

08/18/21 BCC AGENDA SHEET

GRAVEL PIT/BATCH PLANT
(TITLE 30)

I-15/LAS VEGAS BLVD N
(APEX)

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
ET-21-400108 (UC-0144-11)-DIAMOND SOLO, LLC:

USE PERMITS FIFTH EXTENSION OF TIME for the following: **1)** a high impact project; **2)** a gravel pit; **3)** a permanent batch plant; and **4)** rock crushing.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** off-site improvements (excluding paving); and **2)** exceeding the maximum site disturbance in conjunction with Hillside development.

DESIGN REVIEWS for the following: **1)** a gravel pit; **2)** a permanent batch plant; **3)** rock crushing; and **4)** development within the Hillside & Foothills Transition Boundary Area on 1,416.0 acres in an M-2 (Industrial) (AE-65) Zone.

Generally located 4,150 feet north of the intersection of I-15 and Las Vegas Boulevard North within Apex. MK/bb/jo (For possible action)

RELATED INFORMATION:

APN:

122-05-010-010

WAIVERS OF DEVELOPMENT STANDARDS:

1. Eliminate off-site improvements (excluding paving).
2. a. Allow 100% site disturbance for hillsides with slopes from 12% to 25% where 50% disturbance is permitted (a 50% increase).
- b. Allow 100% site disturbance for hillsides with slopes 25% or greater where 35% disturbance is permitted (a 65% increase).

LAND USE PLAN:

NORTHEAST COUNTY (APEX) - HEAVY INDUSTRIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 1,416
- Project Type: Permanent batch plant, gravel pit, and rock crushing

Site Plan

The original plan shows a re-locatable asphalt batch plant, rock crusher, gravel surface area, and 12 parking spaces surrounded by a security fence. As excavation and crushing are complete in 1

area, the batch plant is moved to another portion of the site. The batch plant has 67 foot high product silos. Access to the site is shown via a paved road from Las Vegas Boulevard North.

The plans also show an approximate 1,100 foot high hill (from the base elevation to the peak) that will be mined for gravel. A grading plan was also approved with the original submittal, as the site is within the Hillside and Foothills Transition Boundary. Site disturbance will exceed the permitted 50% for slopes of 12% to 25% and 35% for slopes 25% or greater.

Landscaping

A condition of approval for UC-0144-11 required the planting of 1 Mesquite tree every 50 feet adjacent to the roadway around the perimeter of every disturbed 20 acre site. In addition, the approved plans showed parking lot landscaping consisting of 15 gallon Shoestring Acacia, Raywood Ash, Mondel Pine, and African Sumac trees. A variety of shrubs including Century Plant, Desert Spoon, and Red Yucca were also shown on the approved plans within the parking lot.

Previous Conditions of Approval

Listed below are the approved conditions for ET-19-400062 (UC-0144-11):

Current Planning

- Until June 8, 2021 to commence.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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

- Compliance with previous conditions.

Listed below are the approved conditions from UC-0144-11 (ET-0075-17):

Current Planning

- Until June 8, 2019 to commence.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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

- Compliance with previous conditions.

Listed below are the approved conditions from UC-0144-11 (ET-0035-15):

Current Planning

- Until June 8, 2017 to commence.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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

- Compliance with previous conditions.

Building/Fire Prevention

- Applicant is advised that Fire Prevention does not have any objection to the requested extension of time.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD has no exception to the requested time extension.

Listed below are the approved conditions from UC-0144-11 (ET-0054-13):

Current Planning

- Until June 8, 2015 commence;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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

- Compliance with previous conditions.

Listed below are the approved conditions from UC-0144-11:

Current Planning

- 20 years to review the gravel pit, batch plant, and rock crushing and possible site restoration if use has completed;
- Plant one Mesquite tree adjacent to the roadway every 50 feet around the perimeter of every disturbed 20 acre site;
- Site Reclamation Plan as a design review with a public hearing upon conclusion of operations;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must commence within 2 years of approval date or it will expire.

Public Works – Development Review

- Drainage study and compliance;
- Submit drainage study to the City of North Las Vegas for concurrence;
- Traffic study and compliance;
- Coordinate approval of traffic study with the City of North Las Vegas;
- Obtain necessary easements from BLM through area under jurisdiction of the City of North Las Vegas;
- Right-of-way dedication of a Clark County approved turnaround at the terminus of the public access easement;

- Dedication or grant to record concurrent with the City of North Las Vegas BLM grant;
- City of North Las Vegas approval of access and improvements;
- Clark County Fire Department approval of any over-length cul-de-sacs;
- Waiver to curb, gutter, sidewalk, and streetlights within County area is subject to paving, executing a Restrictive Covenant Agreement and safety lighting that may be required by Public Works - Development Review Division;
- Demonstrate paved legal access;
- Nevada Department of Transportation approval.

Applicant’s Justification

The applicant states that they have experienced a delay with Century Link representatives and resolving underground communication line conflicts. The applicant is experiencing long delays processing documents with the City of North Las Vegas. Clark County recently redesigned the road alignment and recent Covid-19 conditions have been the main contributing factor involved with delays. The applicant has accomplished as much as possible, considering the aforementioned constraints.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-19-400062 (UC-0144-11)	Fourth extension of time to commence use permits for a high impact project, gravel pit, permanent batch plant and rock crushing with waivers for off-site improvements and to exceed maximum site disturbance with a design review for a gravel pit, batch plant, rock crushing and development within the Hillside & Foothills Transition Boundary Area	Approved by BCC	July 2019
UC-0144-11 (ET-0075-17)	Third extension of time to commence use permits for a high impact project, gravel pit, permanent batch plant and rock crushing with waivers for off-site improvements and to exceed maximum site disturbance with a design review for a gravel pit, batch plant, rock crushing and development within the Hillside & Foothills Transition Boundary Area	Approved by BCC	July 2017
UC-0144-11 (ET-0035-15)	Second extension of time to commence use permits for a high impact project, gravel pit, permanent batch plant and rock crushing with waivers for off-site improvements and to exceed maximum site disturbance with a design review for a gravel pit, batch plant, rock crushing and development within the Hillside & Foothills Transition Boundary Area	Approved by BCC	July 2015

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0144-11 (ET-0054-13)	First extension of time to commence use permits for a high impact project, gravel pit, permanent batch plant and rock crushing with waivers for off-site improvements and to exceed maximum site disturbance with a design review for a gravel pit, batch plant, rock crushing and development within the Hillside & Foothills Transition Boundary Area	Approved by BCC	July 2013
UC-0144-11	Original application for a high impact project, gravel pit, permanent batch plant and rock crushing with waivers for off-site improvements and to exceed maximum site disturbance with a design review for a gravel pit, batch plant, rock crushing and development within the Hillside & Foothills Transition Boundary Area	Approved by BCC	June 2011
UC-0384-10	126 foot high communication tower	Approved by PC	October 2010
UC-0037-09	Gravel pit and batch plant for the entire site - expired	Approved by PC	February 2009
UC-0798-08	First use permit for a gravel pit and batch plant for a portion of the site (609 acres) - expunged by UC-0037-09	Approved by BCC	October 2008

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Heavy Industrial, Public Facility, Open Land, & City of North Las Vegas	M-2, O-S, & City of North Las Vegas	Undeveloped land within Apex & City of North Las Vegas
South	Heavy Industrial & City of North Las Vegas	City of North Las Vegas	Undeveloped land within Apex & City of North Las Vegas
East	Heavy Industrial & City of North Las Vegas	M-2 & City of North Las Vegas	Undeveloped land within Apex & City of North Las Vegas
West	Heavy Industrial, Public Facility, Open Land & City of North Las Vegas	City of North Las Vegas & O-S	Undeveloped land within Apex & City of North Las Vegas

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval. The original application for a gravel pit, batch plant, and rock crushing operation, UC-0144-11, was approved in June 2011. In July 2013, the first extension of time on the use permit was approved. Since July 2015 progress has been made toward complying with conditions imposed on the original application by completing improvement plans, drainage studies, traffic impact studies, and BLM rights-of-way. Staff understands the need for further coordination with Century Link and the City of North Las Vegas prior to commencing operation of the gravel pit and can support an extension of time on this application.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

Staff Recommendation

Approval.

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

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Until June 8, 2023 to commence.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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

- Compliance with previous conditions.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:
APPROVALS:
PROTEST:

APPLICANT: DIAMOND SOLO

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