

LYON COUNTY PLANNING COMMISSION MEETING MINUTES

June 13, 2023

The June 13, 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, and Loretta Sell attended in person at the Lyon County Administrative Complex. Commissioners Connie Kuzmicki and Shawn Keating were absent.

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 Jones

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

4. Review and Adoption of the Agenda

Commissioner Sell motioned to adopt the agenda as presented. Commissioner Ewing seconded, the motion passed by a unanimous vote (5 Ayes, Commissioners Sell, Allan, Jones, Ewing and Carlson; 0 Nay; 2 Absent, Commissioners Keating and Kuzmicki).

5. For Possible Action: Approval of Minutes

5.a. **For Possible Action:** To approve the minutes from the June 13, 2023 meeting as amended.

Commissioner Sell motioned to approve the minutes from the June 13, 2023, meeting as amended. Commissioner Jones seconded, the motion passed by a unanimous vote (5 Ayes, Commissioners Sell, Allan, Jones, Ewing and Carlson; 0 Nay; 2 Absent, Commissioners Keating and Kuzmicki).

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

7. **Advisory Board Reports-** There was a Letter of Transmittal submitted from the Silver Springs Advisory Board for agenda item 8.a Lahontan Nevada, LLC and public comment attached as late backup.

8. Public Hearing Items

8.a. **For Possible Action:** (Continued From May 9, 2023 Planning Commission meeting) - To forward a recommendation to the Board of Commissioners, a request for a Conditional Use Permit by 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 and Ramsey Street in Silver Springs (APNs: 018-432-02/-03/-05, 018-434-01/-02/-03) PLZ-2023-208.

Senior Planner, Bill Roth summarized the applicant's proposed project. A conditional Use Permit is required for the proposed use in the HI-S zoning district. The surrounding parcels are zoned HI-S (Heavy Industrial-Suburban) and RR-2 (Rural Residential- 2-acre min). Mr. Roth said the applicant needs to have a line -of-sight study done to ensure the applicant is in conformance with design standards regarding visibility/screening of panels. A portion of the proposed site is in a Special Flood Hazard zone and the Wellhead Protection Area for the Silver Springs Mutual Water Company. Mr. Roth said the applicant will need to apply with all conditions set forth by both FEMA and the Silver Springs Mutual Water Company regarding the Special Flood Hazard zone and wellhead protection area. Due to not being able to make the findings, staff is recommending denial.

The Commissioners expressed concern with potential flooding, due to the Special Flood Hazard Zone, the proposed development of the site and soil content. They also had questions and concerns about possible contaminants that could affect the ground water, especially being in a wellhead protection area.

Commissioners' Jones and Allan felt the concerns /issues with flooding, drainage, screening and the possible effects on ground water have not been addressed and there is not enough information at this time to make a recommendation. It was suggested the applicant meet with staff to address those concerns.

Chris Ihler with Energy Link, recognized that the major concerns are with screening, site design, drainage and visual impact. He said the applicant is willing to modify the proposed design to meet all standards and conditions of approval. He explained the applicant plans to dig the site down, create a berm and put up fencing to help mitigate the visual impact. There will be a sub-pump to help mitigate the risk potential flood risk.

David Landino, CEO of Lahontan Nevada, LLC, spoke about his extensive background in the well drilling industry and hydrology. Mr. Landino stated they should have more time to research the wellhead protection area requirements /study.

Matt Martensen, with Silver Springs Mutual Water Company, said he is not opposed to the project; he is opposed to digging a pit in the two year capture time, potentially creating pooling /flooding, which will greatly increase travel times. Since this is the largest production well for this area he is concerned about the effect it could possibly have on the water company's well.

Public Comment - Amanda Brinnand, Stagecoach citizen, said she is not opposed to solar but she does have concerns about the potential effect on both the municipal and private wells in the area, as well as the visual impact. She also expressed concern with Industrial Uses in a Residential area.

Commissioner **Sell** motioned to forward a **recommend of denial for** the request for a Conditional Use Permit by Lahontan Nevada Holdings, LTD to allow a Commercial Solar Generation Facility in the HI-S (Heavy Industrial-Suburban) zoning district on APNs: 018-432-02/-03/-05, 018-434-01/-02/-03 , based on the following findings as listed in the Staff Report.

- A. The proposed use at the specified location is **not** consistent with the policies embodied in the adopted master plan and the general purpose and intent of the applicable district regulations;
- B. The proposed use is **not** compatible with the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods;
- C. The proposed use will not generate vehicular traffic which cannot be accommodated by the existing, planned or conditioned roadway infrastructure;
- D. The proposed use incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to mitigate the development impacts;
- E. The proposed use **does not** incorporate features to address adverse effects, including visual impacts and noise, of the proposed conditional use on adjacent properties;
- F. The proposed conditional use **does not** comply with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to the proposed conditional use and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of this title; and
- G. The proposed conditional use will not be materially detrimental to the public health, safety and welfare and will not result in material damage or prejudice to other properties in the vicinity.

Commissioner **Jones seconded** and the motion **passed unanimously** (5 Ayes; Commissioners Sell, Allan, Jones, Ewing and Carlson; 0 Nay; 2 Absent, Commissioners Keating and Kuzmicki)

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

15.a. Community Development Director, Louis Cariola, updated the Planning Commission on the Board actions at the June 1, 2023 meeting. All three Planning items were approved:

Approve an ordinance amending Lyon County Code Title 15, the Lyon County Land Use and Development Code; table 15.320-1; table 15.320-2; table 15.320-3; table 15.320-4; identifying which zoning districts allow restricted gaming and non-restricted gaming; when an ADR is required; and, when a CUP is or is not required for the restricted or non-restricted gaming; and other matters properly related thereto.

A request for a Conditional Use Permit from Lyon County School District to allow an approximately 1,440-square-foot commercial coach office building at 335 Old Dayton Valley Road in Dayton (APN 016-271-11).

Approval of the request from Microsoft Corporation for the Abandonment of a 60 feet wide easement known as Rhyolite Lane for a length of approximately 671 feet .

- 16. Public Participation- There was none
- 17. Adjournment

At approximately 9:56 a.m. it was unanimously motioned to adjourn.

Audrey Allan, Chairwoman

Shannon Juntunen, Administrative Assistant