



**NYE COUNTY BOARD OF COUNTY COMMISSIONERS  
PLANNING DEPARTMENT STAFF REPORT**

**Meeting Date:** August 6, 2019

**Case File No:** TM-2018-000016

**Application Type:** Tentative commercial subdivision map

**Staff Recommendation:** Approval of the map with standard/special conditions.

**AGENDA ITEMS**

**Agenda Item:** For possible action - Discussion and deliberation on Tentative Commercial Subdivision TM-2018-000016: A tentative subdivision map application to allow a commercial subdivision on approximately 5.9 acres (net), located 2703 E. Highway 95, Amargosa Valley, NV. Assessor Parcel Number 021-021-16. Area 51 Land, Inc. – Property Owner/Applicant. Civilwise Services, Inc. – Agent.

**Property Owners/Applicant:** Area 51 Land, Inc.

**Requested Action:** Approval of the tentative commercial subdivision map.

**Property Location:** 2703 E. Highway 95, Amargosa Valley

**AMARGOSA VALLEY PLANNING COMMITTEE**

The Amargosa Valley Planning Committee reviewed this proposed tentative commercial subdivision map at their May 14, 2019 meeting and voted to recommend approval to the BOCC (see attached letter).

**RECOMMENDATION**

Should you elect to approve, disapprove, or add additional conditions, based upon the staff analysis, comments received, and the site inspection, staff offers the following motion(s) for your consideration:

**Motion to Approve:**

I move to approve Tentative Commercial Subdivision TM-2018-000016, subject to the conditions outlined in the "Conditions of Approval" section of this report, after having made the findings outlined in the staff report.

**Motion to Disapprove:**

I move to disapprove Tentative Commercial Subdivision TM-2018-000016 after having made alternative findings.

**FINDINGS**

**Findings:**

Findings for TM-2018-000016 as required under Section 278.349, Nevada Revised Statutes (NRS):

*NRS Section 278.349: (Action on tentative map by governing body; considerations in determining action on tentative map; final disposition) provides the matters that shall be considered on a tentative map and are as follows:*

- (a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

*Environmental and health laws and regulations are required to be followed concerning water and air pollution, disposal of solid waste, supply water and public sewage disposal.*

- (b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

*Existing truck stop, gas station, brothel, and restaurant are currently served by an on-site private well. Any future development on the site may require additional water rights. See attached information regarding existing water rights.*

- (c) The availability and accessibility of utilities;

*Public utilities are not available and are not proposed to be installed.*

- (d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

*Impact Fee Ordinance #302 adopted August 17, 2005 established Fire, Park, Police and Street impact fees, applicable only to the Pahrump Regional Planning District. Any new construction of commercial buildings would not be subject to payment of impact fees. As this is a proposed commercial subdivision, there is no direct impact on schools. Access to the site is from a state highway, maintained by NDOT.*

- (e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

*The proposed map is consistent with the 2014 Master Plan Update which designates the subject parcel as Community Development Area (CDA).*

- (f) General conformity with the governing body's master plan of streets and highways;

*The proposal is in general conformity with the streets and highways plan.*

- (g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

*No new streets are proposed or required to serve the proposed subdivision. Improvements to the existing streets may or may not be required, as based upon the traffic impact study results.*

*All internal streets are planned as private access driveways, and will not be dedicated to Nye County for future ownership or maintenance.*

- (h) Physical characteristics of the land such as floodplain, slope and soil;

*There are no unusual physical characteristics associated with the subject land. The site exhibits minimal slopes within the proposed building area.*

- (i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;

*Nevada Division of Environmental Protection and the Department of Water Resources are the state reviewing agencies with respect to water pollution and sewage disposal, and water availability.*

- (j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands; and

*The property is not located within a utility service area. Water is currently provided by an on-site well. Fire hydrants are existing or will be provided by the developer as required.*

- (k) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

*The Nye County Treasurer's Office will determine that taxes on the property are paid in full prior to recording of the final map.*

## SUBDIVISION MAP / PROJECT ANALYSIS

**Background:** The subject property is currently developed with a truck stop/gas station, brothel and restaurant.

**Area Characteristics:** The subject property is bordered by State Highway 95 to the south. The subject property has no unusual land features. The subject property is located within flood zone X (unshaded), which corresponds to areas outside the 500-year flood hazard area as indicated by the Flood Insurance Rate Map (FIRM).

**External Comments:** The Town of Pahrump, Emergency Services (Fire and Sheriff's Departments) offered no comments. Nye County Public Works staff reviewed the proposal and provided comments, which have been addressed by the applicant on the revised tentative map. The Amargosa Valley Planning Committee reviewed this proposed tentative commercial subdivision map at their May 14, 2019 meeting and voted to recommend approval to the BOCC.

**Application Details:** Applicant is requesting approval of a Tentative Commercial Subdivision Map. The BOCC takes final action on Tentative Commercial Subdivision Maps and requires a simple majority vote of the members present to pass a motion.

**General Analysis:** The applicant is submitting a tentative map application to create a commercial subdivision, allowing the flexibility to sell future commercial sites via a Record of Survey.

The proposed Tentative Commercial Subdivision application contains sufficient information to make an informed recommendation.

**Final Map Technical Review shall include:**

1. **Drainage Study** will be required per NCC 16.28.310 B. Drainage Study will be used to determine on-site drainage improvements and assess developer for off tract mitigation per NCC 16.28.360.
2. **Traffic Study** will be required per NCC 16.28.280 N. Traffic Study will be used to determine the amount to assess developer for off-tract mitigation per NCC 16.28.360.

## APPLICABLE REGULATIONS

NRS 278.325 (mapping for industrial or commercial development).

## CONDITIONS OF APPROVAL

If the BOCC decides to approve the application, the following **CONDITIONS OF APPROVAL** have been suggested and subject to the discretion of the Board:

### Tentative Map Standard Conditions of Approval

1. Final map shall comply with all applicable state and local statutes, ordinances, codes, rules and regulations in effect at the time of recordation as well as compliance with plans, documents, reports, etc. submitted by the Developer(s).
2. Developer(s) shall, at their own cost, perform and complete all work and improvements required by state and county statutes, codes, regulations, etc.
3. No construction of public improvements shall occur until construction plans are submitted and approved in accordance with the Document Submittal Requirements along with the calculations of the construction valuation, and plans check and inspection fees shall be borne by the Developer(s).
4. Prior to submittal of the Final Map, a preliminary title report not more than ninety (90) days old must be provided. Should the title report reference additional holders(s) of security interest, written consent of each holder or record of a security interest must be provided by signing the map or by signing a separate document that shall be recorded along with the final subdivision map. If a separate document is recorded with the map, the map must contain notation to that fact.
5. At the time of final map submittal, all taxes for the current fiscal year shall be paid in full. (The Treasurer's signature will be obtained by the Planning Department).
6. Final monuments must be set by a professional land surveyor licensed in the State of Nevada before recordation of the final map. In lieu of setting monuments the Surveyor may furnish a performance bond or other suitable assurance to the governing body that will guarantee that the Surveyor will set the monuments on or before a date certain. Please note that the Surveyor's Statement indicates that the monuments depicted will occupy the position.
7. The form of the Final Map shall conform to the requirements outlined within N.R.S. 278.372.
8. Public utility rights-of-ways and easements must be approved by the utilities in whose favor the rights-of-way are being granted by signature of each utility's authorized representative appearing on the map.
9. All jurat sheet signatures must be present prior to submission of the Mylar (i.e., owner(s), Division of Health, Division of Water Resources, surveyor, county surveyor).
10. All utilities servicing the development shall be provided underground except for main lines entering the subdivision along the perimeter. Utility easements shall be provided ten (10) feet each side of the centerline of all existing pole lines; and a ten (10) foot public utility easement shall be provided along the perimeter of all properties within the boundary of the final map.
11. The map will not be scheduled for final action until the engineered improvement plans for grading, streets, and utilities, the drainage study, the traffic study and/or traffic impact assessments have been reviewed and approved by the Nye County Public Works Department. These studies will be used to determine on-site improvements and assess developer for all off tract mitigation per NCC.
12. Off-Tract Assessments fees, bonding, and improvement agreements must be in place prior to Final Map submittal.
13. All road obstructions and encumbrances shall be removed from the Right-of-Way.
14. Should the developer submit the Final map in phases, legal and physical access shall be provided to any remnant parcel(s).
15. In such cases where double frontage lots are unavoidable, restrictions shall be implemented to restrict residential access/addressing from the interior street(s) only.
16. The applicant shall pay for the cost and installation of street name signs in accordance with Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) standards and Nye County Public

Works Department standards. This cost includes the placement and/or replacement of street name signs at all street intersections affected by this approval.

- a. Design and placement of traffic signs shall be in accordance with the Nye County Standard Details and Specifications for Public Improvements within the Pahrump Regional Planning District.
  - b. Design and location of street signs shall be shown on the engineer's plans for street improvements and shall be installed prior to final inspection of the roadway.
  - c. At least one (1) street sign shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed free of visual obstruction, and shall be installed under light standards where light standards exist. The design of street name signs shall be in accordance with the standards found in the document entitled *Standard Details and Specifications for Public Improvements within the Pahrump Regional Planning District*.
17. Driveway aprons shall extend from the edge of pavement within the street ROW to the private property and shall conform to the Standard Details and Specifications for Public Improvements Within the Pahrump Regional Planning District and includes:
- a. The developer shall obtain encroachment permits from Nye County Road Department for any work within the ROW.
  - b. Developer shall maintain the drainage swales and shall not obstruct flows adjacent to the subject property.
  - c. The type of ownership of land dedicated for open space purposes shall be defined within the Development Agreement and shall be subject to approval by the Board of County Commissioners at the time of Final Map review.
  - d. Conformance to Nye County Standards regarding street ROWs and street improvements.
  - e. Developer(s) shall participate and perform and complete all work (at their own expense related to on-site and off-tract improvements) required by federal, state and county statutes, codes, and regulations that are in effect at the time of development.
18. Developer shall dedicate to County up to the full width of half the right of way of any streets and highway on their side of the property if such right of way is required by the Master Plan and/or County Capital Improvement Plan;
19. All future development shall follow Public Works "*Guidelines for Design and Review of Development Engineering Submissions*" in the Pahrump Regional Planning District;
20. The need for traffic improvements required as a result of a Traffic Impact Analysis (TIA) shall be subject to Public Works Department review and approval of proponent's TIA;
21. Geotechnical Reports and Technical Drainage Studies, when required, must receive Public Works Department approval prior to submitting any improvement plans for review.



# CIVILWISE SERVICES INC

1240 E. State St., Ste 101  
Pahrump, Nevada 89048

Phone: (775) 751-1413  
Fax: (775) 751-3584

December 11, 2018

Nye County Planning  
250 N. Highway 160  
Suite 1  
Pahrump, NV 89060

To Whom It May Concern:

Subject: Tentative Map – AREA 51 LAND INC  
APN 021-021-16: AREA 51 LAND INC/Applicant

The subject Tentative Map is being submitted for consideration and approval.

Detailed information regarding the conceptual layout of the site including buildings, parking, traffic, onsite utility information is shown to allow a more complete review of the proposed Commercial Subdivision. It should be noted as shown on the Tentative Map, that all driveways and access ways will remain private and will be covered by any cross access and "Umbrella" easements for use of the public to access the onsite businesses and facilities.

The CDA (Commercial Development Area) known as Parcel 2, APN 021-021-16 is designated Mixed Use with Commercial as primary use by the Nye County Assessor.

The subject property is located on approximately 5.89 acres of land, more or less, and is being serviced by private water and sewer. Valley Electric Association services this property for electric. The proposed use includes current Commercial facilities sharing egress/ingress from Highway 95 with NDOT designed turning lanes in place.

We respectfully request approval of the Tentative Map for Area 51 Land Inc.

Should you have any questions or require additional information please contact this office.

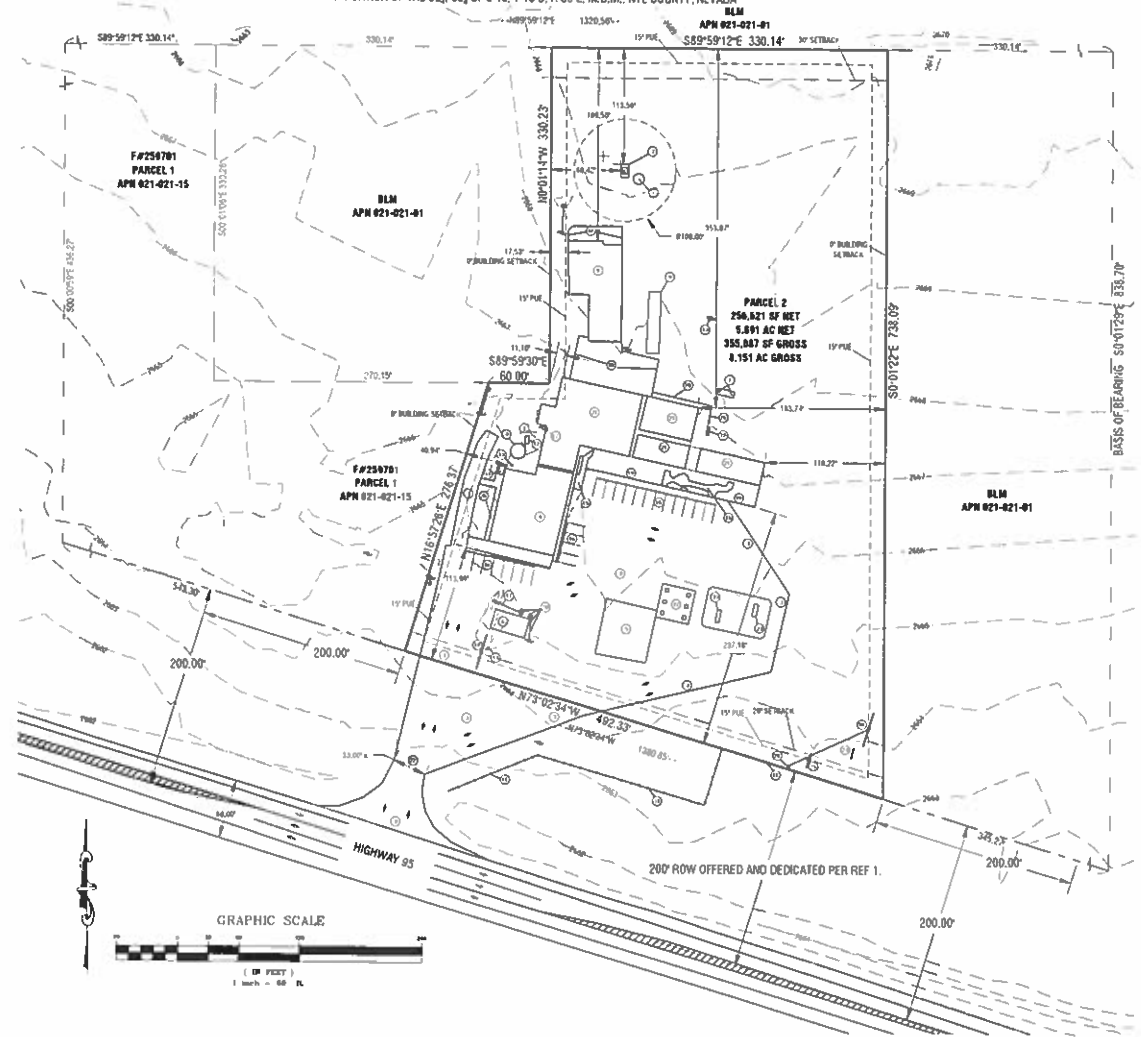
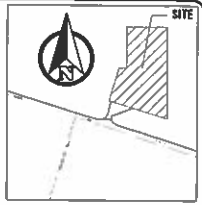
Sincerely,

David A. Richards  
Civilwise Services, Inc

# TENTATIVE MAP

## FOR COMMERCIAL SUBDIVISION AREA 51 LAND INC.

A "COMMON INTEREST COMMUNITY"  
A PORTION OF THE SE 1/4, SE 1/4 OF S. 18, T. 15 S., R. 50 E., M.D.M., NVE COUNTY, NEVADA



**EXISTING:**

- 1 EXISTING ENCLOSED SEP/RIC SYSTEM WITH 6" WOOD FENCE
- 2 EXISTING WOOD YARD
- 3 EXISTING ASPHALT
- 4 EXISTING 6" TONE GAS 1/2" DIA
- 5 EXISTING GAS PUMPS CONCRETE PAD WITH SHADE COVER
- 6 EXISTING 1/2" DIA SHADE COVER
- 7 EXISTING 104 FIRE SUPPRESSION WATER TANK
- 8 EXISTING 154 FIRE SUPPRESSION WATER TANK
- 9 EXISTING BUILDING TO BE REMOVED
- 10 EXISTING WOOD FENCE
- 11 EXISTING FENCE
- 12 EXISTING PROPANE TANK
- 13 EXISTING POWER PANEL
- 14 EXISTING CONCRETE TIE-IN ON CONCRETE
- 15 EXISTING CONCRETE PAD
- 16 EXISTING PAVING
- 17 EXISTING 4" CAD
- 18 EXISTING BILLBOARD
- 19 EXISTING 2" WALL
- 20 EXISTING 3" WOOD POPE WITH GUY WIRE
- 21 EXISTING BROTHEL BUILDING
- 22 EXISTING 1/2" A. INGRESS EGRESS
- 23 EXISTING GAS PUMPS, NO SHADE COVER
- 24 EXISTING WOOD SHADE SIGN
- 25 EXISTING GAS SIGN
- 26 EXISTING CONCRETE RAMP
- 27 EXISTING FUEL SUMP LEGS
- 28 EXISTING BREAKER BOX WITH ABOVE GROUND ELLECTRICAL CONDUIT TO BILLBOARD
- 29 EXISTING CHAIN LINK FENCE

**FLOOD ZONE STATEMENT:**

THIS PROPERTY IS LOCATED IN FLOOD ZONE "X" 0.2 FT ANNUAL CHANCE FLOOD HAZARD, AS SHOWN ON COMMUNITY PANEL # 130220252E, DATED FEBRUARY 17, 2018. ANY CONSTRUCTION OR IMPROVEMENT WITHIN A SPECIAL FLOOD HAZARD AREA MUST BE IN ACCORDANCE WITH NVE COUNTY CODE TITLE 15.12 THE FLOOD DAMAGE PREVENTION ORDINANCE.

**WATER AND SEWER SERVICE NOTE:**

SERVICE TO THIS PROPERTY IS PRIVATE AND WILL BE MAINTAINED BY OWNER.

**DRAINAGE NOTE:**

NO ALTERNATE OR CONSTRUCTION SHALL WITHIN THE DRAINAGE CHANNELS UNLESS A DRAINAGE PLAN IS APPROVED.

**LEGAL DESCRIPTION:**

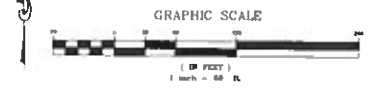
PARCEL 2, CONTAINING 5.89 ACRES, 256,821 SQ. FT., DOCUMENT NUMBER 214793 DATED MAY 2, 1990.

**COUNTY RECORDER'S NOTE:**

ANY SUBSEQUENT CHANGES TO THIS MAP SHOULD BE EXAMINED AND MAY BE DETERMINED BY REFERENCE TO THE COUNTY RECORDER'S LATEST MAP BOOK, 180 276,500.

**ZONED:**

NOTED WITH COMMERCIAL AS PRIMARY USE



**LEGEND:**

- EXISTING PROPERTY LINE
- EXISTING OVERHEAD POWER LINE
- RIGHT-OF-WAY BOUNDARY
- BUILDING SETBACK
- 1/2" PUBLIC UTILITY EASEMENT (PUE)
- OUTSIDE LOT LINE
- SECTION LINE
- GUY WIRE
- OVERHEAD POWER POLE

**REFERENCES:**

MAP	DOCUMENT NUMBER	RECORDED DATE
1 GRANT, BARGAIN AND SALE DEED	063484	MAY 24, 2010

**BASIS OF BEARING:**

100.0170°S BEING THE SOUTH EAST SEC. COR. LINE OF THE SE 1/4, SE 1/4 OF SECTION 18, T. 15 S., R. 50 E., M.D.M., NVE. CO., NEV.



**CIVILWISE SERVICES, INC.**  
1240 E. STATE ST., STE. 101, PARRISBURG, NJ 08064 (732) 961-4633

**TENTATIVE MAP  
FOR COMMERCIAL SUBDIVISION  
AREA 51 LAND INC.**

A PORTION OF THE SE 1/4, SE 1/4 OF  
S. 18, T. 15 S., R. 50 E., M.D.M., NVE COUNTY NV

ATM # 021-021-10

SHEET	DRAWN BY	JOB NUMBER	DATE
7 of 7	JCA	0718-02	01-24-2019

TM-2018-000016



The Amargosa Valley Town Board  
821 E. Farm Rd.  
Amargosa Valley, Nevada 89020  
775-372-5459 town@amargosavalley.com

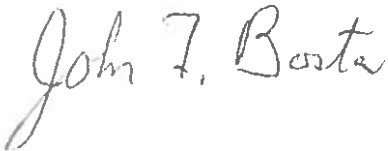
**Steve Osbourne**  
**Civil Wide Services Inc.**  
**1240 e. State St. STE 101**  
**PAHRUMP, NV 89048**

**July 17, 2019**

**Per your request Monday July 15, 2019 for a letter from the Amargosa Valley Planning Committee for the approval of a Tentative Map for Area 51 Land Inc. to present to the Nye County Board of Commissioners.**

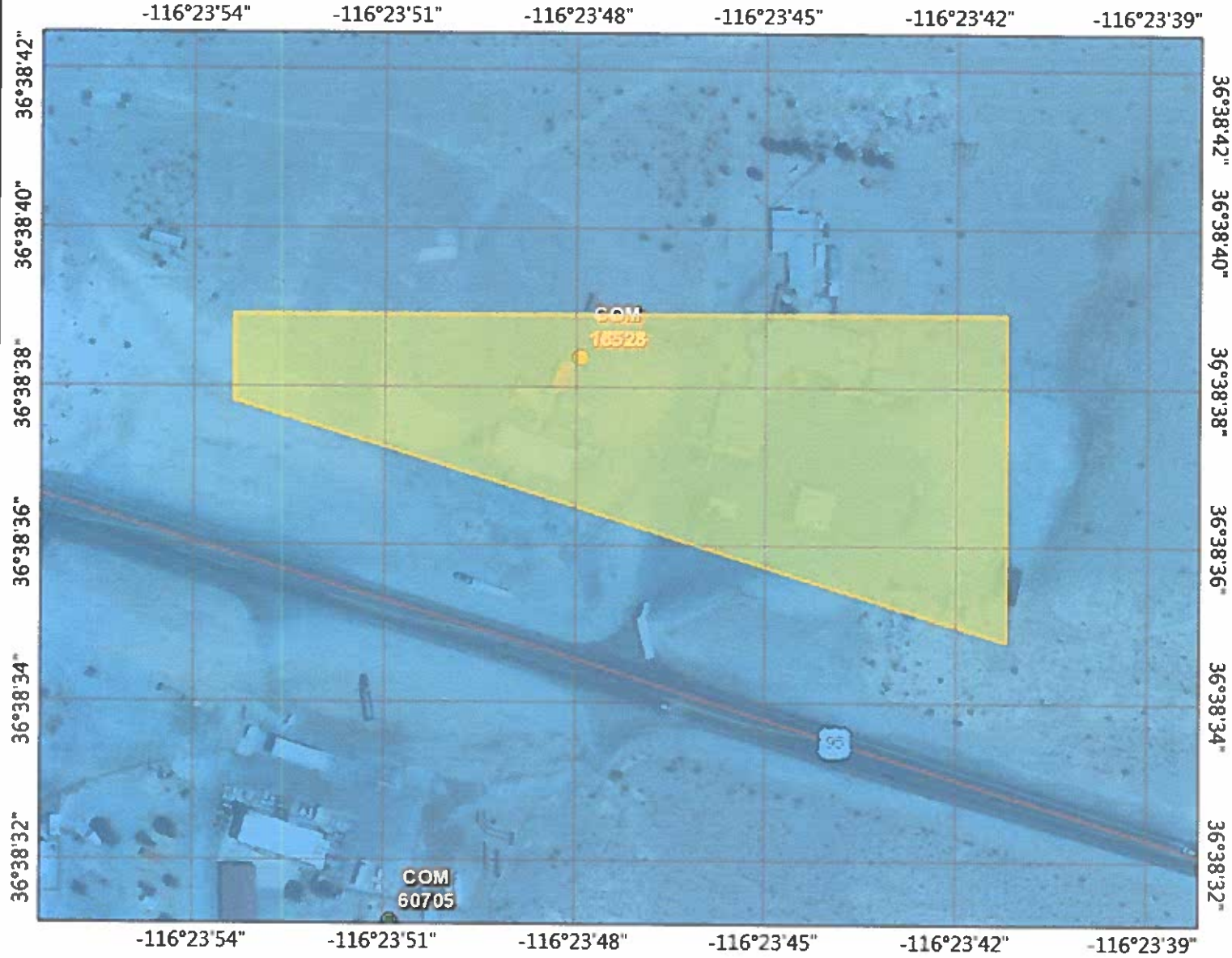
**May 14, 2019 the Amargosa Valley Planning Committee approved the request of Civil Wise Services, inc for approval of a TENTATIVE MAP FOR COMMERCIAL SUBDIVISION AREA 51 LAND INC., A "COMMON INTEREST COMMUNITY", A PORTION OF THE SE1/4 OF SW1/4 OF SECTION 18, T. 15. S. R. 50 E., M.F.M., NYE COUNTY, NV, APN 021-021-16 for a Commercial Subdivision of 5.89 acres located at Alien Travel Center 5257 E. US Highway 95.**

Respectfully,



---

John F. Bosta, Chairman



- Legend**
- POD Wildlife
  - POD Storage
  - POD Stockwater
  - POD Recreation
  - POD Power
  - POD Other
  - POD Municipal
  - POD Mining
  - POD Irrigation
  - POD Industrial
  - POD Environmental
  - POD Decreed
  - POD Construction
  - POD Commercial
  - POU Stockwater
  - POU Commercial
  - POU Construction
  - POU Decreed
  - POU Mining, Milling
  - POU Environmental
  - POU Recreational
  - POU Wildlife
  - Major Roads**
  - Interstate
  - US Highway
  - State Highway
  - Local Roads



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
7/8/2019

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

1:2,808

