

**LYON COUNTY PLANNING COMMISSION MEETING MINUTES**  
**March 12, 2019**

The March meeting of the Lyon County Planning Commission was called to order by Chairwoman Betty Retzer.

1. **Roll Call** - Members present: Betty Retzer, Leonard Lake, Tammy Hendrix, John Cassinelli, Mike Hardcastle, Harold Ritter and Audrey Allan. Attending staff present Rob Pyzel, Planner, Tammy Kinsley, Planner, Shannon Juntunen, Administrative Assistant, Kerry Page, Planning Technician and Olga Walther, Deputy District Attorney. A quorum was established.
2. **Pledge of Allegiance** - Led by Tammy Hendrix
3. **Public Participation**  
Ron Kennedy, Stagecoach resident, spoke to the Commission regarding issues with road/Highway conditions, access, etc. in the Stagecoach area. Planner, Rob Pyzel, explained the Planning Commission does not deal with or have any influence over roads, it's strictly regulated by NDOT.
4. **Review and Adoption of Agenda –**  
Commissioner Lake motioned to adopt the agenda as presented. Tammy Hendrix second, motion carries unanimously (7 ayes; 0 nay; 0 abstentions).
5. **Approval of minutes** - Commissioner Lake motioned to approve minutes of the February 12, 2019 as corrected. Tammy Hendrix second, motion carries unanimously (7 ayes, 0 nay, 0 abstentions)
6. **Presentation and Reading of Miscellaneous Correspondence-**  
None
7. **Advisory Board Reports-**  
None
8. **Public Hearing Items-**  
Audrey Allan motioned to hear items 8.a. and 8. B together and vote on them separately. Commissioner Ritter seconded, motion carries unanimously (7 ayes; 0 nay; 0 abstentions).
  - 8.a. **For Possible Action: DAYTON PIONEER, LLC. – MASTER PLAN AMENDMENT** - Request to change the 2010 Comprehensive Master Plan designation from Commercial Mixed Use to Residential on an approximately 5.78 total acre parcel; located at 8 Pine Cone Rd., Dayton (APN 16-405-22) PLZ-19-0005
  - 8.b. **For Possible Action: DAYTON PIONEER, LLC. – ZONE CHANGE –** Request to change the zoning from CC (Community Commercial) to MFR (Multi-Family Residential) on an approximately 5.78 total acre parcel; located at 8 Pine Cone Rd., Dayton (APN 16-405-22) PLZ-19-0006

Planner, Tammy Kinsley presented staff reports for items 8.a and 8.b. Mrs. Kinsley explained the purpose and probable impact of the master plan amendment and zone change. Mrs. Kinsley stated staff believes the amendment is in substantial compliance with and promotes the Master Plan goals and objectives and is responding to the growth patterns and changes in development in the county, specifically in Dayton. Staff recommended approval of item 8.a. and 8.b. based on the findings and subject to the conditions in staff report.

Chris Baker, applicant's representative, explained under the current Master Plan Designation and zoning there is very little prospect to be successful due to property location, access and existing Commercial Center. Chris went on to say the probable impact of the Master Plan Amendment and Zone change will be less than the current designated use. Mr. Baker spoke on water and sewer issues and water rights pertaining to the proposed project.

Commissioner Cassinelli had questions regarding sewer and water improvements and impact. Mike Hardcastle asked if the 13 NDOT conditions were standard for new development and if the applicant was aware? Audrey Allan expressed concerns how the zone change will promote a more gradual transition between existing Commercial and Residential, traffic impact and sufficient public uses such as parks, schools, etc. Commissioner Allan asked where a recreation center, park and open area will be. Commissioner Retzer expressed concerns regarding impacts of traffic to the area,

Planner, Rob Pyzel, stated the property is located near schools and sufficient facilities to support multi-family density. Due to a lack of store frontage and existing commercial centers, commercial development won't be of interest. Multi-family or mixed use is the best fit with less impact than the current zoning and land use designation.

Discussion continued with Commissioner Hendrix asking about upcoming projects in the area, which would be developed first, traffic, NDOT requirements and who would be responsible for the cost of a traffic light. Commissioner Retzer expressed concerns regarding impacts of traffic to the area, asked for clarification regarding NDOT requirements and who is responsible for maintenance and upkeep of plants, shrubs, trees and related irrigation systems installed in department right of way? Mr. Baker addressed the Commissioners questions regarding "cost share" of future developments to install a traffic light, NDOT regulations pertaining to maintenance of intersection, and possible impacts of traffic.

Commissioner Cassinelli compared the project to another in Carson City and the positive impact.

Phyllis Satariano, Dayton resident, voiced concerns about traffic, decreased property values and increase in crime.

Ron Kennedy, Stagecoach resident, also expressed concerns about traffic.

Joe Bradley, Dayton resident, also expressed concerns regarding access and traffic from Pine Cone, as well as the importance of having apartments further away from a highway.

Mike Hardcastle motioned to **recommend approval** of a master plan amendment for APN 016-405-22, based on the recommended findings. Harold Ritter seconded and the motion carries unanimously (7 ayes; 0 nay; 0 abstentions):

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 Hardcastle motioned to **recommend approval** of the request for a zone change for APN 016-405-22, based on the recommended findings. Leonard Lake seconded and the motion carries unanimously (7 ayes; 0 nay; 0 abstentions):

- A. That 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;
- B. That the proposed amendment will not be inconsistent with the adequate public facilities policies contained in this title;
- C. That the proposed amendment is compatible with the actual or master planned adjacent uses.

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

**9. Public Participation**

None

**10. Action Items –**

**10.a.** Discussion and possible action regarding the annual review of the Lyon County Public Lands Policy with comments and recommendations to be forwarded to the Board of Commissioners

Commissioner Retzer suggested this matter be looked at another point in time. She asked Mr. Pyzel to communicate with the Board of Commissioners that the Planning Commission would like feedback on the policy as it is now. Mr. Pyzel said he would reach out to the Board of Commissioner again regarding this matter.

**11. Board Member Comments**

Audrey Allan asked about training again. She suggested connecting with BLM for training and policy information. Mr. Pyzel said he would reach out to the BLM representatives to see if they have any training available. Commissioner Lake pointed out without knowing if what's currently in the policy is working or not it's hard to know what needs to be changed.

**12. Future Agenda Items**

None

**13. Public Participation**

None

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

**14. Staff Comments and Commissioner Comments-**

Planner, Tammy Kinsley, updated the Commission on planning items that went before the Board of County Commissioners at the February 21, 2019 meeting. Verizon Wireless Communications Tower was approved with the alternative tower design of a water tower. The Zone Change application for Ellinger/Isbell was approved at the March 7, 2019 Board of Commissioners meeting. Planner, Rob Pyzel spoke about upcoming project with NV Energy updating power lines through Silver Springs and will be coming through for a design review.

Mr. Pyzel reported back regarding the request to appoint an Ex Officio/delegate from the Board of Commissioners to the planning Commission. He relayed the Planning Commission's and Staff's concerns to the Board of Commissioners. The Board decided they would revisit the request in 6 months. County Manger, Jeff Page, was not happy with the idea of a side conversation going on and backed the position of staff and the Planning Commission.

Tammy Hendrix asked for clarification regarding whether or not County Commissioners are always welcome to come to Planning Commission as community member? It was stated that they can although they cannot voice an opinion.

Audrey Allen asked for a hard copy of Title 15. Mr. Pyzel said staff would take care of it.

John Cassinelli asked if Rolling "A" was considered at-capacity and if that took into account new construction? Mr. Pyzel responded with staff and policy changes at the

State level, Rolling "A" is considered at-capacity which does not include new construction at this time. However, they are testing the South Plant and anticipate it should be up and running in 3 years. All developers have been made aware.

**15. Public Participation-**

None

**Adjournment**

At approximately 10:38 a.m. it was unanimously motioned that the meeting be adjourned.

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Betty Retzer, Chairperson

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Shannon Juntunen, Administrative Assistant