

LYON COUNTY PLANNING COMMISSION MEETING MINUTES

August 8th, 2023

The August 8, 2023 meeting of the Lyon County Planning Commission was called to order by Commission Chairwoman, Audrey Allan, at approximately 9:00 a.m. at 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, Shannon Juntunen; and District Attorney, Steve Rye, attended in person.

1. Roll Call

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

Commissioners Michael Carlson and Mark Jones were absent.

2. **Pledge of Allegiance** was led by Loretta Sell

3. **Public Participation** – None

4. Review and Adoption of the Agenda

Commissioner Sell motioned to adopt the agenda as presented. Commissioner Ewing seconded, the motion passed unanimously vote (4 Ayes, Commissioners Allan, Ewing, Kuzmicki and Sell; 0 Nay; 0 Abstentions; 2 Absent, Commissioners Carlson and Jones).

5. For Possible Action: Approval of Minutes

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

Commissioner Sell motioned to approve the minutes from the July 11, 2023, meeting as presented. Commissioner Ewing seconded and the motion passed unanimously (4 Ayes, Commissioners Allan, Ewing, Kuzmicki and Sell, 0 Nay; 0 Abstentions; 2 Absent, Commissioners Carlson and Jones).

6. Presentation and Reading of Miscellaneous Correspondence -None

7. **Advisory Board Reports-** A letter of transmittal from the Silver Springs Advisory Board was submitted for agenda item 8.a.

8. Public Hearing Items

8.a. **For Possible Action:** To forward a recommendation to the Board of Commissioners for the request for a Conditional Use Permit from DG Locust Grove Circle K, LLC to allow the Non-restricted gaming use in the EMU (Employment Mixed Use) zoning district, to include up to a 150 gaming devices within a larger truck stop development on a 28.99-acre parcel generally located in the northeast corner of the intersection of US Highway 50 Parkway (Highway 439) at 3200 Opal Avenue in Silver Springs (APN 015-181-3) PLZ-2023-040.

Senior Planner, Lisa Nash, presented the staff report. The applicant has an approved Administrative Design Review (ADR) permit for a proposed Truck Stop, Convenience Store, Fast-food/Dining and Bar, including up to 150 gaming devices. The project will be built in phases with

the first phase consisting of 14 fueling pumps, a 15,718 square foot truck stop building which will house the fast-food/dining, bar and casino. The casino will include the use of Nonrestricted Gaming, which requires a Conditional Use Permit in the Employment Mixed Use zoning district: this staff report will only address approval for the Nonrestricted Gaming use.

The parcel was rezoned from C-1 and RR-3T to EMU by the Board of Commissioners at their June 6, 2019 meeting (PLZ-19-0019). An ADR was approved for this site by the Community Development Director on August 10, 2022 (PLZ-2021-054).

Subsequent to the ADR review, the Lyon County Development Code, Land Use tables for Nonrestricted and Restricted Gaming were updated. Ordinance No. 634 was approved on June 1, 2023 by the Board of Commissioners with an adoption date of June 21, 2023.

This CUP request is required under the updated Land Use tables for Nonrestricted Gaming. The overall proposed development has not changed since the ADR approval and the additional use is allowed within the EMU zoning.

Commissioner Kuzmicki asked what type of restaurant the applicant is looking to put in, if there will be a dining area or strictly fast food/drive through. Mr. Cariola responded that the hearing today is only to review the gaming component of the project.

Public Comment

Corrado DeGasperis, the leaseholder for the Silver Springs Airport, said he is excited about the proposed development in the area and wanted to make sure the ADR that was done on the project in question looked at the FAA requirements and standards for building near the airport.

Vida Keller, Silver Springs resident, expressed concern with adding a full-scale casino and bar versus a limited amount of slots in a Truck Stop. She also expressed concern for pedestrian safety with the proposed parking lot design.

There was discussion amongst the Commissioners regarding the ability to continue this application before consideration of the traffic/access and pedestrian safety brought up during public comment.

At 9:28 a.m. Chairwoman Allen called for a 5-minute recess for staff to consult with the applicant's representative regarding a continuance.

At 9:33 a.m. Chairwoman Allan called the meeting back to order.

Community Development Director, Louis Cariola, said the applicant is in agreement to continue the item to the September Planning Commission meeting. He stated the applicant would like direction in what the Planning Commission would like to see addressed.

Chairwoman Allen said the Planning Commission would like to see a pedestrian safety plan, the parking concerns addressed and confirmation that the proposed parking meets the Title 15 requirements based on the proposed use.

Commissioner Sell motioned to **continue** the request for a Conditional Use Permit from DG Locust Grove Circle K, LLC, to the **September 12, 2023** meeting.

Commissioner Kuzmicki seconded, the motion passed with a majority vote (3 Ayes, Commissioners Allan, Sell and Kuzmicki; 1 Nay, Commissioner Ewing, 0 Abstentions; 2 Absent, Commissioners Carlson and Jones).

Chairwoman Allan asked if staff and the Commission would like to hear agenda items 8.b. and 8.c. together. Staff and the Commissioners agreed.

Commissioner Sell motioned to hear both agenda item 8.b. and 8.c together and vote on them separately.

Commissioner Ewing **seconded**, the motion passed by **unanimous** vote (4 Ayes, Commissioners Allan, Ewing, Sell and Kuzmicki; 0 Nay; 0 Abstentions; 2 Absent, Commissioners Carlson and Jones.

8.b. For Possible Action: To forward a recommendation to the Board of Commissioners for the request for a Zoning Map Amendment from Aspen Creek 2022, LLC, to reconfigure the zoning boundaries of a dual-zoned, 612.85-acre parcel with RR-20 (Fifth Rural Residential-20 acre minimum) and SR-12,000 (Suburban Residential- 12,000 sq. ft. minimum) districts located approximately 2.6 miles to the east of the intersection of U.S. Highway 50 and Fort Churchill Road at 1455 Fort Churchill Road in Dayton (APN 016-023-02) PLZ-2023-041.

8.c. For Possible Action: To forward a recommendation to the Board of Commissioners for the request for a Tentative Subdivision Map from Aspen Creek 2022, LLC to create a 499-lot single-family residential subdivision on a 612.85-acre parcel located approximately 2.6 miles to the east of the intersection of U.S. Highway 50 and Fort Churchill Road at 1455 Fort Churchill Road in Dayton (APN 016-023-02) PLZ-2023-042

Senior Planner, Bill Roth, started by explaining the applicant's request for a Zoning Map Amendment to reconfigure the zoning boundaries of a dual-zoned, 612.85-acre parcel with RR-20 (Rural Residential - 20 Acre Minimum) and SR-12000 (Suburban Residential - 12,000 Sq. Ft. Minimum) districts. The existing zoning is based on a Tentative Map configuration that was approved in 2006 and followed the Federal Emergency Management Agency (FEMA) flood zone boundaries at that time (PLZ-06-0130). The FEMA flood zone boundaries have since changed, which has led the Applicant to propose a reconfiguration of the zoning boundaries and Tentative Subdivision Map. The proposed Tentative Subdivision Map analyzed in a separate report (PLZ-2023-042).

The applicant is requesting a Tentative Subdivision Map from Aspen Creek 2022, LLC to create a 499-lot single-family residential subdivision on a 612.85-acre parcel located approximately 2.6 miles to the east of the intersection of U.S. Highway 50 and Fort Churchill Road at 1455 Fort Churchill Road in Dayton.

Preceding the proposed Tentative Subdivision Map request is a request for a Zoning Map Amendment to reconfigure the zoning boundaries of the dual-zoned, 612.85-acre parcel with RR-20 (Rural Residential - 20-Acre Minimum) and SR-12,000 (Suburban Residential - 12,000 Sq. Ft. Minimum) districts.

Commissioner Ewing asked what the projected timeline is for the full build out of this project.

Commissioner Kuzmicki asked how close to the river the proposed project is.

The applicant's representative, Chris Baker with Manhard, said they anticipate the project will take approximately 14-16 years for total build out. The project will consist of multiple phases.

There are 6 proposed phases:

Phase 1- 107 lots

Phase 2- 105 lots

Phase 3- 50 lots

Phase 4- 75 lots

Phase 5- 98 lots

Phase 6 – 64 lots

The project is located along Fort Churchill Rd., north of the Carson River. The infrastructure was approved with this Tentative Map in mind. It will provide the right-of-way to allow for the Chaves bridge option, in accordance with Lyon County Master Plan. The project ensures watershed protection, soil stabilization, erosion control protection by limiting areas of development to outside the floodway. Preserves scenic views, areas for opens space and pedestrian trail along the Carson River.

Commissioner Ewing expressed concern with traffic and asked if there is a way to add a condition to ensure the intersection of Ft. Churchill and Hwy 50 becomes a lighted intersection.

Public Comment

Vida Keller, Silver Springs resident, suggested looking at an alternative to putting in a light such as an acceleration lane, to avoid congestion.

Sandra Holman, expressed concern with access to HWY 50. From Alamosa and Oakmont it is already difficult to access Hwy 50 during school hours without the added traffic of additional homes.

The applicant’s representative, Chris Baker, said there will be a light installed at that intersection regardless of which development comes forward first. There are plans to improve Ft. Churchill from two (2) lanes to four (4) lanes near the School intersection, as well as the light at Ft. Churchill and Hwy. 50 to help reduce congestion.

Motion for Item 8.b. - Commissioner Sell motioned to forward a recommendation of **approval** for the **Zoning Map Amendment** for Aspen Creek 2022, LLC, to reconfigure the zoning boundaries of a dual-zoned, 612.85-acre parcel to RR-20 (Fifth Rural Residential-20 acre minimum) and SR-12,000 (Suburban Residential- 12,000 sq. ft. minimum) districts (APN 016-023-02). Based on the findings listed in the staff report.

- 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 Ewing **seconded**, the motion passed by **unanimous** vote (4 Ayes, Commissioners Allan, Ewing, Sell and Kuzmicki; 0 Nay; 0 Abstentions; 2 Absent, Commissioners Carlson and Jones.

Motion for item 8.c. - Commissioner Sell motioned to forward a recommendation of **approval** for a **Tentative Subdivision Map** for Aspen Creek 2022, LLC, for a 499 lot single-family

residential subdivision on a 612.85-acre parcel (APN 016-023-02) PLZ-2023-042. Based on the findings listed in the Staff Report and subject to the following conditions of approval.

1. Approval of the tentative map shall not constitute acceptance of the final map. Approval of the tentative map shall lapse unless a final map based thereon is presented to the Board of Commissioners within four (4) years from the date of such approval, unless a provision for an extension of time has been granted. The Board of County Commissioners, with the recommendation of the Community Development Department, may grant to the developer a single extension of not more than two (2) years within which to record a final map after receiving approval of the tentative map.
2. The applicant shall comply with all Federal, State, County and special purpose district regulations.
3. The developer shall provide the proposed Covenants, Conditions and Restrictions (“CC&Rs”), landscape maintenance association/homeowners association agreements, easements and/or other legal instruments containing sufficient detail to constitute enforceable provisions necessary for operation and maintenance by the developer and his successors, and assignees as well as the individual subdivision lot property owners as the project is subdivided and the individual lots sold for all common areas and storm drainage facilities (easements, channels and basins) as well as any other provisions necessary for the subdivision as approved, for review by the Community Development Director, the Utilities Director, the County Engineer and District Attorney’s Office. The approved legal instrument shall be signed and recorded prior to approval of a final map or first in a series of final maps for the project.
4. Prior to issuance of any Final Map, the applicant shall submit for the County’s approval a landscape/treatment development plan for all common areas on the site, for that phase, including the maintenance access road for overhead utilities.
5. The applicant shall submit and receive approval of a street-naming application prior to submittal of an application for a final map or first in a series of final maps. Should any requested street name(s) be denied, the Community Development Director is authorized to administratively process a request for a replacement street name(s), obtain review and comment from the fire district with jurisdiction, Road Department and any other appropriate agency, and approve a revised street name(s) without the requirement of a public hearing before the Planning Commission.
6. Before requesting a Will-Serve Letter for the final subdivision map, the developer must submit an LCUD application for water and sewer service and meet the requirements outlined in County Code, Title 9. The applicant shall provide written evidence (i.e. ‘will-serve’ letters) demonstrating that the proposed parcels are able to be served by municipal water and sewer systems prior to recordation of a final subdivision map or first in a series of final maps for this project.
7. The proposed realignment of Fort Churchill Road will necessitate the relocation of a sewer effluent main and associated utility easements at the expense of the developer, for the affected phases. The relocated sewer effluent connection must be maintained and functional throughout the project duration. A maintenance road paved with an all-weather surface will also be required to run concurrently with the sewer effluent line throughout the project duration if Fort Churchill Road is not providing the required access. The realignments of the sewer effluent

- line, associated easements, and either a maintenance road or Fort Churchill Road, must be approved by the Utilities Director, the Roads Department Director, and the Community Development Director prior to recordation of the Final Map for all phases of the development.
8. The proposed project shows two new lift stations. The developer is required to meet the requirements of NAC445A.285 and WTS-21. Odor control mitigation for a lift station is required when there are any homes within 1000' of a lift station. All property taxes must be paid in full through the end of the fiscal year (June 30) and any applicable agricultural deferred taxes shall be paid in full prior to recordation of any final map.
 9. The applicant shall comply with the final subdivision map requirements as prescribed by NRS 278 and Title 15 of the Lyon County Code.
 10. Required recording fees to be paid at time of recording map.
 11. No lot shall be offered for sale or sold until the final subdivision map has been approved and recorded.
 12. No building permits shall be accepted for processing until a final subdivision map has been approved and recorded.
 13. The applicant shall make corrections of any engineering or drafting errors and other technical map corrections to the satisfaction of the County Engineer and Community Development Director prior to submitting the final subdivision map for recordation.
 14. The applicant shall pay the actual costs for County Engineer plan and map checking 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 Community Development Department prior to final subdivision map recordation.
 15. The applicant shall provide the final subdivision map to the Lyon County GIS Coordinator in form and format compatible with the County geographical information system (GIS) pursuant to 15.607.08(B) of the Lyon County Code. 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.
 16. The applicant shall comply with County requirements, in accordance with Chapter 15.234 of the Lyon County Code, mandating that a site improvement permit(s) be obtained for any disturbance occurring on the subject site. The site improvement permit applications shall also include documentation of approval of a Stormwater Pollution Prevention Plan ("SWPPP") permit and a Surface Area Disturbance ("SAD") permit with the Nevada Department of Environmental Protection (NDEP).
 17. The site improvements required by the terms of Title 15 of the Lyon County Code shall be inspected by the County as the work progresses. Such improvements shall not be started until the inspection fee, required as a prerequisite to the filing of the final map, has been paid.
 18. Prior to any construction of improvements, a preconstruction conference shall be held between the contractor/developer and the appropriate County inspection personnel.
 19. The applicant shall comply with Lyon County requirements as set forth in the adoption of Title 15 and as set forth in Title 15 of the Lyon County Code including, but not limited to:

- a. The developer shall obtain all necessary encroachment permits and approvals as well as coordinate and comply with the requirements of the Roads Department;
 - b. The developer shall design the street alignments in compliance with AASHTO standards to the approval of the Road Superintendent;
 - c. The developer shall install all required signage, striping and traffic control improvements in compliance with Nevada Department of Transportation and Lyon County requirements;
 - d. The developer shall attain a Floodplain Development Permit from the County before construction or development begins within any area of special flood hazard established in subsection 15.800.07A of Lyon County Code. The permit shall be for all structures, including manufactured homes and accessory structures whether a building permit is required or not required as defined herein or in chapter 1200 of Lyon County Code, appendix A, and for all development, including fill and other activities, including river bank and stream bank erosion repair activities, as defined in chapter 1200 of Lyon County Code, appendix A.
 - e. The developer shall install street lighting in compliance with the requirements of the Roads Department;
 - f. The developer shall submit a detailed geotechnical report with the final map(s) for the project that includes roadway structural sections and the structural section calculations demonstrating that the proposed structural section is adequate to support the weight of the anticipated traffic;
 - g. The developer shall provide a slurry seal onto the streets and roadways in compliance with the current County standards every five (5) years from the date of installation of asphalt concrete paving of the subdivision's streets and roadways until such time as the subdivision is 90% completed and the County accepts the offer for dedication for the rights-of-way for all streets and roadways within the subdivision; and
 - h. The developer shall make a perpetual offer of dedication for the right-of-way for all streets and roadways within the proposed subdivision. The County rejects the offer of dedication at this time and will not accept the offer of dedication until at least 90% of the lots within the respective unit have been developed, the improvements are inspected and approved by the County, and the County accepts the improvements for maintenance.
20. Unless a traffic signal is already installed by NDOT, prior to recordation of the Final Map, the applicant shall demonstrate to the County documentation of agreed pro-rata contribution to the US Highway 50 and Fort Churchill Road traffic signal improvement project. If a traffic signal is not installed prior to recording a Final Map, an updated traffic study will be required to determine if a traffic signal is warranted.
21. The applicant shall comply with Lyon County's Dayton Valley Drainage Master Plan. The applicant shall demonstrate that the proposed drainage facilities will comply with the Lyon County Drainage Guidelines to the satisfaction of the County Engineer and Utilities Department Director prior to recordation of the final subdivision map. Major drainage facilities shall be constructed in the first phase of development and each phase of building development shall have drainage improvements that tie into the major facilities and function without dependency on improvements in future phases of development.
- a. The developer shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director and the Community Development Director that provisions

- for maintenance and continued operation of the stormwater system have been developed and put in place prior to approval of a final subdivision map or first in a series of final maps for this project.
- b. The applicant shall provide documentation that easements have been recorded to permit discharge of project-generated stormwater to all off-site properties receiving stormwater discharges prior to recordation of a final subdivision map or first in a series of final maps for this project.
 - c. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Road Superintendent, the County Utilities Department Director, and the Community Development Director that facilities necessary to protect source water from potential stormwater contamination have been designed and will be installed prior to approval of a final subdivision map or first in a series of final maps for this project.
 - d. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Road Superintendent, the County Utilities Department Director, and the Community Development Director that facilities necessary for the treatment of stormwater prior to discharge have been designed and installed prior to approval of a final subdivision map or the first in a series of final maps for this project.
 - e. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Road Superintendent, the County Utilities Department Director and the Community Development Director that provisions for maintenance and continued operation of the stormwater system have been developed and put in place prior to approval of a final subdivision map or first in a series of final maps for this project.
 - f. Debris grates are required at the pipe inlets of the retention/detention basins.
22. The applicant shall complete any and all required development improvements and facilities to the satisfaction of the Community Development Director, County Engineer, the County Road Superintendent, Utilities Director, Building Official, Central Lyon County Fire Protection District or other authorized County personnel, as applicable, or an appropriate security must be provided and approved prior to recordation of a final subdivision map or first in a series of final maps for this project. There may be temporary restrictions to obtaining building permits even with an acceptable security instrument depending on the County's approval of the various systems. All facility construction shall be completed/installed to satisfaction of the Community Development Director, the Building Official, the County Engineer, the County Road Superintendent, the Utilities Department Director, the Facilities Department Director, Central Lyon County Fire Protection District, their respective designees or other authorized County personnel, as applicable prior to the issuance of a Certificate of Occupancy will be allowed in a single family residence for this project or if done in phases, that portion of the project.
23. The applicant shall comply with all applicable building and fire code requirements.
24. The water system must meet the requirements of the Lyon County Utilities Department and Central Lyon County Fire Protection District and be constructed in accordance with the following:
- a. The location of fire hydrants shall be determined by the Central Lyon County Fire Protection District.

- b. A minimum required fire flow is required for each fire hydrant as directed by the Central Lyon County Fire Protection District.
 - c. Prior to any combustible materials being brought on site, all required fire hydrants are to be installed and fully operating.
25. Distinct and legible “temporary” addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.
 26. The applicant will maintain the property until the development is complete. This maintenance will include the semi-annual mowing of all weeds within the development boundaries and the removal of noxious weeds when they are identified.
 27. The applicant shall post and maintain a rules and regulations sign at the entryways to the property until it is fully developed. The signs shall be intended for the subcontractors performing work and shall include:
 - a. No loud music;
 - b. No alcohol or drugs;
 - c. Dispose of personal trash and site debris;
 - d. Clean up any mud and or dirt that is deposited from the construction parcels onto the streets; and
 - e. No burning of construction or other debris on the property.
 28. All debris on construction sites must be contained and removed periodically as required for safety and cleanliness to the satisfaction of the Lyon County Community Development Department.

Commissioner Kuzmick **seconded**, the motion passed by **unanimous** vote (4 Ayes, Commissioners Allan, Ewing, Sell and Kuzmicki; 0 Nay; 0 Abstentions; 2 Absent, Commissioners Carlson and Jones.

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 service.

16. Public Participation- There was none

17. Adjournment

At approximately 10:17 a.m. it was unanimously motioned to adjourn.

Audrey Allan, Chairwoman

Shannon Juntunen, Administrative Assistant