

**LYON COUNTY PLANNING COMMISSION MEETING MINUTES
JULY 12, 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, Robert Pyzel, Planner and Kerry Page, Planning Assistant. Dave Snelgrove, newly appointed Community Development Director, was also in attendance.

PLEDGE OF ALLEGIANCE

Doug Bennett led the Pledge of Allegiance.

REVIEW AND ADOPTION OF AGENDA

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

APPROVAL OF THE MINUTES

Rick Jones abstained from voting as he was absent from the June Planning Commission meeting.

Doug Bennett made the motion to approve the minutes of the June 12, 2016, Planning Commission meeting, with corrections as noted. Audrey Allan seconded and the motion passed by a unanimous vote of those members present: 5 ayes; 0 nay; 1 abstentions (Rick Jones).

MISCELLANEOUS CORRESPONDENCE

None

PUBLIC PARTICIPATION

Jim Dunlap, Mason Valley resident, said he had previously asked the Board of Commissioners to allow Special Use Permits to run with the land rather than with the property owner. He said he was told that the commissioners didn't want to amend anything prior to the adoption of Title 15. Mr. Dunlap said that the commissioners amended Title 10 that same day so he questioned their logic. Mr. Dunlap said that a special use permit should not be approved or denied based on the perceived character of the applicant and added that he has seen an applicant be denied based on that alone without any proof. Mr. Dunlap asked for the help of the Planning Commission in changing this ordinance so that the process is fair for everyone.

Jeff Page, County Manager, introduced Dave Snelgrove, Farr West Engineering, who will be taking over the duties of Community Development Director and Building Official.

REGULAR AGENDA ITEMS

1. **PERI FAMILY RANCH, INC. – PARCEL MAP (for possible action)** – Request for a Parcel Map to divide approximately 119.00 gross acres into two (2) parcels, the smallest being approximately 10.00 total acres; located at 57 Manha Lane, Yerington (APN 14-391-01) PLZ-16-0015

Rick Christian, Denson Surveying, represented the applicant. Mr. Christian explained the applicant wishes to separate a 10 acre of the property for the existing, residential homesite. He said the applicant does not have plans to resubdivide in the future. Mr. Christian stated, in the absence of the applicant, there is no objection to the approval conditions listed in the staff report.

Rob Pyzel, Planner, that this request does meet the requirements of the RR-4 zoning district. He added that an easement must be created on this map because the leach field from the existing septic will cross the new property line. An easement is required to address maintenance of the septic system by any future property owners. Mr. Pyzel said the parcels will be accessed by Manha Lane which is a county maintained roadway. Manha Lane has existed for a very long time and will be offered for dedication with this action, to officiate its status as a county roadway. Dustin Homan, Roads Director, stated that Manha Lane does not require additional improvement with this map. Mr. Pyzel said that there are two existing wells on the property and State of Nevada, Water Resources, will not be requiring the dedication of additional water rights

because each home is already served by an individual well and in compliance with states regulations.

Betty Retzer asked why the dedication of water rights is still listed as a condition of approval when no additional water rights are required for this applicant. Mr. Pyzel said it is listed so if there is any subsequent parceling for this property, nobody can come back and say that water rights weren't addressed. It is an attempt for consistency within parcel map conditions. The same applies to all other standard conditions of approval.

A discussion followed regarding a mobile home that exists on the property and its use because it was not shown on the site plan. Ms. Retzer was concerned with any additional water rights or septic facilities that might be required for this mobile home. Mr. Pyzel said that currently, each residence does have its own septic system but he is not sure to what the mobile home is connected. Ms. Retzer asked Mr. Pyzel to explain further the need for an easement for the septic system's leach lines. Mr. Christian said that the mobile home is no longer in use and has been there for a long time. He added that it will be located on the larger parcel and could qualify as farm labor housing in the future.

Jim Dunlap, Mason Valley resident, stated that the owner of the property is not the applicant for this map. He said that Mr. Manha told him that he has not been paid for the property and that he still owns the property. Mr. Dunlap recommended that the Planning Commission delay their action until such time that the property owner receives payment. Rick Christian said there is a deed of record dated June 30, 2015, showing that ownership of the property was conveyed to this applicant. He said that Mr. Manha has collateral security on the property and there is an agreement between both parties in place. Mr. Manha, upon request, did receive a copy of the proposed map. Discussion followed.

Mike Hardcastle made a motion to approve the parcel map for the Peri Family Ranch, Inc., on APN 014-391-001 (PLZ 16-0015), after finding that A) The proposed parcel map conforms to the requirements set forth for the RR-4, Fourth Rural Residential zoning district in Title 10 of the Lyon County Code, or such requirements can be met with the imposition of reasonable conditions of approval; and B) The proposed parcel map conforms to the requirements set forth in Title 11 of the Lyon County Code or such requirements can be met with the imposition of reasonable conditions of approval, and subject to the following 19 conditions of approval:

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 applicant shall comply with Lyon County's 1996 drainage guidelines, as revised.
5. The applicant shall provide a 65-foot by 250-foot septic system leach field easement on proposed Parcel 2 to the benefit of the existing leach field for the existing single family dwelling located on proposed Parcel 1 and designate the easement on the map as such.
6. The applicant shall add a note to the final parcel map stating that the 1,334.37 feet adjacent to Parcel 2 is not part of the 4,001 feet section of Manha Road north of Pete Henrichs Road that is maintained by the County's maintained (PR) roadway program.
7. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 11.07 of the Lyon County Code.
8. Any on-site improvements existing at the time of final parcel map recordation (e.g., buildings, wells and septic systems) must be in compliance with current County setback requirements from property lines.

9. The applicant shall comply with all applicable fire code requirements to the satisfaction of the Mason Valley Fire Protection District.
10. The applicant shall complete any and all required development improvements and facilities to the satisfaction of the Community Development Director, County Engineer and Road Superintendent, as applicable, or an appropriate security must be provided and approved prior to map recordation. There may be temporary restrictions to obtaining building permits even with an acceptable security instruments depending on the County's approval of the various systems.
11. No lot shall be offered for sale or sold and no building permits shall be accepted for processing until the final parcel map has been approved and recorded.
12. The applicant shall comply with dedication or relinquishment of water rights necessary to insure an adequate water supply for residential use of the newly created parcels.
13. The following items are required of all development:
 - a. All construction shall comply with all applicable building and fire code requirements.
 - b. Building permits shall be issued in compliance with Titles 10 and 11 of the Lyon County Code.
 - c. Site development work will require a grading permit(s) in accordance with Title 11.07.14 (F).
 - d. Structures placed on these parcels shall adhere to the County's site and setback standards for the zoning district as it applies to each parcel at the time of development.
 - e. Distinct and legible "temporary" addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.
 - 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.
 - g. Prior to any combustible materials being brought on site street name signage shall be installed, if applicable.
14. The applicant shall pay in full all property taxes through the end of the fiscal year (June 30) and any applicable agricultural deferred taxes prior to recordation of any final parcel map.
15. The applicant shall comply with the final parcel map requirements as prescribed by NRS 278 and Title 11 of the Lyon County Code.
16. The applicant shall pay required recording fees at time of map recordation.
17. Any further division may be subject to the imposition of subdivision improvement standards as may be legally imposed at the time and the applicant shall place a note to this effect on the parcel map.
18. Approval of the tentative parcel map shall not constitute acceptance of the final parcel map. Approval of the tentative parcel map shall lapse unless a final parcel map based thereon is submitted within two (2) years from the date of such approval. No extension may be granted after receiving approval of the tentative parcel map.
19. The applicant shall provide the parcel map 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)

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

2. Public participation

Jim Dunlap, Mason Valley resident, stated that water is our most precious resource. He referred to a study done in 2011 by the University of California, regarding forest management and how a lot of additional water could be made available off of the western slopes, if appropriate management practices were followed. Mr. Dunlap offered to provide a copy to each of the members. Ms. Retzer said they had already received a copy some time back. Mr. Dunlap recommended that there be follow up made on that document in preparation for the potential growth to come to Lyon County because water availability will be a problem.

3. Board member comments

None

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

None

5. Public participation

None

ADJOURN TO RECONVENE AS THE LYON COUNTY PLANNING COMMISSION

6. CHAPTER 10.03.01 (G) – (for possible action) - An Ordinance amending Lyon County Code Title 10 – Land Use Regulations; by amending: Chapter 3 – General Provisions, revising Section 1(G) – Recreational Vehicles; to provide additional conditions under which a Recreational Vehicle can be used for temporary residential purposes during reconstruction of a single family residence lost due to natural or man-made disasters; and other matters pertaining thereto.

Rob Pyzel, Planner, presented the changes made to the text that was provided last month. He said that he has added a separate subsection to the existing ordinance requiring that all of the conditions above this subsection be observed but exempts the time restraints in the case of a natural disaster. This will allow the subject to reside in their RV for a maximum period of three (3) years with submission of a building permit, and a bi-annual review for the duration. Mr. Pyzel said he visited with most of the advisory councils during their regular meetings and received positive input from each. Discussion followed regarding some of the comments and concerns from the various advisory councils.

Doug Bennett expressed concern over Condition 2c., which is text that was repealed in 1992, that stated “*recreational vehicles must connect into both water and sewer/septic systems*”. He said there is a conflict in that the requirement to connect was removed yet now a permit requires a landowner to have both facilities available. Rob Pyzel said that the repeal of 2c, causes you to abide by 1c, when applying for the permit, and then, when the permit is finalized, per 2d, the permittee is required to disconnect the RV from those facilities. Audrey Allan said the requirement should state that there will be no dumping of waste onto the property and then, only into legal waste facilities.

Angela DeFord said that another issue she wishes to address is the requirement to obtain a permit to connect to the electrical service and before one can have water service you must have electricity.

Rob Pyzel advised the board that if they have additional language they want to be presented to the board, they can do that. Mr. Pyzel suggested adding language to the end of Condition 1c such as “*the permittee shall either connect to water and sewer / septic facilities or have arrangements such that water and sewage disposal are provided for, to the approval of the Community Development Director*”. This would allow someone to tow the RV to a disposal facility to dump the tanks in the case that there is no electricity available to the site.

Harold Ritter asked that if by adding the new language is staff provided the ability and/or flexibility to be able to enforce it? Rob Pyzel said it does as it puts the property owner on notice that water and sewer/septic is required in one form or another.

Dave Snelgrove, Community Development Director, commended Mr. Pyzel on his efforts towards accommodating the public with this ordinance revision and feels that the revision is very appropriate.

Mrs. DeFord thanked the Planning Commission for their consideration in this effort. Mrs. Retzer thanked Mrs. DeFord for bringing it forward.

Doug Bennett made a motion to recommend that Title 10 be amended to add condition #f as listed in the staff report, and that paragraph 1c, under the permit requirements be changed per staff's suggested verbiage. Harold Ritter seconded. Before the vote, it was discussed whether condition 2c can be removed as it confuses the ordinance language. Rob Pyzel said he will have to discuss this with the District Attorney.

The motion passed unanimously: 6 ayes; 0 nay; 0 abstentions.

7. STAFF COMMENTS AND COMMISSIONER COMMENTS

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

PUBLIC PARTICIPATION

None

ADJOURNMENT

At approximately 9:56 A.M. it was unanimously motioned that the meeting be adjourned.

Betty Retzer, Chairperson

ATTEST:

Kerry Page, Planning Assistant