

## LYON COUNTY PLANNING COMMISSION MEETING MINUTES

January 10, 2023

The January 10, 2023 meeting of the Lyon County Planning Commission was called to order by Commission Chairwoman, Tammy Hendrix, at approximately 9:00 a.m. in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGTON, NV 89447

### 1. Roll Call

Members present: Commissioners Tammy Hendrix, Loretta Sell, Audrey Allan, Connie Kuzmicki and newly appointed, Greg Clausen, attended in person at the Lyon County Administrative Complex. Commissioners Michael Carlson and Shawn Keating attended the meeting via Zoom.

**Attending staff:** County Manager, Andrew Haskin; Senior Planners Louis Cariola, and Bill Roth; Planning Technician, Kerry Page and Administrative Assistant, Shannon Juntunen, attended in person.

### 2. Pledge of Allegiance – Led by Commissioner Sell

### 3. Public Participation – There was none.

### 4. Review and Adoption of the Agenda

Commissioner Allan motioned to adopt the agenda as presented. Commissioner Sell seconded, the motion passed by a unanimous vote (7 Ayes; 0 Nay; 0 Abstentions)

### 5. For Possible Action

#### 5.a. For Possible Action: Election of the 2023 Planning Commission Chair-

Commissioner Allan motioned to nominate Commissioner Tammy Hendrix as the 2023 Planning Commission Chair. Commissioner Kuzmicki seconded, the motion passed by unanimous vote (7 Ayes; 0 Nay; 0 Abstentions)

#### 5.b. For Possible Action: Election of the 2023 Planning Commission Vice-Chair

Commissioner Hendrix motioned to nominate Commissioner Audrey Allan as the 2023 Planning Commission Vice-Chair. Commissioner Sell seconded, the motion passed unanimously (7 Ayes; 0 Nay; 0 Abstentions)

#### 5.c For Possible Action: Election of the 2023 Planning Commission Secretary

Commissioner Allan motioned to nominate Commissioner Keating as the 2023 Planning Commission Secretary. Commissioner Sell seconded, the motion passed unanimously (7 Ayes; 0 Nay; 0 Abstentions)

### 6. For Possible Action: Approval of Minutes

#### 6.a. For Possible Action: To approve the minutes from the December 13, 2022 meeting.

Commissioner Allan motioned to approve the minutes from the December 13, 2022, meeting as amended. Commissioner Sell seconded, the motion passed by unanimous vote (7 Ayes; 0 Nay; 0 Abstentions)

### 7. Presentation and Reading of Miscellaneous Correspondence – There was none.

### 8. Advisory Board Reports - Commissioner Hendrix acknowledged Advisory Board Reports from both the Stagecoach Advisory Board and the Dayton Regional Advisory Board.

### 9. Public Hearing Items

#### 9.a For Possible Action -To forward a recommendation to the Board of Commissioners for a Conditional Use Permit request from John Miles to allow for the expansion of a nonconforming

use (single-family residential in the CC-Community Commercial, zoning district) for the purpose of constructing a detached garage at 155 Pike Street in the Comstock Historical District – Dayton (APN 006-052-02) PLZ-2022-189.

Senior Planner, Bill Roth summarized the staff report. The applicant’s request for a Conditional Use Permit to allow the expansion of a legal, non-conforming use is required due to the property’s zoning designation of CC (Community Commercial). The house was placed on the property prior to the implementation of any zoning codes, making it a legal non-conforming use and the applicant would like to build a detached garage on the property. The structure has received approval from the Comstock Historic District.

**Public Comment-** There was none

Commissioner Sell motioned to forward a recommendation of **approval** to the Board of County Commissioners for the request by Mr. John Miles for a Conditional Use Permit to allow the expansion of a non-conforming use in the CC (Community Commercial) zoning district, on APN 006-052-02 (PLZ-2022-189), based on the recommended findings and subject to the following Conditions of Approval.

1. No change in the terms and conditions of the Conditional Use Permit (CUP), as approved, shall be undertaken without first submitting the changes to Lyon County Community Development and having them modified in conformance with Lyon County Code.
2. The applicant shall comply with all applicable Fire, building, zoning and improvement code requirements and obtain any necessary public inspections.
3. All construction documents and separate applications must be submitted to the Central Lyon County Fire Protection District and the Lyon County Building Department for review and approval prior to issuance of a Building Permit.
4. All contractors doing any construction, modifications, or remodels must be licensed in the State of Nevada.
5. Exterior lighting for the garage, if any, shall be downward facing and shielded such that light is not shed onto adjacent properties.
6. The substantial failure to comply with the conditions imposed on the issuance of this conditional use permit or the operation of the conditional 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 conditional use may result in the institution of revocation proceedings. **Failure to initiate the conditional use permit within one (1) year from the date of approval or to complete all work within two (2) years from the date of approval will result in the expiration of the conditional use permit approval.**

Commissioner Kuzmicki seconded, the motion passed **unanimously** (7 Ayes; 0 Nay; 0 Abstentions)

- 9.b.** For Possible Action - To approve a request from Bret and Tauni Allen for a Tentative Parcel Map to subdivide a 3.63-acre parcel into two (2) parcels, the smallest being 1.73 acres, located at 16 Jones Road in Mound House (APN 016-231-11) PLZ 2022-193.

Senior Planner, Louis Cariola, summarized the staff report. The applicant proposes that the above-referenced 3.63-acre parcel be subdivided into two (2) parcels through the parcel map land division process. Proposed parcel 1 is 75,492 square feet (1.73 acres) and proposed Parcel 2 is 82,935 square feet (1.9 acres). The property is currently zoned M-1 (General Industrial District) subject to HI-S (Heavy Industrial-Suburban). The applicant’s request is in conformance with the goals and policies of the 2020 Comprehensive Master Plan and Zoning standards.

Commissioner Hendrix asked if the language for Condition of Approval 6.a. is correct. It states, “The improvement would consist of 6" of 3/4 Type 2 spec base on 3" of asphalt (mix design is PG-64-28NV)” but it seems it should be stated as 3” of asphalt on top of 6” of ¾ Type 2 base. Senior Planner, Louis Cariola stated it was a typo.

The Applicant’s representatives, Robert LaRiviere and Deane Scheiber from CFA, asked if Condition 6.a will require the applicant to improve the entire road. They were under the impression it was only 200ft. Senior Planner, Louis Cariola responded that the applicant will be required to improve the entire road.

Commissioner Allan asked the applicant’s representative if they are in agreement with that. Mr. LaRiviere responded that if that is one of the conditions of approval the applicant will comply with it.

**Public Comment-** There was none

Commissioner Allan motioned to **APPROVE** the Tentative Parcel Map request for Bret and Tauni Allen (APN: 016-231-11/PLZ-2022-193) based on the recommended findings and subject to the following 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 Department prior to submitting the final parcel map for recordation.
3. The applicant shall pay the actual costs for County Engineer plan and map checking fees 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 final parcel map recordation.
4. The applicant shall pay in full all property taxes through the end of the fiscal year (June 30) prior to recordation of the final parcel map.
5. Prior to recordation of the Final Map, the developer shall provide documentation to the Community Development Department that the direction and processes as described in the attached letter from the Lyon County Utility District Director, dated December 15, 2022, have been addressed to the satisfaction of the Director.
6. The following items are listed in accordance with the comments submitted by the Lyon County Roads Department for the proposed tentative parcel map. Prior to recordation of the Final Map, the applicant shall provide documentation to the Community Development Department that the direction and processes as outlined below have been satisfied to the satisfaction of the Roads Department.
  - a) Jones Road requires improvement and pavement per Orange Book Standards. There is currently a 200'x24' portion of road that is native dirt right in front of this property. The improvement would consist of 3" of asphalt over 6" of 3/4 Type 2 spec base (mix design is PG-64-28NV) ~~on 3" of asphalt (mix design is PG-64-28NV).~~
  - b) Design, testing of material and compaction in the County ROW will need to be submitted to Farr West Engineering and the Road Department for sign-off and approval.
  - c) All parcels with driveway accesses from the County ROW require improvement of the aprons to Orange Book Standards for asphalt pavement or concrete.
7. 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). 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.

8. The applicant shall pay the required recording fees at time of Final Map recordation.
9. 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.
10. The applicant shall comply with the *Drainage Guidelines for Lyon County* (revised September 2018) when/if developing the property in the future.
11. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 (Design Criteria and Improvement Standards) of Lyon County Code.
12. The applicant shall comply with all applicable fire code requirements to the satisfaction of the Central Lyon Fire Protection District.
13. The final parcel map will comply with the current Lyon County standards requiring a 7.5-foot public utility easement along the front property lines and 5-foot public utility easement along all side property lines for the proposed parcels prior to recordation.
14. 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 Title 15 of the Lyon County Code.
  - c. Site development work will require a site improvement permit(s) in accordance with Title 15.234 unless directly associated with a single family residential building permit.
  - 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 and emergency vehicle access has been installed to the satisfaction of the Central Lyon County Fire Protection District.
15. Any further division may be subject to the imposition of subdivision improvement standards as may be legally imposed at the time. The applicant shall place a note to this effect on the final parcel map prior to recordation.
16. The applicant shall resolve all Code Enforcement violations on the subject site to the satisfaction of the Community Development Director prior to recordation of the Final Map.
17. Approval of the tentative parcel map shall not constitute acceptance of the final parcel map. **Failure to submit a complete final parcel map and pay the required fees within one (1) year from the date of approval shall render the tentative parcel map approval as expired.** No extension may be granted after receiving approval of the tentative parcel map.

Commissioner Sell seconded, the motion passed **unanimously** (7 Ayes; 0 Nay; 0 Abstentions)

- 9.c. For Possible Action - To approve a request from HSKS LLC for a Tentative Parcel Map to subdivide a 0.92-acre parcel into two (2) parcels, the smallest being 0.46 acres, located at 3120 Elm Street in Silver Springs (APN 018-414-06) PLZ 2022-143.

Senior Planner, Louis Cariola, summarized the staff report. The applicant proposes that the 0.92-acre subject parcel be subdivided into two (2) parcels through the parcel map land division process. Proposed Parcel 1 is 20,009 square feet and proposed Parcel 2 is 20,017 square feet. The property is zoned SR-12,000 (Suburban Residential – 12,000 sf minimum). The applicants request is in conformance with the 2020 Master Plan goals and policies and Zoning standards.

**Public Comment-** There was none

Commissioner Kuzmicki motioned to **APPROVE** the Tentative Parcel Map request for HSKS LLC (APN: 018-414-06/PLZ-2022-143) based on the recommended findings and subject to the following 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 Department prior to submitting the final parcel map for recordation.
3. The applicant shall pay the actual costs for County Engineer plan and map checking fees 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 final parcel map recordation.
4. The applicant shall pay in full all property taxes through the end of the fiscal year (June 30) prior to recordation of the final parcel map.
5. Prior to recordation of the Final Map the applicant is required to improve Mono Street to Lyon County's Gravel Road standard, from the southerly boundary of the existing parcel's limits north to Lake Avenue.
6. The developer shall provide of the relinquishment of water rights necessary to insure an adequate water supply for residential use of the newly created parcels to the satisfaction of the State Division of Water Resources prior to recordation of the final parcel map (through coordination with the Silver Springs Mutual Water Company).
7. 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). 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.
8. The applicant shall pay the required recording fees at time of final parcel map recordation.
9. 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.
10. The applicant shall comply with Lyon County's storm drainage guidelines when/if developing the property in the future (revised September 2018).
11. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 (Design Criteria and Improvement Standards) of Lyon County Code.
12. The applicant shall comply with all applicable fire code requirements to the satisfaction of the Mason Valley Fire Protection District.
13. The final parcel map will comply with the current Lyon County standards requiring a 7.5-foot public utility easement along the front property lines and 5-foot public utility easement along all side property lines for the proposed parcels prior to recordation.

14. 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 Title 15 of the Lyon County Code.
  - c. Site development work will require a site improvement permit(s) in accordance with Title 15.234 unless directly associated with a single family residential building permit.
  - 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 and emergency vehicle access has been installed to the satisfaction of the Central Lyon County Fire Protection District.
15. Any further division may be subject to the imposition of subdivision improvement standards as may be legally imposed at the time. The applicant shall place a note to this effect on the final parcel map prior to recordation.
16. Approval of the tentative parcel map shall not constitute acceptance of the final parcel map. Failure to submit a complete final parcel map and pay the required fees within one (1) year from the date of approval shall render the tentative parcel map approval as expired. No extension may be granted after receiving approval of the tentative parcel map.

Commissioner Sell seconded, the motion passed **unanimously** (7 Ayes; 0Nay; 0 Abstentions)

**9.d.** For Possible Action – Brian Gauck - CONTINUED from the December 13, 2022 meeting- To approve a request from Brian Gauck for a Tentative Parcel Map to subdivide a 24.81-acre parcel into four (4) parcels, the smallest being 5 acres; located at 9725 Iroquois Trail in Stagecoach (APN 015-761-31) PLZ 2022-186.

Senior Planner, Louis Cariola, presented the staff report. The applicant proposes that the above-referenced 24.81-acre parcel be subdivided into four (4) parcels through the parcel map land division process. Proposed Parcel 1 is 9.39 acres; proposed Parcel 2 is 5.42 acres; proposed Parcels 3 and 4 are 5 acres each. The property is currently zoned RR-3T (Third Rural Residential District – 5 acre minimum with a Trailer Overlay). The applicant's request is in conformance with the 2020 Master Plan goals and policies and zoning standards. Mr. Cariola went on to explain the applicant is working to resolve the code enforcement issues on the property and will be required to provide an engineer's letter of approval for a barn on the current parcel that was constructed without a building permit. The applicant is also required to obtain building permits for a primary residence and the barn before the recordation of the Final Parcel Map.

Commissioner Hendrix noted Stagecoach GID cannot provide service to this parcel and asked if the applicant will be required to get NDEP approval to install domestic wells for the additional parcels being created.

Senior Planner, Louis Cariola responded that while this parcel is located within the Stagecoach GID Service Area, they are not currently accepting any new applications to be included into their District Boundaries because they do not currently have the capacity to serve any additional lots. Therefore, future development on site will require approval from the Nevada Division of Water Resources (DWR) for authorization to drill wells for the new parcel configurations.

Applicant's representatives, Robert LaRiviere and Deane Scheiber said the applicant is working to resolve the code violations and is aware of the Conditions of Approval.

**Public Comment-** There was none

Commissioner Clausen motioned to **APPROVE** the Tentative Parcel Map request for Bryan Gauck (APN: 015-761-31); PLZ-2022-186, based on the recommended findings and subject to the following 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 Department prior to submitting the final parcel map for recordation.
3. The applicant shall pay the actual costs for County Engineer plan and map checking fees 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 final parcel map recordation.
4. The applicant shall pay in full all property taxes through the end of the fiscal year (June 30) prior to recordation of the final parcel map.
5. The developer shall provide documentation of the relinquishment of water rights necessary to insure an adequate water supply for residential use of the newly created parcels to the satisfaction of the State Division of Water Resources (DWR) prior to recordation of the final parcel map (which is typically 2 acre-feet per new parcel).
6. 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). 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.
7. The applicant shall pay the required recording fees at time of final parcel map recordation.
8. 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.
9. The applicant shall comply with Lyon County's storm drainage guidelines when/if developing the property in the future (revised September 2018).
10. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 (Design Criteria and Improvement Standards) of Lyon County Code.
11. The applicant shall comply with all applicable fire code requirements to the satisfaction of the Central Lyon Fire Protection District.
12. The final parcel map will comply with the current Lyon County standards requiring a 7.5-foot public utility easement along the front property lines and 5-foot public utility easement along all side property lines for the proposed parcels prior to recordation.
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 Title 15 of the Lyon County Code.
  - c. Site development work will require a site improvement permit(s) in accordance with Title 15.234 unless directly associated with a single family residential building permit.

- 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 and emergency vehicle access has been installed to the satisfaction of the Central Lyon County Fire Protection District.
14. Any further division may be subject to the imposition of subdivision improvement standards as may be legally imposed at the time. The applicant shall place a note to this effect on the final parcel map prior to recordation.
  15. The applicant shall resolve all Code Enforcement violations on the subject site to the satisfaction of the Community Development Director prior to recordation of the Final Map.
  16. Approval of the tentative parcel map shall not constitute acceptance of the final parcel map. **Failure to submit a complete final parcel map and pay the required fees within one (1) year from the date of approval shall render the tentative parcel map approval as expired.** No extension may be granted after receiving approval of the tentative parcel map.

Commissioner Kuzmicki seconded, motioned passed **by a majority vote** (6 Ayes; 1 Nay (Commissioner Keating); 0 Abstentions)

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

10. **Public Participation-** None
11. **Action Items-** None
12. **Board Member Comments-** None
13. **Future Agenda Items-** None
14. **Public Comment-** None

**ADJOURN TO RECONVENE AS THE LYON COUNTY PLANNING COMMISSION**

15. **Staff update on recent County Commissioner’s actions** –County Manager said there were no Planning items on the January 5, 2023 agenda, he had no further updates.
16. **Public Participation-** There was none
17. **Adjournment**

At approximately 9:46 a.m. it was unanimously motioned to adjourn.

Commissioner Hendrix, reconvened due to an oversight in Public Participation on Zoom.

Robert LaRiviere asked to revisit agenda item 9.b. regarding condition of approval 6.a., related to the extent of road improvements. County Manager, Andrew Haskin, said since action had already been taken on the agenda item, the applicant will have to submit an application for an amendment to the conditions of approval if they dispute and/or cannot comply with any of the conditions.

At approximately 9:48 a.m. it was unanimously motioned to adjourn.



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Tammy Hendrix, Chairwoman

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Shannon Juntunen, Administrative Assistant