

LYON COUNTY PLANNING COMMISSION MEETING MINUTES

September 13, 2022

The September 13, 2022 meeting of the Lyon County Planning Commission was called to order by Commission Chairwoman, Tammy Hendrix, at approximately 9:00 a.m.

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 Commissioner's 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. Deputy District Attorney, Yuliya Davidzenka attended the meeting via Zoom.

2. Pledge of Allegiance – Led by Commissioner Kuzmicki

3. Public Participation – There was none.

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 August 9, 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 – There was none.

8. Public Hearing Items:

8.a For Possible Action – To forward a recommendation to the Board of County Commissioners for a Conditional Use Permit, request by Silver Springs-Stagecoach Hospital District, for an expansion (installation of commercial coaches for office space) of a nonconforming use (hospital) in the C-1 (Neighborhood Commercial) zoning district located at 3595 W. Highway 50, Silver Springs, NV (APN: 018-354-08) PLZ-2022-138.

Senior Planner, Louis Cariola, summarized the staff report. The applicant is requesting a Conditional Use Permit to allow for an expansion of a nonconforming use (hospital in a commercial zoning district) for the purpose of providing 1,440 square feet of additional office space. The proposed 60' X 24' commercial coach would be located southwest of the existing structures within the developed portion of the subject site, approximately one hundred feet (100') from the existing office building and ninety feet (90') from the existing medical and dental buildings. A 200 amp underground electrical connection would be extended from the existing office building to the commercial coach. A sewer connection and water connection would tie into existing municipal water and sewer services on-site. The existing Lahontan Medical Complex consists of a 7,094 sq. ft. medical building constructed in 1992 and a 1,980 sq. ft. office/clinic constructed in 2005. Both existing structures are located in the northern portion of the parcel

Staff is recommending approval based on the recommended findings and conditions of approval.

Public Participation - There was none

Commissioner **Sell motioned** to forward a recommendation of **approval** to the Board of County Commissioners for a Conditional Use Permit, request by Silver Springs-Stagecoach Hospital District, for an expansion (installation of commercial coaches for office space) of a nonconforming use (hospital) in the C-1 (Neighborhood Commercial) zoning district located at 3595 W. Highway 50, Silver Springs, NV (APN: 018-354-08) PLZ-2022-138. Based on the findings and the following 7 conditions of approval, as amended by mutual agreement;

1. The applicant shall comply with all applicable fire, building, zoning and improvement code requirements.
2. Any new exterior site and/or building lighting associated with the expansion of the nonconforming use shall have cut-off shields that direct the light down and restrict glare from adjacent properties and public rights-of-way.
3. The applicant shall comply with Lyon County's 2018 revised drainage guidelines.
4. The applicant shall acquire all State permits and obtain all necessary public inspections.
5. Any modification, expansion, intensification or material change in use or operation shall require an application for, and public hearings on a Conditional Use Permit amendment pursuant to Lyon County Code.
6. The applicant shall connect the new commercial coach to the Silver Springs GID sewer system. Connection fees shall be based upon a fixture count of the new facility.
7. The substantial failure to comply with any conditions imposed on the issuance of the Conditional Use Permit, the operation of the Conditional Use Permit in a manner that endangers the health, safety or welfare of Lyon County or its residents, the violation of ordinances, regulations or laws, **or failure to initiate the Conditional Use Permit within one year from the date of approval** will result in the institution of revocation proceedings.

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

8.b For Possible Action - To approve the request made by BDR Construction for a tentative parcel map to subdivide an existing ten acre (10.0 ac.) parcel into two (2) parcels (the smallest parcel would be approximately 5.0 acres) via the parcel map subdivision process located at 216 Lower Colony Road, Smith Valley, NV (APN: 010-291-47) PLZ-2022-134.

Senior Planner, Louis Cariola, summarized the staff report. The applicants propose to subdivide through the parcel map subdivision process to create two new parcels, each parcel being approximately 5.0 acres in size. The applicant's request is in compliance with the goals and policies of the Master Plan and the existing zoning designation.

Staff is recommending approval based on the recommended findings and conditions of approval.

Applicant's representative, Kate Cunningham, of R. O. Anderson, gave a brief overview of the applicant's request. She explained access to the additional parcel being created, topography of site, that both parcels will be served by well and septic and that proposed lot sizes are larger than surrounding parcels.

Commissioner **Keating** motioned to **approve** the request for a tentative parcel map to subdivide an existing ten acre (10.0 ac.) parcel into two (2) parcels (the smallest parcel would be approximately 5.0 acres) via the parcel map subdivision process located at 216 Lower Colony Road, Smith Valley, NV (APN: 010-291-47) PLZ-2022-134. Based on the findings listed in the Staff report and the following 17 conditions of approval;

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 the requirements of the Smith Valley Fire Protection District (SVFPD) including, but not limited to conformance with the 2018 editions of the International Fire Code (IFC) and International Wildland-Urban Interface Code (IWUIC) including the 2018 Northern Nevada Amendments to both the IFC and IWUIC as applicable to the satisfaction of the Smith Valley Fire Protection District.
11. The developer shall provide documentation of the relinquishment of water rights necessary to insure an adequate water supply for residential use of the newly created parcels to the satisfaction of the State Division of Water Resources (DWR) prior to recordation of the final parcel map.
12. As Lower Colony Rd is maintained by NDOT, any access connection will require approval of an NDOT Encroachment Permit prior to issuance of a building permit for either proposed parcel.
13. The final parcel map will include the use of a joint use driveway easement as shown on the tentative parcel map submission and previously approved per the Lauren and Mary Margaret Ward parcel map recorded on August 8, 2003 (Doc. No. 301742).
14. 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.
15. 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 Smith Valley Fire Protection District.
16. 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.
17. 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 **Allan seconded**, the motion passed by a unanimous vote (7 Ayes; 0 Nay; 0 Abstentions).

8.c. For Possible Action - To forward a recommendation to the Board of County Commissioners for the request for a Conditional Use Permit (CUP) requested by LINICO, to construct a battery pre-recycling Waste and Salvage Facility in Mound House at the current end of Industrial Parkway (APNs 016-111-06 and 016-111-07). The site will provide for temporary storage of batteries on palletized bundles prior to shipping to a recycling facility. (PLZ-2022-166).

Senior Planner, Louis Cariola, summarized the staff report. LINICO Corporation is requesting a Conditional Use Permit (CUP) to construct a battery pre-recycling *Waste and Salvage Facility* in Mound House. LINICO Corporation plans to store universal waste batteries at the Industrial Parkway site described above. This facility will store batteries for up to a year before transferring them to the LINICO Corporation Recycling Facility located at 2500 Peru Drive in McCarran, Nevada. The purpose of the new facility will be to properly receive and sort lithium-ion batteries prior to recycling. Material handling will be accomplished via palletization of the batteries prior to shipment to the Recycling Facility. The proposed use is consistent with the policies and goals of the master plan and zoning designation.

Staff is recommending approval based on the recommended findings and conditions of approval.

Corrado DeGasperis, CEO of LINICO Corporation, gave a presentation explaining the proposed use being to store batteries on site until which time they are ready and able to be transported to the recycling center. He explained, due to federal regulations, they must have separate sites for processing and storage. The batteries must be crushed/processed the same day they arrive on site therefore, the proposed site will simply be a staging/storage facility for those excess batteries that they are not able to transport and process the same day. He explained they only take universal waste and all batteries are inspected upon arrival to make sure they are all intact. If batteries are cracked or damaged they are classified as hazardous waste and will not be kept or stored onsite. The storage facility will be a 24 hour/ 7 days a week operation. The batteries are inspected hourly to ensure they are not damaged while being stored. In the event batteries become damaged they will be contained individually until disposed of properly. Mr. De Gasperis also explained future plans for the site and basic functions/process of the recycling facility.

Ken Dorr, applicants’ representative, spoke about impacts on surrounding parcels, visual screening, rights of way and main access.

Chris Peterson with LINICO Corporation explained the basic site plan, the various options they are considering to provide shade, and how the batteries will be stored and contained in the event there is a break.

The Commissioners' expressed concern about fire protection, having sufficient onsite monitoring, possible contamination of the wells and how the ground will be covered. They also had questions about the NDEP permitting process; if on site retention ponds will be lined; what they do with the water in the retention ponds; if a reclamation bond is currently required; and if the Roads Department is requiring the applicant to make improvements to the road.

Public Comment-

Philip Cowee, expressed concerns regarding the current quality of the existing road and access, fire concerns and response time in the event there was a fire and the amount of water onsite. He also suggested a reclamation bond to restore the site when it is no longer being used.

It was recommended that a condition of approval be added to require the applicant to work with staff towards an appropriate Reclamation Bond to be placed at the time of issuance of any site permitting.

Danny Coons expressed concerns about ground water contamination.

Laura Reyes, CEO United Mining, asked if the proposed storage site will be an enclosed facility.

Commissioner **Allan** motioned to forward a recommendation of approval for the request for a Conditional Use Permit (CUP) requested by LINICO, to construct a battery pre-recycling Waste and Salvage Facility in Mound House at the current end of Industrial Parkway (APNs 016-111-06 and 016-111-07) (PLZ-2022-166). Based on the findings listed in the staff report and the following 23 Conditions as amended by mutual agreement:

1. The Waste and Salvage facility 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, except for the required addition of bathroom facilities and a structure for security personnel, will require modification of this Conditional Use Permit or an additional Conditional Use Permit, and/or other approvals.
2. 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.
3. Any modification, expansion, intensification or material change in use or operation shall require an application for, and public hearings on an amendment to the Conditional Use Permit use pursuant to Lyon County Code.
4. The applicant shall comply with all state, federal and local government regulations to the satisfaction of the appropriate agencies for the proposed Waste and Salvage facility.
5. The applicant shall comply with all applicable Fire, building, zoning and improvement code requirements and obtain any necessary public inspections.
6. All construction documents and separate applications must be submitted to Lyon County Utilities, Central Lyon Fire Protection District and Lyon County Building for review and approval to obtain a Building Permit.
7. All contractors doing any construction, modifications, or remodel must be licensed in the State of Nevada.
8. The applicant shall maintain a Lyon County business license for the use while occupying the site.

9. No other business except that covered under this conditional use permit will be allowed on the property without prior consultation with Lyon County Community Development staff.
10. The applicant shall submit for review and approval by the Lyon County Community Development Department General Facility Plans described in the Conditional Use Permit application including a Security Plan, a Communication Plan, a Training Plan, and an Inspection Plan. The applicant shall present documentation that the Plans listed above have been submitted, reviewed and approved by Lyon County Community Development Department prior to issuance of a Certificate of Occupancy and Lyon County Business License.
11. The applicant shall install permanent bathroom facilities for employees of the business. Temporary bathrooms will only be permitted while permanent facilities are under construction and for no longer than one year from the issuance of the first permit associated with the project. Phase 2 of the proposed Waste and Salvage Facility may not be implemented until permanent bathroom facilities are in place.
12. The applicant shall install permanent shelter facilities for security personnel prior to issuance of a Certificate of Occupancy and Lyon County Business License. Security personnel shall be present on site 24 hours a day, every day.
13. The applicant shall provide satisfactory evidence of approval by the Nevada Division of Environmental Protection of individual sewage disposal system for the Waste and Salvage facility prior to issuance of a building permit through the Lyon County Building Department.
14. The applicant shall provide satisfactory evidence of approval by the Nevada Division of Water Resources, and any other appropriate State agency, of a well to provide potable water for the Waste and Salvage facility prior to issuance of a building permit through the Lyon County Building Department.
15. The applicant shall separately submit site development and construction plans to the Central Lyon County Fire Protection District for an independent review and approval prior to being issued a Building Permit or Site Improvement permit for the Facility.
16. The applicant shall be responsible for maintenance of Industrial Parkway from the end of pavement up to their facility, to include keeping a water truck on site to address dust control and the addition of aggregate materials as needed.
17. In accordance with the Lyon County Code, section 9.07A, *Wellhead Protection Program*, the applicant provided an analysis determining that portions of the subject parcels there are within the wellhead protection overlay district II of Lyon County Utilities production Well 8 and Well 9. The wellhead protection overlay district II is based on an estimated 20-year time-of-travel capture zone. These wells are inactive and the Mound House aquifer is not currently used as a public water system source. Prior to receiving a Site Improvement Permit, the applicant shall be required to enter into an agreement to have Well 8 and Well 9 abandoned in accordance with state law and to the satisfaction of the Utilities Director. The cost of abandonment shall be borne by the applicant.
18. The applicant shall construct earth/rock berms and barriers to limit the visual impacts to the V&T Railway riders. The applicant is granted no authority per this Conditional Use Permit to restrict the V&T Railway from continuing operations.
19. Exterior site and building lighting shall be installed as to eliminate any nuisance to adjoining properties. No unshaded light sources shall be permitted.
20. Existing non-permitted RV and mobile home units currently onsite shall be removed and prohibited in the future from re-establishing on the subject parcels.
21. The applicant shall comply with the Lyon County drainage guidelines (2018 edition) to the satisfaction of the County Engineer. The property owner shall be responsible for maintenance of all

roads, walks, parking areas and drainage facilities within the parcel, as well as the storm water detention facilities, if applicable, whether it is onsite or offsite.

22. The applicant shall work with the Community Development Director to determine the amount of an additional reclamation bond to be held by Lyon County for the purpose of restoring the site when the use authorized by this conditional use permit ceases. The bond shall be posted at the time of issuance of a site improvement permit or a grading permit.
23. 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 Keating **seconded**, the motion passed by a majority vote (5 Ayes, Commissioners Allan, Keating, Kuzmicki, Carlson and Hendrix; 2 Nay, Commissioners Sell and Cassinelli; 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 September 1, 2022 meeting.

At their regularly scheduled meeting held September 1, 2022 the following ordinance was proposed:

An Ordinance to amend Lyon County Code Title 15, the Lyon County land use and development code 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.

The following Planning item was approved by unanimous vote (4 Ayes, 0 Nay, 1 Absent; Commissioner Gray).

- 16.a.* For Possible Action: To approve the request made by Kscale LLC. for a Conditional Use Permit for an energy development to include both Geothermal and Solar Power Generating Systems as well as a research and development facility and modular data centers in Mason Valley (Wabuska) (APN 014-081-05) (PLZ-2022-169) 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)

The following Planning item was approved by unanimous vote (5 Ayes, 0 Nay, 0 Abstentions).

- 16.b.* For Possible Action: To approve the request made by Winston Solar FC. LLC/ Dan c. & Tara

L. Morose for a Conditional Use Permit to allow a photovoltaic (PV) solar power generating facility including an on-site substation and an on-site operations and maintenance building on a 1,712.50 acre 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 (Wabuska) (APN: 014-091-09) PLZ-2022-167.

16.c. For Possible Action: To approve the request made by Winston Solar FC. LLC/ Dan c. & Tara L. Morose for a Conditional Use Permit to allow a photovoltaic (PV) solar power generating facility including an on-site substation and an on-site operations and maintenance building on a 1,712.50 acre 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 (Wabuska) (APN: 014-091-09) PLZ-2022-167.

16.d. For Possible Action: To approve the request made by D&G Investments/Rex T. Nishimura Trust for a merger and re-subdivision/tentative parcel map to merge four parcels and re-subdivide into four (4) new parcels (the smallest parcel would be approximately 8,147 square feet) via the parcel map subdivision process to correct two illegal parcels created by deeds and encroachments from existing developments 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.

Community Development Director, Andrew Haskin, also gave a presentation on Moratoriums related to future development, to the Board of Commissioners which he will be presenting to the Planning Commission in October.

15. Public Participation- There was none

16. Adjournment

At approximately 10:41 a.m. it was unanimously motioned to adjourn.

Tammy Hendrix, Chairwoman

Shannon Juntunen, Administrative Assistant