

LYON COUNTY PLANNING COMMISSION MEETING MINUTES

JULY 13, 2021

The July 13, 2021 meeting of the Lyon County Planning Commission was called to order by Vice Chairwoman, Tammy Hendrix at 9:24 a.m., due to technical difficulties.

1. Roll Call –

Members present: Commissioners Hendrix, Sell, Keating, Carlson, Cassinelli and Kuzmicki. Commissioner Allan was absent.

Attending staff present: Senior Planners Rob Pyzel and Louis Cariola, Deputy District Attorney, Yuliya Davidzenka, attended via zoom. County Manager, Jeff Page, and Planning Technician, Kerry Page, attended in Yerington at 27 South Main St.

2. Pledge of Allegiance – Led by Commissioner Keating

3. Public Participation -

Charles Lawson, resident of Stagecoach, represented himself and not as a member of the Central Lyon County Fire District Board, stated his objection to the approval of a 3-story apartment building in Dayton that exceeded the maximum height allowed by county code. He said that the fire department is not prepared financially, nor sufficiently staffed, to purchase a ladder truck for this project. He suggested that in the future, the Planning Commission condition such an application, so that development might share the cost or purchase the necessary equipment.

There was no further public participation.

4. Review and Adoption of the Agenda

Commissioner Cassinelli motioned to adopt the agenda as presented. Commissioner Sell seconded and the motion passed by a unanimous vote of those members present (6 Ayes; 0 Nay; 1 Absent – Commissioner Allan)

5. Approval of minutes

Commissioner Sell motioned to approve the minutes from the June 8, 2021, as presented. Commissioner Carlson seconded and the motion passed by a unanimous vote of those members present (6 Ayes; 0 Nay; 1 Absent – Commissioner Allan)

6. Presentation and Reading of Miscellaneous Correspondence- None

7. Advisory Board Reports- None

8. Public Hearing Items

8.a. For Possible Action – Corey Andona – Tentative Parcel Map – Request for a parcel map to subdivide an approximately 5.07 acre parcel zoned RR-2 (Rural Residential – 2 acre minimum) into 2 parcels, the smallest proposed parcel being approximately 2.53 acres in size located at 21 Cardon Lane, Mason Valley (APN: 014-601-20) PLZ-2021-061

Louis Cariola, Senior Planner, presented the staff report. Mr. Cariola said there are currently 2 homes on the property and gave a brief history of the Babbitt homes currently situated there. He said the purpose of this map is to separate the two homes so that each will be on a separate parcel and with a separate well and septic system for each. He stated that the Master Plan designation in that area, “Future Planning Area”, does indicate the potential for more suburban densities. A previous Zone Change on this parcel, which was approved in November, 2020, is consistent with

surrounding zoning. Mr. Cariola stated that staff was able to meet all the required findings and has recommended approval of this Tentative Parcel map.

Rick Christian, Denson Surveying, was present to represent the applicant but did not provide any additional comments.

Commissioner Hendrix asked if there was any public participation and there was none.

Commissioner Sell motioned to **approve** the Tentative Parcel Map for Corey Andona, to subdivide an approximately 133.39 acre parcel zoned RR-2 (Rural Residential – 2 acre minimum) into 2 parcels; located at 21 Cardon Lane, Mason Valley (APN: 014-601-20) PLZ-2021-061, based on the findings listed in the staff report and subject to the following 16 conditions:

1. The applicant shall comply with all Federal, State, County and special purpose district regulations.
2. The applicants shall apply to the Lyon County Roads Department for an encroachment permit to create an access from Cardon Lane to proposed Parcel B prior to submitting the final parcel map for recordation.
3. The applicant shall make corrections of any engineering or drafting errors and other technical map corrections to the satisfaction of the County Engineer and Planning Director prior to submitting the final parcel map for recordation.
4. The applicant shall pay the actual costs for County Engineer plan and map checking fees and County Inspector site improvement inspection fees, in accordance with the adopted County fee resolution in effect at the time, and provide proof of payment to the Planning Department prior to final parcel map recordation.
5. The applicant shall pay in full all property taxes through the end of the fiscal year (June 30) prior to recordation of the final parcel map.
6. The applicant shall provide the parcel map to the Lyon County GIS Coordinator in form and format compatible with the County geographical information system (GIS). The scale of the site plan, improvements, monuments and other items shall be in model space correctly oriented to coordinate system as established by the GIS Coordinator. Cover sheet and standard details need not be included.
7. The applicant shall pay the required recording fees at time of final parcel map recordation.
8. No lot shall be offered for sale or sold and no building permits shall be accepted for processing until the final parcel map has been approved and recorded.
9. The applicant shall comply with Lyon County's storm drainage guidelines (revised September 2018).
10. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 of the Lyon County Code.
11. The applicant shall comply with all applicable fire code requirements to the satisfaction of the Mason Valley Fire Protection District.

12. The applicant shall provide documentation of the dedication or relinquishment of water rights necessary to insure an adequate water supply for residential use of the newly created parcel prior to recordation of the final parcel map.
13. The final parcel map will comply with the current Lyon County standards requiring a 7.5-foot public utility easement along the front property lines and 5-foot public utility easement along all side property lines for the proposed parcels prior to recordation.
14. The following items are required of all development:
 - a. All construction shall comply with all applicable building and fire code requirements.
 - b. Building permits shall be issued in compliance with Title 15 of the Lyon County Code.
 - c. Site development work will require a site improvement permit(s) in accordance with Title 15.234 unless directly associated with a single family residential building permit.
 - d. Structures placed on these parcels shall adhere to the County's site and setback standards for the zoning district as it applies to each parcel at the time of development.
 - e. Distinct and legible "temporary" addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.
 - f. All debris on construction sites must be contained and removed periodically as required for safety and cleanliness to the satisfaction of the Lyon County Building Department.
 - g. Prior to any combustible materials being brought on site street name signage shall be installed, if applicable and emergency vehicle access has been installed to the satisfaction of the Central Lyon County Fire Protection District.
15. Any further division may be subject to the imposition of subdivision improvement standards as may be legally imposed at the time. The applicant shall place a note to this effect on the final parcel map prior to recordation.
16. Approval of the tentative parcel map shall not constitute acceptance of the final parcel map. **Failure to submit a complete final parcel map and pay the required fees within one (1) year from the date of approval shall render the tentative parcel map approval as expired.** No extension may be granted after receiving approval of the tentative parcel map.

Commissioner Cassinelli seconded and the motion passed by a unanimous vote of those members present (6 Ayes; 0 Nay; 1 Absent – Commissioner Allan)

8.b. For Possible Action – Lyon County Community Development Department – 2020 Lyon County Comprehensive Master Plan update – Discussion and possible action regarding adoption of the 2020 update of Lyon County Comprehensive Master Plan.

Chris Baker and Karen Downs, both of Manhard Consulting, stated that this process was started in December 2019 and proceeded to share a Power Point presentation which explained the process and their efforts so far. Mr. Baker said that the county website provided the opportunity for the public to take a survey and provide their input. Numerous Town Hall meetings were conducted throughout the county which produced over 400 comments cards from the public as well as the surveys completed on the website. The information gathered was then incorporated into the updated document, as appropriate. A Draft Master Plan was made available on the website which was available for several months so that further input could be received. A Draft document was brought to the Planning Commission in November 2020 which was continued

until later meetings and ultimately tabled by the Planning Commission at their February 17, 2021 meeting, due to concerns raised by the Board of County Commissioners (BOCC). Those concerns were addressed by the BOCC and a resolution was passed. The item was untabled at the June 8, 2021 Planning Commission meeting so it can now be heard with revisions made.

The goals and policies from the 2010 Comprehensive Master Plan were updated and those that had been accomplished by the adoption of Title 15 were removed. Master Plan Amendments and Specific Plans that had been approved since the adoption of the 2010 document were incorporated. Chapters were consolidated to make the document more user friendly and different colors are being used to better differentiate the various designations.

Mr. Baker said that the 2010 Master Plan included a provision for future Community Plans, which were never achieved. He said however, that within this update each community is identified with updated community descriptions and incorporates the feedback received from the public participation surveys, etc.

John Cassinelli, Michael Carlson and Shawn Keating each thanked Manhard Consulting for their efforts.

Tammy Hendrix asked if this meets the requirements set forth by the County Commissioners and stated that it would be her preference for this amended version be reviewed by the BOCC prior to them making a recommendation. Rob Pyzel said that the Master Plan update was previously tabled due to the concerns of the County Commissioners. Those concerns were addressed and a resolution was passed. In discussions between the Board, Manhard Consultants and staff, determined that the Title 15 code amendment that is upcoming did not impact the master plan update and that if introduced into the master plan it would further limit the choices that the Planning Commission and BOCC had regarding future master plan updates. For that reason the update being reviewed today does not reflect anything to do with minimum lot sizes and is accurately being addressed in the title 15 code amendments being reviewed today.

Mr. Pyzel thanked Chris Baker and Karen Downs for their outstanding work with this Master Plan update. He also thanked Tammy Kinsley for her efforts with this project prior to her leaving the county.

Commissioner Cassinelli motioned to **recommend adoption** of the 2020 Lyon County Comprehensive Master Plan update, as presented. Shawn Keating seconded and the motion passed by a unanimous vote of those members present (6 ayes; 0 nay; 1 absent – Commissioner Allan)

8.c. For Possible Action – Lyon County Community Development Department - Review and Discussion regarding an amendment to Title 15 – An Ordinance Amending Lyon County Code Title 15, Chapter 312 Section 6, NR (Neighborhood Residential 4,500 square foot minimum) and NR-H Neighborhood Residential 4,500 square foot minimum) limiting the instances where the NR zoning and the NR land use and development standards are allowed.

Rob Pyzel, Senior Planner, presented this item. The Board of County Commissioners previously adopted a resolution related to limiting the use of the NR (Neighborhood Residential – 4,500 sq. ft. Minimum lot size) in certain areas of Lyon County. Subsequent to the adoption of that resolution, new language is proposed for LCC 15.312.06.B. This code amendment limits the use of the NR & NR-H (Neighborhood Residential/ Historical) zoning districts to certain areas as noted in the resolution. He stated the new language proposed for Title 15.312.06.B.

A letter from Susan Pansky of Project One, stated that this may limit the county's ability to look at other types of development however she expressed support in that it recognizes that it includes projects that are already in the pipeline or already approved.

Tammy Hendrix asked how this amendment will affect any projects currently in litigation. Mr. Pyzel said if they are currently in litigation that means they have already been before the BOCC for a final decision and are now under petition for judicial review which will pend the outcome of those actions.

John Cassinelli said that removing this option for smaller lots as on overall code amendment is not appropriate and would be better to limit sizes on a case by case basis. He added that to limit this by code is moving the wrong direction and removes any option for affordable housing.

Michael Carlson concurs with Mr. Cassinelli's statement adding that each community is different and he is concerned that they are all put in the same box.

Shawn Keating said that the infrastructure for a 4,500 sq. ft. lot compared to a 9,000 sq. ft. lot can pay for itself and the taxation that a 4,500 sq. ft. lot is greater than for a 9,000 sq. ft. lot and he is concerned about the impact from additional dwelling units on the 9,000 sq. ft. lots indirectly creating 4,500 sq. ft. lots. Loretta Sell concurs

Connie Kuzmicki is concerned that a 4,500 sq. ft. lot is not large enough for a family to reasonably live on.

Aaron West, Nevada Builders Alliance, echoed the concerns of the Commissioners. He said after the years of exhaustive work on Title 15 attempting to meet the current and future needs of these communities, to randomly and arbitrarily come up with a minimum of 9,000 sq. ft. lot size moving forward, limits housing options, housing affordability and housing for future work forces. He appreciates the concessions provided to existing development but even though there is a provision for the PUD process he stressed that the PUD process is much more extensive and costly that a regular subdivision. Requiring the larger lots is not being efficient with the resources available to the county. This causes a waste of water resources, infrastructure, sidewalks, roads, etc. and feel that this is a poor policy choice.

Commissioner Cassinelli motioned to recommend **denial** of an amendment to Title 15 – An Ordinance Amending Lyon County Code Title 15, Chapter 312 Section 6, NR (Neighborhood Residential 4,500 square foot minimum) and NR-H Neighborhood Residential 4,500 square foot minimum) limiting the instances where the NR zoning and the NR land use and development standards are allowed.

Commissioner Carlson seconded and the motion passed by a unanimous vote of those members present (4 ayes (Cassinelli, Carlson, Sell, Kuzmicki); 1 nay (Hendrix); 1 abstention (Keating); 1 absent (Allan).

8.d. For Possible Action – Lyon County Community Development Department - Review and Discussion regarding an amendment to Title 15 – An Ordinance Amending Lyon County Code Title 15, Chapter 349 Planned Unit Development (PUD) amending the calculation of allowable residential density based on net acreage to gross density.

Rob Pyzel, Senior Planner, presented this item. The NR zoning district provides current language under the Planned Unit Development (PUD) portion of the Lyon County Code, which uses a net density acreage as opposed to gross density acreage when calculating the allowed maximum residential density allowed for a PUD. Currently, the Lyon County Land Use and

Development Code has two sets of residential development standards, rural and suburban. The rural residential development standards for residential zoning between 20 acres to 5 acres (RR-20, RR-10 and RR-5) as determined by gross acreage while all of the zoning districts (rural and suburban) requiring less than 5 acres minimum lot sizes use net acreage. Within the proposed zoning text amendment, staff proposes to change the amount of acreage used to calculate the residential density allowed for a Planned Unit Development application to be based on the underlying zoning and the gross acreage of the project site.

Connie Kuzmicki asked about the number of dwelling units that would fit within a cul-de-sac. Rob Pyzel explained that it has to do with fire department requirements and hydrant spacing and falls under the jurisdiction of the Fire District. 25 units is not infeasible.

Mr. Kuzmicki asked in which area this type of development would be located. Mr. Pyzel said anywhere where this zoning (PUD) is allowed and/ or approved. Discussion followed.

John Cassinelli motioned to recommend **approval** of an amendment to Title 15 – An Ordinance Amending Lyon County Code Title 15, Chapter 349 Planned Unit Development (PUD) amending the calculation of allowable residential density based on net acreage to gross density.

Commissioner Sell seconded and the motion passed by a unanimous vote of those members present.(6 ayes; 0 nay; 1 absent – Commissioner Allan)

8.e. For Possible Action – Lyon County Community Development Department – Review and Discussion regarding an amendment to Title 15 – An Ordinance Amending Lyon County Code Title 15, Chapter 203 Variances amending the authority of the final decision on a major variance application from the Planning Commission to the Board of Commissioners.

Rob Pyzel, Senior Planner, presented this item. He said there is no indication of why this recommendation was presented.

Tammy Hendrix said that as it is now, any final decision made by the Planning Commission can be appealed to the BOCC.

John Cassinelli said that the NRS requires a Planning Commission based on our population. He said that this ordinance, if adopted, usurps the authority of the Planning Commission. He noted that a commissioner again brought up the desire for one of their members to be appointed to attend the Planning Commission meetings, which is strictly prohibited by NRS. The Planning Commission provides checks and balances and that doesn't happen when their decision making abilities are removed.

Michael Carlson concurs with Mr. Cassinelli and questions the reason for this request.

Shawn Keating asked if the County Commissioners have the ability to pull it from the Planning Commission without an appeal either by the applicant or anybody else. Rob Pyzel said the board does the ability to file an appeal on the decision by the Planning Commission. Mr. Keating questioned that if they can appeal the decision anyway, what is the purpose of this ordinance amendment?

Loretta Sell concurs with the other commissioners. She asked what their purpose is if this authority is removed. There has been no explanation provided for this amendment.

Commissioner Cassinelli motioned to **recommend denial** of an amendment to Title 15 – An Ordinance Amending Lyon County Code Title 15, Chapter 203 Variances amending the

authority of the final decision on a major variance application from the Planning Commission to the Board of Commissioners.

Commissioner Keating seconded and the motion passed by a unanimous vote of those members present (6 ayes; 0 nay; 1 absent – Commissioner Allan)

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

9. Public Participation-None

10. Action Items- None

11. Board Member Comments- None

12. Future Agenda Items- None

13. Public Participation- None

ADJOURN TO RECONVENE AS THE LYON COUNTY PLANNING COMMISSION

14. Staff Comments and Commissioner Comments

14.a. Staff update on recent County Commissioners actions

Mr. Pyzel announced that the BOCC accepted the Certificates of Completion for the roads within the Gold Country Estates 2A & 2B subdivisions, at their previous meeting.

15. Public Participation- None.

16. Adjournment

At approximately 10:42 a.m. it was unanimously motioned to adjourn.

Tammy Hendrix, Vice Chairwoman

Kerry Page, Planning Technician