PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-0226-13 – BEATTY, ROSE M.:**

**USE PERMIT** for a mining operation (material processing).

**WAIVER OF DEVELOPMENT STANDARDS** to reduce the separation between a mining operation and an existing dwelling.

**DESIGN REVIEW** for a mining operation (material processing) for a mineral processing facility (gypsum and limestone) on a portion of 10.8 acres in an R-U (Rural Open Land) Zone.

Generally located on the south side of Utah Avenue and the east and west sides of Cree Street (alignment) within Sandy Valley. SB/al/ml (For possible action)

**RELATED INFORMATION:**

**APN:**
219-05-601-003; 219-05-610-005

**WAIVERS OF DEVELOPMENT STANDARDS:**
Reduce the separation between a mining operation and an existing occupied dwelling on another property to 470 feet where 1,000 feet is required (a 53% reduction).

**LAND USE PLAN:**
SOUTH COUNTY (SANDY VALLEY) - BUSINESS AND DESIGN/RESEARCH PARK & RESIDENTIAL RURAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Acreage: 10.8 (portion)
- Project Type: Mining operation (material processing)
- Number of Stories: 1
- Building/Structure Height: 29 feet (maximum)
- Square Feet: 1,360
- Parking Required/Provided: 5/5

**Site Plan**
This is a request for a mining operation which will process gypsum and limestone from other locations into an additive for an agricultural soils amendment. There will be no mineral extraction from this location. The mining operation will occupy an approximate 1.3 acre lease area located on the 2 parcels. The facility will be located on the southeast corner of the western parcel (219-05-601-003) with access to the facility provided through the eastern parcel (219-05-
610-005). Access to the site is provided by a 24 foot wide driveway from Sandy Valley Road with on-site access provided by a 24 foot wide drive aisle. A modular office building is located along the west side of the lease area. A loading area and 3 metal storage containers are located along the south boundary of the lease area, and the processing equipment will be located in the central portion of the north half of the lease area. A waiver of development standards is being requested to reduce the 1,000 foot separation from the mining operation to single family dwellings on other properties. There are 3 single family homes within 1,000 feet of this property.

**Landscaping**
Landscaping and screening are not required for mining operations and no landscaping is being proposed with this request.

**Elevations**
The modular office building is approximately 12 feet in height with vertical lap siding with 2 doors and 4 windows located on the east elevation and 2 windows on the west elevation. The 3 storage containers are metal Conex boxes that are 8.5 feet in height, 8 feet wide, and 40 feet long. The equipment to process the gypsum material will occupy an area of 1,200 square feet and have a height of 29 feet.

**Floor Plans**
The plans depict a 400 square foot modular office building and 3 storage containers (Conex boxes) each with an area of 320 square feet (960 square feet total).

**Signage**
Signage is not a part of this request.

**Applicant’s Justification**
The applicant states that the facility will process approximately 1,000 tons of material per month. The facility owner and operator will obtain all necessary permits and the proposed facility will not be detrimental to the health, safety, or welfare of the community. The closest residence to the facility is buffered from the site by an existing propane storage facility which is justification for the waiver of development standards for reduced separation.

**Prior Land Use Requests**

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>UC-0172-12</td>
<td>94 foot high communication tower with a separation reduction to a residential use</td>
<td>Approved by PC</td>
<td>December 2012</td>
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<tr>
<td>UC-0129-12</td>
<td>Communication tower with a separation reduction to a residential use</td>
<td>Withdrawn</td>
<td>March 2012</td>
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**Surrounding Land Use**

<table>
<thead>
<tr>
<th></th>
<th>Planned Category</th>
<th>Land Use</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
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</thead>
<tbody>
<tr>
<td>North &amp; East</td>
<td>Residential Rural</td>
<td>R-U</td>
<td></td>
<td>Undeveloped parcels</td>
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<tr>
<td>South</td>
<td>Residential Rural</td>
<td>R-U</td>
<td>Liquid propane gas storage and distribution facility, single family residence</td>
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</tr>
<tr>
<td>East</td>
<td>Residential Rural</td>
<td>R-U</td>
<td>Undeveloped parcels</td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>Residential Rural</td>
<td>R-U</td>
<td>Undeveloped parcel and single family residence</td>
<td></td>
</tr>
</tbody>
</table>

Clark County Public Response Office (CCPRO)
CMPC-2103-13 is a case on file for construction of a cell tower and shade structure on the property without permits. A cell tower was approved for the site by UC-0172-12 but no building permits have been issued for the structure. The applicant for the mining operation is not connected with the cell tower.

**STANDARDS FOR APPROVAL:**
The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

**Analysis**
**Current Planning**
Use Permit and Waiver of Development Standards
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 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. Mining operations have a specific requirement for a 1,000 foot separation from existing occupied residential dwellings. The property is within 1,000 feet of 3 residential dwellings, and with the size of the parcels it is not possible to move the facility on the property without reducing the separation to at least 1 of the dwellings. The 1,000 foot separation to a residential dwelling is intended to limit the impacts of mining operations on existing dwellings. Other than the separation from the dwellings, Code does not provide standards for buffering and screening mining operations. The applicant indicates the closest residence is buffered from the facility by an existing propone storage and distribution facility. However, there is an existing residence to the west that is less than 1,000 feet from the site and no on-site buffering or mitigation measures are being provided to reduce impacts to this residence. Since the residential separation is not being met and no mitigation measures are proposed, staff does not support the use permit or waiver of development standards.

**Design Review**
As stated above, Code does not offer any other requirements for buffering and screening for mining operations other than the separation of uses; therefore, staff cannot support the design of the facility. If the Planning Commission finds this location to be suitable for a mining operation, staff does not object to the design and layout of the facility if mesh screening is added to the perimeter fencing of the facility to screen the facility from the adjacent properties.

**Staff Recommendation**
Denial.
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:
- 2 years to commence and review;
- Mesh material to be added to the perimeter fencing of the facility to screen the use from adjacent properties.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Public Works – Development Review
- Drainage study and compliance.

Southern Nevada Health District (SNHD) – Septic
- Applicant is advised there is unpermitted septic system located on the property; this septic system must be abandoned per Section 17 of the SNHD ISDS Regulations; since municipal sewer is not available within 400 feet to the nearest property line, applicant must apply for a Commercial Holding Tank permit for the proposed trailer; and that if there are any questions, please call the SNHD Septic System Program at 759-0660.

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: Pacific Mining Group, LLC
CONTACT: Petya Balova, 6130 Elton Avenue, Las Vegas, NV 89107