



Red Rock Citizens Advisory Council

MEETING MINUTES



Date & Time: Wednesday, March 31, 2010 at 7:00PM

Location: Blue Diamond Recreation Hall, Village Blvd., Blue Diamond, NV 89004

BOARD MEMBERS PRESENT:

Susan Sellmann, Chair
Barbara Luke, Vice-Chair
Evan Blythin
Robert Matthews
Nina Mata, Secretary

POSTING LOCATIONS:

Blue Diamond Library
Blue Diamond Post Office
Blue Diamond Village Market
Calico Basin Mailboxes
Kulka Road Mailboxes

BOARD MEMBERS ABSENT:

Max Heeman (excused)

OTHERS PRESENT:

Approximately 150 other people were present.

I. CALL TO ORDER

A. The meeting, being legally noted and posted in conformance with the Nevada Open Meeting Law, was called to order at approximately 7:00pm by Susan Sellmann. The pledge of allegiance was recited.

II. ADMINISTRATIVE ITEMS

- A. The Council welcomed Chris Munhall, our Town Liaison, Rob Warhola, Assistant District Attorney and Susan Brager, County Commissioner, District F.
- B. *Ms. Sellmann made a motion to approve the agenda for the March 31, 2010 meeting and the motion passed unanimously. Ms. Sellmann made a motion to approve the minutes for February 24, 2010 meeting and the motion passed unanimously.*
- C. None.

III. ZONING AGENDA

A. **VS-0090-10 – SIMA GROUP, LLC: VACATE AND ABANDON** easements of interest to Clark County located between Calico Basin Road and Tracy Street (alignment) and between Moreno Road and Calico Drive (alignment) and a portion of right-of-way being Moreno Road located between Calico Basin Road and Fords Way in an R-U (Rural Open Land) Zone in the Red Rock Design Overlay District within Red Rock (description on file). After a brief introduction, the applicant’s representative stated that the abandonment of easements was being requested to allow the BLM to purchase a piece of property in Calico Basin. Several neighbors objected to one the easements being abandoned because it is used as a public right-of-way for hikers and horseback riders. The applicant agreed to drop the vacate and abandon on that easement and would work with the County to do so. *Mr. Blythin made a motion to approve the request on condition the easement in question not be abandoned and the motion passed unanimously.*

IV. GENERAL BUSINESS

A. Rob Warhola, Assistant District Attorney, gave a presentation on the proposed amendment to the Red Rock Overlay District Ordinance which would allow Developer Jim Rhodes to submit a major project with higher densities of homes than the current 1 house per two acres allowed. The amendment was the result of Developer Jim Rhodes suing the County over the Red Rock Overlay restrictions. After 5 years of litigation, the court ordered arbitration to bring the case to close or go to trial, which was set for early May. The County was required to accept any reasonable offer in arbitration. The settlement agreement between Rhodes and the County includes: 1) Rhodes may

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submit a major project plan (major project being any development project over 700 acres) with housing densities greater than the current 1 home per two acres (RU2); 2) the developed acreage is limited to 1700 acres not the full 2400 acres that he owns; 3) the 700 acres not developed would be those at the north end of the acreage most visible along SR159; 4) the County keeps the right to deny future applications and has discretion over the 1700 acres developed; 5) the property can only be accessed from the east and not off of SR159 and it is his obligation to construct the access, and; 6) the County will pay Rhodes \$1M to settle but there is a “no wrong doing” clause in the settlement which protects the County from being sued for having imposed the restrictions in the first place. The settlement gives Rhodes the right to apply but does not mean the County Commissioners have to approve the major project. The County claims full discretionary approval over all aspects of the project. The County wanted to settle this case because it is expensive and exposes the County to further liability at a time when the County is facing major budget shortfalls. The County felt that their chances of prevailing at the trial were not good and if the County loses then Rhodes can do anything he wants. With the settlement, the County has a lot of control over what he does.

The public had many questions including: 1) Why is Rhodes willing to settle? Answer: Because this litigation is also expensive for him and he risks losing; 2) Why is Rhodes agreeing to access from the east when it will be extremely expensive to do so? Answer: We don't know but he is responsible for building the road and obtaining the right-of-ways needed; 3) Have any visual impact studies been done? Answer: The settlement deals only with the right to apply for a major project. Impact studies may be required as part of the development process; 4) Would the County please reinstate the Red Rock Overlay stipulations pertaining to outdoor lighting and view sheds as these things are not onerous and help to maintain the rural feel of the area? Answer: The County try to negotiate that into the agreement; 5) Will this settlement allow others to get out of the Red Rock Overlay restrictions? Answer: No, this settlement pertains to major projects only.

The settlement agreement will be made available to the public by April 9. Some of the concerns expressed by the Advisory Council included: 1) BLM was not included as a party in the negotiations; 2) the public was not informed about this sooner; 3) all the Red Rock Overlay restrictions were dropped and would the County renegotiate to include some of the Red Rock Overlay restrictions; 4) do not trust the eastern access restriction because it does not make financial sense and he may fight for an easement along SR159; 5) Is the County's cost for a major project offset by the \$1M settlement?; 6) The State has appealed SB358 being overturned and the State Attorney General thinks their chances of getting it reinstated are good – this would restrict the zoning to RU2, and; 7) BLM disposable land surrounds Rhodes property so that this project could potentially get much larger. A hand vote of the audience showed that 5 are for the amendment, 42 are against the amendment and the rest abstained. ***Mr. Blythin made a motion to deny the amendment to the Red Rock Overlay ordinance and the motion passed 3-1 (Matthews voting nay).***

V. ADJOURNMENT

A. The next meeting will be held April 28, 2010 in the Blue Diamond Library at 7:00pm. The meeting was adjourned at 9:40pm.