

03/20/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0013-LEADING EDGE VENTURES LLC:

USE PERMIT for an airstrip.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase non-decorative security fence height; **2)** eliminate on-site landscaping; **3)** eliminate parking area landscaping; and **4)** eliminate buffering and screening.

DESIGN REVIEW for an airstrip on a 40.2 acre portion of a 242.4 acre site in an RS80 (Residential Single-Family 80) Zone.

Generally located 4.1 miles east of the Nye/Clark County border and 1.1 miles north of SR 160 within the Northwest County Planning Area. JJ/md/ng (For possible action)

RELATED INFORMATION:

APN:

168-00-002-009; 168-00-002-010; 168-00-002-015 ptn

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Increase the height of a non-decorative security fence (chain-link with barbed wire) to 8 feet where a maximum height of 3 feet is permitted within the front setback in residential districts per Section 30.04.03B (a 166.7% increase).
 - b. Increase the height of a non-decorative security fence (chain-link with barbed wire) to 8 feet where a maximum height of 6 feet is permitted within the side and rear setbacks in residential zoning districts per Section 30.04.03B (a 33.4% increase).
 - c. Allow security (barbed) wire to be 7 feet above ground where security wire shall be no less than 8 feet above ground and shall not extend beyond the lot line at any point per Section 30.04.03D (a 12.5% reduction).
2. Eliminate on-site landscaping where required per Section 30.04.01D.
3. Eliminate parking area landscaping where required per Section 30.04.01D and Figure 30.04-1 (a 100% reduction).
4. Eliminate buffering and screening standards where required per Section 30.04.02C (a 100% reduction).

LAND USE PLAN:

NORTHWEST COUNTY - OPEN LANDS

BACKGROUND:

Project Description

General Summary

- Site Address: 30750 State Hwy 160

- Site Acreage: 40.2 (airstrip)/242.4 (overall)
- Project Type: Airstrip
- Number of Stories: 1
- Building Height (feet): 9.5
- Square Feet: 100 (guard shack)
- Parking Required/Provided: 0/40

Site Plans

The plans depict a proposed airstrip on a 40.2 acre portion of a 242.4 acre site, generally located 4.1 miles east of the Nye/Clark County border and 1.1 miles north of SR 160. The project site is surrounded by undeveloped BLM parcels, and is remote to active neighbors and property owners. The airstrip facility consists of a runway measuring 4,000 feet in length, located along the western portion of APNs 168-00-002-009, 168-00-002-010, and 168-00-002-015. The design of the airstrip includes the following components, situated in a west to east direction: 1) airplane parking area measuring 11 acres; 2) vehicle (automobile) parking area consisting of 0.6 acres; 3) taxiway measuring 20.2 acres; and 4) a runway consisting of 8.4 acres. An existing wash, measuring between 400 to 600 feet in width, is located immediately to the east of the runway. Forty parking spaces are located immediately to the south of the plane parking area and west of the taxiway. The required trash enclosure is located at the northwest corner of the parking lot. The perimeter of the airstrip will be secured with an 8 foot high chain-link security fence (7 feet chain link with 1 foot barbed wire) with barbed wire located 7 feet above ground, necessitating a waiver of development standards to increase fence height within the front, side and rear setbacks. Access to the project site will be granted via a 60 foot wide paved BLM access easement connecting to SR 160. The airstrip will operate from dusk to dawn, without landing lights. No vertical construction, including buildings, except for a guard shack are proposed with this phase of construction. The guard shack is set back 81.5 feet from the west (front) property line.

Landscaping

No landscaping is being provided with this application. However, waivers of development standards are requested to eliminate on-site landscaping, parking lot landscaping, and to eliminate buffering and screening standards adjacent to the undeveloped parcels.

Elevations

The plans depict a guard shack measuring 9.5 feet in height consisting of an aluminum metal exterior with EPDM rubber roofing.

Floor Plans

The plans depict a guard shack measuring 100 square feet in area.

Applicant's Justification

The applicant states the proposed airstrip facility will provide for landing and takeoffs as well as parking of planes. No buildings or other accessory facilities, except for a guard shack, are included at this time but will likely occur over time as the airstrip operations dictate or expand. In the future, accessory uses are contemplated but not yet determined at this time: fueling storage and dispensing, hangers, aircraft repair, shops, snack bar, lounges, restaurants, offices,

warehouses, and light manufacturing. The applicant indicates the airstrip will go into a well isolated area from any existing development and is surrounded by federal lands. There will be no landing lights. Operations are dusk to dawn, 7 days a week. It will not have a substantial or undue adverse effect on the adjacent properties nor impact the character of the area in regard to traffic, parking, public improvements, public rights-of way or public health, safety, and general welfare. The airstrip use as designed will place minimal demands on public services. Any changes or additions will conform to the Federal, State and local requirements. The minimal public improvements, facilities and services located within and adjacent to the site are appropriate and sufficient for the proposed use and will not impose an undue burden. The site has an existing well if needed. It is not in an Airport Environs Overlay (AEO), and is not in conflict with the airspace of other airports. It will provide needed airplane parking, training, and transportation opportunities as well as temporary and permanent jobs.

Typical of aviation facilities generally and especially airstrips, the potential safety and security hazard created by trees; the lack of anyone or thing to screen along with the minimal amount of time people are present at the airstrip; the waste of water resources and a provided buffer of 40 feet from the property line to the parking lot versus the required 15 feet provide a reasonable basis for the waivers to the buffering, screening, and landscaping requirements. The proposed waivers will not materially affect the health and safety of persons residing in, working in, or visiting the immediate neighborhood and will not be materially detrimental to the public welfare. The area is remote vacant federal lands with no uses or infrastructure present or planned. The proposed project will not create an undue burden on any public improvements, facilities or services given the low intensity use and need for public improvements or services. The project will meet the requirements and conditions of the FAA, State, and County as necessary to maintain an airstrip. The security fence is needed to prevent people from accessing the site and exposing them to aircraft which may result in serious or even fatal injury and damage to aircraft.

According to the applicant, the proposed project is consistent with the zoning and regulations, plans and policies of the County, except where waivers are requested, which provide for an airstrip in RS80. The required setbacks for RS80 are substantially provided except for the very minimal waiver request. Ample parking is provided with 40 spaces and has room for more as needed. Site access and circulation will not negatively impact adjacent roadways or any neighborhoods. The proposed project will transform the remote vacant site with roadway improvements from the State highway up to the airstrip. However, plans have been submitted to NDOT. The proposed use will add minimal traffic to the area. The use and design are harmonious and compatible with remote vacant federal lands in the area.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-19-0033	Increase height of a proposed communication tower - expired	Approved by PC	March 2019

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, East & West	Open Lands	RS80	Undeveloped

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis**Comprehensive Planning**Use Permit & Design Review

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

The site is located within the Northwest County Planning Area and designated for Open Lands. The Open Lands land use designation is intended to support primary land uses consisting of active and passive recreation, habitat conservation, grazing, and designated military facilities. Supporting land uses may include renewable energy facilities and other appropriate regulated industries. Furthermore, the RS80 zoning district is established to accommodate very low-density, single-family residential development, agricultural uses, and other appropriate uses of land in nonurban, outlying communities with limited infrastructure and services. Staff is concerned the proposed airstrip conflicts with Policy 3.5.1 of the Clark County Master Plan, which encourages multiple uses on open lands unless activities could pose a detriment to natural resources and habitats, or long-term health of the land. Staff finds the proposed airstrip is not compatible with the surrounding undeveloped parcels.

Policy NW-2.1 of the Master Plan encourages connecting to municipal water and wastewater service wherever available. Additionally, Policy NW-2.2 states that development within Northwest County should be limited to areas where adequate fire protection services exist or can be efficiently provided. Policy 6.4.4 states all development located outside the Clark County Fire Service District and Moapa Valley Fire Protection District must provide adequate emergency medical and fire protection services, including demonstration of additional water storage for new development in rural areas of the County. The applicant has not demonstrated to staff that adequate fire protection and emergency services are available in the event of an

accident. There is a lack of public infrastructure, including water and sewer service, within the surrounding rural area, in addition to insufficient public facilities and services in the area to respond to accidents in a timely manner. Staff finds the proposed airstrip is not an appropriate use for the subject property as it conflicts with several goals and policies set forth in the Master Plan. Therefore, staff cannot support the use permit and design review requests for the proposed airstrip.

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Although the airstrip facility is located within an isolated area, with minimal visibility from the right-of-way, staff finds the waiver requests are a self-imposed hardship. Therefore, staff cannot support these requests.

Department of Aviation

The application packet submitted for the proposed airstrip located near the Clark County, Nye County border shows a proposed use of "airstrip" on the application page and justification letter. However, documents titled "FAA Site Plan" state the site plan is for a "Spaceport." Additionally, the applicant's website, lasvegasspaceport.org, clearly advertises a spaceport, along with rocket launches, civilian space training, and various other images and references to space, at the proposed "airstrip" location. Reservations are being accepted on the website for upcoming training and events beginning in April 2024. The website also includes pricing for these events. Department of Aviation (DOA) will provide Comprehensive Planning a copy of this website material.

A letter dated March 30, 2023, was issued by the Federal Aviation Administration (FAA) to Dave Ruppel, who is listed as the "Las Vegas Spaceport's" Senior Spaceport Regulatory Advisor, on the lasvegasspaceport.org website. This letter lists many "major airspace constraints and/or policy implications," regarding a potential spaceport/airport at this location. DOA will provide this correspondence to Comprehensive Planning. Applicant must address and remediate all concerns outlined in this FAA letter before entitlements will be granted.

Within the justification letter, one sentence states, "No buildings or other accessory facilities are included at this time but will likely occur over time as the airstrip operations dictate or expand." This implies expanded operations are planned and/or "phases" of development. Prior to the applicant receiving entitlements, DOA will need to analyze and approve plans clearly showing all phases of development and planned uses to evaluate any airspace conflicts and/or impacts to the Clark County Airport System.

The airstrip/spaceport is not located at a Department of Aviation airport facility.

Staff Recommendation

Denial.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:**Comprehensive Planning**

If approved:

- Design review for future buildings;
- Any use of the property other than an airstrip facility for landing, take-off, and parking of planes shall require a new land use application;
- Provide a safety plan including, but not limited to communication with first responders, evacuation routes, first aid facilities on site, and other emergency response issues.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Drainage study and compliance;
- Provide paved legal access or alternative, approved by the Division of Air Quality.

Department of Aviation

- Applicant is required to file Federal Aviation Administration (FAA) Form 7480-1, "Notice of Landing Area Proposal" with the FAA, per 14 CFR Part 157 and receive a No Objection or a No Objection With Provisions from the FAA;
- Applicant must comply with all FAA requirements and recommendations.
- Applicant is advised that all aircraft/spacecraft noise complaints and inquiries regarding operations from this facility will be forwarded to the operator of this airstrip/spaceport.

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 that fire/emergency access must comply with the Fire Code as amended.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: LEADING EDGE VENTURES LLC

CONTACT: G. C. GARCIA, INC, 1055 WHITNEY RANCH DRIVE, SUITE 210, LAS VEGAS, NV 89014