

LYON COUNTY PLANNING COMMISSION MEETING MINUTES

October 10, 2023

The October 10, 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: County Manager, Andrew Haskin; Community Development Director, Louis Cariola; Senior Planners, Lisa Nash, Bill Roth; Planning Technician, Kerry Page; Administrative Assistant, Shannon Juntunen; and Deputy District Attorney, Illyssa Fogel, attended in person.

1. Roll Call

Members present: Commissioners Audrey Allan, Ralph Ewing, Loretta Sell, Michael Carlson, Connie Kuzmicki and Shannon Ceresola attended in person at the Lyon County Administrative Complex. Commissioner Jones attended via Zoom.

2. Pledge of Allegiance

was led by Commissioner Carlson

Community Development Director, Louis Cariola, pulled agenda items 8.a. and 8.c. Due to a clerical error on the agenda action cannot be taken on either of the agenda items. The applicant for agenda item 8.a. Robert Myers Trust requesting a division of large parcels map, did not agree to the item being continued to the November Planning Commission meeting, therefore the agenda item will be heard at the October 19, 2023, Board of Commissioner's meeting.

Agenda item 8.c. Dayton LLC, request for a tentative parcel map to divide a 173.16 acre parcel into four (4) parcels will be heard by the Planning Commission at the November 14, 2023, meeting.

Commissioner Jones stated he had several questions regarding agenda item 8.a. and expressed concern at the Advisory Board's and the Planning Commission's questions/concerns not being heard. Commissioner Jones noted the applicant and/or representative did not attend the Advisory Board meeting making it hard to have the full picture of the request. Commissioner Jones suggested making it mandatory for applicants to attend Advisory Board meetings.

Deputy District Attorney, Illyssa Fogel stated the County cannot make an applicant attend any meeting; however, staff does encourage applicant/representatives to attend those meetings.

Mr. Cariola also announced the retirement of Senior Planner Bill Roth, thanked him for his detailed work, and wished him well.

3. Public Participation – None

4. Review and Adoption of the Agenda

Commissioner Ewing motioned to adopt the agenda as amended. Commissioner Sell seconded, the motion passed by unanimous vote (7 Ayes; 0 Nay; 0 Absent)

5. For Possible Action: Approval of Minutes

5.a. For Possible Action: To approve the minutes from the August 8, 2023 and September 12, 2023 meeting.

Commissioner Sell motioned to approve the minutes of the **August 8, 2023**. Commissioner Ewing seconded; motion passed by majority vote (4 Ayes; 0 Nay; 3 Abstentions, Commissioners Kuzmicki, Ceresola and Carlson).

Commissioner Ceresola motioned to approve the minutes from the **September 12, 2023** meeting. Commissioner Carlson seconded; motion passed by majority vote (6 Ayes; 0 Nay; 1 Abstention,

Commissioner Kuzmicki).

Public Participation- None

6. Presentation and Reading of Miscellaneous Correspondence- There was none

7. Advisory Board Reports- There was none

8. Public Hearing Items

8.a. To forward a recommendation to the Board of Commissioners for a Division of Land Into Large Parcels request from Robert Myers Trust to divide a 163.41-acre parcel into four (4) parcels, the smallest being 40.81 acres, located on the west side of Hudson Aurora Road, southwest of the intersection of Hudson Aurora Road and Windmill Road Spur H in Smith Valley (APN: 010-721-02) PLZ-2023-057.

Community Development Director, Louis Cariola, pulled the agenda item due to a clerical error. There was no action taken on the agenda item.

At the request of the applicant this item will go directly to the Board of Commissioners at their meeting dated October 19, 2023.

Public Comment- There was none

8.b. For Possible Action: To approve a Tentative Parcel Map request from Thomas A. and Rebecca S. Combs to divide a 40.02-acre parcel (39.18-acres currently, subject to a pending Boundary Line Adjustment) into two (2) parcels, the smallest being 20 acres, located on the east side of Iron Mountain Boulevard, approximately 0.6 miles to the north of the intersection of Iron Mountain Boulevard and Shawnee Road at 5760 Iron Mountain Boulevard in Stagecoach (APN: 015-331-13) PLZ-2023-063.

Senior Planner, Bill Roth, presented the staff report. The applicant is requesting a Tentative Parcel Map to subdivide an approximately 40.02 acre parcel into two (2) parcels. A pending Boundary Line Adjustment would enlarge the subject parcel from 39.18 acres to 40.02-acres, allowing for its final subdivision into two proposed parcels that would each be greater than twenty-acres in area. The applicant's request is in conformance with the goals and policies of the Master Plan and Zoning standards. Staff is recommending approval.

There were questions from the commissioners regarding the pending boundary line adjustment, water rights and the acreage of the remaining parcel. Senior Planner, Bill Roth said the boundary line adjustment will need to be recorded and water right requirements will need to be fulfilled before the final parcel map can be recorded. Mr. Roth went on to say both parcels will be 20.004-20.016 +/- acres.

Public Comment- There was none

Commissioner Sell motioned to **APPROVE** the request for a Tentative Parcel Map to divide a 40.02-acre parcel (39.18-acres currently, subject to a pending Boundary Line Adjustment) into two (2) parcels, the smallest being 20 acres, located at 5760 Iron Mountain Boulevard, Stagecoach (APN: 015-331-13), 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. Any future development will require connection to the public right-of-way and an encroachment permit from the Lyon County Roads Department will be required.
3. 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.

4. 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.
5. 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.
6. 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.
7. The developer shall pay the required recording fees at time of final parcel map recordation.
8. 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.
9. The developer shall comply with Lyon County's storm drainage guidelines (revised September 2018).
10. The developer shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 of the Lyon County Code.
11. The developer shall comply with the requirements of the Central Lyon Fire Protection District (CLFPD) 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 CLFPD.
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 Central Lyon Fire Protection District.
14. 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.
15. Prior to the recordation of a Final Map, the applicant shall relinquish appropriate water rights to the State of Nevada. Pursuant to NRS 534.120(e), lots within Lyon County are required to dedicate 2.0 acre-feet for each lot created.

16. Prior to the submittal of an application for a Final Map, the applicant shall obtain approval of a Boundary Line Adjustment that ensures that the subject parcel (Parcel 3 as shown in Parcel Map #269845) is a minimum forty-acre parcel prior to final subdivision into two new parcels of a minimum twenty-acres or more, in accordance with the minimum lot size requirements of the RR-20 zoning district.
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 Ceresola seconded; the motion passed by **majority** vote (6 Ayes; 0 Nay; 1 Recusal Commissioner Jones)

9.c. To approve a Tentative Parcel Map request from Dayton Partners No. 1 LLC to divide a 173.16-acre parcel into four (4) parcels, the smallest being 15.97 acres; located on the south side of Dayton Valley Road, approximately 400 feet to the east of the intersection of Dayton Valley Road and Palmer Drive in Dayton (APN: 016-361-71) PLZ-2023-054.

Community Development Director, Louis Cariola, pulled the agenda item. Due to a clerical error, **no action was taken**. The applicant had previously requested a continuance. The agenda item will be heard at the November 14, 2023 Planning Commission meeting.

9.d. For Possible Action: To 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.

Request for Lyon County Code Amendments for Title 15 in the following chapters:

- 340.02 - **RESIDENTIAL DEVELOPMENT DESIGN STANDARDS**
- 351.03 - **15.351.03 WHERE PERMITTED (Manufactured Homes)**
- 351.04 - **15.351.04 STANDARDS FOR MANUFACTURED HOMES AND MANUFACTURED HOUSING**
- 351.05 - **HARDSHIP EXCEPTION FOR MANUFACTURED HOMES USED AS AN ACCESSORY DWELLING**

THESE PROPOSED AMENDMENTS TO TITLE 15 SEEK TO:

- Address required Code Amendments due to NV Legislature-approved Bills.
- Maintain the Character of residential neighborhoods.
- Provide quality housing stock for coming decades.
- Utilize best building practices for new housing stock.
- Ensure adequate housing sizes to reduce potential Code Enforcement issues.
- Provide means for Affordable Housing to be incorporated into new housing stock.

Community Development Director, Louis Cariola, explained the requested amendment to Title 15, chapter 15.340 *Residential Design Standards*, describes types of subdivisions and housing types, but does not include detailed architectural standards. The County seeks to incorporate architectural and construction standards that are consistent with the International Residential Code (IRC) and best building practices.

Additionally, the 82nd session of the Nevada Legislature adopted Senate Bill 40 in 2023, which changed the minimum size of a manufactured home from 1,200 square feet (sf) to 400 sf, modifying a size minimum that has been in NV State law since 1999. The County seeks to carry forward the 1,200 sf minimum standard for all new single family residential structures in order to preserve the best characteristics of existing development and ensure quality housing stock for future generations.

One of the benefits of maintaining a minimum size for residential structures is the availability of storage space for residents. Smaller dwellings can sometimes not provide enough storage space for personal property.

The proposed amendments also include mechanisms to introduce new “affordable housing” stock via new residential structures that are constructed in accordance with IRC, but beneath the 1,200 sf minimum. These units would not be subject to the same residential design standards, but a Deed Restriction would be recorded to hold the properties subject to Nevada Revised Statutes provisions for Affordable Housing for a period of 25 years.

Exceptions to the standards would not only include affordable housing units. Title 15 currently includes special allowances for farm-labor housing, watchman’s quarters, entitled mobile home parks, and “hardship exceptions”. These situations also warrant exceptions from the proposed standards and are not suggested for removal from Title 15.

CODE SUMMARY – PROPOSED AMENDMENTS

Chapter 15.340.02 RESIDENTIAL DEVELOPMENT DESIGN STANDARDS

- Minimum square footage – 1,200 sf
- Roof materials - metal, asphalt, composition, or concrete, fiberglass cement, clay, or slate tiles
- Exterior materials - wood, hardwood, brick, concrete, stucco, glass, tile, vinyl lap, or stone
- Architectural Features (at least 3) - dormers; more than two gables; recessed entries; covered porch/entry; bay window or alcove; building off-set; roof overhang at the eaves of at least 18 inches or more with enclosed soffits; roof pitch of a least 6:12; a deck with railing or planters and benches; or other compensating features
- Exceptions to standards - farm-labor housing, watchman’s quarters, entitled mobile home parks, and “hardship exceptions”
- Existing homes will not be subject to new regulations

CHAPTER 15.351.03 WHERE PERMITTED (manufactured homes)

- Continue to be allowed anywhere single family residential uses are permitted
- Must meet CC&R and Historic District regulations
- Not limited to watchman’s quarters (no change to current standards)
- Not permitted as Accessory Dwelling Units (no change to current standards)

CHAPTER 15.351.04 STANDARDS FOR MANUFACTURED HOMES AND MANUFACTURED HOUSING

- Must comply with new residential design standards
- Existing homes will not be subject to new regulations

- Reviewed as single family residential structures by the Building Department (no change)

15.351.05: HARDSHIP EXCEPTION FOR MANUFACTURED HOME USED AS AN ACCESSORY DWELLING:

- Only permitted in circumstance wherein a family member or confirmed ward requires special accommodations
- Must be approved by Community Development Director
- Not permanent and must be removed once unique circumstances are no longer present

There were questions from the Commissioners regarding Manufactured Homes ability to conform to the residential design standards such as the roof pitch, eaves, recessed entries, siding etc. Community Development Director, Louis Cariola stated they are only required to meet three (3) of the listed design criteria, not all. The Commissioners went on to ask about Farm Labor Housing and Hardship exemptions. Mr. Cariola told the Commission there are no proposed changes regarding Farm Labor Housing or Hardship exemptions. Both are intended to be temporary uses and cannot be put on permanent foundations. There were questions from the Commissioners regarding water rights when on a well, sewer/septic with Farm Labor Housing and Hardship. Mr. Cariola explained the State Division of Water Resources controls water and has the say whether a parcel has sufficient water rights to serve another dwelling or if the property owner needs to purchase additional water rights. If on septic, the septic has to be large enough to serve the additional dwelling or an additional septic has to be installed. There was further conversation amongst the Commissioners regarding affordable housing, how the proposed ordinance could affect the cost of homes and the need for affordable housing in Lyon County due to a lower median income. There was also a question about the use of Tiny Homes. Mr. Cariola said he will be bringing an ordinance forward that addresses Tiny Homes at the November meeting.

County Manager, Andrew Haskin, noted the proposed ordinance does not change the current size requirement for Manufactured Homes, just stick built. This ordinance would require all single-family residences to be a minimum of 1,200 sq. ft. Mr. Haskin said the Board of Commissioners were given the options passed by legislature for the use of Tiny Homes. The Board directed staff to allow them as accessory dwellings.

Public Comment-

Darlyn Kotzenburg asked for clarification on the minimum square footage for a stick built home.

Don Smit, with Project One, said the proposed ordinance to amend the development standards and minimum size requirement for all single family dwellings will affect at least one of their future projects which has already been approved for 9,000 sq. ft. lots. Having a minimum of 1,200 sq. ft. will make it difficult to utilize these lots the way they intended. The idea is to have smaller lots and smaller homes to keep cost down. He went on to say they have several projects in Carson consisting of 900 sq. ft. homes that are popular with not only young, single people but busy professionals and older people that don't want or need as much space. Keeping size down, keeps cost down allowing individuals that may not otherwise qualify, to get into housing. Mr. Smit encouraged the Planning Commission to table the item so staff can work with the development community to come to an agreement on the proposed ordinance.

Vida Keller, said she feels the minimum sq. ft. needs to be reconsidered in certain circumstances such as smaller lots. She went on to say there should not be any exceptions regarding design standards as they are set to ensure the health and safety of the public.

Susan Panksy, with Project One, spoke about the architecture requirements such as dormers, gables, recessed entries, being very restrictive for applicants that may want a more modern/industrial design. She feels the commission should consider the current economy and how the minimum sq. ft. of 1,200 will affect obtainable/affordable housing in Lyon County.

Frank Bouchard, with Clayton Homes, said the new standards are going to increase cost taking away from affordability. He suggested bringing back trailer overlay areas where the standards are not as stringent for Manufactured Homes.

County Manager, Andrew Haskin, said the ordinance requires applicants to use three (3) of the listed design standards not all of them. Many of the listed options are not a large addition to cost. The 1,200 sq. ft. requirement has been the standard for Manufactured Homes in the State for the past 20 years, the County is simply making the standard the same for all single family dwellings. He encouraged the Commission to look at what is gained by allowing smaller homes. Less tax revenue, more residences, requiring more services, spread over a larger area.

Commissioner Allan acknowledged the public comment and concern for affordable housing. Sshe suggested continuing the item to hear at the same time as the Tiny Home ordinance.

Commissioner Sell noted the Development Agreement mentioned in the ordinance would allow for smaller homes and help fill the need for affordable homes.

Commissioner Ceresola said by reducing the minimum required sq. ft., smaller manufactured homes would be allowed, putting a burden on surrounding property owners building stick built homes, lowering property values. She stated both manufactured homes and stick built should have the same design standards.

Commissioner Sell motioned to forward a **recommendation of approval** for the request for 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.

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

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's actions at their October 5, 2023 meeting.

The Conditional Use Permit for DG Locust Grove Circle K, LLC (PLZ-2023-040) to allow the Non-restricted gaming in the EMU (Employment Mixed Use) zoning district was approved.

Mr. Cariola said he would bring forward the Tiny Home Ordinance at the November 14, 2023 meeting.

16. Public Participation- There was none

17. Adjournment

At approximately 10:43 a.m. it was unanimously motioned to adjourn.

Audrey Allan, Chairwoman

Shannon Juntunen, Administrative Assistant