



SMITH VALLEY CITIZENS ADVISORY BOARD

Wednesday, July 5, 2023, 6:00PM

Smith Valley Justice Court

2 Day Lane, Smith, Nevada

Minutes

1. Call to Order - Chair Ted Stec

The meeting was called to order by Chairman Stec at 6:00PM

2. Roll Call: Determination of a Quorum

All five members being present, a quorum was established.

3. Pledge of Allegiance

Pledge was led by Tom Renner

4. Invocation

Invocation was led by Roger Rodarte.

5. Public Participation

Jim Kinninger - Bring attention to runoff continuing on Day Lane out of Burbank Canyon. County has graded and cut a ditch for the water, which is then diverted into the irrigation pond at the corner of Day Lane and Upper Colony. The water is

state water. Steve Bigler showed the board a picture of Day Lane where the flooding is occurring. Kinninger spoke with the county administrator also.

6. For Possible Action: Review and adoption of Agenda

No public comment. Motion to adopt as presented by Wendy Loomis and seconded by Tom Renner.

All in favor - the motion carried.

7. For Possible Action: Approve Minutes of: June 7, 2023

Proposed change to item 16 from Wendy Loomis. Replace “this ranch” with “his ranch”. No public comment.

A motion to adopt as amended was made by Tom Renner, and seconded by Roger Rodarte.

The motion was unanimously adopted.

8. Community Reports:

a. County Commissioner – Dave Hockaday

A number of projects are pending funding, seeking millions, 8 have been forwarded - \$23M for possible funding. Sheriff training center and other projects he has mentioned before. Federal funding for items allows the county funds to be spent elsewhere.

SVCD tour was held, there will be another one next year. Interesting presentations from 9AM - 4PM around Smith Valley. Receiving maps of flooding; bottom line we don't see this very often except when we have the big rains/snow. Still a lot of snow pack down, so working to keep the river flow down from the hot weather the next few weeks.

Aware of the Day Lane concern, not a lot that can be done. The issue is changing the flow of natural water creates liability for any damage caused by it. (District Attorney has to look at Day Lane issue). Mudslide on Ramsey Weeks, couple of other washouts - road crews working hard to keep things open. Mark Jones - water has completely switched direction and wiped out the trails in Red Canyon. Matt Swain - canyon out of Red Canyon is 7 feet deep.

Jim Kinninger - useful to attend the BOCC tomorrow? Hockaday said it's always useful, but the BOCC cannot respond to public comment. Good to get the rest of the BOCC on board.

- b. Planning Commission – Constantine Kuzmicki/Mark Jones
Mark Jones - last meeting, a sizable solar farm across from a community, roundtable rejected but they went forward anyway. Would require a 16 foot wall to prevent reflections. It was turned down.
- c. Sheriff's Office Report – Cdr Ryan Powell (or designate)
Cdr Powell - Summertime, things are picking up. Hopefully on the other side of the flood stuff, past the peak. New Deputy Holland in Yerington/Smith Valley. Emphasis is to add staff up north, crime not the issue in Smith Valley. Night in the Country coming up, will be very busy with that. Then Fair/Rodeo in August. Will be at the fire department's steak fry on Saturday.
- d. Fire Department Report – Chief Matt Nightingale (or designate)
Wendy Loomis - report from Chief Nightingale
Saturday night steak fry at 5PM
No more fires effective July 3 (open burn prohibited)
- e. Other Elected/Appointed officials of Smith Valley, Lyon County or State of Nevada. None.

9. For Possible Action: To forward a recommendation to the Board of Commissioners for the request for a Major Variance from Mr. George Thanash to allow an accessory building to be located less than one-hundred (100) feet from an adjacent road in the RR-20 (Rural Residential- 20 acre minimum) zoning district on a 40.89-acre parcel located approximately five-hundred (500) feet to the southwest of the intersection of Hoye Canyon Road and State Route 208 at 54 Hoye Canyon Road in Smith Valley (APN 10-631-29) PLZ-2023-035.

Eric Lerude, Robison Engineering. Here with Nathan Robison and Applicant. Roundtable April 26 relatively favorable, application submitted and we believe we meet all the findings for it to be granted.

Public	Comment
Don Smith - Jeff Page was at the conference?	No, Carrie Page.
Jim Kinninger - less than 100 feet? How close is it actually?	Nathan Robison - 60 feet instead of 100 feet, so over 20% requires a major variance.
Mark Jones - how big is the building?	= 50x80 = 4000 sq ft.

Board Member comments:

Ted Stec - Here are my thoughts and observations: It appears the "findings" from the county are in favor of the applicant. Drove by the property to get a feel of what it might look like. It's going to be large, highly visible, and close to the road. Therefore, I am suggesting consideration at the next review phase be given to a neutral color or a simple but appealing façade requirement to soften up the visual impact. A few of the other workshops mentioned in the presentation look better than others due to color, textures, and landscaping.

Wendy Loomis - You followed the process and seems to be favorable. Findings were addressed.

Jon Turner - Looked at the site also, a lot of vegetation growth, topography difficult.

Followed the process and got a favorable finding. Nathan Robison related that it was a difficult project.

Tom Renner - Took a tour with George Thanash. It's tight but it is doable. For so many years we put up buildings wherever we wanted to and now there are all these laws.

Roger Rodarte - septic / leach lines? Nathan Robison - septic designed and installed. Hit ground water at 6 feet where the septic was planned, drilled a dry well to 400ft so swapped them. Irrigation ditch above the property needs to be maintained.

Nathan Robison - colors are a gentle green with a brown roof.

Ted Stec seeking a motion to recommend or not recommend, consideration of a Letter of Transmittal.

Wendy Loomis - motion to recommend as stated, seconded by Tom Renner.

Motion carried unanimously.

10. For Possible Action: To forward a recommendation to the Board of Commissioners for the request for a Master Plan Amendment from Mark and Sheryle Jones to amend the Master Plan designation from Agriculture to Rural Residential on a 21.60-acre parcel generally located to the northeast of the intersection of Madison Way and Artesia Road at 60 Artesia Road in Smith Valley (APN 010-081-43) PLZ-2023-020.

Ted Stec - Here are my thoughts so far: It appears the "findings" from the county are in favor of the applicant and the previous presentation by Kate Cunningham from R.O. Anderson illustrated why, in part. Had the application failed to meet the criteria early-on, we wouldn't be talking about it today.

In terms of the concerns expressed about setting precedent, I trust that the county would not begin rubber-stamping future applications to split large parcels into 5-acre parcels without good cause, but rather, would examine each one on its own merits while also comparing the set circumstances presented in the Jones application. Future applications, if any, reaching the required threshold in the code could move forward, while those that fall short would simply not.

I also trust that the county would continue with the existing, non-refundable, fee schedule, which shows about \$2,500 for a zoning change request and \$3,500 for a Master Plan change request. Variances run about \$1,000 for Minor and \$1,500 for Major.

I'd like to address a few comments where folks said the applicant knew he was purchasing property that could not be broken into smaller parcels, and that our board should not allow this to happen. The reality is that the existing code and policy appears to allow property owners to do just that. Providing certain circumstances are met, changes in the general plan can be granted. Secondly, our board is advisory – we do not have the legal authority to approve or reject.

And, last, the remedy for those not in favor of master plan & zoning amendments, and variance approvals – also those who might prefer no-growth here – is to work toward a change of policy and the codes. That said, I'm interested in how other members feel before we get public comment.

Wendy Loomis - lives on the property so conflict of interest. - pass.

Jon Turner - spoke of living on the valley floor with 20 acres too and wondering if he could do the same. At the end of the day, owners should be able to do what is allowed by law.

Tom Renner - has a problem with bringing the land down to 5 acres. Feels sorry for Mark who bought as agricultural property that he could farm and now he can't. If you break it down you have 4 property owners with problems instead of just one.

Dividing the green belt doesn't split the \$5000 ag requirement, so there's no way to keep it. People across the street did an entire project, solved the problem of new people buying an ag property that they can make green, but there's no water. I want to divide all mine into 5 acres so I can retire - not going to happen, I won't do it. I'm against breaking them down to 5 acre parcels.

Roger Rodarte - no comment.

Public

Comment:

Stec summarized an email from Dale and Devon Lures (placed on table & attachment here also) opposition stands unchanged. Owner knew he was purchasing property that he knew could not be subdivided. Leslie Sonne: If 2021 groundwater agreement was followed the Jones would have water. Has been end-of-line forever and someone else has had it. Jones doesn't want to drill his own well. Jones bought as a hobby farm. Opens the door for any 20 acre owner to site economic hardship as a (Leslie will provide a copy of her written statement for incorporation).

Matt Swain - sympathetic to Mark Jone's plight. Knows of other situations with water rights that cannot be accessed. Opening the door, changing the master plan for this, where do we stop? Where is the line? North of Artesia? Cannot support for fear that it sets a precedent.

Jim Kinninger - recent history of the valley and the Master Plan, a movement late coming in the master plan process that the entire valley be changed to 1 acre parcels. At the time there were votes for Advisory Board members and the votes were very against. 5 acre parcels, there is a backlog available that have not been developed. To do this for one individual who trusted and didn't investigate, we shouldn't bend the master plan for one individual and thus open the door.

Joanne Lawson - strongly opposed to subdividing into 5 acre parcels. If he is

allowed to then why shouldn't anyone else be allowed to. It would be a very slippery slope. If I decided that my 20 acres was too much, could I claim hardship? Hobby Farms are hobbies not for profit. Maybe it's not the Dunmovin Ranch.

Don Smith - as I understand it, Jones doesn't want to buy an expensive well so wants to burden the community. Shouldn't have to overhaul the entire master plan to suit one individual.

Wendy Loomis - (speaking as a member of the public) everyone is correct about the 2020 master plan, but it has been written in a way that it can be changed and there is a procedure for it. The master plan amendment had four findings which were all met. The master plan provides for changes.

At 6:58pm the meeting was paused to change the battery in the tape recorder.
At 7:00pm the meeting resumed.

Seeking a motion to recommend or not recommend, consider a Letter of Transmittal. Tom Renner makes a motion to deny the application because of the adverse effect that will be created by changing from agricultural to residential land.
Seconded by Roger Rodarte.

All in favor say AYE - Roger Rodarte and Tom Renner. Wendy Loomis - abstain.
Ted Stec and Jon Turner - Against. Motion does not carry.

Leslie Sonne - A change does not have to occur to the master plan.

Steve Bigler - Why not a public vote?

Mark Jones - "the victim", the county sent out letters to everyone in the area (mile and a quarter radius). I can't speak for the community, at the county level the community needs to decide what they want.

Joanne Lawson - should the LoT contain what the public comments were?

Jim Kinninger - does this go to the planning commission?

Stec wrapped this up as closed after explaining the LoT would be submitted to both planning and BOCC, and would illustrate CAB and public comments.

11. For Possible Action: To forward a recommendation to the Board of Commissioners for the request for a Zoning Map Amendment from Mark and Sheryle Jones to amend the zoning Map designation from Title 10 district of RR-5 (Fifth Rural Residential - 20 acre minimum) to the Title 15 district of RR-5 (Rural Residential – 5 acre minimum) on a 21.60-acre parcel generally located to the northeast of the intersection of Madison Way and Artesia Road at 60 Artesia Road in Smith Valley (APN 010-081-43) PLZ-2023-021.

Board member comment:

Ted Stec: Wendy Loomis - lives on property - pass

Jon Turner - applicant was not stuck with ag, as has been said. It was amenable back then and now - there's always a process.

Tom Renner - against zoning map changes and the way the current law is written. Agreed with Stec that the remedy is policy change if folks do not like it.

Roger Rodarte - no comment

Jon Turner added: he's an engineer, law is black and white. Change the laws if you do not like it. Not our role to change the law.

Ted Stec: none

Public	Comment
Patricia Swain - Also sympathetic for the Jones'. But, zoning changes are a big	

deal - "right across the street from other parcels". If you do it for one and you don't do it for others there will be major lawsuits.

Leslie Sonne - comments previously made. Yes there is a process, but the board is here to represent the community. Should vote to represent.

Jim Kinninger - zoned ag 20 acre minimum, that other areas are zoned residential 5 doesn't mean an exception should be made. Board should honor the zoning as it stands.

Don Smith - Lives in a 1978 subdivision on 5 acre lots. Immediately to my north are 20 acre parcels from Day Lane to Hawkview. Less than half have residents on them. If this goes through, people could subdivide. Don't open the door.

Wendy Loomis (public comment not as board member) - any request that moves forward have different reasons. This master plan was written in 2020 and everyone could be involved, but this is what is in the plan. Don't like the outcome? Change the process so that these procedures aren't in the master plan.

Ted Stec - requesting a motion to recommend or deny.

Roger Rodarte - makes a motion to deny the request to amend the zoning map. Second by Tom Renner. Opposed by Ted Stec and Jon Turner with Wendy Loomis abstaining.

LoT to BoCC.

12. For Discussion Only: Review of Correspondence, email, other communications:

- a. Miscellaneous correspondence and email
Stec summarized a LCSO email looking for volunteers in Smith Valley to join the VIP program - placed on table as well

Board and public comment:
Steve Bigler - what happened to the masticators?
Ted Stec - heard that the fire danger was too great, so not until October.

13. For Discussion Only: Chairperson & Board Member Discussion (to include ancillary duties update, if any)

Wendy Loomis - nothing to add

Jon Turner - hoping to have some participation from the school groups but in the fall

Tom Renner - nothing to report

Roger Rodarte - nothing to report.

Ted Stec - attended HudBay open house.

No public comment

RECESS TO CONVENE AS THE SMITH VALLEY CEMETERY BOARD

14. Public Participation:

15. For Report Only: Report on cemetery operations, to potentially include

- a. Plot sales and improvements to plots requested by plot owners (who and what has been requested).
- b. Maintenance and activities, including a review of projects that need to be accomplished.
- c. Review of bills and Financial Report.

Doug Homestead and/or Roger Rodarte.

Roger Rodarte - no sales, showed a few plots but nothing filed. No interments in June. Did receive a trash bin. Making a "no household" sign. Going to make a bin for green waste. Been out there working twice in June.
Doug - spent all but \$280 of the budget. New budget July 1 with \$6000. Hillcrest is online now. www.cemify.com/cem/hillcrest
Roger - markers made for zones and plot areas.
Doug - thanks to Rotary for stump grinding and tree removal.

16. Public Participation:
Don Smith - wants to personally thank Roger and Doug for getting these projects done that have been in the works for years.

ADJOURN TO RECONVENE AS THE SMITH VALLEY ADVISORY BOARD

17. Public Participation:
Mark Jones - where are we on Zoom?
Dave Hockaday - computer turned into IT but have not heard back from them.
Doug - IT is busy on big courthouse project.

18. Board Member Comments.
No additional comments

19. Seeking a motion to adjourn.

Tom Renner - motion to adjourn, second Wendy Loomis.

Hearing no objections, adjourned 7:44PM.