

**ATTACHMENT A  
MOUNTAIN SPRINGS CITIZENS ADVISORY BOARD  
ZONING AGENDA  
WEDNESDAY, 7:00 P.M., APRIL 10, 2019**

04/17/19 BCC

1. **TM-18-500230-POTOSI LTD:**  
**HOLDOVER TENTATIVE MAP** for a subdivision consisting of 104 (previously 145) single family residential lots and common lots on approximately 208.8 (previously 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 Mount Potosi Canyon Road, 8 miles southwest of State Route 160 within the Mountain Springs Planning Area. JJ/rk/ja (For possible action)
  
2. **UC-18-1000-POTOSI LTD:**  
**AMENDED HOLDOVER 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)

POTOSI RANCH  
(TITLE 30)

**UPDATE**  
SR 160/MT. POTOSI CANYON RD  
(MT. SPRINGS)

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**TM-18-500230-POTOSI LTD:**

**HOLDOVER TENTATIVE MAP** for a subdivision consisting of 104 (previously 145) single family residential lots and common lots on approximately 208.8 (previously 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 Mount Potosi Canyon Road, 8 miles southwest of State Route 160 within the Mountain Springs Planning Area. JJ/rk/ja (For possible action)

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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: **22,051/87,589 (previously 13,858/215,982)**
- Project Type: Single family Development

The proposed project consists of **104** single family residential lots and 8 common lots in a remote area at the base of Mt. Potosi. The development is located on approximately **208.8** acres with a density of **0.5** dwelling units per acre. The site is privately owned and zoned R-U. The minimum lot area being proposed is **22,051** square feet. The residential pads are the only area planned to be graded to minimize site disturbance of the natural areas. Several common lots are proposed with this development and will include of picnic tables, shade structures, and trails. 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 40 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. 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**

Application Number	Request	Action	Date
UC-1163-07	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	Approved by PC	January 2008
TM-0273-07	Tentative map to subdivide a portion of this site into 104 lots – expired	Approved by PC	January 2008
TM-0425-05	Tentative map to subdivide a portion of this site into 104 lots – expired	Held and subsequently expired	
UC-0229-04	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	Approved by PC	March 2004
ZC-1643-99	A request for C-2 and M-1 zoning on a portion of this site for a hotel, bottling plant, and other ancillary uses	Withdrawn	

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East, & West	Northwest County – Major Development Project	R-U	The project site is completely surrounded by undeveloped publicly owned R-U zoned parcels

**Related Applications**

Application Number	Request
UC-18-1000	A single family residential development within a Hillside Development area, including alternative design standards contained within Chapter 30.40 and 30.52 is a companion item on this agenda

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

**Analysis**

**Current Planning**

This request meets the tentative map requirements as outlined in Title 30.

### **Staff Recommendation**

Approval is contingent upon approval of UC-18-1000.

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, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

If approved:

- Applicant is advised that 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;
- 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.

#### **Current Planning Division - Addressing**

- Approved street name list from the Combined Fire Communications Center shall be provided;
- Provide all access easement exhibits to Addressing Services;
- Provide Addressing Services clarification on the location of the existing access road known as Potosi Spring Rd in relation to the new private street shown as Potosi Trails Court;
- Any unnamed Forest Service roads providing access to this subdivision shall be named;
- Potosi Trail Court contains two suffixes;
- Sir Austen Court and Master Don Court shall have the same name;

- Potosi Ranch Road, Potosi Ranch Drive and Potosi Ranch Way shall have different street names;
- Potosi Ranch Drive and Potosi Ranch Court shall have the same name and suffix;
- Prince Brent Way shall have the suffix of Circle.

#### **Building Department - Geotechnical**

- Applicant is advised that hill-side cut and fill operations will require the grading plan to show compliance with the provisions of IBC Section 1808.7 and Appendix J, including sections J106 through J110, as applicable; specifically, cut and fill slopes shall be set back from the property lines in accordance with Figure J108.1.

#### **Building Department - Fire Prevention**

- 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; that dead-end streets/cul-de-sacs in excess of 500 feet must have an approved Fire Department turnaround provided; to show fire hydrant locations on-site and within 750 feet; that fire protection may be required for this facility; and to contact Fire Prevention for further information at (702) 455-7316.

#### **Southern Nevada Health District (SNHD) - Septic**

- Applicant is advised that sewage treatment and disposal for each lot shall be in accordance with the SNHD *Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management* and subject to the approval of SNHD; and that if the Nevada Division of Environmental Protection (NDEP) determines that conventional septic system(s) for the above map are not approved because Nitrate Removal Wastewater Treatment Unit(s) are required, the tentative map, final map (below the DISTRICT BOARD OF HEALTH CERTIFICATE), and improvement plans must contain the following statement: "Sewage Treatment for each lot shown shall be Nitrate Removal Wastewater Treatment Unit(s) subject to the State of Nevada regulations and subject to the approval of the Southern Nevada Health District"; that the proposed water system will include at least fifteen (15) service connections, and therefore it is considered a public water system under the Safe Drinking Water Act; that it must be permitted in accordance with applicable regulations including NAC 278.400, 278.410, and 445A.602 prior to operation; to refer to <https://ndep.nv.gov/water/drinking-water/new-water-systems>; to contact NDEP's Bureau of Safe Drinking Water (BSDW) at (775) 687-4670; to provide SNHD with a letter from the BSDW approving the construction of the proposed water system; and to provide SNHD with a letter from the BSDW approving the water system to be placed into service.

#### **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:**

**PROTESTS:**

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

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

DRAFT

HILLSIDE DEVELOPMENT  
(TITLE 30)

**UPDATE**  
SR 160/MT. POTOSI CANYON RD  
(MT. SPRINGS)

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
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RELATED INFORMATION:

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**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 their property 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**

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**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East, & West	Northwest County – Rural Open Land (up to 5 du/ac)	R-U	The project site is completely surrounded by undeveloped publicly owned R-U zoned parcels

**Related Applications**

Application Number	Request
TM-18-500230	A tentative map consisting of <b>104</b> lots on <b>208.8</b> acres is companion item on this agenda.

**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: 10 cards**

**PROTESTS: 8 cards**

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

**APPLICANT:** POTOSI LTD. NEVADA LIMITED PARTNERSHIP

**CONTACT:** TIM MORENO, 6765 WEST RUSSELL ROAD, SUITE 200, LAS VEGAS, NV  
89118

DRAFT