uh - Tolentino.

LAZOVICH

Um - yeah, I think we were gonna - uh... The answer to that is yes. Sorry, I didn't know where you were.

KIRKPATRICK At, at a minimum, right?

LAZOVICH Yes.

KIRKPATRICK So, at a minimum. So, I want - I just want to make sure that that's on the record. Um – so – um - Nancy, do I need for the NOFA to read each condition and waive the sidewalk requirement?

AMUNDSEN What I was going to do on the NOFA was just say curb and gutter on Accurate frontage and on Tolentino frontage. And then I - and note that the Bledsoe frontage will have curb, gutter, and streetlights.

KIRKPATRICK Correct.

AMUNDSEN So that'll be the requirement.

KIRKPATRICK Okay. And then – um – Antonio – um - does that meet your requirements on the – uh - throat depth? Which I never waive, but in this particular... And since you're in your own little cul-de-sac... So, it makes more sense.

PAPAZIAN Thank you, Commissioner. Uh - it's off of a private drive, so Public Works is okay with what they're showing.

KIRKPATRICK Okay. So, that is my motion to approve – um - with the conditions as listed. Are you clear, Miss Lazovich?

LAZOVICH I am clear. Thank you.

GIBSON There's a motion for approval on Item 32. Any discussion on the motion? Please cast your votes. The motion carries.

LAZOVICH Thank you very much.

GIBSON Thank you.

ACTION: It was moved by Commissioner Marilyn Kirkpatrick, and carried by unanimous vote, that the application be approved subject to staff and additional conditions.

CONDITIONS OF APPROVAL -
Current Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water are prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Curb and gutter only to be installed on Accurate Drive and Tolentino Drive frontage;
- Curb, gutter, and streetlights to be installed on Bledsoe Lane frontage;
- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that signs, structures, and landscaping shall not encroach into public right-of-way, easements, or sight-visibility zones.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised to show on-site fire lane, turning radius, and turnarounds.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

ITEM NO. 33 WS-22-0484-CENTURY COMMUNITIES NEVADA, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase wall height; 2) reduce net lot area; 3) reduce setbacks; and 4) establish alternative yards.

DESIGN REVIEWS for the following: 1) single family residential subdivision; and 2) finished grade on 1.89 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the east side of Fort Apache Road and the south side of Hammer Lane within Lone Mountain. RM/sd/syp (For possible action):

ACTION: Deleted from the agenda (held to November 2, 2022 per the applicant).

ITEM NO. 34 ZC-22-0413-SLETTEN CONSTRUCTION COMPANY:

HOLDOVER ZONE CHANGE to reclassify 2.1 acres from an M-1 (Light Manufacturing) (AE-60) Zone to an H-1 (Limited Resort and Apartment) (AE-60) Zone.

USE PERMIT to allow outside dining and drinking.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; 2) encroachment into airspace; 3) reduced parking; 4) reduced throat depth; and 5) reduced departure distance.

DESIGN REVIEWS for the following: 1) alternative parking lot landscaping; and 2) hotel. Generally located on the southwest corner of Quail Avenue and Polaris Avenue within Paradise. (description on file). MN/sd/jo (For possible action):

ACTION: Deleted from the agenda (held to November 16, 2022 per the applicant).

ITEM NO. 35 ZC-22-0432-AFF SERIES HOLDINGS, LLC:

ZONE CHANGE to reclassify 3.0 acres from an H-2 (General Highway Frontage) Zone to a C-2 (General Commercial) Zone.

USE PERMIT for off-highway vehicle, recreational vehicle, and watercraft storage.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) setbacks; 2) landscaping; and 3) throat depth.

DESIGN REVIEWS for the following: 1) mini-warehouse; and 2) increase finished grade. Generally located on the north side of Blue Diamond Road and the east side of Park Street within Enterprise (description on file). JJ/sd/syp (For possible action):

AMUNDSEN

Next is Item 35, ZC-22-0432, zone change to reclassify three acres from H-2 (General Highway Frontage) Zone to a C-2 (General Commercial) Zone, use permit bra – off-highway vehicle, recreational vehicle, and watercraft storage. Waivers of b - development standards for the following: setbacks, landscaping, throat depth. Design reviews for the following: mini-warehouse, increase finished grade. Gen - generally located on the north side of Blue Diamond Road and the east side of Park Street within Enterprise.

GIBSON

Mister Brown.

DAVID BROWN

Good afternoon. David Brown, 520 South Fourth Street. With me is the architect, John Carrol, in case you have any more technical questions. Uh - this is our request for a zone change. Essentially, as it was just read into the record, for a mini storage as well as vehicle storage and boat storage and RV storage at this location. Staff seem to support the zone change, however they didn't support the other waivers that went along with this application. Uh - specifically, waiver one, reduce the north and east setbacks from 10 feet to seven feet. This is a minor setback, approximately three feet. And we don't think the neighbors will be – uh - disrupted. All of the access to the storage units is from the interior of the project, there's no reason for any customers to be on the exterior near the property lines or any noise to interfere – uh - with the neighbors. In addition, waiver number two, eliminate – uh - the intense landscaping along the same sides, the north and east side. We still - or the applicant still intends to put in intense landscaping. However, because of the fact that the reduction from 10 to seven feet, technically they're in violation. However, they're in agreement – uh - the applicant will put in as much landscaping as staff felt was appropriate in the seven-foot area.

Uh - waiver number three is the throat depth – uh - waiver. Uh - this is a mini storage, there's not gonna be a lot of traffic, we don't believe there will be any – uh - disruption in entering the property. Uh - in regards to the design review, staff, again, was against it for the same reason they did not support the waivers and the setbacks. Uh - the only issue, and I know there's some neighbors here today, we spoke to the neighbors to try to work out everything we possibly could, their biggest issue was the access point on Park Street. Uh - the neighbors to the north – uh - didn't like the fact that people could potentially leave the property and go to the north into the neighborhood. Uh - we discussed the issue with both – uh - staff as well as the neighbor to the west, the property owner. Both of them were against the idea of closing that to do what the suggestion is, dual cul-de-sacs. So we don't think that's appropriate, however, if that was a condition, the applicant would certainly agree to it. Uh - what we did offer to the neighbors is there would be a sign posted right at the exit saying no right turns to direct all the traffic to go onto Blue Diamond.

Uh - if approved – uh - the applicant has no objection to any of the if - approved conditions recommended by staff.

GIBSON

Thank you. Does that complete your presentation?

BROWN

Yes.

GIBSON

Thank you. This is a public hearing. I have two cards, one from Jenna Waltho and another from Roland Taitano. Or... Did I get your name right?

ROLAND TAITANO

It's pretty close, Mister Chairman, thank you very much, Sir. Good afternoon. My name is – uh - Roland Taitano and I live at 9018 South Park Street. I've never been approached by the applicant, so I'm not sure what agreements were reached with anybody else within the neighborhood. Uh - we wanna thank you for allowing us to present our objections to Item 35 on the annotated zoning and subdivision agenda. I would like to a - address three separate topics that we believe supports our objections. First, public benefit. On it's face, there appears to be no specific tangible public benefit to opening access to South Park Street and connecting it to Blue Diamond. There are no public or private businesses, activities or other amenities that the general public will need to have access to for health, safety, or livelihood. So there's a test that must be passed in order for this body to approve the applicant and allocate any government funds for any proposed associ – uh – proposed – uh - associated to this project in order to open, extend, or expand south Park Street, it should be public benefit.

Second, neighborhood safety. To open this street will increase the likelihood of serious injury or property damage occurring because of accidental collisions with vehicles or residents. There are children exiting homes to catch the school bus, walk the neighborhood, or run an errand. South Park Street is secluded and allows for the neighborhood children to enjoy the freedom of living as a child without the fear of speeding motorists, something we have very little of in today's communities. The neighborhood uses the street as a safe place to go evening walks, exercise, and peaceful enjoyment of life without the fear of external, unwanted and unnecessary traffic. It almost a certainty that if access to and from Blue Diamond is opened at South Park Street heavy, large, and dangerous 18-wheeler commercial vehicles and other vehicles with trailers would use this road as their entrance and egress for business, and create a clear danger to the families in the neighborhood in the way of property damage and personal injury, and God forbid, death to a child.

Third, benefit to the County. Road construction cost is eliminated. Maintenance is reduced because of limited use on the street. The County also benefits from a reduced potential of tort litigation – uh - for instances of wrongful injury, death, or malfeasance. This can be avoided by giving serious consideration to the community's needs and desires against those of the applicant and keeping streets like South Park Street closed. Outside of losing a ch - losing a child, there is nothing worse than you as leaders knowing that your actions may have caused the death of a human, or worse, a child when it could have been prevented by our leaders had they just listened and considered what we already know as residents who live there. This is an election year. If the applicant offers... I will stop.

GIBSON Go ahead and...

TAITANO Okay. This is an election year. If the applicant offers to pay for the road – uh - and other associated costs for this opening, I recommend that you ask the applicant to send the money to the Commissioner of District F – uh - his campaign so he can use this to hold public hearings and spread the word. I can guarantee that if he spreads the word that he not only heard the community but listened and did something about it -

UNIDENTIFIED SPEAKER (unintelligible)

TAITANO It will be incredibly advantageous to his - to his political career.

GIBSON So, this item is not about who ought to be the County Commissioner. This item is about the development there. And – uh - that kind of commentary isn't welcome here. That - there's -

TAITANO My apologies.

GIBSON That is not to the point. Okay?

TAITANO My apologies. My apologies. From my observation -

GIBSON So - so, you're three minutes are over, and thank you very much, Sir.

TAITANO Thank you, Sir.

GIBSON And Jenna Waltho.

JENNA WALTHO Good afternoon. Jenna Waltho, for the record, 9611 Raven Avenue. So, I'm on Raven Avenue, just behind the proposed project to the north. Um - you did receive two emails as well, Commissioner Jones, from two other neighbors that were unable to attend, so that's four out of the 10 neighbors that are directly affected by this. And I will say the applicant and I have been working on this for the last couple of weeks since this went through Enterprise Town Board, and there are no problems other than making sure that Park Street does not get opened up and that the only access to this commercial development would be accessed on Blue Diamond. Which will be very successful for the project and will also be a win for the neighborhood as well. As you just heard, the applicant said that they would be willing to work and build maybe an offsite cul-de-sac on their property, which would then solve the major concern of the neighborhood and also keep that street safe as well, too.

There are future plans to vacate Park to the north, as well, when there will be a residential development going through. So, at this part, I know the argument from Public Works is that it needs to stay open for connectivity, but there will be no connectivity as it only serves the 10 houses that are in - in existence there now, and a few more homes that have just been built as well, too. So, the applicant is agreeing to help us out and to make sure that the neighborhood is happy. That's a win-win situation. And now, this

WALTHO just rests in the two hands, one hand of Public Works, and the other hand, you, Commissioner Jones. So please vote in favor of the neighborhood, because we do know what's best for us in that neighborhood. So, thank you.

GIBSON Thank you. Is there anyone else who wishes to speak on Item 35? There being no one, the public hearing is closed. Commissioner Jones.

JONES Uh - Antonio, wanna chime in?

PAPAZIAN Thank you, Commissioner. We believe Park Street should be – uh - should remain dedicated... It'll give access to Blue Diamond. I don't think NDOT will give them access strictly off of Blue Diamond, that's why I believe the driveway comes off of Park Street. Uh – if - if we did do a cul-de-sac then all of the traffic is gonna come in from Raven and come in through Park Street and into the mini-storage, at least with their design that they're showing that's what would happen. So, I believe there would be more traffic within the subdivision if we did this, if we do the cul-de-sac.

JONES Okay. All right, with that I go ahead and move for approval of agenda Item Number 35. I understand the concerns from – uh – the - the neighbors, but I - I think that Public Works' concerns outweigh those. Um - and so I'll vote for agenda Item Number Thir - 35.

GIBSON There's a motion for approval on Item 35, please cast your votes. Motion carries.

BROWN Thank you.

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the application be approved subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary services in the area.
- Applicant is advised that the installation and use of cooling systems that consumptively use water are prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waivers of development standards and design reviews must commence within 2 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by

Section 30.32.040(a)(9) are needed to mitigate drainage through the site;

- Full off-site improvements;
- Right-of-way dedication to include 25 feet to the back of curb for Park Street and associated spandrel;
- Vacate any unnecessary rights-of-way and/or easements;
- Off-site improvements along Blue Diamond Road to be coordinated with Nevada Department of Transportation (NDOT), and applicant to provide an approved NDOT encroachment permit to Public Works Development Review Division.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Fire Prevention Bureau

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0336-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 36 ZC-22-0443-ROOHANI KHUSROW TRUST & ROOHANI KHUSROW TRS:

ZONE CHANGE to reclassify 5.0 acres from an R-E (Rural Estates Residential) Zone to an RUD (Residential Urban Density) Zone.

USE PERMIT for a residential Planned Unit Development (PUD).

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) intersection off-set; 2) alternative street design; 3) alternative private street sections; and 4) setbacks.

DESIGN REVIEWS for the following: 1) a detached single family residential Planned Unit Development; and 2) finished grade. Generally located on the northwest corner of Frias Avenue and Cameron Street within Enterprise (description on file). JJ/sd/syp (For possible action):

ACTION: Deleted from the agenda (held to October 19, 2022 per the applicant).

ITEM NO. 37 VS-22-0444-ROOHANI KHUSROW TRUST & ROOHANI KHUSROW TRS:

VACATE AND ABANDON easements of interest to Clark County located between Frias Avenue and Pyle Avenue and between Cameron Street and Ullom Drive and an easement along Frias Avenue between Decatur Boulevard and Cameron Street within Enterprise (description on file). JJ/sd/syp (For possible action):

ACTION: Deleted from the agenda (held to October 19, 2022 per the applicant).

ITEM NO. 38 TM-22-500159-ROOHANI KHUSROW TRUST & ROOHANI KHUSROW TRS:

TENTATIVE MAP consisting of 46 single family residential lots and common lots on 5.0 acres in an RUD (Residential Urban Density) Zone. Generally located on the northwest corner Frias Avenue and Cameron Street within Enterprise. JJ/sd/syp (For possible action):

ACTION: Deleted from the agenda (held to October 19, 2022 per the applicant).

ITEM NO. 39 NZC-22-0381-ROOHANI KHUSROW FAMILY TRUST:

HOLDOVER ZONE CHANGE to reclassify 16.8 acres from an R-E (Rural Estates Residential) Zone to an RUD (Residential Urban Density) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce setback; 2) reduce open space; and 3)

street intersection off-set.

DESIGN REVIEWS for the following: 1) single family residential development; and 2) finished grade. Generally located on the east side of Arville Street and the north side of Silverado Ranch Boulevard within Enterprise (description on file). JJ/md/jo (For possible action):

ACTION: Deleted from the agenda (held to November 2, 2022 per the applicant).

ITEM NO. 40 VS-22-0382-ROOHANI KHUSROW FAMILY TRUST:

HOLDOVER VACATE AND ABANDON easements of interest to Clark County located between Arville Street and Hinson Street, and between Richmar Avenue and Silverado Ranch Boulevard; and a portion of a right-of-way being Arville Street located between Richmar Avenue and Silverado Ranch Boulevard; and a portion of right-of-way being Silverado Ranch Boulevard located between Arville Street and Hinson Street within Enterprise (description on file).

JJ/md/jo (For possible action):

ACTION: Deleted from the agenda (held to November 2, 2022 per the applicant).

ITEM NO. 41 TM-22-500129-ROOHANI KHUSROW FAMILY TRUST:

HOLDOVER TENTATIVE MAP consisting of 160 residential lots and common lots on 16.8 acres in an RUD (Residential Urban Density) Zone. Generally located on the east side of Arville Street and the north side of Silverado Ranch Boulevard within Enterprise. JJ/md/jo (For possible action):

ACTION: Deleted from the agenda (held to November 2, 2022 per the applicant).

ITEM NO. 42 TM-22-500152-COYOTE SPRINGS NEVADA, LLC:

APPEAL TENTATIVE MAP consisting of 575 single family residential lots and common lots on 142.7 acres in an R-2 (Medium Density Residential) P-C (Planned Community Overlay District) Zone in the Coyote Springs Master Planned Community. Generally located on the east side of Coyote Springs Parkway, 3,550 feet north of State Route 168 within the Northeast County. MK/rk/syp (For possible action):

AMUNDSEN

Next is Item 42, which is an appeal. TM-22-500152, this is an appeal of a tentative map consisting of 575 single-family residential lots and common lots on 142.7 acres in an R-2 (Medium Density Residential) P-C (Planned Community Overlay District) Zone in the Coyote Springs Master Planned Community. This is generally located on the east side of Coyote Springs Parkway, 3,550 feet north of State Route 168 within the Northeast County. The Planning Commission recommended approval, this has been appealed by the Southern Nevada Water Authority.

GIBSON

Thank you. First, before we get any - anywhere into this thing, I think that we need to know what the objection was, what the appeal is grounded in. So who... Greg, are you the one who would tell us that, or would - uh - Rob tell us this?

GREG WALCH

I can speak to it, Commissioner.

GIBSON

Okay.

WALCH

First of all, Greg Walch, general counsel, Las Vegas Valley Water District and Southern Nevada Water Authority, 1001 South Valley View Boulevard appearing on behalf of the Las Vegas Valley Water District as manager of the Clark County's Coyote Springs Water Resources General

WALCH

Improvement District. That's a mouthful, but I thought I'd get it out. So the State Engineer issued Order 1309 in 2020 after two weeks of hearings in 2019. Uh - there were multiple parties that appeared in those – uh - two weeks of hearings regarding the consolidation of seven basins in what's called the Lower White River Flow System, and how best those basins might be – uh - managed.

Almost everyone appealed, I believe – uh - the decision of Judge – uh - Yeager from the Clark County District Court – uh - and that matter remains on appeal before the Supreme Court of Nevada. Um - the principal issues decided by the court – uh - or rather, the State Engineer in Order 1309, was whether to consolidate those basins, the extent to which they are connected and the impacts to the headwaters of the Muddy River – um - which serve as the source of water for an endangered species called the Moapa Dace – uh - are connected, and the extent to which therefore, groundwater can be pumped within the system, at large, the State Engineer said a certain number, everybody is fighting over what that number should be or shouldn't be – uh - and consequently, who will be able to pump at the end of the day and who will not be able to pump at the end of the day.

Uh - that matter – uh - just to round out the discussion – um - remains on appeal. Judge Yeager's order actually vacated Order 1309. Uh – we - on behalf of the Authority and the Center for Biological Diversity, filed a motion to stay the vacation of the State Engineer's order. Uh - and originally, the Nevada Supreme Court granted a temporary stay while it accepted briefing on a permanent stay until conclusion of the proceedings before the Supreme Court. And yesterday afternoon, late, actually issued the – uh - final stay or made it permanent until at least the end of the proceedings – uh - before the court.

GIBSON

And so your appeal - your appeal related to the ability to proceed under the applica - given the applicability of the State Engineer's final conclusion, 1309, is that what you're saying?

WALCH

Uh - our appeal today of the tentative map approval by the Planning Commission involves the concern about the extent to which water in Coyote Spring Valley or Basin – uh - should be – uh - pumped in the future and the extent to which it can be augmented – uh - by additional pumping in that area. Until the Supreme Court addresses those questions and the State Engineer concludes additional administrative proceedings, which he has indicated he will, we believe it's premature to go down that path.

GIBSON

Alright. So, I think we communicated with you yesterday, and like I - I have asked that you each take 10 minutes, we'll start with the application as if this were your first shot, and we'll then hear a response from the Water District. And – um - there may be questions, we'll see how that goes, but in any case, this is an appeal, at some point there will be a public hearing, right? So, we'll need to open it up to see if there's any comment on it. But at this – uh - if we could proceed in that way, so a 10

GIBSON

minute limit on each of you, and – um - Miss Cargill, you're first.

EMILIA CARGILL

Good afternoon. Emilia Cargill for the record, Coyote Springs, Nevada, 3100 State Route 168, Coyote Springs, 89037. And I'm going to start with, I would like to submit some documents into the public record, Mister Borgel has them over here for the public record. There's 10 identical sets, it's not an entire stack of a whole bunch of documents. They're double-sided, 10 sets, and Mister Walch has a copy of this as well. And if there's more copies needed, I can certainly provide them.

I am here today to support staff's recommendation of approval to the Planning Commission of our large... of our subdivision map of 575 units, TM-22-500152. I have a... would like to first say, here is Coyote Springs, I think we all know where Coyote Springs is at this point – uh - but I wanted to show this map, Coyote Springs is here, northeast of town. And this is the subdivision map that is at question. It is 575 units, this would be Village A, and from this, we would file final maps and we would start with a 30-lot subdivision that is in this area right here, and then we would move outward to these other areas.

The face of this map is for – uh - 575 units, about 142 acres, and it is a requirement under our multiparty agreement for 408.25-acre feet of water, under this subdivision map. Out of the 4,140-acre feet of water that we hold in the Coyote Spring Valley, 2,000-acre feet of which has been dedicated to the CSGID. I'm gonna use that abbreviation instead of saying out the entire name, as Mister Walch so nicely did for me a few moments ago.

I have three points in favor of supporting the Planning Commission's approval. This first one is jurisdictional. The second one is, what's the matter before us to be decided today? And the third one is contractual. My first point is jurisdictional, and that is the appeal was filed not by the manager of the CSGID, but by Las Vegas Valley Water District. Las Vegas Valley Water District in and of itself does not have standing to file this appeal, only as the Manager of the General Improvement District.

My second point today has to do with the matter to be decided. We're here to discuss whether or not this tentative map is appropriate to move forward. This tentative map was already approved, it was approved in 2018. The notice of final action was issued August 16th, 2018. It expired by statute four years, we extended it each time it expired. We have been... we have wanted to move this forward. It's not by our inaction, it's other actions related to 1309, as Mister Walch explained, as other litigation that is ongoing related to Coyote Springs.

And the Coyote Springs, we have our utilities. As – uh - you've all heard me talk about before, we have power, we have a three megawatt substation, we have a groundwater treatment plant that is constructed, we have a ground... a waste water treatment plant that is mostly constructed, a package treatment plant, both of which are designed to recycle the water once it goes through, once a home flushes a toilet or whatever, it gets into

CARGILL

the groundwater treatment, waste water treatment plant, the water is to be recycled and put back into the community.

So, to address some of the Water Authority's specific concerns with our map that they submitted to the County in their August 22nd letter, they said there's no public water system. That's a chicken and egg problem. I just described that we do have a groundwater treatment plant which was installed at a cost of about \$10 million. It can't be operated until we have homes that will actually run water and use water through it, else we would be committing huge water waste because to keep the water sitting in the tanks after it's treated, we would have to literally flush it through the system. We cannot just start using it until we have a map, until we have homes.

And secondly, Order 1309, they make a big deal about Order 1309, and it was described and discussed, and Order 1309 doesn't govern this matter. Instead, the State Engineer said in 1309 that the moratorium he had previously issued was rescinded and it was struck, thus leaving matters such as this to the governing agency who is the appropriate body to be deciding those matters. When it comes to - is there enough paper water to support this map? That is the job of the GID, which I'll get to in my contractual commentary. That is the job of the GID to say, "Yes, there is paper water or not."

And then it is up to the State Engineer, when the map gets to the Division of Water Resources, to say, "Does the State Engineer believe that there is sustainable water in the basin?" That is not the issue for the governing agency who approves a tentative map to make. That decision is to be made by the Nevada Division of Water Resources.

And so, I also wanted to show a map of the Lower White River Flow System. This is from the State Engineer's order, but it's been colored in just to show the dark brown areas, that's the Lower White River Flow System, and then to show you the roads, this is US 93, here you have I-15, here you have State Route 168. And I put this map up for a couple reasons. This is seven basins plus a little bit of the Black Mountain area. So - so six basins plus a tiny but, it makes up seven basins. It's a huge area, it's a large piece of property, it covers a lot of things. It doesn't just cover Coyote Springs, it doesn't just cover areas that are... have no development, it's covers areas with development, it covers APEX, it covers the Moapa area, as you run along from Coyote Springs out to the I-15.

Muddy Valley m - I'm sorry, excuse me, Moapa Valley Water District's primary well is within the Lower White River Flow System. Their water is junior to Coyote Springs investment's water. So a decision today that says this tentative map can't move forward because there's not sustainable water puts a halt to all other development coming out of the Lower White River Flow System, because how can you say Coyote Springs is the only one who can't develop and move forward because of 1309? I just post that question.

CARGILL

The - the State Engineer's removal of the moratorium, as I described earlier, that is what counts, not Order 1309. Order 1309 has been struck down by Judge Yeager and her decision. Yes, the Nevada Supreme Court last night at 5:30 issued a stay in the matter. The stay is for them to continue to process the appeal. The appeal is for them to look at, not all of the matters about, is there enough water? Is there not enough water? Is 8,000-acre feet appropriate? That's not the issue before the Supreme Court. The issue before the Supreme Court has to do with, was Judge Yeager's decision properly made? Did she rely on the right facts?

So, I would also like to show that I did... I had our engineer, who, our g - hydrogeologist who created a report that was issued to the Nevada State Engineer's Office, to the Division of Water Resources, back in 2019, he issued a technical memorandum identifying sufficient water in the entirety of the Lower White River Flow System, if that wants to be considered, for Coyote Springs to move forward with their map. This letter also identifies the 408.25-acre feet that I described earlier, and that calculation and how it was arrived at.

Also, in the packet I've provided you, I've also included backup to our water rights and the water held by the General Improvement District to show that the General Improvement District does hold 2,000-acre feet of water. I provided, and I'll just show the first page so you can see what it was, it's from the Division of Water Resources that identifies the water held by the General Improvement District, which leads me into the third matter, which is contractual.

This is a page from our multiparty agreement, the amended and restated Coyote Springs water and waster water multiparty agreement. This is from 2015. It still stands today. Coyote Springs is a party, Las Vegas Valley Water District is a party, the General Improvement is a party, Clark County Water Reclamation is a party, and I believe Clark County is a party to this agreement. Las Vegas Valley Water District, on behalf of the GID, shall certify a - a final map and approve it if they have enough water available to serve the map area, and they still have at least 700-acre feet of uncommitted water.

And I have not left Mister Borgel any time to briefly describe the - um - uh - the - the reasons why the map does in fact conform. Would you be generous?

GIBSON

Y - Yes.

CARGILL

Brief, one minute.

GIBSON

We'll give you another minute.

CARGILL

Thank you very much, Mister Chairman.

GIBSON

Alright.

GREG BORGEL

Thank you. Um - Greg Borgel, 3747 Heritage Avenue. In this matter, I've been assisting in the processing of the – uh – map – uh - that's – uh - subject to the discussion today. Uh - that map is a tentative map only, as you know. Uh - it goes through an extensive administrative process. It – uh - has survived that process. Um - it was – uh - recommended for approval by your staff – uh – recommended – uh - for approval by your Planning Commission – uh - and then appealed as - as the reason we're here.

But the point is, it went through a multi-step statutory regulatory process, and it's been brought forward to you, with the exception of the appeal now filed – uh - in good order and is deserving of your favorable consideration. At the time of the hearing at the Planning Commission, the Water District's stated objection was we have to demonstrate we have water. Uh – um - Miss Cargill has demonstrated today that we have abundant water to justify everything that's in this tentative map.

More importantly – um - there was a second item which was – um – uh - that the water is needed for the Moapa dace. Uh – uh - Miss Cargill did not choose to point out, but this applicant has set aside 10% of the original water allotment – uh - that they had – uh - 460-acre feet for the use and p - and protection of the Moapa dace. Uh - they're our principal sponsor of solving the problem. Uh - so those were the only two issues that were raised at the Planning Commission level.

If I may – uh - I suggest to you that you have two obvious choices, you can approve the map before you or you can deny the map before you. I suppose there are other choices in play but let us say those are the two choices. The question then should be, who is prejudiced by the respective possible actions? If you deny the map, you have significantly prejudiced and damaged the applicant, and that is because he can no longer assert that he has an approved tentative map, he can no longer work in good faith with the partners, et cetera – uh - or participants in the project. He is damaged by the delay, not the delay of what's happening here today, but the delay of being able to proceed in the ordinary course with the development of a property.

And then on the other hand, how would the Water District be prejudiced if you don't – uh – act – uh - to follow their recommendation of denial of the map? And the answer is they're not prejudiced at all, because as Miss Cargill just put before you, in the end, the final map which is the only thing that permits anyone to build anything, the final map which is not before you, has to go through the same people who now raise the objection to the tentative map. So we would say that the - the justice in this case is pretty straight forward. You - you should not damage the developer with an unnecessary denial of a map which doesn't benefit the a – a - appellant here at all because they already have control of the final map on the project which is required before anything gets constructed. So we s -

GIBSON

Thank you.

BORGEL - we would ask that you not damage us without benefit to the Water District.

GIBSON Thank you.

BORGEL One minute, close.

GIBSON It was, it was at least a minute -

BORGEL Close?

GIBSON - times whatever. We'll w - we won't worry about that.

GREG WALCH Thank you. Uh - I - I see I've been given three minutes, and - um - I won't use all ten, I promise. Um - Commissioner, you were actually much more liberal with your time than I was told - uh - by Miss Kirkpatrick who gave me three minutes, so after watching Items 7, 8 and 9 today, I - I'm a little exhausted myself, so I'll try to - to move through it quickly. I don't wanna address - uh - standing - uh - for too long of my three minutes, other than to say that the - uh - County Code a - authorizes any person to appeal a matter at the Planning Commission, and I think it's obvious who in fact the Las Vegas Valley Water District was - uh - representing in this case. Uh - they are - they are the manager of the GID.

In terms of contract, that's not the issue before you, whether or not the applicant has contract rights against the District and the County as the GID, is a separate question for a separate time. They have been willing to sue the County on those issues previously. And I would just say that to the extent there was no water, contract claims don't make that any better. Uh - we don't have any water out there to pump.

Uh - let me just briefly explain why. The map I have before you is not quite as good as the one Miss Cargill showed you because the State Engineer added Cane Spring Valley up at the top there as part of the - uh - Lower White River Flow System in Order 1309. The area bounded by the - uh - bold line there is the Lower White River Flow System. The State Engineer made conclusions regarding how closely connected it all is because it's a deep carbonate rock aquifer that a - acts as one water source.

And the key here - uh - to know why it's problematic to - um - allow further work to go in in Coyote Springs Valley at this time is that the area encircled in yellow and expanded upon on the upper right portion of the map is the Warm Springs Natural Area and the Muddy River Springs Area. And what happened there was in the late 1800s and early 1900s, all of the water in that river was fully developed and a decree was issued in 1920. Every groundwater right in this encircled basin - uh - represented by the light blue dots in terms of existing points of diversion are far junior to anything in that Muddy River System that was decreed in 1920.

Uh - and the key - uh - t - takeaway from that is that somewhere between

WALCH

the bulk of, according to the State Engineer – uh - on exhibit five of what I presented to the Planning Commission, or all of, according to our scientist at the Authority, of the water in the carbonate a - rock aquifer of the Lower White River Flow System daylights at the springs that serve as the headwaters of the Muddy River, and it's the basis for life of an endangered species called – uh - the Moapa dace.

And I'll get to more of that in a moment, but I need to at least for the record make a couple of statements here. We've submitted a l – a - a record, for the record, 11 exhibits and a cover letter that details in full – uh - reasoning why we've appealed. And we provided copies to the mission coun – uh - the Commission, council – uh - and the developer. One housekeeping matter, though, is that we did just get the stay order from the Supreme Court last evening, and we have provided that to council for the record as well. But I brought an extra copy of it t - today. And we'd like to make that part of - of the record.

Here.

UNIDENTIFIED SPEAKER

Thanks.

WALCH

So, because the bulk of the water in this deep carbonate system daylights at the springs – uh - pumping anywhere within the carbonate system will ultimately contribute to spring flow declines. Uh - and Order 1309 concluded that on page 59. And the Moapa dace only survive if the spring – uh – s - continue to flow warm water at an adequate volume. So after two weeks of hearings in 2019, the State Engineer issued Order 1309 which remains important – uh - contrary to what Miss Cargill said, for two findings. One, pumping from wells in the Lower White River Flow System has gradually declined since completion of the Order 1169 aquifer test, and is approaching 8,000-acre feet. That's at page 63.

And he concluded that the maximum amount of water that may be pumped from the Lower White River Flow System hydrographic basi - basin on an average annual basis without causing further declines in Warm Springs Area spring flow and flow in the Muddy River cannot exceed 8,000-acre feet and may be less. So clearly, if we're at 8,000 and we're authorizing additional pumping anywhere within the system, it's not just Coyote Springs that's at issue – uh - they just happen to be the applicant before you today – uh - further development in the basin will be a problem unless other offset – uh - water can be found.

And regarding Coyote Spring Flow... or Spring basin in particular, th - there's a very direct connection between pumping in that particular basin and the s - and the – uh - springs at the headwaters of the Muddy River. When the pump test was done in 2011 and 2012, the State Engineer concluded it caused a sharp decline in discharge at the springs. Now, most of you are quite familiar with the Endangered Species Act, but taking an endangered species by contributing to the reduction of spring flows is not a risk the State, in Order 1309, he was very explicit about that, the County's GID, and we are the manager of it and we're telling you

WALCH

that, or the District as the manager of the GID is willing to or should take.

And that doesn't even address remotely the potential that 600 home buyers could show up in Coyote Spring Valley, and one, two, five, 10 years from then, not have water for their homes because of the endangered species question. Now, as I mentioned, Order 1309 remains on appeal. The developer's map should not be approved until such time as the ground rules for who may and who may not pump are further developed through the Supreme Court process, and the subsequent administrative proceedings the State Engineer has indicated – uh - his intention to undertake.

Now, I heard from Mister Borgel that there's no skin off our back – uh – if - if we go forward with the tentative map as approved by the Planning Commission. That's simply not true. Uh - in several respects, but the most important of it from our perspective is that we do have th - those endangered species questions. But secondarily, this particular applicant has shown a willingness, despite assuming the risk of the unavailability of water to sue others for the lack of water that exists in Coyote Springs to the extent that a tentative map is approved, additional dollars are spent. That's what will happen. And those claims will just get bigger and bigger and bigger. It's time to put an end to it. I'll be available for any questions you might have.

GIBSON

So I - what I'm gonna do now is open the public hearing. Uh - Commissioner Kirkpatrick may have some questions – um – in - in a few minutes, but is there anyone here who wishes to speak on this item from the public? There being no one, the public hearing is closed. And Commissioner Kirkpatrick, I'm going to now give you the gavel.

KIRKPATRICK

Uh - thank you, Mister Chair. Boy, it's been a humdinger of a day in District B, I suppose. (laughs) But let me ask – uh - Rob, so d – i - this was a little bit different because the tentative map expired and this a new one. So it's not like we... it was already something in place, is that correct?

WARHOLA

Yes, that's correct, plus there wasn't the – uh – s - the Supreme Court stay in place at the time either.

KIRKPATRICK

S - So in layman's term, the Supreme Court stay means status quo until we determine everything, correct?

WARHOLA

Right. The stay means that the State Engineer's Order 1309 is in effect until the Supreme Court makes a determination on the appeal.

KIRKPATRICK

Okay. And so that's only one piece of this, though. So w - at least when I came here, th - the base – um - was pretty upset that none of their comments were taken into consideration on the density, on a - all of these things, and there was really nothing that we could do because it was already approved, and we had to kind of keep going through it. And so, this would be my opportunity, correct, to kind of address those density

KIRKPATRICK

issues with... Because a lot of things have changed since this started in 2001 – um - at least in District B and that area.

So, anybody can appeal, it just so happens this time, it was the – the – uh – Water – uh - District that appealed, but anybody could appeal. So the base could've been here appealing, biodiversity could've been here appealing. I mean, I've been through so many people on this particular one, is this not my opportunity to kind of – um - start over and re – um - figure out what can and can't go there for the long term?

WARHOLA

Uh - you're correct that anyone can appeal, that's correct. Um - the issues before the Board right now is the availability of - of water, whether it's sufficient to support this, and then the potential impact on wildlife and wildlife habitat. I don't believe we can go into the density issues at this time. Um - I think we need to stick to the issues that are – uh - related to the tentative map approval, which, like I said, the issues are the availability of water and whether - whether it's adequate to support the proposed development and whether or not the proposed development could have a potential impact on wildlife and wildlife habitat.

KIRKPATRICK

Okay. Well, it doesn't change my opinion. So, okay, I don't have anymore questions.

GIBSON

All right. Are there any other... Are there questions of other Members of the Board?

TICK SEGERBLOM

Can someone tell us what a Dace looks like?

KIRKPATRICK

Yes, October 15th, come out to the Warm Springs and we'll show you.

SEGERBLOM

All right. (laughs)

GIBSON

All right. If there is nothing more, Kirkm- C - Commissioner Kirkpatrick?

KIRKPATRICK

Uh - thank you, Mister Chairman. I'm gonna make a motion to deny without prejudice, which means that they could bring their map in again at any time. Is that correct?

WARHOLA

Yes, that's correct.

GIBSON

So, the effect, then, of that motion would be to grant the appeal.

WARHOLA

Right, grant the appeal – um - and which would... it - it's the same as denying the tentative map without prejudice.

GIBSON

Right.

WARHOLA

Yeah.

GIBSON

Okay.

KIRKPATRICK

Uh - and that is as if it was a brand-new application before me. That - that's the d -

WARHOLA

Th - they can refile immediately, but the, the idea -

KIRKPATRICK

Right.

WARHOLA

- behind it is w - we're awaiting a Supreme Court decision on the appeal.

KIRKPATRICK

Okay.

GIBSON

All right. Any further discussion? We have a motion, please cast your votes. The motion carries. Thank you.

ACTION:

It was moved by Commissioner Marilyn Kirkpatrick, and carried by unanimous vote, that the appeal be granted and the application be denied without prejudice.

ITEM NO. 43 ORD-22-900508: Introduce an ordinance to consider adoption of a Development Agreement with Rainbow Buffalo Land Co LLC and Rainbow Hughes Land Co LLC for a multiple family development (Redwood & Badura) on 14.0 acres, generally located south of Badura Avenue and west of Redwood Street within Enterprise. MN/dd (For possible action):

AMUNDSEN

Next are ordinances for introduction. Item 43, Ordinance-22-900508 is a recommendation you introduced an ordinance to consider adoption of a development agreement with Rainbow Buffalo Land Company LLC and Rainbow Hughes Land Company LLC for a multiple-family development (Redwood and Badura). We request this be set for public hearing for October 19th, 2022 at 9:00 a.m.

GIBSON

I'll introduce the ordinance and set the public hearing for October 19th, 2022 at 9:00 a.m.

ACTION:

There being no objections, Chair Jim Gibson set the matter for public hearing on October 19, 2022 at 9:00 a.m.

ITEM NO. 44 ORD-22-900552: Introduce an ordinance to consider adoption of a Development Agreement with ZUFFA RE, LLC and ZC II, LLC for a recreational facility (El Camino & Rafael Rivera) on 3.38 acres, generally located east of El Camino Road and north of Rafael Rivera Way within Enterprise. MN/dd (For possible action):

AMUNDSEN

Item 44, Ordinance-22-900552 is a recommendation that you introduce an ordinance to consider adoption of a development agreement with Zuffa Re, LLC and ZC II, LLC for a recreational facility (El Camino and Rafael Rivera). We request this be set for public hearing for October 19th, 2022 at 9:00 a.m.

GIBSON

I'll introduce the ordinance and set the public hearing for October 19th, 2022 at 9:00 a.m.

ACTION:

There being no objections, Chair Jim Gibson set the matter for public hearing on October 19, 2022 at 9:00 a.m.

ITEM NO. 45 ORD-22-900553: Introduce an ordinance to consider adoption of a Development Agreement with Magnus Vegas, LLC for a single-family residential development (Ford & Tenaya) on 37.9 acres, generally located east and west of Tenaya Way and north of Torino Avenue within Enterprise. JJ/dd (For possible action):

AMUNDSEN

Item 45, Ordinance-22-900553, or – an - to introduce an ordinance to consider adoption of a development agreement with Magnus Vegas, LLC for a single-family residential development (Ford and Tenaya). We request this be set for public hearing for October 19th, 2022 at 9:00 a.m.

GIBSON

I'll introduce the ordinance and set the public hearing for October 19th, 2022 at 9:00 a.m.

ACTION:

There being no objections, Chair Jim Gibson set the matter for public hearing on October 19, 2022 at 9:00 a.m.

ITEM NO. 46 ORD-22-900561: Introduce an ordinance to consider adoption of a Development Agreement with AMHNV15 Development, LLC for a single-family residential development (Tee Pee and Big Park) on 5.0 acres, generally located south of Big Park Avenue and east of Tee Pee Lane within Enterprise. JJ/dd (For possible action):

AMUNDSEN

Item 46, Ordinance-22-900561 is a recommendation to introduce an ordinance to consider adoption of a development agreement with AMHNV15 Development, LLC for a single-family residential development (Tee Pee and Big Park). We request this be set for public hearing for October 19th, 2022 at 9:00 a.m.

GIBSON

I'll introduce the ordinance and set the public hearing for October 19th, 2022 at 9:00 a.m.

ACTION:

There being no objections, Chair Jim Gibson set the matter for public hearing on October 19, 2022 at 9:00 a.m.

ITEM NO. 47 ORD-22-900562: Introduce an ordinance to consider adoption of a Development Agreement with AMHNV14 Development, LLC for a single-family residential development (Ford and Grand Canyon) on 5.5 acres, generally located south of Ford Avenue, and east and west of Grand Canyon Drive within Enterprise. JJ/dd (For possible action):

AMUNDSEN

Item 47, Ordinance-22-900562 is a recommendation to introduce an ordinance to consider adoption of a development agreement with AMHNV14 Development LLC for a single-family residential development, Ford and Grand Canyon. We request this be set for public hearing for October 19th, 2022 at 9:00 a.m.

GIBSON

I'll introduce the ordinance and set the public hearing for October 19th, 2022 at 9:00 a.m.

ACTION:

There being no objections, Chair Jim Gibson set the matter for public hearing on October 19, 2022 at 9:00 a.m.

ITEM NO. 48 ORD-22-900636: Introduce an ordinance to amend the official zoning map reclassifying certain properties as approved by the Board of County Commissioners through various zone change applications on July 20, 2022, August 3, 2022, and August 17, 2022. (For possible action):

AMUNDSEN

Item 48, Ordinance-22-900636 is a recommendation that you introduce an ordinance to amend the official zoning map reclassifying certain properties as approved by the Board of County Commissioners through various zone change applications on July 20th, 2022, August 3rd, 2022, and August 17th, 2022. We request this be set for public hearing for October 19th, 2022 at 9:00 a.m.

GIBSON

I'll introduce the ordinance and set the public hearing for October 19th, 2022 at 9:00 a.m.

ACTION:

There being no objections, Chair Jim Gibson set the matter for public hearing on October 19, 2022 at 9:00 a.m.

AMUNDSEN

Mm-hmm.

PUBLIC COMMENTS

GIBSON

And that concludes the agenda. This is the last time for public comment. Is there anyone here who wishes to make comment on any item before us?

NAFT

Mister Chairman, just a brief thank you to the staff and Commission for allowing this double meeting. I know it's painful for everybody, but I personally appreciate it.

GIBSON

No, it's a good thing for us to have done it. There being no one then, this meeting stands adjourned.

There being no further business to come before the Board at this time, at the hour of 3:24 p.m., the meeting was adjourned.

APPROVED:

/s/ James B. Gibson
JAMES B. GIBSON, CHAIR

ATTEST:

/s/ Lynn Marie Goya
LYNN MARIE GOYA, COUNTY CLERK