

LYON COUNTY PLANNING COMMISSION MEETING MINUTES

AUGUST 10, 2021

The August 8, 2021 meeting of the Lyon County Planning Commission was called to order by Commission Chairwoman, Audrey Allan.

1. Roll Call –

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

Attending staff present: Senior Planners Rob Pyzel and Louis Cariola, County Manager, Jeff Page and Planning Technician, Kerry Page, Deputy District Attorney, Yuliya Davidzenka, attended via zoom

2. Pledge of Allegiance – Led by Commissioner Kuzmicki

3. Public Participation -

Jeff Page, County Manager, announced the hiring of the new Community Development Director, Andrew Haskin, formerly with Northern Nevada Development Authority, who brings much experience in economic development and has a strong connection and understanding of the needs of Lyon County.

4. Review and Adoption of the Agenda

Commissioner Hendrix 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 Carlson)

5. Approval of minutes

Audrey Allan announced that the minutes from the July 13, 2021 Planning Commission will not be heard today and will be considered at the September Planning Commission meeting. No motion was made.

6. **Presentation and Reading of Miscellaneous Correspondence** – It was noted that a recommendation of approval for the BCB Ventures Tentative Parcel map was received from the Dayton Regional Advisory Board. There was no other public participation.

7. **Advisory Board Reports** – Above recommendation letter from Dayton Regional Advisory Board noted. None

8. Public Hearing Items:

8.a. **For Possible Action – BCB Ventures – Tentative Parcel Map** – Request for a parcel map to subdivide an approximately 133.39 acre parcel zoned M-1 (General Industrial) and C-2 (General Commercial) into 4 parcels, the smallest proposed parcel being approximately 1.86 acres in size generally; located on the northeast and northwest side of the US 50/Enterprise Way intersection, Dayton (APN: 016-402-21) PLZ-2021-064

Rob Pyzel, Senior Planner, presented the staff report. He explained that a small portion of the property in the northeast corner, is within the AO flood zone. The portion where development will occur is within the X shaded zone, any development will have to comply with Lyon County Code 15.800 (Floodplain Development). The parcel is also split zoned between M-1 (General

Industrial) and an approximately 250' strip of C-2 (General Commercial) along the highway. He stated that the parcels will connect to municipal services for sewer and water. The parcel is master planned Employment (suburban). Access to the property will be via Enterprise Way. The tentative map was submitted to pertinent state agencies for review and their comments are included in the staff report.

It was noted that there is tributary that comes off of the Six Mile Canyon drainage which is an area of concern for the NDEP, bureau of Corrective Action – Carson River Mercury Superfund site location of risk area boundaries map. The applicant will need to work with that agency for any corrective actions that may need to be taken as development of that parcel occurs.

The Road Director stated that he had no comments at this time but will as development occurs. Nevada Department of Transportation (NDOT) requested restricted access onto Highway 50 although if access is made onto the highway the applicant will have to apply for an Occupancy Permit through NDOT. NDOT requested fencing along the highway to mitigate the problem off access by wild horses to the highway.

Lyon Utilities requested that Note #4 on the map be changed to require wider (20') public utility easements as the standard PUE's are too small for water and sewer lines.

Phil Cowee, representing BCB Ventures, said that there was a ground fill grant that made this property a certified site by extensive testing and soil sampling, and addressed any mercury contamination.

Public participation was requested and there was none.

Commissioner Hendrix motioned to **approve** the Tentative Parcel Map for BCB Ventures, to subdivide an approximately 133.39 acre parcel zoned M-1 (General Industrial) and C-2 (General Commercial) into 4 parcels; located on the northeast and northwest side of the US 50/Enterprise Way intersection, Dayton (APN: 016-402-21) PLZ-2021-064, based on the findings listed in the staff report and subject to the following 20 conditions:

1. The applicant shall comply with all Federal, State, County and special purpose district regulations.
2. 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.
3. 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.
4. 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.
5. The applicant shall provide the final 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 applicant 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 applicant shall comply with Lyon County's storm drainage guidelines (revised September 2018) to the satisfaction of the County Engineer.
9. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 of the Lyon County Code to the satisfaction of the County Engineer, the Road Superintendent, and the Community Development Director.
10. An NDOT occupancy permit will be required if future development on the parcels proposes improvements within the US 50 right of way.
11. Any future development on the parcels should be required to perpetuate wild horse mitigation measures such as fencing and cattle guards to prevent wild horses from inhabiting the US 50 right-of-way.
12. Any work proposed within or adjacent to the US 50 right-of-way must comply with NDOT's Standard Plans, Terms and Conditions Relating to Right-of-Way Occupancy Permits, and Drainage Manual (current version at the time of application).
13. The applicant shall comply with all applicable fire code requirements to the satisfaction of the Central Lyon County Fire Protection District.
14. The applicant shall provide documentation of the dedication or relinquishment of water rights to the Lyon County Utilities Department necessary to insure an adequate water supply for the newly created parcels prior to approval and recordation of the final parcel map.
15. Note 4 stating all parcels will be served by Lyon County Utilities for water and sanitary sewer on the draft parcel map shall be modified. For a parcel map, Lyon County Utilities only identifies if the parcels are within the service area of the utility but does not make a commitment for service. Note 4 should be modified to state that the parcels are within the water and sewer service area of the Lyon County Utilities Department.
16. To avoid future confusion, the public utility easements (5' and 7.5') that run along the road frontages and lot line are too narrow for the installation of a water or sewer line. Additional language should be added to the Notes section of the parcel map to clarify that water and sewer easements require a 20' minimum width and pipe installation shall be within a Public Right of Way.
17. 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.
18. 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. Structures placed on these parcels shall adhere to the County's site development, building height and setback standards for the zoning district as it applies to each parcel at the time of development.

- d. Distinct and legible “temporary” addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.
 - e. 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.
 - f. 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.
19. 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.
20. 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 Sell seconded and the motion passed by a unanimous vote of those members present (6 Ayes; 0 Nay; 1 Absent – Commissioner Carlson)

8.b. For Possible Action – HSKS LLC Series 218/Kevin Ward – Zoning Map Amendment – Request for a zoning map amendment to change the zoning on an approximately 0.92 acre parcel from RR-2T (Second Rural Residential – 2 acre minimum) to SR-12000 (Suburban Residential – 12,000 square foot minimum) located at 3120 Elm Street, Silver Springs (APN: 018-414-06) PLZ-2021-066.

Louis Carriola, Senior Planner, presented the staff report. Mr. Carriola introduced both Victoria Jackson of Robison Engineering as representative, and Kevin Ward of HSKS, LLC, as applicant for this request. Primary access is from Elm St. Mono Rd is shown however this is not a county maintained roadway. The existing, derelict mobile home is to be removed, per the applicant.

Mr. Carriola further explained the appropriateness of this rezoning request due to the Suburban Residential master plan, the consistency with surrounding parcels also being similar in size regardless of applied zoning district and the proximity of municipal services such as water and sewer. He added that the applicant intends to file for a tentative parcel map to subdivide the rezoned parcel into two lots and will place new manufactured homes on each new parcel.

John Cassinelli asked if there will be future improvements required on Mono Street with the future development of the parcel. Louis Carriola stated that Dustin Homan indicated that the county will not be maintaining Mono Street and access will continue to be off of Elm Street.

Kevin Ward of HSKS, LLC, said it is his intention to split the parcel with a parcel map and then place a new manufactured home with a detached garage on each separate parcel. Victoria Jackson said the proposed parcel layout was submitted with the zone change request but only for reference.

Tammy Hendrix asked if the properties will be sold or maintained as rental properties. Mr. Ward said they will be sold.

Public participation was requested and there was none.

Shawn Keating motioned to recommend approval of the request for a zoning map amendment to change the zoning on an approximately 0.92 acre parcel from RR-2T (Second Rural Residential – 2 acre minimum) to SR-12000 (Suburban Residential – 12,000 square foot minimum); located at 3120 Elm Street, Silver Springs (APN: 018-414-06) PLZ-2021-066, based on the following 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;
- C. The proposed amendment is compatible with the actual or master planned adjacent uses.

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

8.c. For Possible Action – Robert L. & Joanne A. McMinn and Randy R. & Svitlana Roguska – Tentative Parcel Map – Request for a parcel map to subdivide an approximately 30.27 acre parcel zoned C-2 (General Commercial) into two (2) parcels, the smallest proposed parcel being approximately 5.00 acres in size generally located on the southeast corner of the US 95A/SR 339 (Goldfield Avenue) intersection, Mason Valley (APN: 014-471-12) PLZ-2021-070.

Rob Pyzel, Senior Planner, presented the staff report. He noted that the entire parcel is zoned C-2 (General Commercial). The subject site has dual access off of Highway 95A (Goldfield Avenue) along the north boundary and Highway 339 along the west boundary. The parcel is not within a special flood hazard area, being X shaded on the east half and X unshaded on the west half. The City of Yerington provides water and sewer service to the north side of Highway 95A and these parcels will have to provide sufficient water rights in order to connect to those municipal services as the parcels develop.

Mr. Pyzel said the proposed 5 acre parcel on the corner will be developed into a service station with gasoline sales and a convenience store. In the future, the property owner is planning to submit application for a Conditional Use Permit to construct a Recreational Vehicle Park on the remaining parcel. Mr. Pyzel continued with a discussion relating to the current zoning and master plan designation of the parcel. He added that both highways are the only accesses therefore there is no need for any new streets. Comments were received from both the Road Director and NDOT. The applicant will to coordinate with NDOT for traffic mitigation. NDOT and the Lyon County Road Director, have indicated the need for improved and additional signaling at the intersection. Mason Valley Fire Protection District had no comments at this time.

Audrey Allan read the recommendation of approval from the Mason Valley Advisory Board.

Tammy Hendrix asked if there are any restrictions to consider due to the projects proximity to the Walker River. Rob Pyzel said that comments were requested from both the Walker River Irrigation District and the Mason Valley Subconservancy, neither of which provided any comments. Mr. Pyzel said they will be more involved as development occurs.

Connie Kuzmicki asked if this intersection is capable of handling the traffic into and out of the facility. Is there a possibility of installing a traffic light at the intersection? Mr. Pyzel said that NDOT did not indicate in the traffic study, that this facility would warrant a traffic signal at this intersection. As future development occurs NDOT does have the ability to require that at a later date.

Frank Lepori, representing Golden Gate Petroleum and the property owner, asked to review a couple of the conditions of approval. He said it is his goal to start as soon as possible with mass grading the site. Item #7 stipulates that no development can occur until the map is recorded. Mr. Lepori is requesting relief from that condition. Mr. Pyzel said that condition #7 can be amended by removing the text “and building permits”, to allow site grading to commence as a Reclamation Bond is already in place with the submittal of a Mass Grading Permit to ensure completion of the mapping process.

Mr. Lepori also asked about Condition #11 relating to NDOT requirements. He said that he has met with NDOT several times and Paul Solaegui prepared their traffic study, and nothing was submitted within that traffic study regarding a 3-way flashing light. He said he would be happy to discuss the alternative he submitted to NDOT which satisfies the option within the condition for “a suitable alternative to the satisfaction of NDOT”. Mr. Lepori said that the alternative is to widen the road at the bridge all the way to the corner, with a turn pocket into the proposed parcel and a left turn lane at the intersection to turn on to Highway 339 and a right lane on to Highway 95A. Also create an additional left turn in to the facility off of Highway 339 into an existing access easement. Mr. Pyzel does not feel the condition does not need to be amended as the decision will ultimately be up to NDOT and the option for a suitable alternative satisfies Mr. Lepori’s concerns.

Public participation was requested and there was none.

Commissioner Hendrix made a motion to approve the request for a Tentative Parcel Map to subdivide an approximately 30.27 acre parcel into two (2) parcels; located on the southeast corner of the US 95A/SR 339 (Goldfield Avenue) intersection, Mason Valley (APN 014-471-12) PLZ-2021-070, based on the recommended findings and subject to the following 16 conditions with one amendment to condition #7 as stated herein:

1. The applicant shall comply with all Federal, State, County and special purpose district regulations.
2. 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.
3. 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.
4. 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.

5. The applicant shall provide the final 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 applicant shall pay the required recording fees at time of final parcel map recordation.
7. No lot shall be offered for sale or sold until the final parcel map has been approved and recorded.
8. The applicant shall comply with Lyon County's storm drainage guidelines (revised September 2018) to the satisfaction of the County Engineer.
9. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 of the Lyon County Code to the satisfaction of the County Engineer, the Road Superintendent, the Community Development Director and the City of Yerington (for domestic water and sewer infrastructure).
10. The applicant shall comply with all applicable fire code requirements to the satisfaction of the Mason Valley Fire Protection District.
11. The applicant shall install upgraded components of the existing 3-way flashing light at the US 95A and State Route 339 intersection or find a suitable alternative to the satisfaction of NDOT and the Lyon County Road & Fleet Department Superintendent prior to the approval and recordation of the final parcel map. The developer can submit for an occupancy permit on behalf of Lyon County to NDOT for the upgrade to the 3-way flashing light system. The permit for upgrading the flashers can be submitted separately from the access and utility permits through NDOT.
12. The applicant shall provide documentation of the dedication or relinquishment of water rights to the City of Yerington necessary to insure an adequate water supply for commercial uses of the newly created parcels prior to approval and 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:
 - g. All construction shall comply with all applicable building and fire code requirements.
 - h. Building permits shall be issued in compliance with Title 15 of the Lyon County Code.
 - i. Structures placed on these parcels shall adhere to the County's site development, building height and setback standards for the zoning district as it applies to each parcel at the time of development.
 - j. Distinct and legible "temporary" addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.
 - k. 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.

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

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

Rob Pyzel advised that the BOCC heard the Master Plan update and the 3 county code amendments. The BOCC tabled the Master Plan update as they want to have a Joint Meeting with the Planning Commission. The 3 Code amendments were proposed and will be heard for possible adoption at their September meeting.

15. **Public Participation**- None.
16. **Adjournment**

At approximately 10:18 a.m. it was unanimously motioned to adjourn.

Tammy Hendrix, Vice Chairwoman

Kerry Page, Planning Technician