

# LYON COUNTY PLANNING COMMISSION MEETING MINUTES

May 9, 2023

The May 9, 2023 meeting of the Lyon County Planning Commission was called to order by Commission 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 Audrey Allan, Michael Carlson, Ralph Ewing, Mark Jones, Connie Kuzmicki and Shawn Keating attended in person at the Lyon County Administrative Complex. Loretta Sell attended via Zoom.

**Attending staff:** Community Development Director, Louis Cariola; Senior Planner, Bill Roth; Planning Technician, Kerry Page; Administrative Assistant; Shannon Juntunen; and Deputy District Attorney, Illyssa Fogel, attended in person.

2. **Pledge of Allegiance** – Led by Commissioner Ewing

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

### Review and Adoption of the Agenda

Commissioner Keating motioned to adopt the agenda with noted corrections. Commissioner Ewing seconded, the motion passed by a unanimous vote (7 Ayes; 0 Nay; 0 Abstentions)

## 5. For Possible Action: Approval of Minutes

5.a. **For Possible Action:** To approve the minutes from the April 11, 2023 meeting.

Commissioner Keating motioned to approve the minutes from the April 11, 2023, meeting as amended. Commissioner Jones seconded, the motion passed by a unanimous vote (7 Ayes; 0 Nay; 0 Abstentions)

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

7. **Advisory Board Reports-** There were Letters of Transmittal from The Dayton Regional Advisory Board for Agenda items 9.b. and 9.c. and from the Silver Springs Advisory Board for agenda item 9.a.

## 8. For Possible Action: Planning Process Presentation

8.a. **For Possible Action:** Presentation of the Planning Process

Community Development Director, Louis Cariola, gave a presentation explaining the basic Planning Process. He explained how Planning applications are processed from time of submittal to approval, the role of the Planning Commission and the Board of County Commissioners.

## 9. Public Hearing Items

9.a. **For Possible Action:** To forward a recommendation to the Board of Commissioners for a request from Microsoft Corporation for the Abandonment of a 60 feet wide access and utility easement known as Rhyolite Land for a length of approximately 671 feet and a 30 feet wide access and utility easement known as Deodar Street for a length of approximately 660 feet on five (5) parcels in Silver Springs (APNs: 018-551-03, 018-551-04, 018-552-01, 018-552-02 & 018-552-03) PLZ-2023-005.

Community Development Director, Louis Cariola, gave a brief summary of the applicant's request. Staff is recommending approval based on the recommended findings.

The applicant's representative, Stacie Huggins of Wood Rodgers, Inc., explained the request to abandon a portion of Rhyolite Lane and a full abandonment of the utility easement on Deodar Street is so they can proceed with combining the parcels for future development. She also said the applicant's request would not

have a negative impact on surrounding parcels. There will still be access to adjacent parcels, it will not negatively affect the ability to provide utilities to other property owners or the public and will not interfere with drainage of the subject parcels or adjacent parcels.

Commissioner Jones asked if the remaining access for Deodar Street is wide enough to accommodate two lanes of traffic. Louis Cariola responded the remaining access will be 30 feet wide and is sufficient for two lanes of traffic.

Commissioner Keating voiced concerns about creating flag lots with abandoning the access and asked how soon the applicant will be completing the Reversion to Acreage. Stacie Huggins said the applicant will move forward with that as soon as they get approval with this application.

Commissioner Carlson asked Ms. Huggins if she received a copy of the letter from the adjacent property owner expressing their concerns. She responded staff had given her a copy when she arrived and went on to say the applicant's request will not affect the neighbor's access.

Public Comment- There was none

Commissioner **Keating** motioned to forward a **recommend of approval** for the request from Microsoft Corporation for the Abandonment of a 60 feet wide access and utility easement known as Rhyolite Land for a length of approximately 671 feet and a 30 feet wide access and utility easement known as Deodar Street for a length of approximately 660 feet on five (5) parcels in Silver Springs (APNs: 018-551-03, 018-551-04, 018-552-01, 018-552-02 & 018-552-03) PLZ-2023-005, based on the following findings:

- A. The public will not be materially injured by the vacation.
- B. No easements are known to be located within the right of way that must be perpetuated.
- C. The vacation will not result in the loss of access to a street from abutting property owners.
- D. Neither the public nor Lyon County have a continued interest in the preservation of the areas proposed for abandonment.

Commissioner **Carlson seconded** and the motion **passed unanimously** (7 Ayes; 0 Nay; 0 Abstentions)

**9.b.** For Possible Action: To forward a recommendation to the Board of Commissioners for a request for a Conditional Use Permit from Lyon County School District to allow an approximately 1,440-square-foot office building on an approximately 80.45 acre parcel generally located to the southeast of the intersection of Old Dayton Valley Road and Breakwater Drive, at 335 Old Dayton Valley Road in Dayton (APN 016-271-11) PLZ-2023-010.

Senior Planner, Bill Roth, presented the staff report. The Applicant's request to replace two (2) existing buildings with one new building for office space requires a Conditional Use Permit based on the zoning designation. The proposed use is in conformance with the Master Plan and surrounding uses, and will not create any additional vehicular traffic.

The commissioners asked if the new meeting room would be available for the public to utilize and if the school district will have enough space since they will have less square footage than before.

Darrell Bluhm said he was not sure if the School District would allow the space to be rented out/utilized for public and or private organizations to use for a meeting space. He went on to say although the new building is smaller they relocated some of the things they were storing in the previous buildings so they should have plenty of room.

**Public Comment-** There was none

Commissioner **Ewing** motioned to forward a **recommendation of approval** to the Board of Commissioners for a request for a Conditional Use Permit from Lyon County School District to allow an approximately 1,440-square-foot office building generally located to the southeast of the intersection of

Old Dayton Valley Road and Breakwater Drive, at 335 Old Dayton Valley Road in Dayton (APN 016-271-11) PLZ-2023-010 based on the recommended findings and subject to the seven (7) 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 building 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 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 Sell **seconded** and the motion passed unanimously (7 Ayes; 0 Nay; 0 Abstentions).

**9.c.** For Possible Action: To forward a recommendation to the Board of Commissioners of the request for a request for a Conditional Use Permit from Steven Cruz to allow an asphalt batch plant on an approximately 130.90-acre parcel generally located approximately 5,700 feet to the northwest of the intersection of Enterprise Way and E. Highway 50, at 3750 E. Highway 50 in Dayton (APN 016-401-75) PLZ-2023-004.

Senior Planner, Bill Roth explained the applicant requested a continuance with no specified date.

Commissioner Keating motioned to **approve** the applicant's request for a **continuance** of their request for a Conditional Use Permit to allow an asphalt batch plant on an approximately 130.90-acre parcel generally located approximately 5,700 feet to the northwest of the intersection of Enterprise Way and E. Highway 50, at 3750 E. Highway 50 in Dayton (APN 016-401-75) PLZ-2023-004, with no specified period in which the applicant wishes to bring the application back before the board.

Commissioner Carlson **seconded** and the motion passed unanimously (7 Ayes; 0 Nay; 0 Abstentions).

**9.d.** For Possible Action: To forward a recommendation to the Board of Commissioners for a request for a Conditional Use Permit from Lahontan Nevada Holdings, LTD, to allow a Commercial Solar Generation Facility in the HI-S (Heavy Industrial - Suburban) zoning district, on six parcels generally located to the northeast of the intersection of Idaho Avenue and Ramsey Street in Silver Springs (APNs 018-432-02/-03/-05, 018-434-01/-02/-03) PLZ-2022-208.

Senior Planner, Bill Roth explained the applicant requested a 30-day continuance due to concerns brought up by the Silver Springs Advisory Board.

Commissioner Keating motioned to **approve** the applicant’s request for a **30 day continuance** of their request for Conditional Use Permit for a Commercial Solar Generation Facility on APNs 018-432-02/-03/-05, 018-434-01/-02/-03 - PLZ-2022-208.

Commissioner Jones **seconded** and the motion passed unanimously (7 Ayes; 0 Nay; 0 Abstention)

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

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

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

- 15. Staff update on recent County Commissioner actions –Community Development Director, Louis Cariola, explained due to technical difficulty the May 4, 2023 Board of Commissioners meeting had to be canceled so all items on that agenda will be moved to the May 18, 2023 meeting. The two Planning Items on the agenda were a Code Amendment to amend zoning districts in which restricted and non-restricted gaming is allowed and the Blackcomb Conditional Use Permit application (PLZ-2022-213) that the Planning Commission heard in March. Mr. Cariola also said moving forward, Code Amendments will be presented to the Planning Commission to keep everyone updated on the changes being made to Title 15.
- 16. Public Participation- There was none
- 17. Adjournment

At approximately 10:19 a.m. it was unanimously motioned to adjourn.

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Audrey Allan, Chairwoman

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Shannon Juntunen, Administrative Assistant