

# LYON COUNTY PLANNING COMMISSION MEETING MINUTES

March 08, 2022

The March 8, 2022 meeting of the Lyon County Planning Commission was called to order by Commission Chairwoman, Tammy Hendrix.

## 1. Roll Call –

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

**Attending staff present:** Senior Planner, Rob Pyzel and Deputy Chief District Attorney, Yuliya Davidzneka 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 Kuznicki

## 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 (6 Ayes; 0 Nay; 1 Absent, Commissioner Cassinelli)

## 5. Approval of minutes-

Commissioner Sell motioned to approve the minutes from the February 8, 2022 meeting as presented Commissioner Allan seconded, the motion passed by unanimous vote (6 Ayes; 0 Nay; 1 Absent, Commissioner Cassinelli)

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

## 7. Advisory Board Reports – There were letters of transmittal from the Dayton Regional Advisory Board pertaining to agenda item 8 e.

## 8. Public Hearing Items:

**8.a** For Possible Action – Patricia Riley – Tentative Parcel Map – Request for a parcel map to subdivide a 79.96 acre parcel zoned RR-2T (Rural Residential – 2 acre minimum with Trailer Overlay) into 3 parcels, the smallest proposed parcel being 26.33 acres in size, located on Sunset Hills Drive (unaddressed) Mason Valley (APN: 014-251-11) PLZ-2021-118.

Senior Planner, Rob Pyzel presented the staff report summarizing the applicant's request for a parcel map to subdivide a 79.96 acre parcel zoned RR-2T (Rural Residential – 2 acre minimum with Trailer Overlay) into 3 parcels. The request meets all minimum acreage required by the zoning designation and conforms to the standards of the Master Plan. The parcels will be served by City of Yerington water with individual septic systems. Staff is recommending approval.

Applicant, Patricia Riley, asked staff why the fire hydrant near the property is not on the property itself. Senior Planner, Rob Pyzel, explained typically fire hydrants are located on the public right of way as to not impede development on the parcel.

## Public Comment-

Loraine Hansen explained that she was the previous owner of this parcel that had never been compensated for the sale of this parcel. Mrs. Hansen objects to the applicant's request due to the situation.

Audrey Allan asked if the ownership of this parcel is in question. Senior Planner, Rob Pyzel, responded according to the current Title Report Patricia Riley is the legal owner. Any property disputes are a civil matter.

Commissioner Sell motioned to **approve** the request for a parcel map to subdivide a 79.96 acre parcel zoned RR-2T (Rural Residential – 2 acre minimum with Trailer Overlay) into 3 parcels, the smallest proposed parcel being 26.33 acres in size, located on Sunset Hills Drive (unaddressed) Mason Valley (APN: 014-251-11) PLZ-2021-118. Based on the recommended findings and subject to the following 15 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 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 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.
6. The applicant shall pay the required recording fees at time of final parcel map recordation.
7. 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.
8. The applicant shall comply with Lyon County's storm drainage guidelines (revised September 2018).
9. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 of the Lyon County Code.
10. The applicant shall comply with all applicable fire code requirements to the satisfaction of the Mason Valley Fire Protection District.
11. 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.
12. 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 Mason Valley Fire Protection District.
13. 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.
14. Per typical comments received by Nevada Energy, the following shall be added to the Notes section (potentially replacing Note 5, which uses the same language but is exclusive to Southwest Gas):
- A public utility easement is hereby granted within each parcel for the exclusive purpose of installing and maintaining utility service facilities to that parcel, with the right to exit that parcel with said utility facilities for the purpose of serving other parcels, at locations mutually agreed upon by the owner of record at that time of installation and the utility company.*
15. 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 Allan **seconded**, the motion passed by a majority vote (5 Ayes; 1 Nay, Commissioner Kuzmicki; 1 Absent, Commissioner Cassinelli).

**8.b.**For Possible Action – SV Farms LLC/Smith Valley Dairy/Dirk Vlot – Conditional Use Permit – Request for a Conditional Use Permit on an approximately 80.0 acre parcel to allow for a manufactured home to be used for farm labor housing per LCC 15.351.3 (E) within the RR-5 (Fifth Rural Residential – 20 acre minimum) zoning district; located at 134 Burke Drive, Smith Valley, NV (APN 010-151-15) PLZ-2022-124.

Senior Planner, Rob Pyzel presented the staff report summarizing the applicant's request.. The request meets all minimum acreage required by the zoning designation and conforms to the standards of the Master Plan and is an allowable use in the RR-20 zoning district. The parcel is currently being used in agriculture production and has a single family residence and several out buildings on it. Staff is recommending approval.

Commissioner Kuzmicki asked how many people the Dairy currently employs and what they do for housing. Will the applicant be asking for additional farm labor housing in the future.

Senior Planner, Rob Pyzel stated there is the possibility that the applicant may request additional housing in the future which he is allowed to do. However, if he does he will have to go through this conditional use permit process again, conform to all standards and conditions of approval.

Applicant, Dirk Vlot, explained the reason for his request. Commissioner Kuzmicki asked how many employees Mr. Vlot employs and what happens if he needs additional housing in the future. Mr. Vlot explained he currently employs 35-40 people. He tries to utilize the housing they already own on the surrounding parcels however, that doesn't always work out. This is the best alternative, last resort kind of situation.

Commissioner Allan motioned to forward a **recommendation of approval** for the request for a Conditional Use Permit on an approximately 80.0 acre parcel to allow for a manufactured home to be used for farm labor housing per LCC 15.351.3 (E) within the RR-5 (Fifth Rural Residential – 20 acre minimum) zoning district; located at 134 Burke Drive, Smith Valley, NV (APN 010-151-15) PLZ-2022-124. Based on the recommended findings and subject to the following 8 conditions of approval:

1. Any modification, expansion, intensification or material change in use or operation shall require an application for, and public hearings on an amendment to the Conditional Use Permit use pursuant to Lyon County Code.
2. The applicant shall comply with all state, federal and local government regulations to the satisfaction of the appropriate agencies.
3. For as long as the parcel is designated by the Assessor as agricultural, the landowners may provide the manufactured home for use as farm labor housing for the landowner. The housing unit may include cooking facilities and must comply with United States Department of Labor standards per Title 20, Chapter V of the Code of Federal Regulations. The applicant shall provide evidence to the satisfaction of the Planning Department that the housing complies with United States Department of Labor Standards per Title 20, Chapter V of the Code of Federal Regulations prior to the issuance of a manufactured home setup permit.
4. The well and water system intended to accommodate agricultural labor potable water needs shall be approved by the Nevada State Division of Water Resources and/or the Nevada Division of Environmental Protection. The applicant shall provide the County with evidence that the State has approved the well for potable water service for the number of farm laborers who will rely upon it for drinking, bathing and cooking purposes, including sufficient water rights that can be dedicated to this use, if applicable prior to issuance of a manufactured home setup permit.
5. The applicant shall provide satisfactory evidence of approval by the Nevada Division of Environmental Protection of individual sewage disposal system for the manufactured home prior to issuance of a manufactured home setup permit.
6. The applicant shall comply with all applicable fire, building, and zoning code requirements.
7. All outdoor lighting shall employ cut-off shields that direct the light from the source down and not create glare or allow light to spill onto adjoining properties.
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 will result in the expiration of the conditional use permit approval.**

Commissioner Sell **seconded**, the motion passed by a unanimous vote (6 Ayes; 0Nay; 1 Absent, Commissioner Cassinelli).

- 8.c. For Possible Action – North Lyon LLC/NV Energy/PAR Electrical Contractors – Conditional Use Permit – Request for a Conditional Use Permit on an approximately 3.83 acre lease site located within a 7,323.0 acre parcel to allow for a new wireless telecommunications facility with a tower exceeding 100 feet in height (145 feet with the capability of rising to 190 feet in height) within the RR-5 (Fifth Rural Residential – 20 acre minimum) zoning district generally located northeast of State Route 439 (USA Parkway), Fernley, NV (APN 021-411-03) PLZ-2021-115.

Senior Planner, Rob Pyzel presented the staff report summarizing the applicant’s request. Mr. Pyzel explained the lease site borders the Lyon and Storey County lines and is extremely remote. The applicant is proposing a tower of 145 feet, to possibly extend to a maximum height of 190 feet. Mr. Pyzel explained the antenna height is necessary to support the NV Energy substation for communication paths, to allow for remote control of the substation and line protection given the topography and distance between the substation and lines. The lease site will be gated and the request meets all minimum acreage required by the zoning designation and conforms to the standards of the Master Plan.

Commissioner Allan asked if the applicant’s request meets the standards for a CUP/WCF since the lease site is only 3.83 acres and the zoning standards require it to be on 20+ acre parcel. Mr. Pyzel responded it does because the parcel itself exceeds the minimum acreage and meets the zoning requirements. However, the applicant only needs to develop 3.83 acres of the parcel.

Applicant’s representative, Mark Sullivan, requested to amend approval condition #4 that states the color of the equipment will be a flat green. He said typically the equipment is galvanized and fades into a light grey color and would like to amend it to reflect that. Mr. Sullivan also had questions regarding approval condition # 7 about fence height. It states the fence must be a minimum height of 6 feet. The proposed fence will be 7 feet with an additional 1 foot of barbwire on top. He asked Mr. Pyzel if that would be okay and if the condition needed to be amended to reflect that. Mr. Pyzel stated that would be fine since the condition states it must be a minimum of six (6) feet. The concern with condition #4 regarding color of the antenna and face should not be an issue given the remote area of the tower.

Mr. Sullivan thanked Lyon County Staff. He said staff has been great to work with. NV Energy originally hired a 3rd party contractor to help with this project and things did not go as smoothly as they should have so they stepped in and Staff has been very helpful and professional.

Commissioner Kuzmicki motioned to forward a **recommendation of approval** for the request to allow for a new wireless telecommunications facility with a tower exceeding 100 feet in height (145 feet with the capability of rising to 190 feet in height) within the RR-5 (Fifth Rural Residential – 20 acre minimum) zoning district generally located northeast of State Route 439 (USA Parkway), Fernley, NV (APN 021-411-03) PLZ-2021-115. Based on the recommended findings and subject to the following 13 conditions of approval amended as the applicant requested:

1. 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 will result in the expiration of the Conditional Use Permit approval.**

2. Prior to approval of a building permit application and final inspection, the applicant shall record with the proper recording instrument to the Lyon County Recorder's office, the NV Energy/North Lyon LLC Exhibit "A" Easement creating the lease area and the maintenance access easements.
3. The proposed lattice antenna tower shall not exceed the maximum height of one hundred ninety feet (190') above ground level (AGL).
4. The color of the proposed associated equipment are to be painted a flat green. The galvanized antenna tower and microwave dishes shall not be painted unless FAA regulations require a paint scheme. Any change/deviation to this proposed colors must be submitted to the Planning Department for review and approval.
5. No lighting is permitted of the antenna tower except as required by the FAA.
6. The applicant shall provide documentation of compliance with all FAA requirements through FAA documentation prior to approval of a building permit application submittal.
7. With the exception of the FAA-required antenna tower lighting, all exterior site and building lighting shall include shields that direct light down and reduce glare from direct observation from adjacent properties.
8. The proposed perimeter security chain link fence with barbed wire shall be a minimum height of seven feet tall (7') tall with one foot (1') of 3-strand barbed wire (minimum 8' total). Any change/deviation request in height to the proposed security fence must be submitted to the Planning Department prior to a building permit application.
9. An Encroachment permit through the Lyon County Road & Fleet Department is required for the proposed access easement at the terminus of Ruby Avenue.
10. The applicant shall comply with all Federal, State, County and special purpose district regulations permits and obtain all necessary public inspections. This includes, but is not limited to, a Stormwater Pollution Prevention Plan (SWPPP) permit from the Nevada Division of Environmental Protection for disturbing an area over an acre in size.
11. The applicant shall maintain a Lyon County business license while operating at the lease area.
12. At the time of a building permit application for the construction of the antenna tower, equipment and fencing, the applicant is required to submit, the letter of approval for the Conditional Use Permit with a written response letter addressing each condition; i.e. how the condition has been met/addressed.
13. Any future or WCF equipment or additional equipment, antenna, microwave dish equipment to this Conditional Use Permit, must be presented to the Planning Department for evaluation or criteria meeting Title 15 and for a building permit to add future equipment at this site.

missioner Allan **seconded**, the motion passed by a unanimous vote (6 Ayes; 0 Nay; 1 Absent, missioner Cassinelli)

- 8.d.** For Possible Action – Larry and Rhonda Sell – Tentative Parcel Map – Request for a parcel map to subdivide a 49.65 acre parcel zoned RR-3T (Rural Residential – 5 acre minimum with Trailer Overlay) into 2 parcels, the smallest proposed parcel being 5 acres in size, located at 8000 Snafu Way, Stagecoach (APN: 015-371-30) PLZ-2022-120.

Senior Planner, Rob Pyzel, presented the staff report summarizing the applicant's request. The request meets all minimum acreage required by the zoning designation and conforms to the standards of the Master Plan. There is currently a single family residence and storage buildings on the property. The parcels will require individual wells and septic systems.

Commissioner Kuzmicki mentioned the public comment received regarding concerns with increased traffic, road conditions, emergency access and mapping issues. Senior Planner, Rob Pyzel, stated the applicant's request does meet all development standards for a rural character, and a rural zoned piece of property. They are appropriately addressing access, road conditions and the request meets all findings. Requiring the applicant to do more than meet the basic standards could be considered a taking.

Commissioner Kusmicki asked how many people use the proposed access road on a daily basis. Dustin Homan, Roads Director, said the County does not do trip counters on non-maintained roads. The County did improve Snafu Drive up to the private residence to gravel road standards a few years back and is graded occasionally. Blackhawk off of Highway 50 is maintained. There are a lot of other roads in that area that people are using which is out of County control; the County does not have any authority over those.

County Manager, Jeff Page, said if an applicant chooses to build in a rural area with non-maintained, dirt roads and is aware of the conditions, it is their right to do so. It is in the County's best interest to support their choice if it meets all findings, zoning requirements and conforms to the Master Plan.

Applicant, Rhonda Sell, explained the request for the tentative parcel map to create an additional parcel is so that one of her children can build their own home and live close. That is one of the reasons they chose to buy the sized property, in the area they did. She did address some of the concerns brought up in public comment. She explained they do have 4 employees that come to the property every morning and have been doing so for several years and they have never had any complaints. She said she was a little surprised to hear the complaints being brought up. Everyone knows everyone in that area and if there are issues with speeding a simple conversation could resolve the issue. Mrs. Sell said they are aware of how messy the roads can get and are prepared to deal with those issues.

#### **Public Comment –**

Amanda Brinnand, expressed concern that the increase in traffic will continue to cause the road to further deteriorate. She feels as though the non-maintained road issue should be discussed and resolved before the application is approved.

Commissioner Sell motioned to **approve** the request for a parcel map to subdivide a 49.65 acre parcel zoned RR-3T (Rural Residential – 5 acre minimum with Trailer Overlay) into 2 parcels, the smallest proposed parcel being 5 acres in size, located at 8000 Snafu Way, Stagecoach (APN: 015-371-30) PLZ-2022-120, based on the recommended findings and subject to the following 18 conditions of approval:

1. The applicant shall comply with all Federal, State, County and special purpose district regulations.
2. The applicants shall apply to the Lyon County Roads Department for an encroachment permit to create an access from Snafu Drive to proposed Parcel B prior to submitting the final parcel map for recordation.

3. 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 final parcel map for recordation.
4. 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.
5. 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.
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 (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 County Fire Protection District.
12. The applicant shall provide documentation of the dedication or relinquishment of water rights necessary to insure an adequate water supply for residential use of the newly created parcel 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 50' road easement that is created with the proposed map for access to Parcel 1 will be specified on the Final Map as a private access easement to be constructed to the County's gravel road standard.
15. The Final Map application shall include a private maintenance agreement that will apply to any newly constructed gravel roadway within the new 50' wide road easement in order to ensure access will be available in perpetuity for the Fire Protection District. After review and approval by the County, the agreement shall be recorded concurrently with the Final Map, but will only apply at the time of new construction on Parcel 1 that necessitates a new roadway.
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 Central Lyon County 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 applicant shall place a note to this effect on the final parcel map prior to recordation.

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 Allan **seconded**, the motion passed by a unanimous vote (6 Ayes; 0Nay; 1 Absent, Commissioner Cassinelli)

**8.e** For Possible Action – Lyon County – Master Plan Amendment – Request for a Master Plan Amendment to change the land use designation on Dayton land use map from Suburban Residential to Public/Quasi-Public, for three (3) parcels totaling approximately 102.71 acres; generally located at 600 Dayton Valley Road (APNs 016-351-16; 016-351-17; and 016-361-60) PLZ-2021-104.

Senior Planner, Rob Pyzel presented the staff report summarizing the request. The Master Plan Amendment will allow the County to move forward with a Zone Change on the three (3) parcels from NR-1 (Single Family- Non Rural Residential District) with a minimum lot size of 4,500 sq. ft. to Public Facility to construct a Justice Court Complex/ County Complex. This would allow the various County buildings that are scattered throughout Dayton to be located in one complex. The current Justice Building/Complex is not sufficient for the newly passed laws by the local State Legislature regarding requirements for court hearings and process.

Commissioner Allan expressed concerns brought up by public comment. She is in support of a complex where everything is centrally located but does not feel like the public had enough time to ask questions and get information regarding this application. Development on the other side of the bridge increases traffic, no secondary access is a cause for concern. Commissioner Allan suggested continuing this application until the Community has more time to review the request.

County Manager, Jeff Page, said a big reason for this request is to meet the requirements recently set forth by the Supreme Court regarding trial processes. The current judicial building is not adequate to accommodate the requirements set forth by the Supreme Court and State Legislature. If this property is not utilized the County will continue to spend funds to maintain and rent multiple County buildings such as the Dayton Senior Center, Human Services and the Justice Court. If the application was approved today it would be upwards of 3-5 years before construction would begin. The County does not bond for construction projects so, until the money is in the bank, development does not

begin. The County looked at other properties, on the other side of the river, the least expensive property was \$6 million. The properties were between the Carson Medical Center and Central Lyon County Fire Station 35. If the County spent that amount of money it would take 10 years to build the complex, which does not fix the problem with the Justice Court. The Nevada State Supreme Court recently ruled that if a person is convicted of domestic battery they are now entitled to a trial by jury to protect their second amendment rights. The court is backlogged with jury trials, trying to figure out a way to process all of them. This is an issue in Dayton and Fernley as well.

Community Development Director, Andrew Haskin, said the proposed Master Plan Amendment and Zone Change would lessen the allowable density and likely the traffic impact.

Count Manager, Jeff Page, said previous to COVID the County participated in several town hall meetings addressing a variety of topics in the Dayton community, including this topic.

Commissioner Keating asked if the alternative properties the County looked into fell through or were just not feasible. County Manager, Jeff Page, responded roughly 6 million dollars versus a property the County already owns is self explanatory. Commissioner Keating commented, the Master Plan Amendment is simply to make the request an allowable use for that area.

County Manager, Jeff Page, addressed traffic concern. He said between Human Services, the Justice Court and Sheriff's Office, based on a daily count of individuals that come into their offices the projected trips per day is 30-150. Those numbers are going to fluctuate on days court is in session. However, the traffic generated by those County offices will still be considerably less daily trips than the current zoning would allow for.

Commissioner Allan asked County Manager, Jeff Page, how long he anticipated the construction of the second bridge to take and how that would coincide with the development of this complex.

County Manager, Jeff Page, explained the challenges with traffic due to the way Dayton has developed over time. He went on to say the cost for the second bridge and supporting road network is in the 3.5-4 million dollar range and 5-8 years before construction of the bridge and completion of the road network, depending on where the Board decides to put the bridge. They are anticipating 3-5 years for completion of the County Complex.

Commissioner Sell motioned to forward a **recommendation of approval** for the request for a Master Plan Amendment to change the land use designation on the Dayton land use map from Suburban Residential to Public/Quasi-Public for three (3) parcels totaling approximately 102.71 acres; generally located at 600 Dayton Valley Road (APNs 016-351-16; 016-351-17; and 016-361-60) PLZ-2021-104, based on the recommended findings:

- A. Consistency with The Master Plan: The applicant has demonstrated that the amendment is in substantial compliance with and promotes the master plan goals, objectives and actions.
- B. Compatible Land Uses: The proposed amendment is compatible with the existing or master planned adjacent land uses, and reflects a logical change in land uses.
- C. Response to Change Conditions: The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the master plan was adopted by the Board, and the requested amendment represents a more desirable utilization of land.
- D. No Adverse Effects: The proposed amendment will not adversely affect the implementation of the master plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare.

- E. Desired Pattern of Growth: The proposed amendment will promote the desired pattern for the orderly physical growth of the County, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the County based on the consideration of natural resources, the physical geography and the efficient expenditure of funds for public services.

Commissioner Keating **seconded**, the motion passed by a majority vote (5 Ayes; 1 Nay, Commissioner Allan; 1 Absent, Commissioner Cassinelli)

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

### **9. Public Participation-**

Jim Kinninger, Smith Valley resident, stated a Lands Bill requires an act of Congress to transfer land to local governments typically used for a community need such as the fire department or a park. However, in this case the County will be offering some of the Public Lands for sale to mining companies for a profit. He spoke about the transfer of land from Federal to private ownership and the change that causes in process and permitting. He expressed concerns about environmental impact caused by the proposed open pit mine. He asked why there was not a public town hall meeting before the County contracted with Resource Concepts and why the citizens of Smith Valley were not invited to the Stake Holders meeting and why the County is putting profit before public safety.

Leslie Sonne, Smith Valley resident, expressed concerns about the transparency of the proposed Lands Bill with the community, the amount of land Hudbay is requesting, the environmental impact of the proposed mine and that the citizens of Smith Valley were not invited to the only stake holder meeting that has taken place so far.

Emily Fulstone, Smith Valley resident, spoke about the possible negative impact this Lands Bill may have on the local Community and businesses but specifically her family. They have a majority of the grazing permits for the land in that area, which they use to feed their cattle roughly 5 months out of the year. If that land were to become Public Lands they would lose approximately 70 % percent of feed for their cattle during the winter months. She stated that would effectively put her family out of the ranching business. She encouraged the County and Commissioners to consider the impact on the agricultural community and businesses that have been there for generations that continue to support and advocate for environmental safety and use that environment effectively and safely.

Judith Parker, Smith Valley resident, is not against a Lands Bill to acquire land for things such as parks, rodeo grounds etc. She is not in support of Hudbay getting as much land as they are asking for but is not against the mining operation as long as all the reviews by Federal and State agencies find the surrounding land and aquifers will not be harmed and livelihood and quality of life for the residents and local agricultural producers will be preserved. She feels in order to ensure this happens, the land needs to stay Public so both Federal and State agencies have oversight.

Amanda Brinnand said the misinformation going around in connection to the Lands Bill may be due to no information. The frustration from the community is probably due to not being involved and lack of information. The sooner the public is involved with an opportunity to review maps and information, and give input the better and will help to reduce frustration.

County Manager, Jeff Page responded to public comment regarding the County creating this Lands Bill to make money. Any land sold for private commercial or industrial enterprise the County does not see money from. It goes back to the Federal government. There will be economic gains in association with the Lands Bill, there always has been. Such as providing land for housing, employment, etc. However, there is also a large component to the Lands Bill that is focused on conservation of lands for public use, required by Federal Law.

At this point there is no written document to review or present. The County did meet with potential stake holders and has reached out to additional people in the area with grazing and mining rights to get their input. The County is looking at protecting those areas as well as other things such as environmental impacts. Once RCI has tentative maps the County will have a better idea of what they are looking at and can move forward with public meetings and making that information available on the County Website.

County Manager, Jeff Page, went on to outline some of the land the County is hoping to acquire with this Land Bill.

The Dayton Valley Event Center, Fernley Land Fill, Dayton Dog Park, 4-5 other County sites, a conservation easement along the Carson River that will allow property owners to access their land as well as control public access. As well as some areas in Mound House, for future economic business opportunities and to allow current businesses to connect to municipal sewer allowing them to expand their operations.

The Congressional Delegation will dictate how the Lands Bill will be written. The County was hoping to have the Lands Bill completed by June 2022, it does not look like that is going to happen. When he said it'll be a long haul he referred back to how long the Nevada Copper Lands Bill took. It was 7 years to get through Legislative and Congressional process.

Mr. Page encouraged the Planning Commission and Board of Commissioners to be careful voicing opinions either in support of or against land issues to avoid the public thinking they've made up their mind one way or another before seeing all the facts.

Commissioner Allan thanked Mr. Page for talking on this and contracting with someone that has more knowledge than the Planning Commission.

Mr. Page explained the reason the County contracted with RCI is because they have a good track record with Public Lands Bills and Federal issues and has a good understanding of Nevada issues and concerns.

Patricia Swain, Smith Valley resident, expressed concern with the amount of water required for Hudbay to operate the mining operation they are proposing and water being stripped away from the local agriculture. She feels the residents of Smith Valley deserve the full protection of Federal and State Agencies and that is why the land should be kept as Public Land.

Matt Swain, Smith Valley resident, expressed support for many of the uses the Lands Bill supports but he has issue with the land the mine has requested being included. Hudbay is in the position to afford going through all the requirements set forth by BLM and EPA. He does not feel it is in the County's best interest to knock down hurdles for them. The economic benefits a mine like this will bring are quantifiable but the quality of life and various other environmental concerns are impacts that will be around for many generations.

Carol Temple, Smith Valley resident, expressed the economic development of this mine will happen whether it is included in the Lands Bill or not so the County should not include it in the Lands Bill.

**10. Action Items-** None

**11. Staff update on Public Lands Bill-** Jeff Page opened this section of the meeting with the update.

**12. Board Member Comments-**

Commissioner Sell asked about the email that several members of the Public have referred to. She asked County Manager if he had seen or heard about this email. Mr. Page responded that he has had correspondence with Hudbay but has never seen any mention of acreage. He said Community Development Director, Andrew Haskin may have since he is the point of contact for this project. He went on to say he does not doubt Hudbay has sent out information to people that have requested it.

**13. Future Agenda Items-** None

**14. Public Participation-**

Jim Kinninger referred back to County Manager, Jeff Page saying no one has put in an application yet for any construction/mining and said they won't until they know if they are included in the Lands Bills. The County will gain the economic benefit from Hudbay whether it's on private or public land so it should stay on Federal land and continue to be regulated by them.

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

**15. Staff Comments and Commissioner Comments:**

**15.a. Staff update on recent County Commissioners actions**

Community Development Director, Andrew Haskin, updated the Planning Commission on action taken by the Board at the March 3, 2022 meeting. The request for Extension of Time to extend the time period in which to record a final subdivision map for the Traditions Village 1 was approved for one year.

The Vidler Water Company, Inc, River Ranch Merger & Re-subdivision/Tentative Subdivision Map application was continued to the April 7, 2022 meeting.

The Board also heard the Business Impact Statement for the Cannabis Consumption Lounge Ordinance that will go before the Board next week.

There was a presentation and discussion on the Solid Waste Franchise agreement and stated that it was awarded to Olcese Waste Services.

Commissioner Allan asked if the request for Time Extension came before the Planning Commission. Andrew Haskin responded it did not, it only went before the Board of Commissioners as it is a Board action.

Commissioner Keating commented the issue and concern about the second bridge in Dayton is going to keep coming up as long as there is anything to do with land development in that area and asked that the Planning Commission be informed and included in those workshops that are scheduled so they are informed on the bridge location and emergency access.

Senior Planner, Rob Pyzel, responded that if the Planning Commission attends it will have to be publicly noticed as a joint workshop.

Commissioner Hendrix reminded everyone about the Open Meeting Law Training on March 23, 2022 at 6:00 p.m.

County Manager, Jeff Page, reminded the Planning Commission that when making a motion to approve, continue or deny an application it is important to make those motions based on the findings,

information and suggested motion provided by staff. If staff is recommending approval he encourages the Planning Commission to look at the discussion points staff has provided and make sure they have those discussions as a Planning Commission before making the motion. If there are additional findings or requirements the Planning Commission would like added to an approval he suggested bringing it up and having those discussions during the Planning Commission process. He explained the County wants a good strong record of facts if they have to go to Court.

**16. Public Participation-** none

**17. Adjournment**

At approximately 11:29 a.m. it was unanimously motioned to adjourn.

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Tammy Hendrix, Chairwoman

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Shannon Juntunen, Administrative Assistant