



## Zoning Change – Pioneer Industrial

### Questions and Answers

#### **PROPERTY**

**What is the address of the applicable Property?**

7511 NE 101<sup>st</sup> Street

**Where can I see information on the property?**

[Property Information Center](#)

#### **PROPERTY ZONING**

**What is the current property zoned as?**

Railroad Industrial (IR)

**When did this property get zoned as Railroad Industrial?**

The property was zoned Railroad Industrial in March 2021.

**What was the property zoned prior to March 2021?**

Light Industrial (LI)

**Why does the Property Information Center still show the zoning as Light Industrial?**

The maps online were not updated after the zone was changed. Staff is currently working on making that change to accurately reflect the IR zone.

**Where can I find information regarding different zoning districts?**

Clark County Code (CCC) 40.230.085 provides information about the LI and IR districts.

**According to CCC 40.230.085, what is the applicability for Light Industrial District (IL)?**

“The light industrial district is intended to provide for those less-intensive industrial uses which provide little noise, odor and pollution. It also provides for resource-based uses and service uses that are deemed compatible with light industrial uses.”

**According to CCC 40.230.085, what is the applicability for Railroad Industrial District (IR)?**

“The railroad industrial district is intended to provide for those industrial uses that are most suited for and can take advantage of locations along the county’s rail line.”

#### **APPLICABLE USES**

**Where are applicable uses shown for the different zones?**



Table 40.230.085-1 Uses, located in CCC 40.230.085, lists uses, identifying what is allowed subject to approval of applicable permits, what is permitted subject to the approval of a conditional use permit, and what is specifically prohibited.

**What is the basis of the list of uses in Table 40.230.085-1?**

The 2012 North American Industrial Classification System ([NAICS](#)).

**Is a cement company a permitted use?**

Under "Manufacturing Uses" in Table 40.230.085-1.B, "cement and concrete product manufacturing" is a use permitted in IL and IR subject to approval of applicable permits. Two subsectors of that use which are shown in the table are regulated separately from that use pursuant to CCC 40.230.085.C, particularly: "cement manufacturing," and "ready mix concrete manufacturing." Each of those subsectors is prohibited in IL; however, each is permitted in IR upon approval of an applicable permit.

**ZONING CHANGE**

**Who made the final decision to change the zone from Light Industrial to Rail Industrial?**

Based on information received from Pioneer Industrial, Clark County and any public testimony, the Clark County Hearings Examiner approved the request from Pioneer Industrial to change the zone to IR. (Final Order attached).

**Overall, what was the process that was followed that resulted in the change in zoning?**

- In 2020, the applicant (Pioneer Industrial) submitted a rezone request to the County. More specifically, the request was to change the zoning from Light Industrial to Railroad Industrial.
- The County staff recommended denial.
- The Hearings Examiner agreed with the County, and denied the request (First Order attached).
- The applicant appealed the Hearing Examiner's denial to Superior Court pursuant to the Land Use Petition Act (LUPA).
- The applicant and representatives of the County discussed and entered into a Settlement Agreement, which Council approved, outlining terms regarding the rezone application (Settlement Agreement attached).
- One term in the Settlement Agreement stated that the County and applicant would both support the rezone of the property from Light Industrial to Railroad Industrial.
- Superior Court remanded the case back to the Hearings Examiner.
- The Hearings Examiner approved the rezone request in March 2021 (Second Order attached).

**Who and when approved the Settlement Agreement between the County and the applicant?**

The County Council approved the Settlement Agreement on January 13, 2021 ([minutes](#) and [recording](#)). Subsequently, the Settlement Agreement was executed by the County and the applicant. (Settlement Agreement attached).

**Did this zone change require approval by the Council?**

No. Pursuant to CCC 40.560.020 the zone change was approved by the Clark County Hearings Examiner.

**CURRENT STATUS AND PROCESS FOR APPLICABLE USE (e.g. cement business)**

**What is the process if there is a request to propose a business that is within allowable uses (e.g. cement business)?**

This request would follow the Type IIA review process as stated in the Settlement Agreement and outlined in CCC 40.510.025. Example of items that would be included in the Type IIA review process includes:

- Pre-application review, pre-application conference (scheduled for February 16, 2023, at 3pm, which the public may observe, and completeness review (Pre-Application Conference information attached)

- Community outreach
- Public hearing before the Hearings Examiner – which includes an opportunity for either written or oral public testimony, submittal of other relevant materials including maps, photos and graphics, and
- SEPA review – which discusses mitigations to environmental impacts, such as silica dust, lighting, noise, etc.
- Conditional Use Permit
- Site Plan Review will be required as a condition of the CUP. Attached is supplemental information (e.g. Land use hearing process and how to provide effective testimony, Type I, II, IIA and III Preliminary Plan Review Process, etc.) from the Clark County Community Development’s website for your information.

**Has the County received an application for a cement plant?**

The County has received an application for pre-application review as required by CCC 40.520.025, which is one step of the required process by which the County considers the development proposal.

**Will this specific request follow the Type IIA review process as outlined in CCC 40.510.025 and if not, why?**

As noted in the prior question, the Type IIA process is stated in the Settlement Agreement for this type of application. Additionally, the Settlement Agreement also provides that “the applicant, the responsible official or members of the public may request a Type III hearing.” With that said, the Community Development Director has decided to follow the Type III process which is more comprehensive and provides for a public hearing before the Hearings Examiner.

**What can the public do to ensure public testimony is heard?**

Provide public comment to staff, provide testimony during the public hearing before the Hearings Examiner, and provide testimony relevant to the criteria governing the application during the Public Hearing before the Hearings Examiner.

**Can Clark County Council institute an immediate, temporary moratorium on building permits along the railroad line?**

The County Council is unable to institute an immediate, temporary moratorium on the building permits on the property.

To see all referenced Clark County Codes, please click [here](#).

Finally, we are working on a date and time for the public to join staff to have an interactive discussion (questions/answers) regarding the process. Community Development will be communicating further.

*Please note, the information provided in this document shall not constitute legal advice or a legal opinion. If any community member wishes to discuss the legalities of the process, next steps, etc., community members may decide to retain an outside attorney for assistance.*