

The Honorable Board of Lyon County Commissioners met this day, Thursday, November 03, 2022, at 9:02 a.m. in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGTON, NV 89447.

1. Roll Call

Present: Vida Keller, Ken Gray, Wes Henderson, Robert Jacobson, and Dave Hockaday

Staff: District Attorney Steve Rye and Interim County Manager Andrew Haskin

2. Invocation given by Irene Albritton of First Christian Church

Irene Albritton gave the invocation.

3. Pledge of Allegiance

4. Public Participation

There was none.

5. For Possible Action: Review and adoption of agenda

Comm. Gray moved to approve the agenda, Comm. Hockaday seconded, and there was no public participation, the motion passed 5-0.

6. Time Certain

6.a. Time Certain at 10:00 A.M.: For Presentation Only: Matt Martensen with the Silver Springs Mutual Water Company to give an update and presentation of the valve project with the Community Development Block Grant funding.

CDBG Grant Administrator Erin Lopez gave an introduction of the grant awarded to Silver Springs Mutual Water Company and Matt Martensen will give an update of progress.

Matt Martensen with the Silver Springs Mutual Water Company gave an update and presentation of the valve project with the Community Development Block Grant funding.

6.b Time Certain at 10:00 A.M.: For Possible Action: Public Hearing for Community Development Block Grant (CDBG) application presentations and to approve submittal of applications to the State.

CDBG Grant Administrator Erin Lopez gave report of the five applications that were submitted; only two were approved to move forward from eligibility. The grant applications moving forward are Housing Needs Assessment Plan, & Mound House Community Center.

Human Services Director Shayla Holmes gave a presentation of the need for the housing needs assessment and it prepares them for the legislative changes coming.

Andrew Haskin gave a report of the requested amount of \$200,000 for the remodel expenses for the Mound House Community Center.

Comm. Henderson moved to approve the Housing Needs Assessment Plan, & Mound House Community Center applications to be submitted for the Community Development Block Grant program.

Comm. Jacobson seconded.

Comm. Keller asked for public participation, there was none, and the motion passed 4-0. Comm. Gray was absent for the item.

7. Presentation of awards and/or recognition of accomplishments

7.a. For Presentation Only: Recognize Kaleigh Christensen, for her outstanding service delivery of Differential Response and Family Support Services and dedication to enhancing the lives of Lyon County families.

Human Services Director Shayla Holmes recognized Kaleigh Christensen and reviewed her dedicated services and tasks in her position.

8. Commissioners/County Manager reports

Comm. Jacobson reported he spoke at JABS and gave an overview of the program. He and his spouse donated time at the food bank and requested the community to help.

Comm. Hockaday reported the Smith Valley Advisory Board Chair Tom Renner isn't well and gave him his support.

Comm. Henderson reminded the public to vote.

Comm. Gray commented Nevada Day had great attendance. The meeting went well for the development presentation in Dayton regarding the community. He asked the community to go out and vote.

Comm. Keller announced today at 10:00 a.m. Adam Laxalt will be visiting Yerington.

Interim County Manager Andrew Haskin reported the Solid Waste RFP is available and on the website. He commented to the presentations he is working on. The new Senior Planner is starting next Monday and the Emergency Manager position will be scheduled for interviews shortly.

9. Elected Official's reports

9.a. For Report Only: Dayton Justice Court - CRIMINAL AND CIVIL STATISTICS

9.b. For Report Only: Canal Township Justice Court - September 2022 Stats

Sheriff Frank Hunewill gave a report of the positive response with the trick or treating events. He thanked the businesses that donated candy. Shop with a cop is coming up and they are working on their fundraising. The Academy will have several graduating. He thanked his staff for all they do.

10. Appointed Official's reports

Comptroller Josh Foli gave an update for a projected decrease in consolidated tax. He and the Commissioners discussed current and future budgeting.

11. Advisory Board reports

There was none given.

CONSENT AGENDA - (Action Will be Taken on All Items)

Comm. Jacobson moved to approve the consent agenda items #12-16.b.

Comm. Henderson seconded.

Comm. Keller asked for public participation, there was none, and the motion passed 5-0.

12. Assessor's Corrections

12.a. For Possible Action: Approval of changes on Assessor's tax roll due to correction in assessments and review of tax roll changes.

Secured Property Corrections totaled \$4,645.72 and Unsecured Factual Corrections totaled \$1,255.86.

13. For Possible Action: Approve County Commission Minutes

13.a. For Possible Action: Approve the October 20, 2022 minutes. - October 20, 2022 Minutes

The October 20, 2022 minutes were approved.

14. Contracts

14.a. For Possible Action: Approve MOU between the City of Fernley and Lyon County for services and Addendum C to the MOU related to reciprocal use of Force Reviews between the Fernley Municipal Court Marshal and Juvenile Probation.

14.b. For Possible Action: Approve MOU Interlocal Agreement between the City of Fernley and Lyon County for services and Addendum B to the MOU related to the personnel support and the means to transport defendants.

15. Grants

15.a. For Possible Action: Accept grant award from Nevada Department of Health and Human Services, Division of Child & Family Services for FY2023, in the amount of \$46,000.00, with county match of \$15,333.00, for the Title IV-B, Subpart 1, for the Family Support Program.

16. Other Consent Items

16.a. For Possible Action: Review and accept claims and financial reports.
- Claims Report 10-1-22 to 10-15-22
- Cash Report 10-15-22

The cash balance as of October 15, 2022, was \$106,890,047.80. County claims totaled \$1,512,669.60 and payroll totaled \$1,459,948.78.

16.b. For Possible Action: Review and accept travel claims.
- Travel Report 10-1-22 to 10-15-22

Travel claims totaled \$9566.72 as of October 15, 2022.

****END OF CONSENT AGENDA****

PUBLIC HEARING ON PLANNING ITEMS - (ACTION WILL BE TAKEN ON ALL ITEMS)

17. Planning

17.a. For Possible Action: To approve the request from Sierra Range Consultants for a Conditional Use Permit for an Outdoor Shooting Range and Accessory Uses including an 18,000 square foot building and Sporting Clay/Archery Ranges, generally located two (2) miles south of US Highway 50 and accessed by Micro Avenue in Stagecoach, on three (3) parcels with a total area of approximately 392.47 acres (APNs: 015-521-17, 015-521-25, 015-521-26) PLZ-2022-175.

Senior Planner Louis Cariola reviewed Sierra Range Consultants are requesting a Conditional Use Permit (CUP) for an Outdoor Shooting Range and Accessory Uses including an 18,000 square foot building and Sporting Clay/Archery Ranges. The applicant's primary project includes an Outdoor Shooting Range, a "live fire shoot house" for tactical trainings for law enforcement, and an 18,000 square foot accessory building which is proposed to include an office, restrooms, a pro-shop, a lounge, classrooms, and a vault for secure firearms storage. A secondary component, to be designed later, would potentially add sporting clays and archery ranges to the project. At the October 11, 2022 Planning Commission meeting, the Commission voted 6-1 to recommend approval. Planning Commission concerns and questions focused on the potential sound impacts and the "safety fan" associated with the gun range use.

Sierra Range Consultants representative Martin Harsin gave a presentation of the building and the positive feedback. It will be open to the public for use.

Kenneth Copper gave an overview of the public use of the facility.

Comm. Gray moved to approve the request from Sierra Range Consultants for a Conditional Use Permit for an Outdoor Shooting Range and Accessory Uses including an 18,000 square foot building and Sporting Clay/Archery Ranges, generally located two (2) miles south of US Highway 50 and accessed by Micro Avenue in Stagecoach, on three (3) parcels with a total area of approximately 392.47 acres (APNs: 015-521-17, 015-521-25, 015-521-26) PLZ-2022-175, based on the findings in the staff report and subject to the following 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 applicable Fire, building, zoning and improvement code requirements and obtain any necessary public inspections.
3. The County shall receive confirmation of noise studies conducted by the applicant within the constructed gun ranges that demonstrate that during the Daytime, the limit shall be seventy-five (75) dBA, and during the Nighttime, the limit shall be seventy (70) dBA, prior to receiving a business license for the project.
4. The 18,000 square foot Accessory Building and other Accessory uses such as the "gun vault" and the "shoot house" as proposed by the applicant will require approval of an Administrative Design Review before grading or building permits may be issued.
5. The section of Micro Avenue within Lyon County's jurisdiction shall be improved to the County's Gravel Road Standard. The approximately 2,500' length is part of a non-maintained County roadway and will not be accepted for dedication and maintenance by the County as a result of this CUP.

6. The “mile-long” gun range considered in the applicant’s Project Description is not approved by this entitlement and will require amendment to this Conditional Use Permit, in accordance with Chapter 15.12.04 of Lyon County Code.
7. The hours of operation for the gun ranges is 8 am to 6 pm, 7 days a week. A change in hours will require amendment to this Conditional Use Permit, in accordance with Chapter 15.12.04 of Lyon County Code.
8. All construction documents and separate applications must be submitted to the Central Lyon County Fire Protection District and the Lyon County Building Department for review and approval to obtain a Building Permit.
9. All contractors doing any construction, modifications, or remodels must be licensed in the State of Nevada.
10. The applicant shall maintain a Lyon County business license for the use while occupying the site.
11. The applicant shall attain approval from the Nevada Division of Water Resources and the Nevada Division of Environmental Protection for a well to provide water for the project.
12. 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 from the issuance of a Grading Permit for the project.
13. 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.
14. Any exterior signage will require a separate building permit, through the Lyon County Building Department.
15. 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.

Comm. Jacobson seconded.

Comm. Keller asked for public participation.

Public Participation:

Mandy Brinand is in support of the item and their plan to address the sound.

The motion passed 5-0.

17.b. For Possible Action: To approve the request from Granite Construction for a Conditional Use Permit to expand the footprint of an existing sand extraction and screening operation that crosses the Washoe County line in north Lyon County, generally located north of Fernley in Wadsworth, approximately 0.15 miles east of NV Route 427, on three (3) parcels with a total area of approximately 71.83 acres (APNs: 021-571-10, 021-571-11, 021-571-12) PLZ-2022-177.

Senior Planner Louis Cariola reviewed Granite Construction is requesting a Conditional Use Permit (CUP) to expand the footprint of a sand extraction and screening operation that crosses the Washoe County line in north Lyon County, located on APNs 021-571-10, 021- 571-11, and 021-571-12 in Wadsworth. The site is already the subject of a Special Use Permit from both Lyon County and Washoe County for sand extraction. (PLZ-2022-177). At the October 11, 2022 Planning Commission meeting, the Commission voted 7-0 to recommend approval.

Comm. Henderson moved to approve the request from Granite Construction for a Conditional Use Permit to expand the footprint of an existing sand extraction and screening operation that crosses the Washoe County line in north Lyon County, generally located north of Fernley in Wadsworth, approximately 0.15 miles east of NV Route 427, on three (3) parcels with a total area of approximately 71.83 acres (APNs: 021-571-10, 021-571-11, 021-571-12) PLZ-2022-177, based on the findings in the staff report and subject to the following conditions of approval:

1. The sand extraction operation shall progress in accordance with the conceptual site plan submitted and reviewed as a part of this application. Any further additional expansion of the sand extraction operation will require modification of this Conditional Use Permit or an additional Conditional Use Permit, and/or other approvals. No change in the terms and conditions of the Permit, as approved, shall be undertaken without first submitting the changes to Lyon County and having them modified in conformance with Lyon County Code.
2. The Conditions of Approval for PLZ 18-036, the original Lyon County Special Use Permit for the existing operation, approved in 2018, remain in effect as applicable.

3. The applicant shall comply with all county, state, federal rules and special district rules and regulations necessary for the operation of the aggregate pit and its accessory uses as well as obtain all of the necessary public inspections.
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 North Lyon County Fire Protection District requirements. The site's access and circulation in and around any structures, storage areas and parking areas shall comply with the County and Central Lyon County Fire Protection District access and turning radius standards.
6. The applicant shall secure and maintain a Lyon County business license for the use while occupying the site.
7. No other business except that covered under this Permit will be allowed on the property without prior consultation with Community Development staff.
8. The applicant shall provide evidence of the existing approval of the Nevada Department of Environmental Protection air quality permit.
9. The applicant shall provide evidence that the improvements required by the Nevada Department of Transportation (NDOT) to the existing Hill Ranch Road access onto State Route 427 associated with PLZ-2022-177 will be constructed. Evidence shall consist of documentation from NDOT confirming the construction schedule within one calendar year from the approval of this Conditional Use Permit.
10. The applicant shall comply with the Lyon County drainage guidelines as amended in 2018. The property owner shall be responsible for maintenance of all roads, walks, parking areas and drainage facilities within the parcels, as well as the storm water detention facilities, if applicable, whether it is onsite or offsite. Lyon County shall have no financial responsibility for maintenance of these facilities.
11. The hours of operation shall be limited to 6 am to 6 pm for deliveries, shipping, and sorting. Security monitoring shall occur 24 hours a day.
12. No signage is approved as a part of this Permit.
13. No additional outdoor lighting is authorized per this Permit.

Comm. Gray seconded.

Comm. Keller asked for public participation, there was none, and the motion passed 5-0.

17.c. For Possible Action: To approve a Zoning Map Amendment request from Arryn, Inc. on a 3.29-acre parcel generally located approximately 400 feet north of the US Highway 95A/5th Avenue intersection (6850 S. US Hwy 95A) in Silver Springs from C-1 (Limited Commercial District) to HMU-R (Highway Mixed Use) (APN: 017-133-11) PLZ-2022-182.

Senior Planner Louis Cariola reviewed the property owner has submitted a Zoning Map Amendment application to convert the existing zoning on a 3.29 acre parcel from C-1 (Neighborhood Commercial) to HMU-R (Highway Mixed Use – Rural). At the October 11, 2022 Planning Commission meeting, the Commission voted 7-0 to recommend approval.

Representative Ken Brown presented the application. He reviewed the property location and the application to convert the existing zoning on a 3.29 acre parcel from C-1 (Neighborhood Commercial) to HMU-R (Highway Mixed Use – Rural). He gave an overview of the findings.

Comm. Keller gave her concern with the language in staff report. Lyon County does not give access from the highway. Louis Cariola agreed with her concern of the language. She asked if the applicant understood the access is not granted from the County. Ken Brown agreed it is with NDOT and the applicant.

Comm. Gray moved to approve a Zoning Map Amendment request from Arryn, Inc. on a 3.29-acre parcel generally located approximately 400 feet north of the US Highway 95A/5th Avenue intersection (6850 S. US Hwy 95A) in Silver Springs from C-1 (Limited Commercial District) to HMU-R (Highway Mixed Use) (APN: 017-133-11) PLZ-2022-182, 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.

Comm. Jacobson seconded.

Comm. Keller asked for public participation, there was none, and the motion passed 5-0.

17.d. For Possible Action: To approve a Zoning Map Amendment request from 303050 LLC and Bowers USA LLC on five (5) parcels with a total size of 13.75 acres, generally located north west of the intersection of US Highway 50 and US Highway 439 with access from

Bowers Avenue and Opal Avenue in Silver Springs, from RR-3 (Third Rural Residential District – 5 acre minimum) and M1 (General Industrial District) to SI (Service Industrial) (APNs: 018-371-14, 018-371-20, 018-371-21, 018-371-22, 018-371-23) PLZ-2022-183.

Senior Planner Louis Cariola reviewed 303050 LLC requests a zoning map amendment to change the current zoning At the October 11, 2022 Planning Commission meeting, the Commission voted 7-0 to recommend approval to the Board of Commissioners of the requested Zoning Map amendments.

Representative Ken Brown presented the application. He reviewed the property location and requests a zoning map amendment to change the current zoning on five (5) subject parcels, totaling 13.75 acres in size, from RR-3T (Third Rural Residential District – 5 acre minimum with Trailer Overlay) and M-1 (General Industrial District) to SI (Service Industrial).

Comm. Hockaday moved to approve a Zoning Map Amendment request from 303050 LLC and Bowers USA LLC on five (5) parcels with a total size of 13.75 acres, generally located north west of the intersection of US Highway 50 and US Highway 439 with access from Bowers Avenue and Opal Avenue in Silver Springs, from RR-3 (Third Rural Residential District – 5 acre minimum) and M1 (General Industrial District) to SI (Service Industrial) (APNs: 018-371-14, 018-371-20, 018-371-21, 018-371-22, 018-371-23) PLZ-2022-183, 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.

Comm. Henderson seconded.

Comm. Keller asked for public participation, there was none, and the motion passed 5-0.

17.e. For Possible Action: To approve a Zoning Map Amendment request from Arup on four (4) parcels with a total size of approximately 243 acres, generally located north of US Highway 50, one mile west of the intersection of US Highway 50 and US Highway 95A from RR-5 (Fifth Rural Residential District – 20 acre minimum) and C-1 (Limited Commercial District) to SI (Service Industrial) (APNs: 015-141-05, 015-141-06, 015-141-07, 015-141-12) PLZ-2022-184.

Senior Planner Louis Cariola introduced the request for a zoning map amendment to change the current zoning on four parcels from Arup. At the October 11, 2022 Planning Commission meeting, the Commission voted 7-0 to recommend approval to the Board of Commissioners of the requested Conditional Use Permit.

Wood Rodgers representative Stacie Huggins reviewed Arup's request for a zoning map amendment to change the current zoning on four (4) subject parcels, totaling 243.09 acres in size, from RR-5 (Fifth Rural Residential District – 20 acre minimum) and C-1 (Limited Commercial District) to SI (Service Industrial) to be consistent with the Master Plan land use designation of Employment.

Comm. Jacobson moved to approve a Zoning Map Amendment request from Arup on four (4) parcels with a total size of approximately 243 acres, generally located north of US Highway 50, one mile west of the intersection of US Highway 50 and US Highway 95A from RR-5 (Fifth Rural Residential District – 20 acre minimum) and C-1 (Limited Commercial District) to SI (Service Industrial) (APNs: 015-141-05, 015-141-06, 015-141-07, 015-141-12) PLZ-2022-184, 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.

Comm. Henderson seconded.

Comm. Keller asked for public participation, there was none, and the motion passed 5-0.

****END OF PLANNING APPLICATIONS****

REGULAR AGENDA - (Action will be taken on all items unless otherwise noted)

18. County Manager

18.a. For Possible Action: To review and set the qualifications, duties, and salary of the Public Health Officer, and to discuss and provide direction to staff on whether to advertise for the position of Public Health Officer (Requested by Commissioner Keller)

Andrew Haskin reported County Code outlines the compensation, duties and responsibilities of the Public Health Officer. If the board wanted to change the duties it would need to be done by code. He asked for direction from the board.

Comm. Hockaday agreed the language should be updated with the term so it's not misunderstood. The compensation should be updated.

Comm. Keller suggested the rate should be set and a not to exceed amount, and to possibly go out for bid. Another avenue is to partnership with another county with Quad County.

Comm. Jacobson suggested approving the \$250 an hour to Dr. Titus and not going out to bid.

Comm. Henderson stated compensation could be \$750 -1,000 per month and to award Dr. Titus.

Comm. Gray agreed to update the ordinance language and to compensate Dr. Titus accordingly. The contract can be reviewed in the next 2 years moving forward.

Comm. Gray moved to extend Dr. Titus's contract for two years at her requested rate, with a stipulation that County staff immediately begin working on bringing back the ordinance for changes and approval.

Comm. Hockaday seconded.

Josh Foli requested to include in the motion a transfer of \$5,000 from contingency funds.

Comm. Gray asked Dr. Titus her preference in compensation, would she prefer hourly or a monthly stipend.

Public Health Officer Dr. Robin Titus gave a report of the possible changes with Quad County and health district. She preferred a reasonable salary of \$1,000 monthly to hourly compensation.

Josh Foli reviewed the budget for the Health Officer and as stated with the monthly salary, a contingency transfer of \$4,800 would be required.

Comm. Gray amended his motion to include a salary of \$1,000 a month with a contingency of \$4,800 to augment the rest of the year.

Comm. Hockaday second stands.

Comm. Keller asked for public participation, there was none, and the motion passed 5-0.

19. Comptroller

19.a. For Possible Action: Approve a modified subrecipient agreement for \$129,200 with the Boys and Girls Club of Mason Valley whereby Lyon County provides funding towards the E.L. Wiegand Early Learning Center and its operations to come from the American Rescue Plan Act funding.

Comptroller Josh Foli reviewed the Boys and Girls Club has requested to modify the agreement so that the funding can also be used towards operational expenses of the E.L. Wiegand Early Learning Center. This is an allowable use under the guidelines of the ARPA funding. This would be funded from the American Rescue Plan Act.

Comm. Gray moved to approve a modified subrecipient agreement for \$129,200 with the Boys and Girls Club of Mason Valley whereby Lyon County provides funding towards the E.L. Wiegand Early Learning Center and its operations to come from the American Rescue Plan Act funding.

Comm. Hockaday seconded.

Comm. Henderson asked for public participation, there was none, and the motion passed 5-0.

20. Agenda Requests

Comm. Henderson asked BLM to come and give a presentation.

Comm. Gray requested NDOT to address traffic safety in in the Highway 50 corridor.

Comm. Keller requested an item for access management with NDOT.

21. Commissioner Comments

Comm. Jacobson wished everyone a great Veterans Day and he thanked the veterans and their families.

Comm. Hockaday asked to show thanks to veterans with green lights.

Comm. Gray acknowledged the veterans and their service. He thanked the Board and gave them his support.

Comm. Henderson thanked veterans, and asked the community to go out and vote. He commented there is a SLUPAC meeting in Yerington next Thursday.

Comm. Keller wished Comm. Gray good luck. She reported the tree lighting will be on December 10th in Silver Springs.

22. Closed Session

There was no closed session.

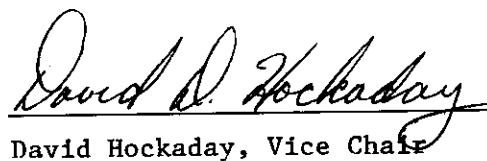
23. Public Participation

There was none given.

24. Adjourn

Comm. Keller adjourned the meeting at 11:01 a.m.

LYON COUNTY BOARD OF COMMISSIONERS



David Hockaday, Vice Chair

ATTEST



NIKKI BRYAN, Lyon County Clerk/Treasurer