

# LYON COUNTY PLANNING COMMISSION MEETING MINUTES

February 14, 2023

The February 14, 2023 meeting of the Lyon County Planning Commission was called to order by Commission Vice-Chairwoman, Audrey Allan, 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 Loretta Sell, Audrey Allan, Connie Kuzmicki, Michael Carlson and Greg Clausen attended in person at the Lyon County Administrative Complex. Commissioner Shawn Keating attended the meeting via Zoom.

**Attending staff:** District Attorney, Steve Rye; 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 Carlson

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

## 4. Review and Adoption of the Agenda

Commissioner Sell motioned to adopt the agenda as presented. Commissioner Carlson seconded, the motion passed by a unanimous vote (6 Ayes; 0 Nay; 0 Abstentions)

## 5. For Possible Action: Approval of Minutes

5.a. **For Possible Action:** To approve the minutes from the January 10, 2023 meeting.

Commissioner Allan stated that the agenda packets for the February meeting only showed findings for approval with no alternative motions being offered in the staff reports, for continuance or denial. The Planning Commission members were reminded that they could vote for either of those alternatives but their vote would have to meet the stated findings and county regulations.

Commissioner Sell motioned to approve the minutes from the January 10, 2023, meeting as amended. Commissioner Clausen seconded, the motion passed by unanimous vote (6 Ayes; 0 Nay; 0 Abstentions)

6. **Presentation and Reading of Miscellaneous Correspondence** – There was none.

7. **Advisory Board Reports-** There were none

## 8 Public Hearing Items

8.a. **For Possible Action -** To approve a request from Debra L. Newton for a Tentative Parcel Map to subdivide an approximately 80.41-acre parcel into two (2) parcels, the smallest being 20.16 acres, located to the northeast of the intersection of Crosby Lane and Smith Gage Road, northwest of State Route 208, at 16 Crosby Lane in Smith Valley (APN 010-371-03) PLZ-2022-208.

Senior Planner, Bill Roth summarized the staff report. The applicant's request for a Tentative Parcel Map (TPM) to subdivide an approximately 80.41 acre lot into two new parcels is in conformance with the Master Plan goals and policies and Zoning designation requirements. Staff is recommending approval based on the recommended findings and 16 conditions of approval.

Commissioner Sell asked Rick Christian, Denson Surveying, if he was aware of the Smith Valley Advisory Board's recommendation to continue this item. Mr. Christian said he was not aware of their request. There was concern of an irrigation ditch not being noted on the Tentative Map, which Mr. Christian addressed and was not aware of any other concerns.

**Public Comment-** There was none

Commissioner Sell motioned to **approve** to the request from Debra L. Newton for a Tentative Parcel Map on approximately 80.41-acre parcel into two (2) parcels; located at 16 Crosby Lane, Smith, (APN 010-371-03) PLZ-2022-208, based on the findings and subject to the following 16 conditions of approval;

1. The developer shall comply with all Federal, State, County and special purpose district regulations.
2. Any future development will require connection to the public right-of-way and an encroachment permit from the Lyon County Roads Department will be required.
3. The developer 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 final parcel map for recordation.
4. The developer 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.
5. The developer shall pay in full all property taxes through the end of the fiscal year (June 30) prior to recordation of the final parcel map.
6. The developer 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 developer 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 developer shall comply with Lyon County's storm drainage guidelines (revised September 2018).
10. The developer shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 of the Lyon County Code.
11. The developer shall comply with the requirements of the Smith Valley Fire Protection District (SVFPD) including, but not limited to conformance with the 2018 editions of the International Fire Code (IFC) and International Wildland-Urban Interface Code (IWUIC) including the 2018 Northern Nevada Amendments to both the IFC and IWUIC as applicable to the satisfaction of the Smith Valley Fire Protection District.
12. 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.
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 Smith Valley 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 developer 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 Carlson seconded, the motion passed **unanimously** (6 Ayes; 0 Nay; 0 Abstentions)

**8.b.** For Possible Action: To forward a recommendation to the Board of Commissioners for a Conditional Use Permit request from Lux Solar Center, LLC, to allow a commercial solar generation facility in the RR-20 (Rural Residential 20 acre minimum) and LI-R (Light Industrial - Rural) zoning districts on four parcels generally located between the Union Pacific Railroad tracks and Sierra Way in Wabuska, north Mason Valley (APNs 014-091-02/-03/-20/-21) PLZ-2022-210.

Senior Planner, Bill Roth summarized the staff report. The proposed project involves the construction and operation of a commercial solar power generating facility over an approximately 1,140-acre area within a four(4)-parcel site totaling 2,462 acres. The subject property is located between the Union Pacific Railroad tracks and Sierra Way in Wabuska, north Mason Valley. A CUP (PLZ-19-0054) was approved for the same project in 2019 but has since expired because grid infrastructure upgrades by NV Energy (NVE), upon which the proposed facility is reliant, have been delayed until 2028. The Applicant now seeks a CUP with the same project description and the same conditions of approval as the previously approved CUP but with initiation of the project required no sooner than 2030 to ensure the necessary NVE upgrades are in place. Staff is recommending approval based on the recommended Findings and 16 conditions of approval.

Commissioner Kuzmicki asked if a reclamation bond is part of the decommissioning plan. Senior Planner, Bill Roth, said he was not sure and that the applicant’s representative could better answer that question.

Commissioner Clausen had a question regarding the time frame in which a Conditional Use Permit is good for. Senior Planner, Bill Roth stated it defaults to the code which says 2 years unless otherwise specified. The previously approved CUP did not have a specified time frame so it expired after 2 years. In this case an extended time frame is stated in the Conditions of Approval to ensure the necessary NV Energy upgrades are in place. Commissioner Clausen asked District Attorney, Steve Rye, if that is his understanding. He responded it is his understanding of the code.

Applicant’s representative, Thomas Gentry, gave a brief overview of the company’s history. They are rated one of the top ten in the world for renewable energy. They are seeking approval of a new CUP due to expiration of the previous one. He went on to say there is not a Reclamation Bond in place as part of

the Decommissioning Plan at this time, however, they are willing to include one if that is requested as an added condition.

**Public Comment-** There was none

Commissioner Clausen motioned to forward a recommendation of **approval** to the Board of County Commissioners for a Conditional Use Permit issued to Lux Solar Center, LLC for a Commercial Solar Generation Facility located in Wabuska, North Mason Valley on APNs 014-091-02/-03/-20/-21, PLZ-2022-210. Based on the findings listed in the staff report and subject to the following 16 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 obtaining a Building Permit.
4. All contractors doing any construction, modifications, or remodels must be licensed in the State of Nevada.
5. The Applicant shall maintain a Lyon County business license for the use while occupying the site.
6. Prior to commencement of the use, the Applicant shall provide to the Lyon County Planning Department evidence of the issuance of an encroachment permit and satisfactory completion of all improvements required by the Nevada Department of Transportation, or documentation that no new encroachment permit and/or improvement are required.
7. Prior to commencement of the use, the Applicant shall ensure the satisfactory completion of all required access, driveway and parking improvements to County and International Fire Code standards, as required by the Lyon County Planning Department, the Lyon County Road Department and Yerington/Mason Valley Fire Protection District.
8. The Applicant shall enter into a road maintenance agreement with the County for the maintenance and dust control of the Sierra Way improved right-of-way during the construction period of the project. Once the construction of the project is completed, the amount of traffic generated by the project is minimal and the road maintenance agreement may expire.
9. The Applicant shall submit for a fire/life safety plan review to the Yerington/Mason Valley Fire Protection District prior to the issuance of a site improvement permit/building permit for the project.
10. Any proposed onsite sewage disposal system must be approved by the Nevada Division of Environment Protection and evidence of such approval must be provided to the Lyon County Planning Department prior to approval of any building permit for any sanitary facilities.
11. Any proposed water usage is subject to approval of the proposed use of water and/or all necessary water rights by the Nevada Division of Water Resources and submission of approval documentation to the Lyon County Planning Department.
12. The Applicant shall obtain the approval of the Walker River Irrigation District for a development/improvement plan prior to application for and approval of any site improvement permit and/or building permits from Lyon County Community Development Department.

13. All outdoor lighting shall comply with the outdoor lighting performance standards of Chapter 15.357 of the Lyon County Code, shall include cut-off shields that direct the illumination down and reduce glare to the satisfaction of the Planning Department.
14. The Applicant shall comply with Lyon County's 2018 drainage guidelines, as revised to the approval of the County Engineer.
15. Any exterior signage will require a separate building permit, through the Lyon County Building Department.
16. 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 by 2030 and satisfy all conditions by 2032 will result in the expiration of the conditional use permit approval unless an extension is obtained in accordance with the provisions of 15.13.02 of the Lyon County Code.**

Commissioner Sell seconded, the motion passed **unanimously** (6 Ayes; 0 Nay; 0 Abstentions)

**8.c.** For Possible Action: To forward a recommendation to the Board of Commissioners for a Conditional Use Permit request from Lyon County School District to allow the addition of two office buildings in the RR-5 (Rural Residential 5 acre minimum) zoning district on one parcel located to the west of the intersection of Spruce Avenue and Ramsey Weeks Cutoff, south of U.S. Highway 50 in Silver Springs (APN 018-356-01) and a shared parking area on two parcels (APNs 018-356-01 and 018-356-02) PLZ-2022-197.

Senior Planner, Bill Roth summarized the staff report. The applicant's proposal includes the construction of two modular office buildings on 3570 W. Spruce Avenue (APN 018-356-01) and a shared parking area with 3655 W. Spruce Avenue (018-356-02), in the Silver Springs area. There are existing LCSD offices already located at 3655 Spruce Avenue (APN: 018-356-02). The proposed buildings at 3570 Spruce Avenue would be 3,600 square feet and 1,440 square feet in size, 5,040 square feet total, and would be used for administrative offices and staff training purposes that are associated with the adjacent LCSD educational facility. The proposed shared parking area would provide 31 parking spaces for the proposed buildings and the two existing administrative buildings on the adjacent LCSD site. The applicant's request is in conformance with the Master Plan and the Zoning designation standards. Staff is recommending approval.

Commissioner Carlson asked if the existing two (2) modular buildings on the property will be removed. Senior Planner, Bill Roth, responded there are no plans to remove the existing buildings at this time

#### **Public Comment-**

Loraine Delatorre, Stagecoach resident, expressed safety concerns with the intersection of Ramsey Weeks and Spruce and impact on road conditions. She suggested looking at improvements for safety at that intersection.

Commissioner Sell motioned to forward a recommendation of **approval** to the Board of County Commissioners for the Conditional Use Permit request from Lyon County School District to allow the addition of two office buildings in the RR-5 (Rural Residential 5 acre minimum) zoning district on one parcel located to the west of the intersection of Spruce Avenue and Ramsey Weeks Cutoff, south of U.S. Highway 50 in Silver Springs (APN 018-356-01) and a shared parking area on two parcels (APNs 018-356-01 and 018-356-02) PLZ-2022-197. Based on the findings listed in the staff report and 8 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 to obtain a Building Permit.
4. All contractors doing any construction, modifications, or remodels must be licensed in Lyon County and the State of Nevada.
5. Exterior lighting for the office buildings and the parking area shall be downward facing and shielded such that light is not shed onto adjacent properties and public rights-of-way.
6. The applicant shall comply with Lyon County's 2018 revised drainage guidelines to the satisfaction of the County Engineer prior to occupancy.
7. The applicant shall record a cross-access easement or other mechanism to ensure that both subject parcels (APNs 018-356-01 and 018-356-02) have access rights for the shared parking area and driveway, to the satisfaction of the Community Development Director.
8. 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 Carlson seconded, the motion **passed unanimously** (6 Ayes; 0 Nay; 0 Abstentions)

**8.d.** For Possible Action: To approve a request from DG Locust Grove Circle K, LLC for a Tentative Parcel Map to subdivide an approximately 28.99-acre parcel into four (4) parcels, the smallest being 1.43 acres, located to the northeast of the intersection of U.S. Highway 50 and State Route 439 at 3200 Opal Avenue in Silver Springs (APN 015-181-03) PLZ-2022-209.

Senior Planner, Bill Roth, summarized the staff report. The applicant's request for a Tentative Parcel Map (TPM) to subdivide an approximately 25.73 acre lot to create four new parcels is in compliance with the Master Plan and Zoning designation standards. There was an Administrative Design Review approved in 2022, for a truck stop with a convenience store, fast food and casino. The Tentative Parcel Map will support future development of the site.

There was public comment sent via email, expressing concerns regarding water and access. Senior Planner, Bill Roth, said there is a condition of approval that addresses water and sewer connection which must be fulfilled before recordation of the Final Parcel Map.

Commissioner Kuzmicki asked if the state is going to allow the applicant to install a commercial septic to serve the Truck Stop and future uses since they are not in the service district for municipal sewer.

Applicant's representative, Vince Griffith, said the applicant will be required to install sewer pipe that connects to the existing municipal service, it will not be on septic.

Commissioner Allan asked about access for people turning left onto HWY 50. Senior Planner, Bill Roth said the Administrative Design Review shows access off the frontage road.

**Public Comment-** There was none

Commissioner Sell motioned to **approve** the request from DG Locust Grove Circle K, LLC for a Tentative Parcel Map to subdivide an approximately 28.99-acre parcel into four (4) parcels; , located at 3200 Opal Avenue, Silver Springs (APN 015-181-03) PLZ-2022-209, based on the findings listed in the staff report and subject to the following 18 conditions of approval.

1. The developer shall comply with all Federal, State, County and special purpose district regulations.
2. Any future development will require connection to the public right-of-way and an encroachment permit from the Lyon County Road Department or the Nevada Department of Transportation, as applicable, will be required.
3. The developer 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 final parcel map for recordation.
4. The developer 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.
5. The developer shall pay in full all property taxes through the end of the fiscal year (June 30) prior to recordation of the final parcel map.
6. The developer 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 developer 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 developer shall comply with Lyon County's storm drainage guidelines (revised September 2018).
10. The developer shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 of the Lyon County Code.
11. The developer shall comply with the requirements of the Central Lyon County Fire Protection District (CLCFPD) including, but not limited to conformance with the 2018 editions of the International Fire Code (IFC) and International Wildland-Urban Interface Code (IWUIC) including the 2018 Northern Nevada Amendments to both the IFC and IWUIC as applicable to the satisfaction of the Central Lyon County Fire Protection District.
12. 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.
13. The developer shall provide Intent to Serve/Will Serve Utility Letters prior to approval of the Final Map, to the satisfaction of the Planning Department.
14. Any extension of a public water system to serve the subject parcels will be required to be reviewed and approved by the Bureau of Safe Drinking Water, prior to construction.
15. 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.
16. 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 Smith Valley Fire Protection District.
17. Any further division may be subject to the imposition of subdivision improvement standards as may be legally imposed at the time. The developer shall place a note to this effect on the final parcel map prior to recordation.
18. 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 **unanimously** (6 Ayes; 0 Nay; 0 Abstentions)

Commissioner Sell motioned to hear agenda items 8.e and 8.f. together and vote on them separately. Commissioner Carlson seconded, motion passed **unanimously** (6 Ayes, 0 Nay, 0 Abstentions).

**8.e.** For Possible Action: To forward a recommendation to the Board of Commissioners for a Zoning Map Amendment request from Schaller Development LLC, c/o Project One, to change the zoning on nine (9) parcels comprising approximately 497.52 acres south of US Highway 50 in Stagecoach from RR-5 (Fifth Rural Residential District – 20 acre minimum) and RR-2 (Second Rural Residential District – 2 acre minimum) to RR-2 (Rural Residential – 2 acre minimum) in accordance with the Master Plan designation of Specific Plan (APNs: 015-365-01, 015-365-02, 015-365-03, 01 5-365-04, 015-371-05, 015-371-06, 015-371-07, 015-371-08, 015-451-01) PLZ-2022-206.

Senior Planner, Louis Cariola, summarized the staff report. The subject parcel is relatively flat and contains no ridgelines. The majority of the site is vacant with a few buildings in the southeast corner that support the operations of the Dayton Valley Turf Farm. Surrounding land uses include single family residences to the north and east, Bureau of Land Management (BLM) property and single-family residences to the west and vacant land to the south. Highway 50 is adjacent to and directly north of the property. The existing Churchill Ranchos Estates, a single family residential subdivision to the west, is comprised of 2-acre parcels. The subject parcel is within the Stagecoach General Improvement District (SGID) service boundary for water service. Individual sewer systems would be necessary for the new parcel development, each to be approved by the Nevada Division of Environmental Protection (NDEP). The septic systems will have to be de-nitrification systems per the NDEP regulations for the area (and SGID standards). The proposed amendment is consistent with the policies embodied in the adopted master plan and the underlying land use designation contained in the land use plan.

Commissioner Clausen asked Mr. Cariola, if he reviewed the late public comment that was received. Mr. Cariola said he had reviewed the public comments and attended the Stagecoach Advisory Board meeting.



The public comment received did not note anything that would change Staff's recommendation. Commissioner Clausen noted concerns with the hydrology report, potential flooding and if Emergency Services will have appropriate access to all the proposed parcels. Senior Planner, Louis Cariola, responded at this point only a preliminary report has been submitted as required. However, before the recordation of the final map, the report will have to be reviewed and approved by the County Engineer.

There was further discussion amongst the Commissioners regarding public concerns with hydrology, access, improvements, water rights and if there will be any cost increase to existing users if the proposed future development connects to the Stagecoach GID.

Lisa Nash with Christy Corporation, applicant's representative, introduced herself and said they are available for any questions the Commission has. The Commission said they would like to finish hearing staff's presentation of both agenda items then address questions.

#### **Public Comment-**

Amanda Brinnand, Stagecoach resident, expressed frustration that the suggestions from the public to help make this subdivision work in this rural area were ignored. She said many of the surrounding parcels vary from 20 acres to 5 acres, with the exception of the 2 acre parcels in the adjacent Churchill Rancho Estates Subdivision. She feels 2 acre lots are not consistent with the larger parcels. She went on to express concerns about ground water/well pollution due to 150+ individual septics being installed and the potential for wells drying up.

Robert Butler, Stagecoach resident, expressed concerns about well water contamination due to the amount of proposed additional individual septic systems, potential of wells drying up, flooding issues from Hwy 50 to Black Hawk and Silver Lane, roads and access.

Loraine Delatorre, Stagecoach resident, expressed concerns with the proposed parcel size. She referenced larger parcel sizes to the East of the proposed development varying from 5, 10 and 20 acres, stating the community has suggested phasing lots to include 5 and 10 acre parcels. She also expressed concern with the possibility of well contamination due to amount of proposed septics and wells drying up. She suggested phasing parcel sizes to better fit with the surrounding parcels.

Steve Napoletano, Stagecoach resident, asked what the impact of the proposed development will have on the gravity fed well that provides water to his subdivision. He asked if they will be required to dig private wells and connect to sewer. He also expressed concern with emergency access and response times with the number of additional residents. Senior Planner, Louis Cariola, responded that the question regarding wells and septics will need to be answered by the Stagecoach General Improvement District.

Betty Retzer, Stagecoach resident, expressed concerns with flooding due to not having culverts along Blackhawk, the proposed detention ponds not being adequate for the amount of water they could possibly retain, who will be maintaining the ponds, increased traffic, access, road improvements, flooding due to development and parcel sizes. She suggested 5-10 acre parcels to better fit with surrounding parcels.

Gary Handzel, Stagecoach resident, expressed concern with flooding, culverts and where water will be redirected/dispersed to; who will maintain storm water; detention maintenance; and impact from increased traffic. He asked if the Developer, Applicant, Applicant's representative or County Staff have gone to look at the areas of flooding after the recent storms to see the effects.

**8.f.** For Possible Action: To forward a recommendation to the Board of Commissioners for a request from Schaller Development LLC, c/o Project One, for a Merger and Re-subdivision/Tentative Subdivision Map of nine (9) parcels comprising approximately 497.52 acres, south of US Highway 50 in Stagecoach, into 186 single family residential lots with a minimum lot size of 2 acres and a maximum size of 17.7 acres (APNs: 015-365-01, 015-365-02, 015-365-03, 015-365-04, 015-371-05, 015-371-06, 015-371-07, 015-371-08,015-451-01) PLZ-2022-207.

Senior Planner, Louis Cariola, summarized the staff report. The applicant proposes a Merger and Resubdivision to a Tentative Subdivision Map with 186 lots for single family residential development, new roadways, and associated stormwater infrastructure. The roadways will be required to be paved to the County's standards in order to be in compliance with County standards for new subdivisions. The stormwater management and detention designs included in the project still require review for approval by the County Engineer, who will ensure compliance with County standard. The subdivision will be provided water services by the Stagecoach General Improvement District, who provided an Intent-to-Serve letter indicating that the subdivision is within the GID's service area and is capable of being served. The CLCFPD will provide fire suppression services and fire hydrants throughout the development will be required. Individual septic systems would be necessary for the new parcels, each to be approved by the Nevada Division of Environmental Protection (NDEP). The systems will have to be de-nitrification systems per the NDEP regulations for the area.

The development is tentatively named "SH Estates". The smallest residential lots are 2 acres and the **largest** is 17.77 acres in size with an average lot size in the proposed subdivision map of 2.45 acres. There are four Phases proposed:

- Phase 1 includes 24 lots
- Phase 2 includes 56 lots
- Phase 3 includes 51 lots
- Phase 4 includes 39 lots

The property to be subdivided is zoned for the intended uses. The density and design of the subdivision conforms to the requirements of the zoning regulations and is in conformance with the Master Plan.

Senior Planner, Louis Cariola, noted corrections to the Staff Report (pages 4 and 5) stating the applicant is to install street lighting. Per the Citizen Advisory Board and public comment expressing the preference to maintain dark skies, staff is recommending that part of Condition 19 be removed. He also noted a typo in condition 20 referencing Dayton Valley Drainage Master Plan, it should state Lyon County Drainage Guidelines. Page 14 of the Staff Report references installation of individual wells, which is incorrect. The applicant will be connecting to Stagecoach GID. Mr. Cariola also noted condition 7, the road ways for the subdivision must be paved to the satisfaction of multiple county departments. Condition 3, the developer will provide (CC&Rs) constitute enforceable provisions necessary for operation and maintenance roadways, stormwater until such time 90 percent of the development is completed. At which time, upon inspection the County will accept the roadways but not the stormwater. The detention and drainage, as well as any public common areas, will need to be maintained by a Home Owners Association.

Lisa Nash, with Christy Corporation, applicant's representative, said they are available for questions. The Commission did not have any further questions.

#### **Public Comment-**

Amanda Brinnand, Stagecoach resident, said the Hydrology report indicates the development will create additional flooding on surrounding parcels. She asked what the detention ponds will be constructed out of, cement or dirt, what if any effects will there be to surrounding parcel's soil. She expressed concern with emergency access when flooding occurs, increased traffic on existing, county, non-maintained roads, road improvements and added risk for wild land fires. She expressed the importance of using WUI (Wildland Urban Interface) recommended building materials and having defensible space around structures. She also spoke about horse vs. human vehicle impact being an issue in the area and to help mitigate the issue, the public suggested fencing the entire boundary with wildlife-friendly fencing and cattle guards to keep them out of the subdivision.

Robert Butler, Stagecoach resident, stated although many of the local residents have the machinery and would be willing to help maintain the roads, they can't due to laws prohibiting it.

Betty Retzer, Stagecoach resident, expressed concerns about increased risk for Wild Land fires with this added development, potential flooding issues, fencing being horse friendly, not adding to the flooding issues and the efficiency of an HOA or CC&R's to maintain roads and detention ponds. She also stated she doesn't see how the Silver Springs Schools can handle more students if they are asking for two additional buildings for administrative offices and training space. She also asked why the staff report only includes a motion for approval and not motions for continuance or denial as they used to.

Loraine Delatorre, Stagecoach resident, expressed concerns with the quality and design of the development, size of parcels, traffic, access, added nitrates, possible well contamination and water availability, as well as detention pond capacity and HOA/CC&Rs sustainability.

Gary Handzel, Stagecoach resident, expressed concerns about increased traffic and stated the developer should work with NDOT to develop a road directly from the development to HWY 50. He urged the Commission to vote no on this project.

Applicant's Representative, Lisa Nash with the Christy Corporation, said they have looked at and agree to all Conditions of Approval.

Commissioner Allan had a question about flooding. The applicant's Engineer, Jason Gilles, explained how water flows from the Highway to the back of the valley and sits there. There is a playa and sand dune area at the southern portion of the property, which is loosely connected to a bigger playa farther to the East. This bigger Playa has more sagebrush growth and does not receive the same amount of water. There are numerous culverts that come across the highway to capture water and run it down the road side ditches. That water will then run south to the bigger parcels where it will recharge into the ground water like it always has. He explained if they did nothing that area would still receive a majority of the flood water for this area. With development there will be more water run off which is why they will be improving that area. Beyond retention ponds there could be alternative methods for infiltrating the water into the ground, such as rapid infiltration basins. He went on to explain how they are going to put a ditch and roadway on the back of the lots that abut Churchill Rancho Estates to capture the water as it runs north to south before it runs into the existing subdivision. He said the detention pond serves two purposes; to catch the water that is dumped by the GID well when it is exercised, and the storm water, which is why it is so big. They do not anticipate the detention pond is going to hold water for more than 24 hours. Its purpose is to catch the water, slow it down and send it farther down the valley. He went on to say this project will have to be reviewed and approved by multiple County and State entities and in his opinion no State or County entity is going to approve a project that is going to cause damage.

He said as far as the private wells, they should all have a 100 ft. seal to pull the actual water from. The ground water table near that playa is going to fluctuate. GID and State Health have to review every percolation test, septic and denitrification system and the GID is ultimately responsible for maintaining those systems. They go out twice a year and make sure they are working. The denitrification system is a way to help avoid uploading those areas with additional nitrates. He does not anticipate any impact to the surrounding wells.

**Item 8.e.** Commissioner Clausen motioned to forward a recommendation of **approval** to the Board of County Commissioners to forward a recommendation to the Board of Commissioners for a Zoning Map Amendment request from Schaller Development LLC to change the zoning on nine (9) parcels comprising approximately 497.52 acres south of US Highway 50 in Stagecoach, from RR-5 (Fifth Rural Residential District – 20 acre minimum) and RR-2 (Second Rural Residential District – 2 acre minimum) to RR-2 (Rural Residential – 2 acre minimum) in accordance with the Master Plan designation of Specific Plan (APNs: 015-365-01, 015-365-02, 015-365-03, 015-365-04, 015-371-05, 015-371-06, 015-371-07, 015-371-08, 015-451-01) PLZ-2022-206.

Commissioner Sell seconded.

The **motion failed** with a tie vote (3 Ayes, Commissioners Clausen, Sell and Keating; 3 Nays, Commissioners Kuzmicki, Carlson and Allan; 0 Abstentions)

**Item 8.f.** After much discussion, Commissioner Sell motioned to **table agenda item 8.f.**, the request from Schaller Development LLC for a Merger and Re-subdivision/Tentative Subdivision Map for the SH Estates Subdivision, due to agenda item 8.e not passing.

Commissioner Carlson seconded, the motion **passed unanimously** (6 Ayes; 0 Nay; 0 Abstentions)

8.g. For Possible Action- To forward a recommendation to the Board of County Commissioners for Conditional Use Permit request from Blackcomb Property Group, LLC, to allow for a Self-Storage/RV storage use at 222 Dayton Valley Road, Dayton (APN 006-091-10) PLZ-2022-213.

Senior Planner, Bill Roth, explained that the applicant has formally requested a continuance of up to 60 days to complete revisions to their proposed site plan and layout.

Commissioner Sell motioned to **approve** the applicant's request for a continuance of up to 60 days.

Commissioner Clausen seconded, the motion **passed unanimously** (6 Ayes; 0 Nay; 0 Abstentions)

Commissioner Sell motioned to reconsider the previous motion and hear public comment. Commissioner Carlson seconded and the motion **passed unanimously** (6 Ayes; 0 Nay; 0 Abstentions)

#### **Public Participation-**

Loraine Delatorre, Stagecoach resident, said she was sad to see a self-storage facility is going on such a beautiful lot.

Commissioner Sell motioned to **approve** the applicant's request for a continuance of up to 60 days.

Commissioner Clausen seconded, the motion **passed unanimously** (6 Ayes; 0 Nay; 0 Abstentions)

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

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

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

**14. Staff update on recent County Commissioner's actions** –Senior Planner, Louis Cariola, told the Planning Commission, he and the County Manager, Andrew Haskin, will be attending the Stagecoach Town meeting regarding the Stagecoach Drainage Master Plan, February 22, 2023 at 5:00 PM, which will be held at the Stagecoach Community Center. He also announced the vacancy on the Planning Commission due to Commissioner Hendrix being appointed by the Gto the Board of County Commissioners.

**15. Public Participation-** There was none

#### **16. Adjournment**

At approximately 11:25 a.m. it was unanimously motioned to adjourn.

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Audrey Allan, Vice-Chairwoman

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Shannon Juntunen, Administrative Assistant