

# LYON COUNTY PLANNING COMMISSION MEETING MINUTES

September 12, 2023

The September 12, 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, Lisa Nash; Planning Technician, Kerry Page; Administrative Assistant, Shannon Juntunen; and Deputy District Attorney, Illyssa Fogal, attended in person. Senior Planner; Bill Roth attended via Zoom.

## 1. Roll Call

Members present: Commissioners Audrey Allan, Ralph Ewing, Loretta Sell, Michael Carlson, Mark Jones and Shannon Ceresola attended in person at the Lyon County Administrative Complex. Commissioner Connie Kuzmicki was not in attendance.

## 2. Pledge of Allegiance was led by Commissioner Carlson

Community Development Director, Louis Cariola, pulled agenda item 9.d.

## 3. Public Participation – None

## 4. Review and Adoption of the Agenda

Commissioner Ewing motioned to adopt the agenda as presented. Commissioner Jones seconded, the motion passed by unanimous vote (6 Ayes; 0 Abstentions; 1 Absent, Commissioner Kuzmicki)

## 5. For Possible Action:

**5.a. For Possible Action:** Election of Planning Commission Vice-Chair.

Commissioner Allan nominated Ralph Ewing for Planning Commission Vice-Chair.

Commissioner Jones seconded, the motion passed by majority vote (5 Ayes; Commissioners Allan, Jones, Carlson, Sell and Ceresola; 1 Abstention; Commissioner Ewing; 1 Absent; Commissioner Kuzmicki)

Public Comment- None

## 6. For Possible Action: Approval of Minutes

**6.a.** For Possible Action: To approve the minutes from the August 8, 2023 meeting.

There was conversation amongst the Commissioners regarding agenda item 8.c. The minutes reflect a motion but not a second or a vote on the agenda item.

Commissioner Jones motioned to continue the minutes from the August 8, 2023 meeting to the October 10, 2023 meeting with the noted corrections. Commissioner Sell seconded and the motion passed by unanimous vote (6 Ayes, 0 Nay; 0 Abstentions; 1 Absent, Commissioner Kuzmicki).

## 7. Presentation and Reading of Miscellaneous Correspondence –There were none.

## 8. Advisory Board Reports- There were none.

## 9. Public Hearing Items

**9.a.** For Possible Action: To forward a recommendation to the Board of Commissioners for a Conditional Use Permit request from NV Energy to construct and operate a Power Substation and Power Transmission Lines, 60kV or greater on portions of three parcels totaling 343.1 acres, located approximately 2,600 feet to the east of the intersection of US Route 95 and Sierra Way, in the HI-R (Heavy Industrial - Rural) and LI-R (Light Industrial - Rural) zoning districts in Mason Valley (APNs: 014-091-09, -10, -11) PLZ-2023-052.

Community Development Director, Louis Cariola, explained the submittal is incomplete at this time. Staff is waiting for the applicant to provide additional required documents in order to move forward. With the applicant's approval, Staff is requesting up to a ninety (90) day continuance of the application.

**Public Comment-** There was none

Commissioner Ewing motioned to grant the request for a continuance of up to ninety (90) days.

Commissioner Jones **seconded**, the motion passed by **unanimous** vote (6 Ayes; 0 Nay; 0 Abstentions, 1 Absent, Commissioner Kuzmicki).

**9.b.** For Possible Action: Request by Stan Lucas for Amendment to Approval Condition by removing Condition of Approval #22 of PLZ-19-0078, a Tentative Subdivision Map for 96 residential lots in Dayton, approved by the Board of Commissioners on February 6, 2020. The Condition requires attainment of either an easement off-site or execution of a Boundary Line Adjustment in order to provide area for construction of a roadway connection to a future "ring road" contemplated in the Master Plan (APN 016-403-27) PLZ-2023-050.

Community Development Director, Louis Cariola, explained the applicant's request is to amend one of the conditions of approval from a previously approved Tentative Subdivision Map. On February 6, 2020, the Board of Commissioners approved PLZ-2019-0078, the Estates at Sutro Tentative Subdivision Map (TSM). The TSM is for 96 single-family residential lots on a parcel approximately 48 acres in size. Condition of Approval # 22 required the applicant to obtain an easement from the property owner of a parcel located to the northeast of the subject parcel in order to provide connection to a non-existent roadway contemplated in the Master Plan as a "loop road". The off-site landowner is referred to as the "Sutro Tunnel Company" and the loop road is called "Rock Creek Parkway" in the Condition, which is copied below.

*22. The applicant shall have to secure either a sufficient access/open space easement across the adjoining Sutro Tunnel Company property (APN: 016-406-02) or complete a Boundary Line Adjustment between the two adjoining properties to incorporate the acreage into the Estates at Sutro project in order to allow for the construction of the road connection to Rock Creek Parkway and associated open space and parking improvements as shown on the application materials.*

The open space referred to in the condition is for future parking for access to Bureau of Land Management lands, which also borders the Estates at Sutro TSM.

The applicant requested that Condition of Approval # 22 from the approval be removed in order to prepare for the recording of a Final Map.

Staff agrees with the rationale offered by the applicants for removal of Condition of Approval #22, but is not prepared to make a recommendation of approval for the request. While the Planning Division makes recommendations for entitlements, land divisions, Code amendments and other Planning items, this Condition is associated with a hypothetical roadway approved as part of the 2020 Master Plan update. Master Plan documents are recognized by Nevada Revised Statutes as being under the authority of the Planning Commission with adoption of Master Plans occurring by the governing body (the Board of Commissioners in Lyon County).

Commissioner Ceresola asked if the 2020 Master Plan was adopted after the applicant's Tentative Subdivision Map was approved and if so, the standard should not apply to the applicant's project. Community Development Director, Louis Cariola, stated the standard was carried over from the 2010 Comprehensive Master Plan so the applicant is subject to the requirement.

There was conversation amongst the Commissioners about the County's inconsistency in requiring surrounding developments to connect to the roadway and/or abide by the mentioned standards.

The applicant's representative, Chris Baker with Manhard Consulting, went over the applicant's request. He explained if the condition were removed, it would not prohibit the future extension of the ring road alignment through the adjacent BLM or private property.

Commissioner Jones asked if the boulders at the end of various roads were placed there with the intent of keeping off-road vehicles from cutting through. Chris Baker responded that some were placed because the road does not connect to anything at this time and others were placed at the end of cul-de-sac that had no plans for future connection.

#### **Public Comment-**

Kameron Hawkins asked if the developer has the appropriate access and easements to create this development.

Community Development Director, Louis Cariola, explained all required easements and roadways were reviewed and approved in the tentative map approval process.

Commissioner Jones motioned to forward a recommendation of **approval** for the request by Stan Lucas for Amendment to Approval Condition by removing Condition of Approval #22 of PLZ-19-0078, a Tentative Subdivision Map, approved by the Board of Commissioners on February 6, 2020. The Condition requires attainment of either an easement off-site or execution of a Boundary Line Adjustment in order to provide area for construction of a roadway connection to a future "ring road" contemplated in the Master Plan (APN 016-403-27) PLZ-2023-050, based on the findings listed in the staff report.

**A.** Condition number 22 from PLZ-2019-0078 is not consistent with previous directions and approvals offered by Lyon County staff, the Planning Commission, and the Board of Commissioners for similar subdivisions that are also adjacent to the alignment of a loop road in the northern Dayton community per the 2020 Master Plan;

**B.** The proposed removal of Condition of Approval number 22 will not require substantial modifications to the existing approval for PLZ-2019-0078 and does not affect required roadway or utility connections; and

**C.** The feasibility of the loop road being constructed to the west of the contemplated connection from the Estates at Sutro is not likely or consistent with previous approvals.

Commissioner Sell **seconded**, the motion passed by **unanimous** vote (6 Ayes; 0 Nay; 0 Abstentions; 1 Absent, Commissioner Kuzmicki)

**9.c.** For Possible Action- CONTINUED FROM AUGUST 8, 2023-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 and addressed the Planning Commission's concerns and questions regarding pedestrian safety plan, parking concerns and confirmation that the proposed parking meets the Title 15 requirements based on the proposed use. The applicant submitted additional parking calculations and two additional parking plans per the request from the Planning Commission.

The applicant's representative, Karen Ross, thanked staff for their assistance and stated she had a short presentation prepared for the Planning Commission and is available for questions.

The Planning Commission stated a presentation was not necessary and they had no questions.

**Public Comment-**

Alexia Ross asked if the flight path over the property was addressed and if it meets FAA guidelines since it is near the Silver Springs Airport.

Community Development Director, Louis Cariola, responded the applicant will be required to file the 746 FAA form prior to the Certificate of Occupancy being issued to ensure they are meeting all FAA requirements.

Commissioner Sell motioned to forward a recommendation of **approval** 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, on APN 015-181-03 (PLZ-2023-040), based on the findings listed in the staff report and the following 5 conditions of approval:

1. No change in the terms and conditions of the Conditional Use Permit (CUP), as approved, shall be undertaken without first submitting the changes to Lyon County Community Development and having them modified in conformance with Lyon County Code.
2. The applicant shall comply with all Conditions of Approval outlined in the Administrative Design Review PLZ-2021-054 approved by the Community Development Director on August 10, 2022. The Signed ADR Letter is included as an attachment to this report.
3. All contractors doing any construction, modifications, or remodels must be licensed in the State of Nevada.
4. The applicant shall maintain a Lyon County business license for the use while occupying the site.
5. 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 two (2) years from the date of approval will result in the expiration of the conditional use permit approval.**

Commissioner Ewing seconded, the motion passed by **unanimous** vote (6 Ayes; 0 Nay; 0 Abstentions; 1 Absent, Commissioner Kuzmicki).

**9.d.** For Possible Action: Forward a recommendation to the Board of Commissioners for Lyon County's request of Code Amendments to Title 15, the County's land use and development code; to amend residential design standards, manufactured home standards, and affordable housing standards; Chapter 15.340.02; Chapter 15.351.03; Chapter 15.351.04; Chapter 15.351.05, and other matters pertaining thereto.

Community Development Director, Louis Cariola, had pulled agenda item 9.d. from the agenda earlier in the meeting. There was no action taken.

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

10. Public Participation-

County Manager, Andrew Haskin, informed the Planning Commission that he has requested the Board of Commissioners to allow him to create a separate Public Lands Board. He said he will keep the Planning Commission informed when that moves forward.

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, updated the Planning Commission on the Board actions at the September 7, 2023 meeting.

The Aspen Creek Zoning Map Amendment, PLZ-2023-041 and Tentative Subdivision Map application, PLZ-2023-042, were both approved by unanimous vote.

Commissioner Jones expressed concern with mixed use zoning districts. He requested an agenda item to go over standards for parking associated with gaming and adding a requirement for lodging with un-restricted gaming uses.

16. Public Participation- There was none

17. Adjournment

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

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Audrey Allan, Chairwoman

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Shannon Juntunen, Administrative Assistant