07/03/24 BCC AGENDA SHEET

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-24-0213-SEARCHLIGHT MERCANTILE CO:

USE PERMITS for the following: **1)** mining; **2)** rock crushing; and **3)** gravel pit.
WAIVER OF DEVELOPMENT STANDARDS to increase sound level.
DESIGN REVIEWS for the following: **1)** mining; **2)** rock crushing; **3)** gravel pit; and **4)** final grading plan for a Hillside Development on a 28.0 acre portion of 183.31 acres in an RS80 (Residential Single-Family 80) Zone and an H-2 (General Highway Frontage) Zone.

Generally located on the west side of US 95, 1,300 feet south of Hobson Street within Searchlight. MN/lm/ng (For possible action)

RELATED INFORMATION:

APN:
250-02-201-001; 250-02-301-001 through 250-02-301-003; 250-03-501-001; 250-03-501-005; 250-03-601-003; 250-03-701-003

WAIVER OF DEVELOPMENT STANDARDS:
1. a. Increase the daytime hour sound level to 85 decibels where 65 decibels is permitted in residential districts per Section 30.04.07D (a 30.7% increase).
   b. Increase nighttime sound level to 80 decibels where 58 decibels is permitted in residential districts per Section 30.04.07D (a 37.9% increase).

LAND USE PLAN:
SOUTH COUNTY (SEARCHLIGHT) - BUSINESS EMPLOYMENT
SOUTH COUNTY (SEARCHLIGHT) - OPEN LANDS
SOUTH COUNTY (SEARCHLIGHT) - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:
Project Description
General Summary
- Site Address: N/A
- Site Acreage: 183.31 (parcels)/10 (mining, rock crushing, and gravel pit)/ 18 (gravel pit)
- Project Type: Mining operation with gravel pit
- Number of Stories: 1
- Building Height (feet): 20 (mill containment building/11 (refining containment)
- Square Feet: 1,100 (office)/2,688 (mill containment building)/512 (refining containment)
- Parking required/provided: 16/16

History
The site has been in continuous ownership, with mining activities dating back over 100 years. The site was twice previously approved for mining operations and a gravel pit (UC-0424-17 and UC-0260-13), which have since expired. The east side of the site is zoned H-2 along U.S. 95, and the remainder of the site is zoned RS80. The location of the proposed uses is within the RS80 zoned area. The prior land use applications expired due to operational issues and State permitting challenges. Site design changes include locating proposed buildings at the edge of existing graded areas that are no longer within the hillside areas.

Site Plans
The plans depict mining operations on the Copper King mining claim, with access and buildings developed on a portion of the Golden Treasure and Sphinx mining claims. The area of activity for the resource extraction uses (mining, rock crushing, and gravel pit) is approximately 10 acres (APN: 250-02-201-001, 250-02-301-001; 250-03-501-001, 250-03-601-003), and includes extraction (mining), hauling, stockpiles, buildings, maintenance, storage, transportation lanes, tailings storage, parking and loading areas, and surrounding buffer space. The historic mine location and disturbed areas include approximately 5.5 acres with current slopes created from dump/waste stockpiles, berms, cave-ins, an old pond, existing shafts extending over 1,000 feet in depth, and historic excavations. Areas subject to 12% slopes have a total area of less than 1.2 acres. Parking is distributed throughout the site in 5 areas. Due to the remote nature of the site, access to the site is limited and governed by the Mine Safety and Health Administration. The site access is limited by a 6 foot high chain-link rolling gate that extends approximately 50 feet on each side of the roadway located to the northwest of the existing buildings, along with a chained trailway at the south entries. The site drainage and water containment are specific to the State of Nevada permitting, and disturbance at the site and alteration of natural drainage patterns are to be minimized and only according to state permits. The future gravel pit is located on the Saturn mining claim on 18 acres (APN: 250-02-301-002) in the southern part of the site.

Landscaping
Landscaping is not provided nor required.

Elevations
The proposed mill containment building has an overall height of 20 feet with standing seam metal siding painted gray. Site lighting will be shielded.

Floor Plans
The existing 1,100 square foot office remains with a new 2,688 square foot mill containment pad, and 512 square foot refining containment building which both includes mining equipment.

Applicant's Justification
The applicant indicates that this site and the adjacent properties have been used for mining operations on and off for more than 100 years with the recent limited mining activities occurring at the site in 2013. Mining will occur in previously disturbed areas. There are numerous dumps of previously mined material that will be reprocessed to recover minerals. The proposed buildings are not visible to adjacent residences or U.S. Highway 95. The most recent State of Nevada Division of Minerals permits were most recently received in March 2023, and Clark

County Department of Environment and Sustainability have also been received. The applicant also indicates that within the historic tailings area, berms and tailings are not to be disturbed according to state mining permits. The existing berms and drainage protection of tailings is to be maintained with annual State site visits if the site is dormant and more often during active mining. The reclamation of the site and pit will occur shortly after mining is halted at the site to meet State bond requirements. Mining of the site will occur during daylight hours or one shift, with rock crushing to occur within the mill building possibly 24 hours a day, 7 days a week. Site staffing is anticipated to be between 3 and 8 persons. Anticipated mining operations are for the next 5 to 7 years which could extend past 10 years. The anticipated noise level is described to be similar to large road trucks with some intermittent noise similar to construction. The proposed gravel pit is for possible overburden or waste material in small quantities that may be sold off site for decorative rock gravel operation.

Prior Land Use Requests

Application Number	**Request**	**Action**	**Date**
UC-0424-17	Mining operation and gravel pit with mineral processing facility - expired	Approved by PC	July 2017
UC-0260-13	Mining operation (gold and silver mining and processing) and all accessory uses - expired	Approved by PC	July 2013

Surrounding Land Use

	Planned Land Use Category	**Zoning District (Overlay)**	**Existing Land Use**
North	Ranch Estate Neighborhood (up to 2 du/ac), Business Employment & Open Lands	RS80 & H-2	Single family residential & undeveloped
South	Open Lands	RS80 & H-2	Undeveloped
East	Open Lands	RS80 & H-2	Undeveloped & US 95
West	Open Lands	RS80	Single family residential & undeveloped

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis

Comprehensive Planning

Use Permits

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Use Permits #1 & #2

Mining and rock crushing operations have a specific requirement of a 1,000 foot separation from existing occupied residential dwellings, and there are no residential dwellings within 2,000 feet of this site. There have been several mining operations on this site and the adjacent properties for over 100 years; therefore, the proposed use is compatible with the area and consistent with the past use of the property. Approval of this request also complies in part with Policy 5.1.6 for Outlying Communities of the Master Plan to promote economic development goals, particularly where targeted industry needs (mining and rock crushing) are better suited to locations within outlying communities. Staff finds the proposed uses will not have a substantial or undue adverse effect on adjacent properties and supports the request for these use permits. Per Section 30.03.07C, a time limit for mining and rock crushing to be discontinued shall be determined by the Planning Commission or Board. Staff supports this use permit with a time limit to discontinue the use of the mine. An extension of time may be applied to extend the time for which the use shall be discontinued and will be reviewed to ensure continued compatibility with the existing uses on the adjacent properties.

Use Permit #3

The proposed gravel pit is intended for the potential sale of rock and other aggregate material that is found on the site. The proposed use is similar in intensity to the proposed and prior mining activity that has been conducted on this site and on the abutting properties. The location complies with the requirements for a gravel pit per Section 30.03.07C. Therefore, staff finds the use to be appropriate for the area.

Waiver of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

This request is for an increase in potential noise levels in conjunction with mining, rock crushing, and gravel pit. As stated by the applicant, mining activities will occur during daylight hours, and rock crushing will occur partially within a proposed building. There are no residential properties within the immediate area of the mine, rock crushing, gravel pit, or any other sensitive area that would be affected by any noise. Staff does not anticipate the noise impacting the surrounding area as the buildings and uses are set back from residential uses and there is mountainous terrain. Staff can support this request.

Design Reviews

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

Design Reviews #1 through #4

The facility and structures are located in a remote rural area and are not visible from any public rights-of-way or residential development. The request is for an open pit mining operation and will include all of the required buildings, equipment, accessory uses, and structures. The design for the modular structures is acceptable since the use is not in close proximity to any residential uses and the structures are typical for similar mining sites. Portions of the site are located within a Hillside Development area with slopes exceeding 12%. However, this site has been used for mining operations for over 100 years, and the proposed operations are being conducted in areas that have previously been disturbed. Therefore, staff has no objection to these requests.

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

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

- Mining on the site to be discontinued within 10 years of approval date unless an extension of time is granted;
- Rock crushing on the site to be discontinued within 10 years of approval date unless an extension of time is granted;
- Gravel pit on the site to be discontinued within 10 years of approval date unless an extension of time is granted.
- Applicant is advised that expansion of the use would require additional land use; within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Drainage study and compliance;
- Demonstrate legal access.
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0230-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Searchlight - approval (1 year to review).
APPROVALS:
PROTESTS:

APPLICANT: STRUCTUREONE
CONTACT: STRUCTUREONE, 2923 COPPER BEACH CT, LAS VEGAS, NV 89117