

LYON COUNTY PLANNING COMMISSION MEETING MINUTES

February 08, 2022

The February 8, 2022 meeting of the Lyon County Planning Commission was called to order by Commission Chairwoman, Audrey Allan.

1. Roll Call –

Members present: Commissioners Tammy Hendrix, Audrey Allan, Michael Carlson, Connie Kuzmicki, Shawn Keating and John Cassinelli attended the meeting in the Greg Hunewill Commissioners Chambers. Loretta Sell via Zoom.

Attending staff present: Senior Planners Rob Pyzel and Louis Cariola, attended via Zoom. County Manager, Jeff Page; Community Development Director, Andrew Haskin; Planning Technician, Kerry Page and Administrative Assistant; Shannon Juntunen attended in person.

2. Pledge of Allegiance – Led by Commissioner Cassinelli

3. Public Participation – There was none

4. Review and Adoption of the Agenda-

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

5. Possible Action:

5.a. Possible Action: Election of the 2022 Planning Commission Officers -

Commissioner Cassinelli nominated Commissioner Allan for Chair, Commissioner Allan declined. Commissioner Allan nominated **Tammy Hendrix** for **Chair**.

Commissioner Sell seconded, the motion passed by unanimous vote (7 Ayes; 0 Nay; 0 Abstentions)

Commissioner Allan nominated **John Cassinelli** for **Vice-Chair**

Commissioner Hendrix seconded, the motion passed by unanimous vote (7 Ayes; 0 Nay; 0 Abstentions)

Commissioner Allan nominated **Shawn Keating** for **Secretary**.

Commissioner Cassinelli seconded, the motion passed by unanimous vote (7 Ayes; 0 Nay; 0 Abstentions)

6. Approval of minutes-

Commissioner Allan motioned to approve the minutes from the January 11, 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 – Dayton Advisory Board sent a letter of transmittal recommending approval of agenda item 9.a.

9. Public Hearing Items:

9.a For Possible Action – Vidler Water Company, Inc. – River Ranch Merger & Re-subdivision/Tentative Subdivision Map – Request for a merger & re-subdivision/tentative subdivision

map for three parcels totaling 166.87 acres to create a 49-lot single family residential development on approximately 62.8 acres with remainder Parcel A (approximately 20.9 acres) and Remainder Parcel B (approximately 83.1 acres) within the RR-1 (First Rural Residential – 1 acre minimum) zoning district generally located between Comstock Road and Sutro Road south of the Carson River, Dayton, NV (APN 016-022-19; 016-022-31; and 016-022-32) PLZ-2021-116.

Senior Planner, Rob Pyzel presented the staff report summarizing the request for a merger & re-subdivision/tentative subdivision map for three parcels totaling 166.87 acres to create a 49-lot single family residential development with parcels ranging from 1 acre to 2.5 acres. The request meets all minimum acreage required by the zoning designation and conforms to the standards of the Master Plan Designation of Low Density Residential. Any development in the X-Shaded and AE FEMA Flood Zones will have to comply with Title 15 standards and obtain an Elevation Certificate. Staff is recommending approval.

Applicant's representative, Karen Downs, gave a presentation on the applicant's request.

Commissioner Cassinelli asked if approval condition #23.a., improvement to Comstock road, will include curb and gutter.

Rob responded the required improvements will not include curb and gutter due to the zoning. The Roads Director, Dustin Homan, does not feel like curb and gutter are necessary.

Commissioner Keating asked Rob to pull up the map to show how far the improvements will run.

Commissioner Cassinelli noted that the development agreement requires the applicant to maintain the road until 90% of the homes are built. Since the homes will not all be built at once, is the applicant willing/prepared to maintain the road for an extended amount of time.

Senior Planner, Rob Pyzel responded the applicant is aware of the condition.

Commissioner Allan had a question about the road name request and if it should be added as a condition or approval or in the motion. Mr. Pyzel responded it is addressed in approval condition number #6.

Commissioner Kuzmicki had concerns about an additional 49 individual septic systems going in and the possibility of it contaminating surrounding wells and the possible effect to those parcels near the river in the special flood zone in the event of a flood.

Mr. Pyzel responded that the applicant will have to comply with a number of standards before the County and outside agencies will sign off on the final Subdivision Map and before allowing the applicant to begin any development. He went on to explain once the septic is done processing the waste water it goes to leach lines where it is put back into the ground as grey water. Most flood events are surface events and do not affect ground water.

Commissioner Carlson also expressed concerns with amount of additional septic being put in.

Commissioner Keating stated he noticed there was not a traffic impact study required for this project based on the proposed size. He asked at what point a traffic study is required and how traffic is going to be impacted by these new 49 homes. Mr. Pyzel responded based on the daily trips per day it did not trigger the need for a traffic study. The average daily trips for a single family residence is 10 ADT per day, the trigger is 500. Roads Director, Dustin Homan, did not feel the applicant's proposed project should require the road to be widened or add curb and gutter. He was satisfied with the amended approval conditions regarding improvements to Comstock Rd. As further development occurs the applicant/developer will enter into a travel agreement in regards to installation of roads, that complies with County standards but at this point in time it doesn't meet the warrants to trigger a

traffic impact study. Commissioner Keating asked about emergency access which should be taken into account before approving some of these smaller projects. Senior Planner, Rob Pyzel stated the project conforms to zoning, Master Plan designation, meets all findings and design criteria. As far as concerns with traffic and emergency access, the County can't halt all development until the second bridge in Dayton is constructed. Both Commissioners Allan and Kuzmicki expressed concerns with traffic, as well as access.

Commissioner Allan stated although it is important for the County to look at things like emergency access and location of the second bridge, the Commission can't have a knee jerk reaction and stop all development on this side of the river. Looking at the merit of the project and if it meets all requirements for the current application and stages of the process, should be the focus. The access, traffic and second bridge are all things that will be looked at later in the process by the appropriate departments such as NDOT, County Roads department, NDEP, etc.

County Manager, Jeff Page, said the County is still trying to determine the best location for the second bridge and secure funding for both the bridge and the road network to support that. At the February 17, 2022 Board of County Commissioners meeting the Board directed Jeff Page and Community Development Director, Andrew Haskin, to schedule a community workshop regarding location of the second bridge, as well as storm drainage concerns and traffic concerns.

Commissioner Cassinelli asked about the possibility of further improving one of the proposed emergency egresses and possibly making a second egress, not just emergency egress, from this development onto Sutro Road.

Mr. Pyzel responded he would direct that question to Roads Director, Dustin Homan, but one concern is the proposed tie-in to the water line.

Roads Director, Dustin Homan, explained what the required improvements would be to add that access and pointed out that it would add more traffic down two roads through a residential area. At this point they are trying to keep that traffic to Comstock Rd. for now and as more development occurs they will look at roads to the east of Comstock.

Commissioner Keating asked about buffer requirements. Applicant's representative, Karen Downs, responded the applicant will comply with the minimum 20 ft. rear setback requirement.

Commissioner Hendrix asked for Public Comment;

Tim Steeper- Expressed concerns with flooding, drainage and water.

Craig Sharp- Expressed concerns with traffic, sewer/septics; suggested parcels should be a minimum of 2 acres to conform with the surrounding parcels and instead of individual septic the developer should be required to tie into County sewer system instead of allowing individual septic.

William Abbott agreed with the concerns voiced by the previous members of the public. He also voiced concerns with this project being located in a Super Fund site and the possibility of spreading the contamination.

Russ Harig said he also agreed with the previous public comment regarding concerns with traffic, single point access, emergency access, egress and flooding. He expressed the importance to address it all properly the first time.

Mike Lynch also expressed concerns with traffic, emergency access, proper egress, single point entry and exit.

Shawn Paterson also expressed concern regarding sewer, water, flooding, contamination due to the subject parcel being located in a Super Fund site and feels the proposed parcels should be 2 acres or more to be consistent with the surrounding parcels.

Sandra Adler expressed concerns with pollution to the river and surrounding wells, ground water, wildlife and traffic.

Edward Roark said he agrees with previous public comment regarding traffic and pollution concerns.

Walter Mark Bender said he agrees with previous public comment regarding traffic concerns, and the new lots should be a minimum of 2 acres. He is also upset that this development will obstruct his view.

Mike Peckham expressed concern with service/emergency vehicles having sufficient access, traffic, small lots and possible pollution.

Steve Tenko expressed concerns with traffic, not having enough supportive services for the area.

Rob Holley said when flooding occurs that Sutro is the only road not covered with water. There is no access without having to drive through flood water. He also voiced concern with smaller lots.

Senior Planner, Rob Pyzel, noted all new parcels will be connected to Lyon County water and will have to get authorization to serve those parcels before they can proceed. The proposed lot sizes meet the minimum acreage for the designated zoning district which was adopted in the 1990's. He went on to address the second access to the parcels, flooding concerns, the possible location of the second bridge in Dayton and the designated Master Plan for that area allows for smaller lots and the applicant will not be disturbing any land near the Superfund site, alleviating the concerns regarding spreading any mercury contamination.

Commissioner Allan motioned to **forward a recommendation of approval** of the request for a merger & re-subdivision/tentative subdivision map for three parcels totaling 166.87 acres to create a 49-lot single family residential development.

Commissioner Sell seconded, **the motion failed**

Commissioner Keating motioned to **forward a recommendation of denial** for the request for a merger & re-subdivision/tentative subdivision map for three parcels totaling 166.87 acres to create a 49-lot single family residential development on approximately 62.8 acres with remainder Parcel A (approximately 20.9 acres) and Remainder Parcel B (approximately 83.1 acres) within the RR-1 (First Rural Residential – 1 acre minimum) zoning district generally located between Comstock Road and Sutro Road south of the Carson River, Dayton, NV (APN 016-022-19; 016-022-31; and 016-022-32) PLZ-2021-116. Based on the following findings:

- A. The lack of a traffic analysis for the project and mitigation measures for the impacts to the existing development within the area;
- B. There is inadequate emergency access from the project site; and
- C. The lack of a suitable buffer between the proposed 1-acre minimum lots and the existing 5-acre lots along the southern boundary of the project.

Commissioner Carlson **seconded**, the motion passed by a unanimous vote (7 Ayes; 0 Nay; 0 Abstentions).

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

10. Public Participation-

11. Action Items- None

12. Staff update on Public Lands Bill

Community Development Director, Andrew Haskin said the consultant (RCI) is working to develop maps outlining proposed parcels to be included in Lands Bill. Once those are created and available he will bring them forward for the Planning Commission to review. So far RCI has received feedback from Lyon County, Desert Hills Dairy, Hudbay Minerals and the Nevada Builder Alliance. The County is working to set up with the Yerington Paiute Tribe, the Walker River Paiute Tribe and the State of Nevada Department of Conservation and Natural Resources, State lands and State Parks.

13. Board Member Comments- None

14. Future Agenda Items- None

15. Public Participation- Amanda Brinnand said she was a little confused about the process of the Public Lands Bill. She said it was mentioned in a January meeting that the process for the Lands Bill is anticipated to be completed by June of 2022 and she felt like that was not enough time to allow for Public Participation. She also said there doesn't seem to be any information on the Lands Bill out there such as maps, process etc. She suggested putting something on the website informing the public what is going on and how they can be involved.

Community Development Director, Andrew Haskin, responded the County is working to get information on the website for the public. There is not a lot of information to get out there at this point because it is still in the preliminary stages. There will be a fair amount of process left.

ADJOURN TO RECONVENE AS THE LYON COUNTY PLANNING COMMISSION

16. Staff Comments and Commissioner Comments:

16.a. Staff update on recent County Commissioners actions

Community Development Director, Andrew Haskin, updated the Planning Commission on action by the Board at the February 3, 2022 meeting. There was a discussion on the second Dayton Bridge. The Commissioners requested a special meeting held in Dayton to select the location. Part of that workshop will include discussion on the Dayton area Drainage Master Plans. There will be an agenda item coming up to amend Title 7 and Title 15 to prohibit Cannabis Consumption Lounges. The Business impact statement will be heard at the March 3 meeting and then the proposed ordinance will be heard at the second meeting in March. Board heard options on allowable uses and possible options for Tiny Homes and gave Staff direction to draft an ordinance allowing Tiny Homes to be used as an Accessory dwelling on a residential lot.

17. Public Participation-

Tim Steeper requested a better map of the proposed roads and connections to the second Dayton Bridge that people can zoom in on, with more detail, etc.

18. Adjournment

At approximately 10:57 a.m. it was unanimously motioned to adjourn.

Tammy Hendrix, Chairwoman

Shannon Juntunen, Administrative Assistant