

**ATTACHMENT A
BUNKERVILLE TOWN ADVISORY BOARD
ZONING AGENDA
THURSDAY, 7:00 P.M., FEBRUARY 16, 2017**

03/08/17 BCC

1. **UC-0040-17 – HAPPY GOOD FORTUNE, LLC:**
USE PERMITS for the following: 1) an existing recreational facility (trail rides); 2) a proposed recreational facility (animal viewing facility); and 3) exotic animals.
WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) eliminate landscaping requirements; and 2) increased fence height.
DESIGN REVIEW for recreational facilities in conjunction with existing single family residences on 177.0 acres in an R-U (Rural Open Land) Zone. Generally located on the east and west sides of River Cliff Road (alignment), 2,000 feet southwest of State Route 170 within Bunkerville. MK/gc/ml (For possible action)

RECREATIONAL FACILITIES/
EXOTIC ANIMALS
(TITLE 30)

RIVER CLIFF RD/STATE ROUTE 170
(BUNKERVILLE)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

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RELATED INFORMATION:

APN:

034-00-001-014 thru 016, 018, 021, & 039

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Eliminate street landscaping where Figure 30.64-13 is required.
 - b. Eliminate landscaping adjacent to a less intensive use where Figure 30.64-11 is required.
2. Increase fence height to 8 feet where a maximum of 6 feet is permitted per Title 30.64.020 (a 33.3% increase).

LAND USE PLAN:

NORTHEAST COUNTY (BUNKERVILLE) – RESIDENTIAL LOW (UP TO 3.5 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 2710 and 2725 River Cliff Road
- Site Acreage: 177
- Project Type: Recreational facilities
- Number of Stories: 1
- Building Height: 13 feet 5 inches (educational center)/12.5 feet (shade structures)
- Square Feet: 969 (educational center)/1,500 (each shade structure)
- Parking Required/Provided: 4/4

Site Plans

The plans show an existing recreational facility (trail rides) and a proposed recreational facility (animal viewing facility) in conjunction with existing single family residences on portions of the site. One single family residence is located on APN 034-00-001-018 and the other single family residence is located on APN 034-00-001-021. The existing recreational facility (trail rides) was originally approved by action of UC-0701-15, but the required 1 year review did not take place, and therefore, the application expired. The trail rides originate from a previous workshop building that was converted to an "educational center" building located approximately 100 feet west of the existing residence on APN 034-00-001-021. The trail rides are conducted on camels and Segways. A number of 1,500 square foot shade structures exist and will be constructed for the riding/agricultural animals to the north, west, and south of the "educational center" building. Additional 1,500 square foot shade structures will also be constructed for the housing of the exotic animals. Each shade structure will be surrounded and enclosed by an 8 foot high wire game fence. The animal viewing facility will house both large and medium agricultural animals, and exotic animals. It is anticipated that the number of animals for both recreational facilities will total 100 large agricultural animals (50 camels and 50 other large animals, where no more than 25 would be for personal use), 50 medium agricultural animals (goats, emus, alpacas, llamas, etc.), and 23 exotic animals. The exotic animals consist of:

- 3 Patagonian Cavys
- 3 Muntja Deers
- 2 African Crested Porcupines
- 2 Prevost Squirrels (housed in the "educational center" building)
- 2 White Nape Squirrels (housed in the "educational center" building)
- 3 Capybaras
- 3 Six-banded Armadillos (housed in the "educational center" building)
- 1 Zeedonk
- 1 Zebra
- 3 Two-toed Sloths (housed in the "educational center" building)

Access to the site is via a gated entrance from River Cliff Road which terminates at the site. A 20 foot wide gravel driveway leads to the "educational center" building. A trash enclosure will be located south of the gravel driveway. A total of 4 parking spaces are provided within a gravel parking area to the west of the "educational center" building where 4 spaces are required. However, the 2 handicap parking spaces will be paved with concrete. The entire facility, including the riding trails, will be enclosed by an 8 foot high wire game fence.

Landscaping

No changes are proposed to the existing landscaping. A number of large palm trees exist around the existing buildings. The applicant is requesting to waive the required landscaping along streets and adjacent to less intensive uses.

Elevations

The plans depict an existing 1 story, 13 foot 5 inch high, "educational center" building. The building is constructed of stucco finish and pitched asphalt shingle roofing. An overhead roll-up door is shown on the west elevation and 3 windows on the south elevation. The shade structures

are 12.5 feet high and consist of wood beams with corrugated metal siding, and flat corrugated metal roofing.

Floor Plans

The plans show a 969 square foot “educational center” building consisting of a reception/waiting area, a storage area, restrooms, and housing for the sloths, squirrels, and armadillos. A 156 square foot outdoor enclosure will extend from the rear of the “educational building” to provide outdoor space for the animals in the building. The shade structures are 1,500 square feet each.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant states that there are no nearby residences or businesses that will be impacted by the facilities. The surrounding area is open range and the increase in fence height will keep surrounding cattle out of the facility to provide a safer and cleaner environment to the public. Visitors will be shuttled from Las Vegas and Mesquite hotels in order to control traffic, garbage, and visiting hours. Furthermore, the applicant states that they are currently working with the Zoological Association of America (ZAA) for approval of the exotic animals, and have obtained approvals by the U.S. Department of Agriculture (USDA).

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0701-15	Recreational facility (trail rides) subject to 1 year to review - expired	Approved by PC	December 2015

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, & West	Open Land	R-U	Undeveloped
East	Residential Low (up to 3.5 du/ac)	R-U	Single family residence

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Use Permits #1 & #2

Staff finds the existing and proposed recreational facilities will not adversely impact the surrounding area. The site is remotely located and surrounded primarily by various hills on

Bureau of Land Management land. Furthermore, the trail rides and use of camels and other agricultural animals with the recreational facilities fits in with the rural atmosphere of the area. However, staff would not support the use of exotic animals with the animal viewing facility since Animal Control cannot support the request for exotic animals. The use of Segways on the trails would cause minimal noise and impact to the area. There have been no complaints filed with the Clark County Public Response Office related to the operation of the existing recreational facility (trail rides) during the past year of operation.

The request complies with Policy 2.3 of the Northeast County Land Use Plan which encourages site designs that are compatible with adjacent land uses. Additionally, the Virgin River acts as a natural geographical boundary that separates and buffers the site from properties to the south and east. Staff, however, recommends a review period to assess any potential adverse impacts such as traffic, dust, noise, garbage, and/or other similar nuisances possibly created by the uses.

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses and value of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #1

The property is surrounded by land designated as Residential Low or Open Land (which is considered a residential use) in the Northeast County Land Use Plan. Given the size of the property at 177 acres, staff finds it unrealistic to plant medium trees every 20 feet around the entire perimeter of the property. Furthermore, doing so would be uncharacteristic of the surrounding rural area and would not blend in with the natural vegetation of the area. Additionally, the property is remote and structures associated with the recreational facility are located interior to the site, and therefore, surrounding properties will not benefit from perimeter landscaping that the requirement is intended to provide. For the same reasons, staff can support waiving the landscaping along streets and/or dedicated rights-of-way.

Waiver of Development Standards #2

Staff can support the request to increase fence height. The fence is wire, and therefore, a visible and open feel will still be maintained on the property. Furthermore, the County has routinely approved fence heights up to 8 feet for other similar uses.

Design Review

The "educational center" building will still maintain the same stucco finish and asphalt shingles, and therefore, still be compatible with the surrounding area. The shade structures are of typical materials that are used in rural areas, and comply with Title 30 code requirements for accessory agricultural buildings and structures. Furthermore, the applicant intends to meet the minimum amount of shade/covered stall area that would be required per Title 30, if the facility was classified as a boarding stable.

Animal Control

Use Permit #3

A use permit is one of many required permits and licenses for the keeping and exhibition of animals. An operation such as this is required to hold licenses from the USDA in accordance with the Animal Welfare Act. The Animal Welfare Act requires, per section 2.131, that "All licensees who maintain wild or exotic animals must demonstrate adequate experience and knowledge of the species they maintain." The USDA investigating medical officer may deny a license based on inadequate experience. The exotic animals being sought for this property are being done so on a whim due to their availability and proximity without any proper forethought, research, or investment. Adequate caging, barriers, environment enhancement, sustenance, and veterinary care must be considered at a minimum. Based on the plans and photos provided, it is clear that this is not intended to be a professional establishment, but a roadside attraction that does not take the best interest of the public or animals into account.

Staff Recommendation

Approval of use permits #1, #2 for agricultural animals only, waivers of development standards, and design review; and denial of use permits #2 for exotic animals, and #3.

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 Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- 1 year to commence and review;
- Approval of use permit #2 for agricultural animals only.
- Applicant is advised that approval of this application does not constitute or imply approval of any other County issued permit, license, or approval; applicant must comply with Clark County Animal Control requirements; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that 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.

Public Works – Development Review

- Applicant is advised that any future development may require a drainage study; and that this site is located within a Special Flood Hazard Area (SFHA) as designated by the Federal Emergency Management Agency (FEMA).

Building/Fire Prevention

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

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:

APPLICANT: Guy Seeklus
CONTACT: Brimont Construction, P.O. Box 1142, Overton, NV 89040

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