

CLARK COUNTY COMMUNITY PLAN WORKING GROUP



**PUEBLO ROOM
CLARK COUNTY GOVERNMENT CENTER
500 S. GRAND CENTRAL PARKWAY
THURSDAY, October 22, 2015 – 6:00 P.M.**

MINUTES

**Community Plan Work Group Meeting
October 8, 2015 – 6:00 P.M.**

Attendees:

Michael Dias, Sunrise TAB
Dave Chestnut, Enterprise TAB
Cheryl Wilson, Enterprise TAB
Rush Wickes, RTC
Vivian Kilarski, Planning Commission
Keith Spencer, CBRE
David Diffley, Lewis Operating Group
Angie Heath Younce, Spring Valley
Robert Orgill, Paradise
John Getter, Spring Valley TAB
Tony Celeste, Kaempfer Crowell
Charles Martin, Winchester

Staff

Shane Ammerman, Assistant Planning Manager
Kevin Smedley, Principal Planner
Garrett TerBerg, Principal Planner
Michael Popp, Senior Management Analyst

- 1) **Call to Order.** Mr. Popp called the meeting to order at 6:03 p.m. and opened the meeting with welcoming everyone to the meeting.
- 2) **Public Comment.** Mr. Getter asked when the agenda was posted for the October 8, 2015 meeting. Staff responded that the agenda was posted on October 1, 2015.
- 3) **Motion to Approve Agenda.** Motion by Ms. Younce, and second by Mr. Orgill.
- 4) **Approval of the September 3, 2015 Minutes.** Motion by Mr. Orgill, and second by Ms. Kilarski
- 5) **Approval of the September 17, 2015 Minutes.** Motion by Mr. Spencer, and second by Ms. Younce
- 6) **Introduction to Community Land Use Categories.** Mr. Smedley gave a summary of the categories from last meeting. Ms. Kilarski asked to clarify the Regional Activity Center and from her notes she still had H-1 as a zoning category listed. Staff did confirm that H-1 was taken out by the workgroup. Mr. Chestnut commented about the Regional Activity Center and the State imposed H-1 along the Strip Corridor (1,000 ft.) and asked if the currently zoned H-1 will be grandfathered or planned Regional Activity Center? Staff noted that State law dictates where H-1 can be built and if H-1 is currently planned along the Strip and by and large it will continue to be planned Resort unless the property owner chooses to develop as a Regional Activity Center. Staff summarized that the Land Use Categories would now be sent to management and legal counsel for review of the workgroups efforts. Mr. Dias noted that he did not see Rural Neighborhood Preservation (RNP) on the matrix and is not listed as one of the categories, and added that there is no notation that if the RNP exists up to the arterial edge it would not be designated as what staff is calling the arterial buffer at that point, and that the wording has to be in there some place to be specific, because as it read now any RNP could be buffered with what staff is suggesting which is not RNP buffering to the edges. Staff clarified that only on arterials where it is the actual edge of an RNP is buffering planned and not where the arterial would go through and RNP area would that be planned. Ms. Wilson commenting on the RNP noting that the outcomes of the Land Use Categories and who has supported the descriptions of the zoning uses and names of the categories have really depended on those who have attended the workshop on any given night, and does not necessarily reflect those sentiments of all of the TABs since some of them have not attended the workshop meetings on a regular basis. Mr. Chestnut commented that in the current land use plans each one of the categories have a paragraph long description and will the proposed land use categories go forth with a description of each category as well. Staff said they would be putting together a descriptive paragraph for each land use category from the slides that were presented to the workgroup and things like RNP descriptors would be included in the

paragraph. Ms. Kilarski asked when the project would be scheduled to go before the Planning Commission and BCC. Staff explained that there is no real time table but had hoped to wrap the project up by the end of the year. Ms. Kilarski expressed that the Planning Commission would like to have the document a least a month in advance and felt that the TAB also would like that as well. Mr. Chestnut also agreed and expressed that he would like to have a paragraph for each category completed as well so he could review it a month in advance. Mr. Getter asked if staff were going to address some of the comments that the workgroup brought up. Ms. Kilarski asked if they could get the comments and changes as well with the final document so they can see what was changed. Mr. Dias commented that if staff is asking the workgroup to approve what is up on the board he is not comfortable to do that. Staff explained the purpose of the workgroup is to gather input and solicit comments from the members, and find out where there is and is not consensus on the categories and goals and to report back to management and the board where those differences are. Mr. Dias noted that the input he is referring to is that he has been told things in the meeting tonight that should be in writing and there not and that he is not comfortable with that and that we should see things in writing before or not proceed further. Staff commented the write-ups for each of the categories will be done and sent to the town boards in advance with the final document along with the minutes being made available on the web. Mr. Chestnut commented that as a group without those paragraphs we have a very incomplete product and he agrees with Mr. Dias that the verbal explanation is not present. Ms. Wilson commented that she feels the group is a little gun-shy because of what happened with the policies and that the meetings came to an abrupt end and the policies were pushed on through without seeing any of the final changes. Mrs. Wilson continued that the workgroup is here again with the categories and goals to deliver, and we have asked to see the same things in writing and staff tell us that we will see the written paragraphs at the TAB and to take staffs word that it will be put together in a pretty package but as of now we are not seeing anything. Ms. Wilson continued to say that she feels the same way as Mr. Dias that in order for it to receive her blessing she would need to see it in black and white as a workgroup prior to going to the TAB and Planning Commission. Mr. Chestnut expressed again the importance of having the written paragraph defined on paper for the group to review.

Staff expressed to the group that they would go back to management and brief them of the workgroups concerns and that management and the District Attorney (DA) still needed to review the document. Mr. Dias noted that the District Attorney should had been present in these meetings to provide counsel to them and if counsel had been here these concerns wouldn't be here and what's right or not so the workgroup can make an educated, rational decision. Mr. Dias continued that he feels the workgroup does not have that information and is not happy with everything that is going on. Cheryl Wilson asked if the District Attorney will refer to Title 30 and NRS when reviewing the final documents, and how will the changes that the workgroup discussed match with Title 30 and NRS to support what the workgroup is doing. Mr. Ammerman of staff noted that the DA has already looked at the document and continues to be briefed and will be reviewing the document again and given the enormity of his job unfortunately does not have the time to commit to attending this workshop. Mr. Dias commented that he is uncomfortable as a committee member saying as a committee this is what we are comfortable with, and that it is going on to your bosses and that it could be changed somehow and this committee not have the opportunity speak on it except when it comes to the town board level which is already too late, it seems the whole process is upside down. Mr. Getter commented that the workgroup will not be seeing what's going to the bosses and the concern is we are setting up what is a repeat of happened a few months ago with the policies, where we were surprised at the final results that were very different from what we thought we were sending forward, and told thank you very much you're finished, and what we have here is perceived by several of us as incomplete based on what we talked about sending forward, the missing paragraphs the detailed description etc. that we will get when it comes to the TAB. Mr. Getter asked why the workgroup can't have the paragraphs beforehand before it leaves the workgroup so at least the workgroup know what they recommended. Mr. Orgill commented that anybody can read a paragraph, but there is an interpretation what has been going on in these meetings that has to be explained with it and we can't ask our TAB, which would end up being three hours long, to sit and try to interpret what the paragraph means with all of changes would be questionable. Staff agreed with the workgroup and will bring a draft of the paragraphs back to the next meeting for review. Ms. Kilarski added that the one of the biggest problems the previous workgroup dealt with was completing the policies, and knowing as workgroup what we wanted and what got briefed to the bosses and what got briefed to the commissioners and seeing what got taken out and the workgroup members didn't know until it got to the TAB and all of a sudden that was the final draft and nothing else is going to get put into it, that's where the bad taste is come from, that's where all of these comments are coming from. Staff noted that the red-lines were sent out. Mr. Chestnut commented that they were but long after. Staff summarized that as a workgroup they would like to see a paragraph written up for review for the next meeting and the opportunity to see a redline copy of the document prior to the final draft going to the boards so they have something they can review and compare before their perspective board meetings. Mr. Getter asked if item

#6 be held to the next meeting because the workgroup cannot give final review for possible action if they haven't seen the final. Staff agreed and will provide and send out a draft prior to the next meeting for the workgroup to review.

Mr. Dias commented that the staff asked for honest feedback about the process, and he is uncomfortable with the whole procedure, and is very comfortable with the current land use categories as they are, and they have worked in this valley for many years, and that the County has a recent nonconforming problem that he sees as more of a land use problem and the County's map being more of a problem than the categories. Mr. Dias continued that he would like to make a motion to forget what has been done at this point and keep the original categories as they are. Staff noted that were two different thoughts that have come from the workgroup, one to bring back the land use categories with paragraph descriptions and the other to forget the process and move to keep the categories as they are. Mr. Getter commented that he tends to agree with Mr. Dias that given how far the workgroup has gone and what he is hearing and understanding what is broke and what we are trying to fix other than just the bureaucratic convenience of fewer items. Mr. Celeste asked if we scrapped this process how that would affect the policies that were previously approved and fold into the existing land use plan. Mr. Ammerman of staff answered that the policies have already been moved into the Comprehensive Plan Element, the next agenda item staff is looking at is to merge the goals with the policies with a recommendation that they also be include into the Element by Board action, and the policies by Board action are already consolidated. The workgroup asked for further clarification. Mr. Celeste gave by example a nonconforming zone change in Sunrise Manor noting if you do your justification letter and as he understands would go to the adopted policies to justify why its compatible but yet you're looking at the land use designations under the old Sunrise Manor categories, so where do those policies tie in. Staff answered that as they are provided in the Element today they apply to the current categories and would apply to the proposed categories. Mr. Getter commented that if we keep what we have then the current policies are compatible with existing land uses. Mr. Chestnut commented that the policies were designed about a year ago when he met with the Director of Comprehensive Planning because he wrote a letter with his concerns and one of the Director's comments, discussing the incompatibilities between new and old land us categories, was that our policies should be set up by use so that way commercial is commercial and it doesn't matter what land use category you put it in, residential is residential and it doesn't matter what category you put it in whether it's R-E or R-D the policy would apply to residential. Mr. Chestnut further commented that its policy by use, not category, and Mr. Chestnut feels that is a significant difference because that makes it a lot more universal. Mr. Diffley asked what the scope of this group is, and commented its sounding like I didn't get what I want so I am going to blow this up. Mr. Diffley noted that this isn't being very constructive and respectful for the amount of time that's been spent by the workgroup, reiterating the attitude of some is "I don't like the result so let's nuke it and leave it the way it is". Mr. Diffley further commented that some of the comments that he is hearing now are valid comments but should have occurred a long time ago, but we need to look at why this group was brought together and why we want to spend this much time to get to this point and say "I don't like something so let's just blow it all up and forget everyone's time". Mr. Diffley felt that this was not the reason why the workgroup came together, noting that the workgroup came together to do something, and expressed that the workgroup should not have the attitude let's just go back to the way it was, and again reiterating that it's disrespectful for the amount of time people took into the project.

Mr. Getter commented to Mr. Diffley that he sees it just the opposite, noting what he has seen on the town board is the situation that makes it difficult for people in Mr. Diffley and Mr. Celeste business and others, and it makes it tough for the Spring Valley TAB because often times it seems to Mr. Getter that the people who have established the plan have never worked the plan; it's like the guy who designs the car and never repairs it or never drives it. Mr. Getter further noted that TAB members drive them and repair them as you do and this is what he believes he is hearing from Mr. Dias with the same kind of concern. Mr. Getter commented that the other issue which the workgroup have addressed which are valid and valuable are very worthwhile but what members of the workgroup are coming up against is a real feeling that where we're headed with some of these categories is just not good. Mr. Getter commented that having some of these feelings is not disrespectful it's actually doing our job to come up with the best advice for our Commissioners. Mr. Diffley noted that he would argue that another party other than just the TAB and other member is the staff and that the staff has quite a bit of experience doing this and his approach to this is that they kind of know what they are doing of positive intentions, and that their aim is in the right direction, and that they are trying to do something positive, and they called together a group, and at that point to say we are going to blow it up doesn't make sense. Mr. Chestnut asked if this was blowing it up or staying with what you got is always an option, and the thing this group has to determine does the new system fix what's wrong with the old. Mr. Chestnut further commented that he is not so sure that we have a fix. Mr. Diffley noted that Mr. Chestnut has a valid point to look at the project to determine if it is fixing the problem, but expressed that what he is hearing is more of let's throw everything out. Mr. Dias commented that he has been here for every meeting and has spent his time here as everyone else, and is here to listen and to participate and to express his opinion. Mr. Dias expressed

he means no disrespect to any workgroup members or staff and that this has been a process where the workgroup is now at the point where we are saying is the new process better than the old process or do we currently have a better process. Mr. Dias continued that his firm belief is what we currently have is much better than what being proposed right here, and that is why he is saying (and not just to blow it up) it's not fixing really what the problem is which is a problem on the maps and not in the categories and that is what is causing the non-conforming at that point. Mr. Dias continued that at that point that if the workgroup was only here to eliminate non-conforming items we would paint the whole valley one color and put every zone category into that and then it would be a non-conforming zone change. Mr. Dias continued that that's not what we are here to do. Staff expressed to the workgroup why the workgroup was formed as it was expressed in the first meeting that the Board of County Commissioners directed staff to develop a modified set of categories and consolidated goals to determine if there can be any efficiency gains in the categories and in the merging of land use goals. Staff also expressed that the assignment will be still be completed should the workgroup determine tonight they are done. Staff also noted that they are not advocating a position for or are against this assignment, but as staff they will complete the project to the best of their professional ability using all the expertise and resources available. Staff reiterated again that they are not in a position to quit, but will continue o regardless of what the workgroup decides tonight. Staff expressed gratitude to this point for the workgroups help and participation and understands there are differences of opinions and views. Mr. Orgill asked that assuming if the workgroup were to go along with Mr. Dias recommendation and noting that staff was charged with consolidating 21 categories to the now proposed 14, would staff be laying themselves on the line when they have to report back to Board that this group said to leave it alone. Mr. Orgill further noted that he felt in reality the staff is laying themselves on the line where they may get chewed out, and asked if the staff felt they were sticking their necks on the line if the workgroup were to accept the "blow it up/leave it alone" scenario and felt he is not so sure he doesn't go along with Mr. Dias, but reality says staff was charged to complete this assignment.

Staff noted that they cannot speak for the Department Director or County Manager but can merely offer that staff was directed by the Board and County management to complete this assignment and it will be completed. Mr. Martin commented that this is a workgroup, and were given the assignment to come up with "possible" improvements to the existing land use categories and goals and for the groups presentation and what were our findings, and at the end of staff's summation it should be voiced that part of the group feels this is good and shouldn't make any changes; again that should be the summation of your proposal, but us blowing up now is not the whole point of the group. Mr. Martin continued that if we propose something, we hope that staffs presentation to the Board is the summation of feeling of the group with a portion of the group saying it really doesn't solve the problem and another part saying it does. Staff agreed and noted that the group has been split on a couple of issues and as staff have reported back that the group has different views and will continue to brief the entire management and Commission those same sentiments. Ms. Younce commented that she would like to see for the next meeting the paragraphs completed for the workgroup to review. Ms. Younce continued that if we can see the project complete it can be submitted the way Mr. Martin expressed and presented that this is what we put together although a portion of the group feels it really isn't better than what we already have and would like to stick with what we've got and what's been working for years, but this is what we've worked on what we've come up with. Mr. Dias commented that again he is not trying blow anything up and not to ruin staffs assignment; your assignment was to have this group have the discussion, and the workgroup has had the discussion and feels what is going on is going in the wrong direction. Mr. Dias again expressed he is not trying to blow it up but rather he is disagreeing with the whole premise, and yes there have been votes on individual things but that has been part of the whole process and we have been here to look at the whole process, but now that we have completed the goals and categories, now is the time to say whether we think it's better or worse. Mr. Dias noted he is not saying to change the goals or the policies as they were amended we should keep them in there, and with that gave a motion to leave the categories as they currently are and not go or proceed with the categories as proposed. Mr. Getter seconded the motion. The motion failed in a 4-7 vote. A second motion was offered by Mr. Martin to hold item #6 until the next meeting and that staff will bring back written descriptions of each category. The motion was approved in a 7-4 vote.

The next item the workgroup discussed on the agenda was the merging of 11 goals into 14 land use categories. Mr. Chestnut commented that the format staff provided by merging the goals into the categories is the wrong direction, commenting that the policies were built on uses which could be universally deployable so that goals should be attached to those uses and not to specific land use categories. Mr. Chestnut commented that if agenda item gets approved he wonders what he is going to use in Enterprise for the next five years. Staff asked Mr. Chestnut if he would like to see the goals and policies and categories separate from each other. Mr. Chestnut commented that the policies were built on uses with different kinds of residential, commercial and mixed used development that can be applied anywhere in any category as you develop, or it can be applied back to the old categories until such time as everything is updated, and that it gives us

(TAB members) a consistent system to work with the TAB, the planners and the citizens, so if we try to put goals and policies into categories, particularly new categories you create mass confusion out there for at least five years. Mr. Chestnut continued that we merged them with the land use policies as currently stated and approved by the BCC. Staff gave a brief background on that the goals and policies were initially found in each TAB land use plan until this year where the BCC approved the merger of policies and that the policies should be moved to the Comprehensive Land Use Element. Mr. Orgill asked if this approach that Mr. Chestnut suggested makes sense to the non-TAB members who will have apply for applications with the County. Staff noted that there are 131 policies and the goal again was to at least to break up the policies by a heading so that an individual board member or citizen would not have to sort through them. Ms. Kilarski likes Mr. Chestnut idea but suggested that the 131 policies should stand alone and have sub heading identifying the section of policies. Mr. Chestnut suggested to take the approved breakdown heading that staff already have, that's already published and approved by the BCC, and add the goal into the appropriate use, so if its residential you add it into residential. Mr. Dias suggested that another option is to let the 11 goals stand as one sheet of paper rather than being put into any other category. Mr. TerBerg of staff suggested that if this is the direction of the workgroup, the suggestion by Ms. Kilarski to rearrange the goal list by sub-heading to group them together would be the best approach. Mr. Spencer noted that some form of categorization that improves the efficiency and ease for the public to find policies is important, and being that this is Las Vegas we deal with people from all over the world, and it's important to have some method to direct their attention makes everybody's process a little more efficient. Mr. Celeste asked the group to clarify in regards to stand alone policies. Mr. Chestnut commented again his concern and reason for suggesting this direction is when you add the categories into it, you add a large element of potential confusion where is if you keep them by use (type of use), then its universally applicable no matter the land use category. Mr. Chestnut further commented that if we stick to the old ones (categories) they still apply, if we go to the new ones (categories) they still can be used, but if you accept it the way staff has drafted, and the new ones (categories) didn't go you would be back to scrap the whole thing and would have to start the whole thing again. Mr. Chestnut made a motion that goals, policies and categories are separate documents on their own and that the goals are reorganized into similar groups or uses. The group unanimously approved the motion.

- 7) **Public Comment.** Chuck Martin suggested that the next time the County does a focus group there should be a point midway through the process where a litmus test should be given of the panel if we are going in the right direction instead of getting to the final days, stating waiting till the last meeting(s) just doesn't work.
- 8) **The next date and location for a regular meeting of the Clark County Community Plan Work Group is tentatively scheduled for October 22, 2015 at 6:00 p.m. in the Pueblo Room.**
- 9) **Adjournment.** The meeting was adjourned at 7:15 p.m. Motion made by Mr. Orgill and second by Ms. Kilarski.

Respectfully submitted,

Michael Popp, Senior Management Analyst

Date