

**LYON COUNTY PLANNING COMMISSION MEETING MINUTES
AUGUST 9, 2016**

The Lyon County Planning Commission met this day with a quorum. The following members were present: Betty Retzer, Harold Ritter, Mike Hardcastle, Rick Jones, Doug Bennett and Audrey Allan. Attending staff were Jeff Page, County Manager, Dave Snelgrove, Community Development Director, Robert Pyzel, Planner and Kerry Page, Planning Assistant.

PLEDGE OF ALLEGIANCE

Mike Hardcastle led the Pledge of Allegiance

REVIEW AND ADOPTION OF AGENDA

Mike Hardcastle made the motion to adopt the agenda as corrected. Audrey Allan seconded and the motion passed unanimously: 6 ayes; 0 nay; 0 abstentions.

APPROVAL OF THE MINUTES

Audrey Allen made the motion to approve the minutes of the July 12, 2016, Planning Commission meeting, with corrections as noted. Mike Hardcastle seconded and the motion passed unanimously: 6 ayes; 0 nay; 0 abstentions.

MISCELLANEOUS CORRESPONDENCE

None

PUBLIC PARTICIPATION

Dave Snelgrove, Community Development Director, provided information on a couple of upcoming meetings. An NDOT workshop will be held this week regarding the USA Parkway and another will be conducted by Churchill County Joint Entities Workshop conducted by the Churchill County Planning Department, to discuss issues of mutual interest. Mr. Snelgrove said he will forward the information on both meetings to anyone who is interested in attending.

REGULAR AGENDA ITEMS

1. **HAWHEE, WILLIAM & DIANNE – DIVISION OF LAND INTO LARGE PARCELS TENTATIVE MAP WAIVER – (for possible action)** - Request to waive the requirement for a Tentative Map for a Division of Land into Large Parcels map to divide approximately 110.26 total acres into 2 parcels, the smallest being approximately 40.21 acres in size; located at 2588 Highway 208, Smith, NV (APN 10-291-59) PLZ-16-0019
2. **HAWHEE, WILLIAM & DIANNE – DIVISION OF LAND INTO LARGE PARCELS FINAL MAP (for possible action)** - Request for a Division of Land into Large Parcels Final Map pursuant to Chapter 11.06 of the Lyon County Code and NRS 278.471 et seq. The proposed map would divide the approximately 110.26 total acre property into 2 parcels, the smallest being approximately 40.21 acres in size; located at 2588 Highway 208, Smith, NV (APN 10-291-59) PLZ-16-0020

Mike Hardcastle made a motion to hear both items 1 & 2 together but to vote on each item separately. Audrey Allan seconded and the motion passed unanimously: 6 ayes; 0 nay; 0 abstentions.

Rob Pyzel, Planner, clarified the request and said that this request does qualify for the waiver of the tentative map requirements as it does not represent repeat parceling, both resulting parcels are a minimum of 40 acres in size and the request does not prompt the need for additional improvements.

Mr. Pyzel opened discussion on the letter provided by Mr. Harry Swainston, which was distributed to each of the Planning Commission members prior to the meeting. Mr. Swainston owns the agricultural land directly to the north of the Hawhee property and is concerned that the Burbank Ditch, which has been in place for over one hundred years, is not shown on the proposed map. Mr. Pyzel said that staff was unaware that the ditch existed as there are no documents in place to that affect, but he agrees that now we have been made aware, we will have it located and shown on the map if it is different from those already shown on the map. Mr. Pyzel said condition #4 should be modified to address the ditch.

Mr. Pyzel said that Mr. Swainston was also concerned with his connectivity to Theresa Way located along the easterly boundary of the subject parcel. Mr. Pyzel said that Theresa Way does appear to be a primary access to this portion of Mr. Swainston's property even though the legal access, and address, is from Rivers Rd on the north portion of their property. The parcel map shows a 40' private access and public utility easement connecting directly to the north and we believe that this will provide sufficient access to that parcel. Mr. Pyzel said that staff is recommending approval of this application with the conditions listed in the staff report. He added that condition #4 be revised, as necessary, to include the Burbank Ditch.

Betty Retzer asked for clarification on the access easement. Dave Snelgrove explained that Theresa Way has been and should continue to be the primary access for the subject parcels as well as the property to the north owned by Mr. Swainston. He added that it is important that the access for Theresa Way be extended to the south boundary of the Swainston parcel.

Betty Retzer asked if Theresa Way is a county maintained roadway. Mr. Pyzel said that the Board of Commissioners, in 2008, removed the roadway from the county inventory by making it a private roadway. This was done at the request of a previous Road Manager.

Harold Ritter asked if the conditions of approval are modified today, can the map still move forward as a final map. Mr. Pyzel said it can.

Harry Swainston, Smith Valley resident, reiterated his concerns. Ms. Retzer asked if the Burbank Ditch and the access known as Theresa Way, is addressed on the proposed map. Mr. Swainston said as long as both of those issues are addressed he is happy with the map. In response to a question by Doug Bennett, Rob Pyzel said that Mr. Swainston wrote the comment letter to make sure these issues are addressed. We cannot, by this action, require the applicant to do anything on an adjacent property and that all we can do is condition the property that is the subject of this map. Mr.

Swainston provided a little history on how the roadway easement came about. Discussion followed regarding the commissioner action in 2008 that reduced the roadway to a private roadway. He is also concerned with the potential for additional traffic impact along Theresa Way if another residential parcel is approved. Mr. Swainston said he currently uses the roadway for his haul trucks in and out of the homestead located on the south portion of his property. Mr. Swainston said that a notation on the map ensuring access to the parcel to the north would satisfy his concerns.

Dustin Homan, Road Director, read the Agenda Summary provided to the Board of Commissioners in 2008. This summary stated that Lyon County used to maintain Theresa Way but only when maintenance was requested by the property owner. Mr. Homan said that he was not with the county at the time this action took place but it does appear that Theresa Way is the main access to the portion of Mr. Swainston's property located on the south side of the ditch. Mr. Homan agrees that Mr. Swainston does need the access to this portion of his property from Theresa Way. Discussion followed regarding the commissioner's action.

Rick Jones asked if there is any recorded document or map that identifies an easement that could serve as access for Mr. Swainston's property and does Mr. Swainston become landlocked by virtue of this map. Mr. Homan said he believes he could be landlocked except that the modified conditions for an easement to the property previously addressed by Mr. Pyzel would eliminate that situation. He said the easement would terminate at Mr. Swainston's south property line.

Rick Christian, Denson Surveying, said that the applicant has no problem with identifying the easement for Theresa Way all the way from Highway 208 to the North boundary of proposed Parcel 1 as shown on the map. This will inevitably provide access to the residential homesite owned by Mr. Swainston, located just north of the north line of proposed Parcel 1. Mr. Christian said they will describe the easement appropriately on the map as a private access and utility easement.

Regarding the Burbank Ditch, Mr. Christian said there is nothing on record identifying where the ditch lies and he will have to have Mr. Swainston identify the ditch on the ground so it can be added to the map, if it is not already shown.

Discussion followed regarding whether or not the easement for Theresa Way was shown on any previous maps or documents that would prove its extension onto Swainston's property. Mr. Christian said a note could be added to this map stating that the 40' private access and public utility easement is to the benefit of the properties lying to the north and to the east of the subject property. Further discussion ensued regarding how the easements can be used.

Betty Retzer said that it sounds like all of Mr. Swainston's concerns are being addressed and asked if the Planning Commission is ready to make a motion.

Maralyn Abbrott, Smith Valley resident, asked who has access to a private access. Does this allow Mr. Swainston's hay trucks to drive along the roadway easement? Does he, or visitors to his home, need special permission to use the road? She also asked if the 40' public utility easement is separate from the 40' access easement. Rob

Pyzel said the 40' easement combines both the access easement and the public utility easement into one easement. Mr. Snelgrove said that a private access easement can be used as a non-exclusive roadway, by anyone associated with the property owners. It is typically only for the use of the property owners served by that road.

Tom Renner, Smith Valley, discussed a situation with the 10 acre piece with an existing mobile home that was separated from this larger parcel by NDOT recording a deed to the highway property. Betty Retzer said that 10 acre parcel is not the subject here today and should not be discussed as part of this application.

Mike Hardcastle made a motion **approving** the Waiver of the Requirement to Submit a Tentative Map for a Division of Land into Large Parcels for William and Diane Hawhee (APN 10-291-59) (PLZ-16-0019), after finding that the waiver A) is a reasonable action in that necessary access improvements are in place and the proposed map can be reasonably considered as being ready for recordation without extensive changes or corrections; B) is consistent with the applicable provisions of Lyon County Code and the Nevada Revised Statutes; C) will not be detrimental to the public health, safety, convenience and welfare; and D) will not result in material damage or prejudice to other property in the vicinity. Audrey Allen seconded and the motion passed unanimously: 6 ayes; 0 nay; 0 abstentions.

Rick Jones made a motion recommending approval of the Final Map of Division into Large Parcels for William and Diane Hawhee (APN 10-291-59) (PLZ-16-0019), after finding that the Final Map of Division into Large Parcels A) is consistent with the applicable provisions of Lyon County Code and the Nevada Revised Statutes; B) will not be detrimental to the public health, safety, convenience and welfare; and C) will not result in material damage or prejudice to other property in the vicinity, and .subject to the following 10 conditions as modified by mutual agreement between staff and the applicant and a note being added to the map regarding use of the access easement for Theresa Way:

1. The applicant shall comply with all Federal, State, County and special purpose district regulations.
2. The applicant shall make corrections of any engineering or drafting errors and other technical map corrections to the satisfaction of the County Engineer and Planning Director prior to submitting the map for recordation.
3. The applicant shall pay the actual costs for County Engineer plan and map checking and County Inspector site improvement inspection fees, in accordance with the adopted County fee resolution in effect at the time, and provide proof of payment to the Planning Department prior to map recordation.
4. The final map shall identify the following:
 - a. All roads or easements that exist or as they may be proposed by the person who plans to divide the land, including Theresa Way;
 - b. Any easements for public utilities that exist or are proposed;
 - c. Any existing easements for irrigation or drainage, including but not limited to, the Burbank Ditch; and

- d. Any normally continuously flowing watercourses and any easements and rights-of-way or other property interests necessary to implement and maintain any water conveyance, including the Burbank Ditch, and delivery system required by any rule or regulation of the local Irrigation District; and
 - e. Any existing road or easement that the owner does not intend to dedicate, including Theresa Way.
5. The corners of each lot are set by a professional land surveyor.
 6. The form and content of the final map shall be in accordance with Title 11.06.04.
 7. The applicant shall obtain all necessary approvals and encroachment permits, and coordinate and comply with any requirements placed on this division of land into large parcels map by the Lyon County Public Works Department.
 8. The following items are required of all development and are provided for informational purposes:
 - a. All septic systems must be inspected and approved by the State Health Department or appropriate agency.
 - b. All construction shall comply with all applicable building and fire code requirements. Building permits shall be issued in compliance with Title 10 and 11 of the Lyon County Code.
 - c. Structures placed on these parcels shall adhere to the County's site and setback standards for the RR-5 zoning district as it applies to each parcel.
 - d. Distinct and legible "temporary" addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.
 - e. No lot shall be offered for sale or sold until the final map has been approved and recorded.
 - f. All debris on construction sites must be contained and removed periodically as required for safety and cleanliness to the satisfaction of the Lyon County Building Department.
 9. All property taxes must be paid in full through the end of the fiscal year (June 30) prior to recordation of any final map.
 10. All agricultural deferred taxes must be paid, prior to recordation of any final map, at the discretion of the Lyon County Assessor.
 11. Required recording fees to be paid at time of recording map.
 12. The applicant shall provide the final map of division of land into large parcels to the Lyon County GIS Coordinator in form and format compatible with the County geographical information system (GIS) pursuant to 11.05.09 of the Lyon County Code. The scale of the site plan, improvements, monuments and other items shall be in model space correctly oriented to coordinate system as established by the GIS Coordinator. Cover sheet and standard details need not be included.

Harold Ritter seconded and the motion passed unanimously: 6 ayes; 0 nay; 0 abstentions.

3. CENTRAL LYON COUNTY FIRE PROTECTION DISTRICT – SPECIAL USE PERMIT (for possible action) – Request for a Special Use Permit for the addition of 4,736 sq. ft. of administrative office space to the existing fire station facility; located at 231 Corral Drive, Dayton (APN 16-403-37) PLZ-16-0018

Rob Pyzel, Planner, explained the request. Mr. Pyzel said staff is unable to determine how this fire station was first approved within this zoning district, being split zoned between C-2 and NR-1. He did say they discovered a couple of deeds where the property was specifically set aside for the purpose of constructing a fire station and the property would subsequently be conveyed to the fire district. A special use permit was approved, prior to the construction of the permanent fire station facility, to allow a commercial coach to serve as a temporary office. This special use permit was revoked upon completion of the new facility in 2000. Mr. Pyzel said this facility is currently considered a legal, non-conforming use, which in order to expand or enlarge such a facility, requires approval of a special use permit. He explained the uses to be included in the expansion which will be constructed on the north side of the existing station and its construction will be compatible with the existing station and the existing residential developments. Mr. Pyzel said this will be compatible with the existing master plan.

Doug Bennett asked if there is any option available to make this a legal and conforming facility. Rob Pyzel said it may occur in the future that the county will allow some sort of rezone on this property, possibly with the implementation of the Title 15 zoning districts.

Chief John Gillenwater, Central Lyon County Fire District, explained the estimated cost for this expansion. He said that fire traffic is not likely to increase until there is substantial growth in the area. He does not anticipate any adverse effects on the surrounding community solely from this expansion. Mr. Gillenwater said they hope for construction to be complete at the end of this fiscal year (2017).

Mike Hardcastle asked if there are any plans to make the Silver Springs Fire Station a manned station. Mr. Gillenwater said it is not likely and that the demand for a manned station depends on growth in the area. A discussion followed regarding the need for volunteers for the fire departments and the lack thereof.

Doug Bennett asked if the expansion of the building will require a fire suppression system. Chief Gillenwater said that the current building is sprinklered as will be the expansion. He said that all of their fire station buildings were retrofitted for sprinklers with federal grant funding.

There was no public participation.

Mike Hardcastle made a motion recommending approval of the Special Use Permit for Central Lyon County Fire Protection District, after finding that the Special Use Permit application A) Is consistent with the general purpose and intent of the applicable zoning district regulations; B) Will not cause an adverse, visual impact to the surrounding area; C) Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is compatible with and preserves the character and integrity of adjacent development and neighborhoods or includes improvements or modifications either on-site or within the public right-of-way to mitigate development related to adverse impacts such as noise,

vibrations, fumes, odors, dust, glare or physical activity; D) Will not be detrimental to the public health, safety, convenience and welfare; and E) Will not result in material damage or prejudice to other property in the vicinity, and subject to the following 10 conditions recommended by staff:

1. Compliance with the following conditions of the previous special use permit(s):
 - a. Compliance with all County, State and Federal requirements; and
 - b. Annual review
2. The applicant shall obtain a building permit for the office remodel.
3. The applicant shall comply with all applicable fire, building, zoning and improvement code requirements.
4. If outdoor lighting is provided, it shall comply with the outdoor lighting requirements of Chapter 10.20 of the Lyon County Code.
5. The applicant shall comply with Lyon County's 1996 (revised) drainage guidelines. The property owner shall be responsible for maintenance of all roads, walks and drainage facilities within the development, as well as the storm water detention facilities, if applicable, whether it is onsite or offsite. Lyon County shall have no financial responsibility for maintenance of these facilities.
6. All of the requirements placed on the special use permit by the County Building Official, Central Lyon County Fire Protection District, Community Development Director, and other agencies with jurisdiction shall be met prior to the applicant commencing use of the site.
7. The applicant shall acquire all State, County and special purpose district permits and obtain all necessary public inspections.
8. Any modification, expansion, intensification or material change in use or operation shall require an application for and public hearings on a expansion of legal non-conforming use pursuant to Lyon County Code.
9. The substantial failure to comply with any conditions imposed on the issuance of a special use permit or the operation of a special use in a manner that endangers the health, safety or welfare of Lyon County or its residents or the violation of ordinances, regulations or laws in the special use or the non-use of the permit for a year may result in the institution of revocation proceedings.
10. Annual review - The special use permit is subject to annual review by Lyon County.

Harold Ritter seconded and the motion passed unanimously: 6 ayes; 0 nay; 0 abstentions.

RECESS TO CONVENE AS THE LYON COUNTY PUBLIC LANDS MANAGEMENT ADVISORY BOARD

4. Public participation

Jim Dunlap, Mason Valley resident, presented each member a copy of the Constitution of the State of Nevada and offered discussion regarding the authority of residents over any unappropriated land as designated in that document. Additionally, he discussed

the limitations of Federal jurisdiction over public lands within the state. He added that, in Lyon County, there is only one piece of property that was purchased and by the state legislature, being the Post Office Building in Yerington. This is the only property where the federal government has jurisdiction. Mr. Dunlap said that our policy should note that neither BLM nor the USFS has any police powers throughout the county, only the County Sheriff.

Jeff Page, County Manager, said the BLM has completed its Resource Management Plan and anticipates it being published by spring of 2017. Lyon County, among other jurisdictions, submitted comments and BLM is addressing each of those comments and making the requested changes where necessary.

Mr. Page said the USFS is taking public comment on the Sage Grouse issue in south Lyon County area. This document has been submitted to our consultant, Resource Concepts, for review and comment.

5. Board member comments

None

6. Future agenda items for discussion and possible action (for possible action)

None

7. Public participation

None

ADJOURN TO RECONVENE AS THE LYON COUNTY PLANNING COMMISSION

8. STAFF COMMENTS AND COMMISSIONER COMMENTS

Dave Snelgrove discussed at length, the comments from the community workshops recently held in Dayton and Yerington. He said the turn-out at both meetings was good and the comments were well received. Mr. Snelgrove said he has been attending as many Advisory Council meetings as possible and will continue that practice. Discussion followed.

Rob Pyzel stated that all of the Planning items recommended for approval by the Planning Commission at their June 12th meeting, were approved by the Board of Commissioners at their July 7th, meeting.

Harold Ritter announced he will be attending the SLUPAC meeting coming up this Friday.

Doug Bennett asked when staff anticipates adoption of the ordinance change recommended for approval last month. Rob Pyzel said it has been agendized for September 7th. Mr. Bennett asked if staff has had the opportunity to discuss the wording of the ordinance with the District Attorney. Mr. Pyzel said Mr. Rye has been on vacation and he has not yet had an opportunity to discuss the matter with him.

Betty Retzer asked about the vacancy on the Planning Commission board. It was stated that this is something normally advertised by the County Manager's office and no further information as to whether that has yet been done, is available at this time.

PUBLIC PARTICIPATION

Tom Cartwright, Mason Valley resident, ordered the Planning Commission to cease its mention or reference to Title 15, in any of its decision making practices prior to the adoption of the new title.

Dave Ray, Mason Valley Advisory Board Chairman, commended the staff on its attention to the concerns of the advisory boards. He added that he is doing research into the revision of the outdoor lighting ordinance.

ADJOURNMENT

At approximately 11.00 A.M. it was unanimously motioned that the meeting be adjourned.

Betty Retzer, Chairperson

ATTEST:

Jeff Page, County Manager
as Community Development Director

Kerry Page, Planning Assistant