

LYON COUNTY PLANNING COMMISSION MEETING MINUTES

July 11, 2023

The July 11, 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.

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

1. Roll Call

Members present: Commissioners Audrey Allan, Ralph Ewing, Connie Kuzmicki, Mark Jones, and Loretta Sell attended in person at the Lyon County Administrative Complex. Commissioner Carlson attended via Zoom.

A letter from Shawn Keating was read into the record which stated he is resigning his seat from the commission as he is now a Lyon County employee and can no longer serve on the board.

2. **Pledge of Allegiance** was led by Mark Jones.

3. **Public Participation** – None

4. Review and Adoption of the Agenda

Commissioner Ewing motioned to adopt the agenda as presented. Commissioner Sell seconded, the motion passed unanimously vote (6 Ayes; 0 Nay; 0 Abstentions).

5. For Possible Action: Approval of Minutes

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

Commissioner Jones motioned to approve the minutes from the June 13, 2023, meeting as presented. Commissioner Sell seconded and the motion passed unanimously (6 Ayes; 0 Nay; 0 Abstentions).

6. **Presentation and Reading of Miscellaneous Correspondence** - The resignation letter from Shawn Keating was acknowledged.

7. **Advisory Board Reports**- Reports were received from the Silver Springs Advisory Board and the Smith Valley Advisory Board.

8. Public Hearing Items

8.a. **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 Hoyer Canyon Road and State Route 208 at 54 Hoyer Canyon Road in Smith Valley (APN 10-631-29) PLZ-2023-035.

Senior Planner, Bill Roth, presented the staff report. Mr. Roth stated the reason for the variance request is to allow the construction of a four-thousand (4,000) square foot Accessory Building to be located sixty-one (61) feet from an adjacent road where a minimum of one-hundred (100) feet

is required by Lyon County Code. He added that any construction will require submittal of a Flood Plaid Development permit.

There was no public participation.

Loretta Sell motioned to **recommend approval** of the request for a Major Variance on APN 010-631-29 and located at 54 Hoye Canyon Road, Wellington based on the recommended findings and subject to the following 9 conditions:

1. No change in the terms and conditions of the Major Variance, 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 Smith Valley Fire Protection District (SVFPD) 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. The subject property is located within multiple flood zones (A and D). Prior to any development on the property, as defined in Lyon County code section 15.02.01, the applicant shall secure approval of a flood plain development permit through the County Engineer and/or the Floodplain Administrator.
6. The proposed project shall conform to the site and elevation plans approved with this Major Variance.
7. Exterior lighting shall be downward facing and shielded such that light is not shed onto adjacent properties and public rights-of-way.
8. The applicant shall comply with Lyon County's 2018 revised drainage guidelines to the satisfaction of the County Engineer prior to occupancy.
9. The substantial failure to comply with the conditions imposed on the issuance of this Major Variance or the operation of the proposed 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 proposed use may result in the institution of revocation proceedings. The Major Variance will expire and become null or void if the project does not comply with the provisions of Chapter 13 of Title 15 of the Lyon County Code.

Michael Carlson **seconded** and the motion passed unanimously (6 Ayes; 0 Nay; 0 Abstentions)

8.b. 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.

After Chairwoman Allan read agenda item 8.b. into the record, Commissioner Jones recused himself from both agenda items 8.b and 8.c since he is the applicant on both applications.

Chairwoman Allan suggested hearing agenda item 8.b and 8.c together and take action on them separately. She then read agenda item 8.c into the record.

Commissioner Sell made a motion to hear agenda items 8.b and 8.c. together, and take action on them separately. Commissioner Carlson seconded, the motion passed by unanimous vote.

8.c. 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.

Senior Planner, Bill Roth, started by explaining that all Zoning Map Amendments must comply with the goals and polices of the designated Master Plan. Therefore, if the Master Plan Amendment application is denied the Zoning Map Amendment would also be denied based on non compliance with the master plan.

Mr. Roth summarized the applicant’s request. The Applicant requests a Master Plan Amendment to change the designation from Agriculture to Rural Residential on a 21.60-net-acre parcel in Smith Valley. The stated future intent of the proposed Master Plan Amendment and the associated Zoning Map Amendment is to facilitate the subdivision of the parcel into four parcels of a minimum five acres in size for rural residential use.

Mr. Roth noted the Zoning Designations that are compatible with the Agriculture Master Plan Designation and went on to note the applicant’s request for a Zoning Map Amendment to change the zoning from RR-5 (20-Acre minimum) **Title 10** to RR-5 (Rural Residential-5 Acre minimum) **Title 15**, is not an allowable/compatible zoning designation in the Agriculture Master Plan Designation. There are several parcels to the south and northeast of the parcel that are already master planned Rural Residential and zoned RR-5 (Rural Residential-5 acre minimum)..

Mr. Roth said the Master Plan Amendment application meets all findings, goals and standards of the master plan; staff is recommending approval.

The Zoning Map Amendment Application meets two of the three findings. If the Master Plan Amendment is approved, the application will meet all three findings.

There was conversation amongst the Commissioners regarding the surrounding parcel sizes, compatibility with surrounding uses and concerns about changing the integrity of area. There were questions about how the land is currently being used.

Mr. Jones stated he felt Commissioner Kuzmicki should recuse himself based on his own personal views pertaining to the applications.

Deputy District Attorney, Illyssa Fogel, stated if Commissioner Kuzmicki feels that he has a bias toward the project it would be appropriate to recuse himself.

Commissioner Kuzmicki recused himself.

The applicant stated they tried to grow crops on this parcel and due to water issues and other circumstances, were unsuccessful in doing so.

Applicant's Representative, Kate Cunningham with RO Anderson Engineering, gave a presentation summarizing the current use of the parcel, the relationship between Master Plan and Zoning. The Parcel is currently being used for single family residential use. The applicant put time energy and effort toward growing crops on this parcel with no luck and is proposing only three additional (3) 5-acre single family residential Lots. Therefore the use will not change, however the density will.

Public Comment-

Judith Harper, Smith Valley resident who attended the Master Plan workshop feels the residents made it clear they want to preserve their rural lifestyle of agriculture and farming and feels the county should preserve these agriculture parcels and use them for what they were intended for.

Leslie Sonne, Smith Valley resident, also expressed the importance of enforcing the Master Plan as it was designed by and is supported by the community. Smith Valley residents want to remain rural and preserve their agricultural lands. She spoke about the opposition by the community when these applications were presented to the Advisory Board. She said she felt like there was insufficient information and time for the Advisory Board to provide comments. She encouraged the Planning Commission to continue the item so the Advisory Board and Public can provide additional comment.

Don Smith, Smith Valley resident, spoke about the history of Smith Valley being established as agriculture in 1859 and throughout the years, while the rest of the county has seen significant growth and development, Smith Valley has remained primarily agricultural/rural. He expressed the importance of maintaining the rural/agricultural character of Smith Valley.

Joann Lawson, Smith Valley resident, stated the applicant's request goes against the Master Plan. She stated Mr. Jones is not suffering any more of a hardship than anyone else in the area. Many farms nearby do not seem to have any issue growing crops. She also stated Mr. Jones was aware his property was zoned RR-5 (rural residential-20 acre minimum) with a Master Plan designation of Agriculture when he bought it and it should remain Agriculture and RR-5 (rural residential-20 acre minimum) to keep density low and preserve the rural character. Changing the Master Plan for Mr. Jones sets a precedence for other people to do the same.

Wendy Loomis, Smith Valley resident, spoke about the residents concerns that approving this application will set a precedence for others to do the same. She explained however, that every planning application is unique and reviewed individually by staff, the Planning Commission and Board of County Commissioners. Each application must meet the findings with facts and evidence in order to be approved. There should not be concern that approving these applications will set a precedence. The Master Plan and procedures in place, along with the guidance of staff and the Planning Commission will prevent that from happening.

Commissioner Ewing motioned to forward a recommendation of approval to the Board of Commissioners for the Master Plan Amendment for Mark and Sheryle Jones from Agricultural to Rural Residential on a 21.60-acre parcel in Smith Valley (APN 010-081-43) PLZ-2023-020 based on the following findings:

- A. The applicant has demonstrated that the amendment is in substantial compliance with and promotes the master plan goals, objectives and actions;

- B. The proposed amendment is compatible with the existing or master planned adjacent land uses, and reflects a logical change in land uses;
- C. 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. 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; and
- E. 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 Carlson seconded, there were 3 Ayes, Commissioners Allan, Ewing and Carlson. Commissioners Jones and Kuzmicki recused themselves and Commissioner Sell abstained. Chairwoman Allan called a 5 minute recess to consult with the Deputy District Attorney, Illyssa Fogel regarding the vote.

The meeting was called back to order and Chairwoman Allan and Ms. Fogel went over Robert's Rules of Order regarding abstentions versus recusals for clarification.

Chairwoman Allan restated the vote for the record. Commissioner Carlson **seconded**, the motion passed by **majority vote** (3 Ayes, Commissioners Allan, Carlson and Ewing; 0 Nay; 1 Abstention, Commissioner Sell; 2 Recusals, Commissioners Jones and Kuzmicki)

Chairwoman Allan asked if staff, the applicant or the applicant's representative had anything to add pertaining to agenda item 8.c. There was no additional comments.

She called for public comment, there was none.

Commissioner Ewing motioned to forward a recommendation of **approval** to the Board of Commissioners for a Zoning Map Amendment request by Mark H. & Sheryle L. Jones from the Title 10 zoning district of RR-5 (Rural Residential - - 20 acre minimum, to the Title 15 zoning district of RR-5 (Rural Residential – 5 acre minimum) on a 21.60-acre parcel in Smith Valley (APN 010-081-43) PLZ-2023-021 based on the following recommended findings:

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

Commissioner Carlson **seconded**, the motion passed by **majority vote** (3 Ayes, Commissioners Allan, Carlson and Ewing; 0 Nay; 1 Abstention, Commissioner Sell; 2 Recusals, Commissioners Jones and Kuzmicki)

8.d. For Possible Action: To forward a recommendation to the Board of Commissioners for the request for a Conditional Use Permit from Mr. Darrell Bluhm of Lyon County School District to

allow a bus storage yard, commercial coach office building, vehicle maintenance building, bus fueling station, and an employee parking area at an existing Educational Facility in the RR-5 – Rural Residential (5 acre minimum) zoning district on a 60-acre parcel generally located to the south east of the intersection of Spruce Avenue and Topaz Street in Silver Springs (APN 15-131-26) PLZ-2023-031.

Senior Planner Bill Roth summarized the applicant’s request. The applicant’s proposal includes the construction of a storage yard for twenty-five (25) school buses; an employee parking area with forty (40) parking spaces; a 1,440 square foot (sf) commercial coach for a transportation staff office building; a 4,800 sf pre-engineered, metal bus maintenance building (“bus barn”); a bus fueling station; and a bus wash pad at an existing educational facility. The proposed bus yard would replace LCSD’s existing bus yard that is located across the street from the proposed project site at the northeast corner of Spruce Avenue and Topaz Street. LCSD staff states that, should the proposed project be approved, the site of the existing bus yard would remain as-is as there are currently no planned uses for that site. The subject property has a Master Plan designation of Public/Quasi Public and is zoned RR-5 – Rural Residential (5 acre minimum). Educational Facilities and commercial coach structures may be allowed in the RR-5 zoning district subject to the approval of a Conditional Use Permit.

Commissioner Ewing expressed concern with increased traffic to the site and the change in traffic patterns. He felt it should have been addressed. Senior Planner Bill Roth explained it is not increasing traffic just relocating the bus yard and the route in which traffic is flowing. The County Engineer and Roads department reviewed the Traffic Study and did not express any concerns.

Community Development Director, Louis Cariola reminded the Planning Commission they can make recommendations regarding future traffic patterns.

Commissioner Sell asked if there is a fueling station at the existing Bus yard site.

Applicant’s Representative, Justin Sand, spoke about the traffic concerns. He stated there should be no increase to traffic and or traffic routes. The buses are not changing their destination just where they are leaving from. If there was a desire to have buses enter and leave the bus yard from Topaz Street rather than Ramsey weeks it should not be a problem. He went on to say busses currently get fuel from the Lyon County Public Works yard, off of Graham Ave which is across Ramsey Weeks Cut-Off. Lyon County School District currently owns the fueling equipment that is on Lyon County property, which also uses the fueling station. By placing it on the School District’s property, it will expedite billing issues. Lyon County has expressed the desire to continue the use of that fueling station and asked if it was above or below ground.

Commissioner Sell expressed safety concerns with having a fueling station near the school. Mr. Sand stated the site will be fully fenced and all fueling equipment will require a secure access card to access or get fuel from it. It will be an above ground fueling station.

Commissioner Jones and Ewing revisited the concern with change in traffic route and possibly increasing traffic on Ramsey Weeks. Community Development Director, Louis Cariola, stated if the concern of having the fueling station on the site is an increase in bus traffic/trips it would make sense that it will likely decrease trips on Ramsey with not having to go to the Graham site for fuel.

Commissioner Jones motioned to forward a recommendation to the Board of Commissioners of the request by the Lyon County School District for a Conditional Use Permit to allow a bus storage yard, commercial coach office building, vehicle maintenance building, fueling station, and an employee parking area at an existing Educational Facility on a 60-acre parcel in the Rural Residential (5 acre minimum) zoning district; accessed by Spruce Avenue west of Ramsey Weeks Cutoff in Silver Springs; located on APN 015-131-26, subject to the following Conditions of Approval (PLZ-2023-031 based on the recommended findings and subject to the following 9 conditions of approval and adding a condition requiring the School District to continue using the existing bus/traffic routes.

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 (CLCFPD) and the Lyon County Building Department for review and approval to obtain a Building Permit.
 - a. Fire plan review by CLCFPD is required.
 - b. Plan review by Silver Springs Mutual Water Company is required.
 - c. An encroachment permit from the Lyon County Road Department (LCRD) is required for work in the public right of way.
4. All contractors doing any construction, modifications, or remodels must be licensed in Lyon County and the State of Nevada.
5. The fueling station and wash pad shall be used only for Lyon County School District (LCSD) vehicles. Commercial fuel sales are not permitted.
6. Any connection to the sewer system will require submission and approval by Lyon County Utilities District (LCUD).
 - a. If the concrete wash pad is to be connected to the sewer system, a properly sized sand oil separator will be required, to the satisfaction of LCUD.
7. Exterior lighting shall be downward facing and shielded such that light is not shed onto adjacent properties and public rights-of-way.
8. The applicant shall comply with Lyon County's 2018 revised drainage guidelines to the satisfaction of the County Engineer prior to occupancy.
9. 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.**
10. The existing bus travel routes shall be maintained to the extent practicable due to the relocation of the bus yard in order to minimize additional trips on Ramsey Weeks Cutoff.

Commissioner Ewing seconded, the motion passed with a unanimous vote (6 Ayes; 0 Nay; 0 Abstentions)

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, introduced the new Senior Planner, Lisa Nash.

Commissioner Allan congratulated Shawn Keating on his new position and thanked him for his services.
- 16. Public Participation- There was none
- 17. Adjournment

At approximately 10:48 a.m. it was unanimously motioned to adjourn.

Audrey Allan, Chairwoman

Shannon Juntunen, Administrative Assistant