

## LYON COUNTY PLANNING COMMISSION MEETING MINUTES

August 9, 2022

The August 9, 2022 meeting of the Lyon County Planning Commission was called to order by Commission Chairwoman, Tammy Hendrix.

### 1. Roll Call –

Members present: Commissioners Tammy Hendrix, Loretta Sell, Audrey Allan, John Cassinelli, Michael Carlson, Shawn Keating and Connie Kuzmicki attended the meeting in the Greg Hunewill Commissioners Chambers.

**Attending staff present:** Senior Planner Louis Cariola; Community Development Director, Andrew Haskin, County Manager, Jeff Page; Planning Technician, Kerry Page and Administrative Assistant, Shannon Juntunen attended in person. Senior Planner, Rob Pyzel and District Attorney, Steve Rye attended the meeting via Zoom.

2. **Pledge of Allegiance** – Led by Commissioner Allan.

3. **Public Participation** – County Manager, Jeff Page congratulated Community Development Director, Andrew Haskin on his one year anniversary with the County.

### 4. Review and Adoption of the Agenda-

Commissioner Allan motioned to adopt the agenda as presented. Commissioner Sell seconded, the motion passed by a unanimous vote (7 Ayes; 0 Nay; 0 Abstentions)

### 5. Approval of minutes-

Commissioner Allan motioned to approve the minutes from the July 12, 2022 meeting as amended. Commissioner Sell seconded, the motion passed by unanimous vote (7 Ayes; 0 Nay; 0 Abstentions)

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

7. **Advisory Board Reports** – Mason Valley Advisory Board sent letters of transmittal for agenda items 8.a -8.d.

### 8. Public Hearing Items:

**8.a For Possible Action – D & G Investments**— To forward a recommendation to the Board of County Commissioners for a Zoning Map Amendment to change the zoning on four (4) parcels from C-1 (Neighborhood Commercial) and RR-1 (First Rural Residential – 1 acre minimum) to MFR (Multifamily Residential) and SR ½ (Suburban Residential – ½ acre minimum) located at 14 Warwick Hills Drive, 103 Warwick Hills Drive and 100 Silverado Road, Mason Valley, NV (APNs: 003-021-15/-16/-17/-18) PLZ-2022-160.

Commissioner Allan motioned to hear agenda items 8.a. and 8.b. together and vote on them separately. All commissioners were in agreement. Commissioner Hendrix read agenda item 8.b. into the record

**8.b For Possible Action – D & G Investments** – To approve the request for a merger and re-subdivision/tentative parcel map to merge four parcels and re-subdivide into four (4) new parcels to correct two illegal parcels located at 14 Warwick Hills Drive, 103 Warwick Hills Drive and 100 Silverado Road, Mason Valley, NV (APNs: 003-021-15/-16/-17/-18) PLZ-2022-161.

Senior Planner, Rob Pyzel presented the staff report summarizing the applicants request. The requested zone change is to bring the parcel into compliance with current zoning regulations. Mr. Pyzel explained the original developer planned to develop the area as a golf course which is why 3 of the parcels are zoned C-1 (Neighborhood Commercial). These parcels currently have multi-family living structures on them and will be rezoned MFR (Multi Family Residential). The parcel zoned RR-1 will be rezoned SR ½ (Suburban Residential-1/2 acre minimum) bring all four (4) parcel into conformance with the zoning regulations for the current uses, the 2020 Master Plan and surrounding uses.

Mr. Pyzel explained the requested merger and re-subdivision/tentative parcel map is to create four (4) new parcels to convert nonconforming uses and adjust parcels' property lines such that the uses and structures become conforming to the allowed uses and correct building setback requirements.

Staff is recommending approval of both agenda items 8a.a and 8.b

The applicant's representative, Rick Christian with Denson Survey, spoke about the width of the proposed irrigation ditch on the Tentative Parcel Map. After speaking with the Campbell Ditch Company the applicant has decided to enlarge the irrigation ditch to 50'. The additional 20' will allow for easier maintenance of the ditch and prevent future development to close to the ditch.

#### **Public Participation-**

David Sceirine, President of the Campbell Ditch Company, explained the difficulties in maintaining the ditch. Due to the narrow width and structures being too close to the ditch it is hard to get machinery into clean the spoils out and keep them from going back into the ditch. The Campbell Ditch Company is interested in looking for alternative options to help with maintenance such as teaming up with the County to line or pipe the ditch. Possibly even a culvert of some sort. Mr. Sceirine said his board has not seen or voted on the proposed easement but he does not foresee an issues since it is adding 20'.

#### **8.a For Possible Action – D & G Investments-Zoning Map Amendment**

Commissioner **Sell motioned** to forward a recommendation of approval of the request for a Zoning Map Amendment to change the zoning on four (4) parcels from C-1 (Neighborhood Commercial) and RR-1 (First Rural Residential – 1 acre minimum) to MFR (Multifamily Residential) and SR ½ (Suburban Residential – ½ acre minimum). Based on the following findings:

- A. The proposed Zoning Map 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 Zoning Map Amendment is consistent with the adequate public facilities policies contained in this title;
- C. The proposed Zoning Map Amendment is compatible with the actual or master planned adjacent uses.

Commissioner **Cassinelli seconded**, the motion passed by a unanimous vote (7 Ayes; 0 Nay; 0 Abstentions).

### **8.b For Possible Action – D & G Investments – Merger and Re-Subdivision/Tentative Parcel Map**

Commissioner **Sell motioned to approve** the request for a merger and re-subdivision/tentative parcel map to merge four parcels and re-subdivide into four (4) new parcels to correct two illegal parcels based on the findings listed on in the staff report and the following 16 conditions of approval, **amending condition 14** to reflect the applicant shall widen the southern portion of the proposed Campbell Ditch easement e to the satisfaction of the Campbell Ditch Company.

1. The developer shall comply with all Federal, State, County and special purpose district regulations.
2. The developer 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.
3. The developer 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.
4. The developer shall pay in full all property taxes through the end of the fiscal year (June 30) prior to recordation of the final parcel map.
5. The developer 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.
6. The developer shall pay the required recording fees at time of final parcel map recordation.
7. 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.
8. The developer shall comply with Lyon County's storm drainage guidelines (revised September 2018).
9. The developer shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 of the Lyon County Code.
10. The developer shall comply with all applicable fire code requirements to the satisfaction of the Mason Valley Fire Protection District.
11. The developer 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.
12. 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.

13. 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 Mason Valley Fire Protection District.
14. The applicant will widen the southern portion of the proposed Campbell Ditch easement by an additional twenty feet (20') for a total fifty feet (50') total width south of the easement centerline to the satisfaction of the Campbell Ditch Company given the site constraints and existing development. Documentation of the Campbell Ditch Company's agreement with the increased ditch maintenance easement shall be provided at the submission of the final parcel map application.
15. Any further division may be subject to the imposition of subdivision improvement standards as may be legally imposed at the time. The developer 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**, the motion passed by a unanimous vote (7 Ayes; 0 Nay; 0 Abstentions).

**8.c. For Possible Action – Winston Solar Project** – To forward a recommendation to the Board of County Commissioners for a Conditional Use Permit to allow a photovoltaic (PV) solar power generating facility including an on-site substation, on-site operations and maintenance building on a parcel zoned M-1 generally located on the north side of Sierra Drive approximately 0.5 mile east of the US 95A/Sierra Drive intersection, Mason Valley, NV (APN: 014-091-09) PLZ-2022-167.

Senior Planner, Rob Pyzel presented the staff report. The applicants request for a Conditional Use Permit to operate a solar power generating facility is an allowable use, it is compliance with the 2020 Master Plan, and meets all required minimum acreage, building setback and zoning regulations. The onsite commercial well and septic permits will go through the State and have to be obtained prior to issuance of the grading permit. Mr. Pyzel addressed the concern regarding noise, dust, odor and reflection concerns. A facility of this nature, noise, odor and dust are a minimal. A majority of the dust and noise concerns will occur at time of construction and should be minimal after construction is

complete. Panels are much more absorbent than they use to be and seem to be less impactful than years before.

Staff is recommending approval.

Commissioner Kuzmicki asked what the life span of the project/solar panels are?

Applicants Representative, Devon Mudo, said the project lifespan of the project/solar panels is approximately 35-40 years.

Commissioner Hendrix asked what the applicant does with the solar panels when they reach their life span and if any water used at the facility goes back into the aquifer.

Devon Mudo responded their company is working with solar panel distributors to develop a recycling program at this time it is in the very beginning stages. He said most of the water used is for dust control and washing the solar panels, most of which stays in the upper layers of the soil.

Commissioner Allan confirmed with the applicant a majority of the jobs created will be during the construction phase; she asked if any of the twelve permanent jobs will be available to local residents. The applicant answered in the affirmative.

Commissioner Hendrix asked for Public Comment- There was none

Commissioner Keating motioned to forward a recommendation of approval for a Conditional Use Permit to allow a photovoltaic (PV) solar power generating facility including an on-site substation, on-site operations and maintenance building, based on the 18 conditions of approval.

1. The applicant shall comply with all State, County, federal and special district rules and regulations as they apply to this conditional use permit.
2. The applicant shall comply with all applicable fire, building, zoning and improvement code requirements.
3. The applicant shall acquire all State, County and special purpose district permits and obtain all necessary public inspections.
4. The applicant shall maintain a Lyon County business license while occupying the premises.
5. The project shall be required to comply with the required 1,500-foot setback or the 16-foot high sight-obstructing wall requirements where abutting parcels having a residential zoning district designation prior to the issuance of a mass grading permit and/or building permit for the project.
6. Where the abutting parcel is not zoned rural residential, the project will comply with the minimum 30-foot equipment/structure property boundary setback requirement
7. Prior to commencement of the use, the applicant shall ensure the satisfactory completion of all required access, driveway and parking improvements to County and International Fire Code

standards, as required by the Lyon County Planning Department, the Lyon County Road Department and the Mason Valley Fire Protection District.

8. The applicant shall enter into a road maintenance agreement with the County for the maintenance and dust control of the Sierra Way improved right-of-way during the construction period of the project. Once the construction of the project is completed, the amount of traffic generated by the project is minimal and the road maintenance agreement may expire.
9. The applicant shall submit for a fire/life safety plan review to the Mason Valley Fire Protection District prior to the issuance of a mass grading permit and/or building permit for the project.
10. Any proposed onsite sewage disposal system must be approved by the Nevada Division of Environment Protection and evidence of such approval must be provided to the Lyon County Planning Department prior to approval of any building permit for any sanitary facilities.
11. Any proposed water usage is subject to approval of the proposed use of water and/or all necessary water rights by the Nevada Division of Water Resources and submission of approval documentation to the Lyon County Planning Department prior to issuance of a mass grading and/or building permit for the project.
12. The applicant shall obtain the approval of the Walker River Irrigation District for a development/improvement plan prior to application for and approval of any mass grading permit and/or building permits from Lyon County Community Development Department.
13. The applicants shall file a FAA Form 7460-1 for the gen-tie support towers with the regional FAA office and provide documentation of submission of the form to the Lyon County Planning Department prior to the issuance of a mass grading and/or building permit for the project
14. All outdoor lighting shall comply with the outdoor lighting performance standards of Chapter 15.357 of the Lyon County Code, shall include cut-off shields that direct the illumination down and reduce glare to the satisfaction of the Planning Department.
15. The applicant shall comply with Lyon County's 2018 drainage guidelines, as revised to the approval of the County Engineer.
16. Once the solar power generating facility is no longer feasible, the developer shall initiate the decommissioning of the facility including the removal of the solar field, the support structures and all associated electrical equipment and restore/regrade the project site and revegetate with native species to address erosion control and dust control.
17. No change in the terms and conditions of the conditional use permit, as approved shall be undertaken without first submitting the changes to Lyon County and having them modified through a public hearing process.
18. The substantial failure to comply with any conditions imposed on the issuance of a Conditional Use Permit, the operation of the conditional use in a manner that endangers the health, safety or welfare of Lyon County or its residents, the violation of ordinances, regulations or laws in the approved conditional use, **or the failure to initiate the conditional use permit within four (4)**

**years (2026) from the date of Board of Commissioner approval will result in the institution of revocation proceedings.**

Commissioner **Sell seconded**, the motion passed by unanimous vote (7 Ayes, 0 Nay, 0 Abstentions)

**8.d. For Possible Action- Kscale LLC-** To forward a recommendation to the Board of County Commissioners for a Conditional Use Permit (CUP) for an energy generating development to include both Geothermal Energy Systems and Solar Power Generating Systems as well as a research and development facility and modular data centers in Mason Valley (Wabuska) at 555 North Highway 95A (APN 014-081-05) (PLZ-2022-169).

Senior Planner, Louis Cariola presented the staff report and summarized the applicants request for a Conditional Use Permit to operate an energy generating development. The applicants request is in conformance with the 2020 Master Plan and is an allowable use in the designated zoning district with a Conditional Use Permit. Mr. Cariola explained the energy generation is primarily to provide power to their own internal servers and is not for large scale commercial use to be sold back to the public. The applicant surpasses all required standards for both geothermal and solar development. Staff is recommending approval.

Commissioner Allan asked if odor will be an issue and what the applicants total or units will be.

Applicant, Eli Dawson, gave a brief presentation and overview of the project, projected timeline, facility design and power generation. Mr. Dawson explained their main focus is to utilize the geothermal potential first and foremost, solar being the secondary source of power for their own internal use to power their servers/data centers, their 3D printing and research facility. He went on to say they are looking to create their own micro-grid producing 3 megawatts with 1 megawatts coming from the existing power, 1 megawatt from solar and 1 from geothermal. They are looking to produce 5-10 megawatts of solar power and 10-20 megawatts of power from the geothermal in the final phases of production. Eli said they are really looking to maximize the geothermal because it is more efficient and cleaner.

Commissioner Hendrix asked for Public Comment

Brian Masini expressed concerns about water rights. He spoke about the difference between underground water rights verses surface water rights and sked where the applicant's water rights were coming from. He pointed out that the project area, Mason Valley and Smith Valley are considered different basins, concerns about water being transferred from one basin to another and the State asking people to curtail their water usage. They can go as far as asking/demanding agriculture and industrial to lessen their water use.

He asked how much water will be needed for this facility and where will it go?

Bill Enie, applicant's consulting geologist, explained 100 percent of the water being used to generate the geothermal power goes back into the ground, there for there is no consumption of water. Ideally you want to inject as much water back into the system as possible to maintain the reservoir pressure. There are some water rights associated with the property if they needed water for cooling purposes.

Commissioner **Allan motioned** to forward a recommendation of **approval** for the request of a Conditional Use Permit for an energy generating development to include both Geothermal Energy Systems and Solar Power Generating Systems as well as a research and development facility and modular data centers based on the 17 conditions of approval.

1. The Geothermal Energy System and Solar Power Generating System shall be constructed in accordance with the conceptual site plan and construction drawings as submitted and reviewed as a part of this application. Any further expansion will require modification of this conditional use permit or an additional conditional use permit, and/or other approvals.
2. The Research Center shall require an Administrative Design Review by the County prior to issuance of grading or building permits.
3. No change in the terms and conditions of the conditional use permit, 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.
4. The applicant shall comply with all applicable Fire, building, zoning and improvement code requirements and obtain any necessary public inspections.
5. The applicant shall comply with all state, federal and local government regulations to the satisfaction of the appropriate agencies for the proposed geothermal generating systems. These entities include, but are not limited to, the State Division of Minerals, the State Department of Environmental Protection, the State Division of Water Resources, the State Health Department and the U.S. Bureau of Land Management.
6. The applicant shall demonstrate to Lyon County, by detailed response, compliance with Title 15, Chapter 336.08, *Geothermal Generating Systems*, prior to issuance of grading or site improvement permits for the geothermal components of the project.
7. The applicant shall demonstrate to Lyon County, by detailed response, compliance with Title 15, Chapter 336.09, *Solar Generation, Commercial*, prior to issuance of grading or site improvement permits for the solar components of the project.
8. The applicant shall demonstrate to Lyon County, by detailed response, compliance with Title 15, Chapter 337.03, *Standards (for Industrial Uses)*, prior to issuance of grading or site improvement permits for the project.
9. All construction documents and separate applications must be submitted to the Mason Valley Fire Protection District and Lyon County Building for review and approval to obtain a Building Permit.
10. All contractors doing any construction, modifications, or remodel must be licensed in the State of Nevada.
11. The applicant shall maintain a Lyon County business license for the use while occupying the site.
12. The applicant shall comply with the requirements of the Nevada Department of Transportation (“NDOT”) for ingress/egress improvements to US HWY 95A for access to the subject site.
13. The applicant shall attain approval from the Nevada Division of Water Resources for a well to provide water for the project.



14. The applicant shall install permanent bathroom facilities for employees of the business and attain approval from the Nevada Division of Environmental Protection. Temporary bathrooms will only be permitted while permanent facilities are under construction and for no longer than one year.
15. Exterior site and building lighting shall be replaced/installed as to eliminate any nuisance to adjoining properties or to traffic on the public streets. No unshaded light sources shall be permitted.
16. Any exterior signage will require a separate building permit, through the Lyon County Building Department.
17. 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 will result in the expiration of the conditional use permit approval.**

Commissioner **Sell seconded**, the motion passed by unanimous vote (7 Ayes, 0 Nay, 0 Abstentions)

8.e. For Possible Action: Forward a recommendation to the Board of County Commissioners for Lyon County's request for a Code Amendment for Title 15 to amend Table 15.320-1, in order to permit Agricultural Tourism, subject to a Conditional Use Permit (CUP), in the RR-10 and RR-5 zoning districts, and other matters pertaining thereto.

Community Development Director, Andrew Haskin explained the requested code amendment is to allow for Agricultural Tourism on smaller parcels. Currently it is an allowable use with a Conditional Use Permit, in the RR-20 (Rural Residential-20 acre min.), AG (Agriculture), NIA (Non-Irrigated Agriculture), RL (Resource Land), and the TC-R (Tourist Commercial- Rural) zoning districts. He went over the allowable businesses that fit into this category.

Commissioner **Sell** motioned to forward a recommendation of approval for Lyon County's request for a Code Amendment for Title 15 to amend Table 15.320-1, in order to permit Agricultural Tourism, subject to a Conditional Use Permit (CUP), in the RR-10 and RR-5 zoning districts, and other matters pertaining thereto.

Commissioner **Allan seconded**, the motion passed by unanimous vote (7 Ayes, 0 Nay, 0 Abstentions)

## **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**

Community Development Director, Andrew Haskin, updated the Planning Commission on actions by the Board at their August 4, 2022 meeting.

At their regularly scheduled meeting held August 4, 2022 the following ordinances were adopted:

An ordinance amending Lyon County Code Title 15, adopting Chapter 15.240 – Mass Grading Permits, as presented;

An ordinance amending Lyon County Code Title 15, adopting Chapter 15.280 – Street Name Change Requests, making a change to forward such requests to the Board for final approval;

An ordinance amending Lyon County Code Title 15, Table 15.320-1, to permit Indoor Shooting Ranges, Archery Ranges, and Skeet/Trap Shooting Range/Course with an approved Conditional Use Permit (CUP) within the Resource Land zoning district.

The Following Planning items were approved by unanimous vote (4 Ayes, 0 Nay, 1 Absent; Commissioner Gray).

**17.a.** For Possible Action: To approve the request for a Conditional Use Permit to allow for the construction of approximately 3,310 linear feet (LF) of overhead 120 kilowatt (kV) transmission line segment located outside of the 2020 Comprehensive Master Plan designated utility corridors to provide a connection into the NV Energy's Eagle Substation. PLZ-2022-154 (APN 021-581-09)

**17.b.** For Possible Action: To approve a request for a two-year Extension of Time, until October 4, 2024, to file the final subdivision map or first in a series of final maps for the Mixed Use portion of the Woodbridge Estates Planned Unit Development (PUD) approved October 4, 2018. APNs 016-025-03 and 016-025-04 (PLZ-2022-168).

The Board also directed the County Manager to move forward on research of the feasibility to have a hospital in Central Lyon County.

**15. Public Participation-** Darlene Triplett spoke about the importance of South Lyon Medical Center and the wonderful job they do with the limited staff and resources they have available.

**16. Adjournment**

At approximately 11:25 a.m. it was unanimously motioned to adjourn.

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Tammy Hendrix, Chairwoman

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Shannon Juntunen, Administrative Assistant