HILLSIDE DEVELOPMENT
(TITLE 30)

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-18-1000-POTOSI LTD:

HOLDOVER AMENDED USE PERMIT for a single family residential planned unit development (no longer needed).
DESIGN REVIEWS for the following: 1) single family residential development; and 2) preliminary grading plan and alternative development standards within a Hillside Development area on approximately 208.8 (previously notified as 233.7) acres in an R-U (Rural Open Land) Zone in the Spring Mountain Overlay District.

Generally located on the north and south sides of Mt. Potosi Canyon Road, 8 miles southwest of State Route 160 within the Mountain Springs Planning Area. JJ/rk/ja (For possible action)

RELATED INFORMATION:

APN:
195-01-000-003 through 195-01-000-005 (no longer needed); 195-12-000-002 (no longer needed); 195-12-000-003 (no longer needed); 195-12-000-004 through 195-12-000-013

LAND USE PLAN:
NORTHWEST COUNTY (MOUNTAIN SPRINGS) - MAJOR DEVELOPMENT PROJECT

BACKGROUND:
Project Description
General Summary
• Site Address: N/A
• Site Acreage: 208.8 (previously 233.7)
• Number of Lots: 104 (previously 145)
• Density (du/ac): 0.5 (previously 0.62)
• Minimum/Maximum Lot Size (square feet): 22,051/87,589 (previously 13,858/215,982)
• Project Type: Single family Development

Site Plans
The project consists of a 104 lot single family residential development on approximately 208.8 acres for a density of 0.5 dwelling units per acre. The site is privately owned and zoned R-U. The site is completely surrounded by U.S. Forest Service lands that are also zoned R-U. Access to the site will be through Mt. Potosi Canyon Road, an RS 2477 road that connects to SR 160 (Pahrump Highway). This main access road is currently a dirt road which will be improved with a 32 foot wide drivable surface within 60 feet of dedication. All roads within the proposed
subdivision are shown as private and will be developed to non-urban street standards with a 32 foot wide drivable surface.

The applicant indicates the single family residences are proposed to be custom homes; therefore, there are no elevations or floor plans submitted with this request. The site is located within hillside development (slopes greater than 12%) and as part of the design review request, Title 30 allows alternatives to the development standards contained within Chapter 30.52 and 30.40 which may be established with the approval of a design review, in lieu of a waiver of development standards, for street improvements and design. The applicant is requesting modified standards such as, but not limited to:

- Reduced lot area
- Waiving full off-site improvements along the internal private streets
- Two over-length cul-de-sacs
- Increased block length
- Street slopes greater than 6%

**Hillside Disturbance**

Plans were submitted to meet the hillside development portion of the Code. The plans include a preliminary grading plan showing the percentage of the undisturbed and disturbed slope areas. Portions of this site exceed slopes that are in excess of 12%, including areas that surpass 25%. Title 30 requires slopes between 12% and 25% to be maintained 50% undisturbed (the plans show 48% disturbance), and slopes greater than 25% to be maintained 35% undisturbed (the plans show 18% disturbance). The plans indicate that the proposed project meets the hillside development code. The applicant states that the site will be graded per code requirements and the residential pads are the only area planned to be graded to minimize site disturbance of the natural areas.

**Landscaping**

A network of common open space is located throughout the development which will include walking paths, picnic tables, shade structures, and future amenities. The total amount of open space is depicted at 101.3 acres.

The single family residences are proposed to be custom homes; therefore, there are no elevations or floor plans submitted with this request.

**Applicant’s Justification**

The applicant indicates Potosi Ltd. vision is to create custom single family lots within the natural setting of Mt. Potosi. Their intention is to maintain the natural beauty of the area and for the development to blend into the surrounding landscape. The client has been in discussions with the U.S. Forest Services and Bureau of Land Management to obtain access easements through Federal land to the subject site. A site disturbance map has also been provided and shows that grading to be less than the maximums allowed in a Hillside Development. The applicant is requesting alternatives to the development standards contained within Chapter 30.52 for street improvements and design in order to maintain non-urban standards that will be harmonious with the natural setting of the area.
Furthermore, according to the applicant, the intent of Potosi, Ltd is to construct water tanks to supply the subdivision with fire protection and domestic water supply. Also, an individual sewage disposal system will be provided to the future homeowners prior to the construction of their residence.

### Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>UC-1163-07</td>
<td>Single family residential development within a hillside development area; with waivers for off-site improvements (excluding paving) and landscaping and screening requirements on a portion of this site – expired</td>
<td>Approved by PC</td>
<td>January 2008</td>
</tr>
<tr>
<td>TM-0273-07</td>
<td>Tentative map to subdivide a portion of this site into 104 lots – expired</td>
<td>Approved by PC</td>
<td>January 2008</td>
</tr>
<tr>
<td>TM-0425-05</td>
<td>Tentative map to subdivide a portion of this site into 104 lots – expired</td>
<td>Held and subsequently expired</td>
<td></td>
</tr>
<tr>
<td>UC-0229-04</td>
<td>For a 112 room spa/retreat with incidental uses; waiver for alternative landscaping within a hillside development area on a portion of this site – expired</td>
<td>Approved by PC</td>
<td>March 2004</td>
</tr>
<tr>
<td>ZC-1643-99</td>
<td>A request for C-2 and M-1 zoning on a portion of this site for a hotel, bottling plant, and other ancillary uses – expired</td>
<td>Withdrawn</td>
<td></td>
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### Surrounding Land Use

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North, South, East, &amp; West</td>
<td>R-U</td>
<td>The project site is completely surrounded by undeveloped publicly owned R-U zoned parcels</td>
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### Related Applications

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
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<tbody>
<tr>
<td>TM-18-500230</td>
<td>A tentative map consisting of 104 lots on 208.8 acres is companion item on this agenda.</td>
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</table>

**STANDARDS FOR APPROVAL:**
The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.
Analysis
Current Planning
Design Review

This application has been on hold to work with staff to better align this request to the original approvals in 2008. There have been changes made to the site plan from when the original plans were submitted to the County, and at this point, the applicant has made 4 changes directly related to density, number of lots, acreage, and providing private internal street instead of public. However, the proposed development should satisfy expectations such as, but not limited to, the following: 1) avoid premature or inappropriate development that could result in setting an undesirable precedent in the area; and 2) the proposed use will be adequately served by public improvements, facilities, and services and will not impose an undue burden.

The proposed development is located within the Spring Mountain Recreation Area and is completely surrounded by public lands that are controlled by the Division of Forestry. In fact, access to the site is only achieved by traversing approximately 8 miles of public lands on U.S. Forest Service roads that are unpaved. While the project site is privately owned and the applicant has a right to develop it in accordance with the R-U zoning district, staff finds any development plans must be done within the framework of any applicable minimum development standards, goals and policies, and available resources.

The proposed development is located within Community District Six (CD6), which is an area designation that identifies areas of limited development potential. The purpose of CD6 is to preserve areas for open space or recreational purposes and to protect public health and safety. Additionally, CD6 areas discourage future residential developments at densities greater than 1 dwelling unit per 10 acres.

Service Impacts
Correspondence from the Las Vegas Valley Water District indicates the site is not within their service area and none are planned within the next 5 years. Clark County Fire Suppression Division indicates that the closest station is in Mountain Springs which has a staff of less than 5 personnel who live in the area. The estimated response time to the farthest point of proposed development would be approximately 15 to 20 minutes in a best case scenario. Therefore, the Fire Department believes their emergency response resources in that area would be ineffective relating to public safety.

The location of this project will have an impact to public services and facilities because of the possible need to expand and extend services beyond current service area limits. Staff is also concerned regarding public safety issues such as police protection, drainage, and flooding. Therefore, staff finds that the applicant has not demonstrated that the development plans achieve the purpose and intent of County goals and the proposed use will be adequately served by public improvements, facilities, and services.

Hillside
The purpose of the hillside development standards is to, among other items listed in Title 30, minimize grading and site disturbance to maximize compatibility with the natural terrain, encourage the reasonable, safe, and aesthetic use of the steep and inconsistent topography of
natural hillsides, and establish a transition zone between hillside development and more intensive
development and ensure conservation of these areas as a visual resource. There are several
policies within the land use plan that encourage only open space, recreational, and public
facilities to locate in areas of steep slope. Based on the slope analysis provided by the applicant,
this request is proposing to disturb small portions of actual hillside that is located within the
project site. Staff finds the current request as shown on the plans meets the basic standards for
hillside development. However, the approval of this design review is contingent upon the
approval of the use permit and the other alternatives design standards. Since staff does not
support the other portions of this request, staff cannot support the design reviews. It should be
incumbent on the applicant to develop a project that fully complies with all development
standards and does not approach the maximum thresholds for disturbance.

Finally, this site is planned as Major Development Project within the Northwest County Land
Use Plan and therefore, developers should work closely with the appropriate agencies to ensure
that adequate facilities are in place and/or provide for the facilities if they are not readily
available. Staff is requesting that if this application is approved, a condition be placed that the
applicant enter into a Development Agreement with the County. This is to ensure that any
increased impact for public services caused by the project are mitigated and adequate amenities
are provided. The Development Agreement will provide a mechanism whereby the County can
ask the Developer of this project to assist in facilitating the County’s ability to provide these
needed services and infrastructure.

**Public Works - Development Review**

**Design Review #2**

**Internal Streets**

Staff finds that, because this is a hillside development, curbs and gutters are extremely
important to allow proper drainage without negatively impacting developed lots.

**Overlength Dead-End Streets & Block Length**

Since staff cannot support the overall project, including the street network, the request for
overlength dead-end streets and block lengths larger than 1,500 feet are requests that are
excessive and premature.

**Street Grade**

While staff does not have a practical problem with an increase in the grade of the streets above
6% provided that the drainage study determines that no alternatives are available, the fact that
staff is recommending denial of the remaining parts of the application results in
a recommendation of denial for the street grade.

**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 Comprehensive Master Plan, Title 30, and/or
the Nevada Revised Statutes.
PRELIMINARY STAFF CONDITIONS:

Current Planning
If approved:

- Maximum of 104 lots;
- Design review as a public hearing to review and address final grading plan;
- Enter into a Development Agreement to mitigate impacts of the project including, but not limited to, issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners.
- Qualified in the Development Agreement, fire suppression water tanks to be bonded and completed before permitting, and thereafter maintained throughout the project.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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;
- Traffic study and compliance;
- 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 to apply for a public access easement and provide a paved all weather access to the project, with the public termination of said access to be approved by Public Works, and to be constructed with a minimum of 32 feet of paving**;
- Applicant shall secure the necessary approval from all landowners impacted by the proposed access roadway.
- Applicant is advised that access to the site where the proposed road splits from the access commonly known as Potosi Road or Mt. Potosi Canyon Road may not be accepted as public right-of-way; that any public street over 150 feet in length must terminate in a County-approved turn-around; and that due to the complex nature of access to the property that additional requirements may arise during the technical studies and off-site permits.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that there are no public sanitary sewer facilities available and none are planned within the next 5 years.

TAB/CAC:
APPROVALS: 19 cards
PROTESTS: 12 cards

COUNTY COMMISSION ACTION: February 6, 2019 – HELD – To 04/17/19 – per the applicant.
COUNTY COMMISSION ACTION:  April 17, 2019 – HELD – To 05/22/19 – per the applicant.

COUNTY COMMISSION ACTION:  May 22, 2019 – HELD – To 06/19/19 – per the applicant.

APPLICANT: POTOSI LTD NEVADA LIMITED PARTNERSHIP
CONTACT: TIM MORENO, 6765 WEST RUSSELL ROAD, SUITE 200, LAS VEGAS, NV 89118