

March 10, 2008

**JUSTIFICATION LETTER
FOR A
REVIEW OF CONDITIONS**

**LOG CABIN RANCH INFRASTRUCTURE
WEST CHANNEL**

The West Channel is a part of the Log Cabin Ranch residential subdivision property, owned and being developed by D.R. Horton, with G.C. Wallace doing the design work. The west bank of the West Channel is built essentially along the west boundary of the project property. The channel extends from Log Cabin Way northward to Moccasin Road, running parallel to and about 500 feet west of Durango Drive at the very north end of the City of Las Vegas (hereafter CLV). According to the Technical Drainage Study for the West Channel, during a 100-year storm event, approximately 924 cubic feet per second of storm water can be expected to flow eastward into the channel, from the adjacent property on the west, all along the west property line of the project. The approved Improvement Plans call for a 6-foot high wrought iron fence to be built all along the west bank of the West Channel. The wrought iron fence would allow all sheet flow to be virtually uninterrupted in its journey into the channel.

The wrought iron fence would ordinarily be built on top of the retaining wall that is the west wall of the West Channel. However, because most of the adjacent property owners would not allow any construction work to take place on their property, not even digging just a few inches into their property to facilitate the construction of that retaining wall along, but just inside the project property line, the retaining wall was built with its outside (west) edge 1.5 feet east of the property line, thus being totally on project property and insuring that the adjacent properties were not disturbed.

The idea was then to build the wrought iron fence within 2 inches of the west property line and pour a concrete slab even with or slightly lower than the ground to the west, all along the channel's length, extending from the west property line eastward to cap the retaining wall 1.5 feet away. (Refer to the attached detail of this retaining wall-concrete slab-wrought iron fence combination.) Again this would allow for the free flow of water through the wrought iron fence, then over the concrete slab, and into the West Channel. Currently, the retaining wall that is the west wall of the West Channel has been built, but the wrought iron fence and the concrete slab have not in general been constructed.

There are a few exceptions. Where the property line crosses the two dead end streets that end at the west side of the West Channel, Ruston Road and Rocky Avenue, the wrought iron fence has been constructed across the two rights-of-way for safety reasons. There are also several panels of wrought iron fence erected at the very northern end of the

**ROC-27304
06-18-08 CC**

channel. The only other exception is that three panels of solid block screen wall have been built on top of the retaining wall adjacent to three different properties along the West Channel, to appease their owners for the moment.

It should be mentioned that the adjacent property owners, in most cases, have some sort of fence or wall of their own along their eastern property line, adjoining this project's western property boundary. These range from a set of low stucco columns connected by wooden rails, to chain link fences (the most common), to a short wall with scalloped wrought iron fence above. Also, adjacent to the West Channel at its northern end there are no improvements at all, including no fence or wall of any kind. The owners of Log Cabin Ranch have erected a temporary chain link fence through this area for safety reasons, so that the West Channel is currently completely enclosed.

Hopefully this clarifies what is currently constructed on the ground, and what the approved Improvement Plans call for to complete the West Channel. This brings us to the problem that has presented itself to us and our reason for requesting a Review of Conditions. A few months ago it was called to our attention by CLV that back in 1999 there was a condition of approval for the subdivision from CLV Zoning that states that a "permanent exterior decorative wall/fence" must be built along the west boundary, as well as in some other areas. (See Item 9 of the Z-1-99 – Rezoning letter from CLV, attached.) Later in 2003 the CLV City Council further restricted the wall to be a "decorative block wall, with at least 20 percent contrasting materials." (See Item 12 of the SDR-1395 Site Development Plan Review letter from CLV, attached.) A normal decorative wall, the word "block" not being used, allows wrought iron as an acceptable material, as stated in the definition of a decorative wall. (The definition of Acceptable Decorative Wall Materials is found in the CLV Municipal Code, Section 19.12.075 Wall Standards, Sub-section (G)(1) Perimeter Walls, attached.) No one caught any of this as the Improvement Plans were being drawn or approved. By requiring a block wall CLV is placing a more stringent building condition here than is required of other developers.

Here is the dilemma: the adjacent property owners on the west side of the West Channel want that solid block wall built there. However, as seen above, with 924 CFS coming across the west wall of the West Channel in a 100-year storm event, we cannot have a solid block wall along the boundary. Having a solid block wall along the west perimeter of the project site would create a hazardous condition. The G.C. Wallace Drainage Division made the case for the wrought iron fence as follows:

The wrought iron fencing proposed along the west boundary of the Log Cabin Ranch development, and approved with the Technical Drainage Study for Log Cabin Ranch Infrastructure is an important element in the functionality of the West Channel due to the sheet flow nature of the offsite flows impacting the west boundary of the Log Cabin Ranch development. The wrought iron fencing provides a clear path for offsite flows from the west to enter the West Channel without adverse impact to the existing adjacent parcels to the west.

Trying to compromise and after holding more than one meeting with CLV staff, D.R. Horton asked G.C. Wallace to analyze existing drainage conditions and determine where

the minimum number of 20-foot wide full height wrought iron panels (the type panels required by CLV Flood Control) would have to be interspersed amongst the otherwise solid block wall to have the storm water in the adjacent property owners' yards rise no more than 6 inches above the existing condition water surface elevation during a 100-year storm event. This was done. (See attached drainage study update letter and exhibit. On the exhibit the blue bars with multiples of 20 feet written above them are the required wrought iron panels.)

The problem is that an unevenly spaced block wall/wrought iron fence would have a very poor appearance, with 20-foot, 40-foot, and even longer wrought iron fence panels scattered at various intervals along an otherwise solid block wall. Additionally, because that construction is required to be done without entering or disturbing the adjacent property, this entire wall/fence would have to be built on top of the already constructed retaining wall; i.e., west wall of the West Channel, which would be 1.5 feet off the property line, leaving a potentially hazardous 1.5-foot no man's land.

Thus the Review of Conditions is being sought to resolve this problem as equitably as possible with an eye to the overall appearance of the resulting solution while, more importantly, not creating a hazardous condition, namely potential destructive flooding. It is felt by both the owner and the engineer that the best solution is still to follow the approved Improvement Plans and have a 6-foot wrought iron fence only, all along the entire length of the west side of the West Channel. It is a good engineering solution, it is attractive in appearance, and it avoids creating a hazardous condition that is expensive and difficult to build. And, there is a full height solid block wall on the east side of the West Channel which provides privacy from Log Cabin Ranch for these adjacent property owners to the west.