Planning Commission meetings are open to the public and members of the public may attend in person and the meetings are also virtual and the public may attend via Virtual Zoom.

Public Comment: Lyon County allows the following alternatives for public comment. If you are attending the virtual Zoom meeting, public comment may be provided by raising your hand and requesting to provide public comment. This can occur in several ways, including by dialing *9 from your phone to raise your hand and request to speak for public comment. To unmute yourself, dial *6. You can also provide public comment for this meeting by sending an email to Shannon Juntunen at sjuntunen@lyon-county.org, the day prior to the posted meeting date. Be sure to type, PUBLIC COMMENT, in the subject line.

Written public comments may also be mailed to the Lyon County Community Development Office at 27 S. Main Street, Yerington, Nevada 89447, but all public comments must be received prior to the date of the meeting if the comments are to be included in the supplemental materials. Any written public comment received the day of the meeting will be compiled and added as supplemental materials to the County's website and distributed to the Planning Commission within 24 hours after the meeting.

Members of the Public may attend the meeting in person at the Greg Hunewill Lyon County Commission Chambers, 27 S. Main Street, Yerington, Nevada.
(Action will be taken on all items unless otherwise noted)
(No action will be taken on any item until it is properly agendized).

To avoid meeting disruptions, please place cell phones and beepers in the silent mode or turn them off during the meeting.

The Board reserves the right to take items in a different order to accomplish business in the most efficient manner. Items may be combined for consideration and items may be pulled or removed from the agenda at anytime.

Restrictions on comments by the general public: Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

1. Roll Call

2. Pledge of Allegiance

3. Public Participation (no action will be taken on any item until it is properly agendized) - Members of the public who wish to address the Planning Commission may approach the podium and speak on matters related to the Lyon County Planning Commission, but not on items appearing on the Agenda. Speakers are asked to state their name for the record and to sign and print their name on the form at the lectern. Comments are limited to three minutes per person or topic. The Commission reserves the right to reduce this three minute time limit, as well as limit the total time for public comment. If your item requires extended discussion, please request the Chair to calendar the matter for a future Planning Commission meeting. The Planning Commission will not restrict comments based on viewpoint. The same applies to public testimony on each Agenda item. The Chair may reopen public participation at any time during the meeting. No action may be taken upon a matter raised under this item of the Agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.

4. Review and Adoption of Agenda (for possible action)

5. For Possible Action

   5.a. For Possible Action: Election of the 2023 Planning Commission Chair

   5.b. For Possible Action: Election of the 2023 Planning Commission Vice-Chair

   5.c. For Possible: Election of the 2023 Planning Commission Secretary

6. For Possible Action: Approval of Minutes

   6.a. For Possible Action: To approve the minutes for the December 13, 2022 meeting.  
       - Draft Minutes

7. Presentation and Reading of Miscellaneous Correspondence
8. Advisory Board Reports

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 John Miles to allow for the expansion of a nonconforming use (single-family residential in the CC-Community Commercial, zoning district) for the purpose of constructing a detached garage at 155 Pike Street in the Comstock Historical District – Dayton (APN 006-052-02) PLZ-2022-189.
   - Staff Report
   - Backup Materials

9.b. For Possible Action - To approve a request from Bret and Tauni Allen for a Tentative Parcel Map to subdivide a 3.63-acre parcel into two (2) parcels, the smallest being 1.73 acres, located at 16 Jones Road in Mound House (APN 016-231-11) PLZ 2022-193.
   - Staff Report
   - Backup

9.c. For Possible Action - To approve a request from HSKS LLC for a Tentative Parcel Map to subdivide a 0.92-acre parcel into two (2) parcels, the smallest being 0.46 acres, located at 3120 Elm Street in Silver Springs (APN 018-414-06) PLZ 2022-143.
   - Staff Report
   - Backup Materials

9.d. For Possible Action – Brian Gauck- CONTINUED from the December 13, 2022 meeting- To approve a request from Brian Gauck for a Tentative Parcel Map to subdivide a 24.81-acre parcel into four (4) parcels, the smallest being 5 acres, located at 9725 Iroquois Trail in Stagecoach (APN 015-761-31) PLZ 2022-186.
   - Staff Report
   - Backup Materials
   - Stagecoach Advisory Board Report
   - Public Comment

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

10. Public Participation (no action will be taken on any item until it is properly agendized)

11. Action Items

12. Board Member Comments

13. Future Agenda Items

14. Public Participation (no action will be taken on any item until it is properly agendized)

ADJOURN TO RECONVENE AS THE LYON COUNTY PLANNING COMMISSION

15. Staff Comments and Commissioner Comments

15.a. For Possible Action: Staff update on recent County Commissioner actions.
16. Public Participation (no action will be taken on any item until it is properly agendized) - Members of the public who wish to address the Planning Commission may approach the podium and speak on matters related to the Lyon County Planning Commission but not on items appearing on the Agenda. Comments are limited to three minutes per person or topic and will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the Agenda until the matter itself has been specifically included on an Agenda as an item upon which action may be taken.

17. ADJOURNMENT

This agenda has been posted in accordance with the open meeting law at the Lyon County Administrative Complex.

Lyon County recognizes the needs and civil rights of all persons regardless of age, race, color, religion, sex, handicap, family status, or national origin. In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternate means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency or USDA’s TARGET Center at (202) 720-2600 (voice and T) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found on-line at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410; Fax: (202) 690-7442; or Email: program.intake@usda.gov

T.D.D. services available through 463-2301 or 463-6620 or 911 (emergency services) notice to persons with disabilities: members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the Commissioners' Manager's office in writing at 27 S. Main Street, Yerington, NV 89447, or by calling (775) 463-6531 at least 24 hours in advance

Lyon County is an equal opportunity provider.

Agenda and Backup Material is Available at www.lyon-county.org
Lyon County Planning Commission Agenda Summary

Meeting Date: January 10, 2023

Agenda Item Number:
5.a

Subject:
For Possible Action: Election of the 2023 Planning Commission Chair

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
  •
Lyon County Planning Commission Agenda Summary

Meeting Date: January 10, 2023

Agenda Item Number: 
5.b

Subject: 
For Possible Action: Election of the 2023 Planning Commission Vice-Chair

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS

•
Lyon County Planning Commission Agenda Summary

Meeting Date: January 10, 2023

Agenda Item Number:
5.c

Subject:
For Possible: Election of the 2023 Planning Commission Secretary

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS

•
Lyon County Planning Commission Agenda Summary

Meeting Date: January 10, 2023

Agenda Item Number:
6.a

Subject:
For Possible Action: To approve the minutes for the December 13, 2022 meeting.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
  - Draft Minutes
LYON COUNTY PLANNING COMMISSION MEETING MINUTES  
December 13, 2022
The December 13, 2022 meeting of the Lyon County Planning Commission was called to order by Commission Chairwoman, Tammy Hendrix, at approximately 9:00 a.m. in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGON, NV 89447

1. Roll Call
Members present: Commissioners Tammy Hendrix and Loretta Sell attended in person at the Lyon County Administrative Complex. Audrey Allan, Michael Carlson, Shawn Keating and John Cassinelli attended the meeting via Zoom. Commissioner Kuzmicki was absent.

Attending staff: Interim County Manager, Andrew Haskin; Planning Technician, Kerry Page and Administrative Assistant, Shannon Juntunen, attended in person. Senior Planners Louis Cariola, and Bill Roth attended via Zoom.

2. Pledge of Allegiance – Led by Commissioner Sell

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 (6 Ayes; 0 Nay; 1 Absent, Commissioner Kuzmicki)

5. Approval of minutes-
Commissioner Sell motioned to approve the minutes from the November 8, 2022, meeting as presented. Commissioner Carlson seconded, the motion passed by unanimous vote (6 Ayes; 0 Nay; 1 Absent, Commissioner Kuzmicki)

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

7. Advisory Board Reports- There were none

8 Public Hearing Items
8.a For Possible Action: For Possible Action: CONTINUED FROM THE NOVEMBER 8, 2022 MEETING- To approve a request from Brian Gauck for a Tentative Parcel Map to subdivide a 24.81-acre parcel into four (4) parcels, the smallest being 5 acres, located at 9725 Iroquois Trail in Stagecoach (APN 015-761-31) PLZ 2022-186.

- Request for continuance for Dec 13, 2022
- Applicant request for continuance Letter

Interim County Manager, Andrew Haskin, explained the applicant requested another continuance of up to 90 days to resolve the current code violations on the property.

Commissioner Allan motioned to approve the applicant’s request for a continuation of up to 90 days for the Brian Gauck Tentative Parcel Map application to subdivide a 24.81-acre parcel into four (4) parcels, the smallest being 5 acres, located at 9725 Iroquois Trail in Stagecoach (APN 015-761-31) PLZ 2022-186.

Commissioner Allan seconded, the motion passed by a unanimous vote (6 Ayes; 0 Nay; 0 Absent, Commissioner Kuzmicki).
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 Comment- None

ADJOURN TO RECONVENE AS THE LYON COUNTY PLANNING COMMISSION

14. Staff update on recent County Commissioners actions – There was none
15. Public Participation- There was none
16. Adjournment

At approximately 9:09 a.m. it was unanimously motioned to adjourn.

____________________________________________
Tammy Hendrix, Chairwoman

____________________________________________
Shannon Juntunen, Administrative Assistant
Lyon County Planning Commission Agenda Summary

Meeting Date: January 10, 2023

Agenda Item Number:
9.a

Subject:
For Possible Action - To forward a recommendation to the Board of Commissioners for a Conditional Use Permit request from John Miles to allow for the expansion of a nonconforming use (single-family residential in the CC-Community Commercial, zoning district) for the purpose of constructing a detached garage at 155 Pike Street in the Comstock Historical District – Dayton (APN 006-052-02) PLZ-2022-189.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
•  - Staff Report
•  - Backup Materials
## Planning Commission

<table>
<thead>
<tr>
<th>Proposed Action</th>
<th>Conditional Use Permit for the Expansion of a Nonconforming Use</th>
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<tbody>
<tr>
<td>Meeting Date</td>
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<td>Owner</td>
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<td>Flood Zone(s)</td>
<td>X Unshaded per FIRM 32019C0452F</td>
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<tr>
<td>Case Planner</td>
<td>Bill Roth</td>
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### Request

The applicant is requesting a Conditional Use Permit (CUP) to allow for the expansion of a nonconforming use (single-family residential in the CC (Community Commercial) zoning district) for the purpose of constructing a detached garage.

### Project Summary

The applicant’s proposal includes the construction of a detached, one-car garage with storage area, totaling approximately 368 square feet in size, in the rear yard of the property, which is located in the Comstock Historical District – Dayton Area. A proposed driveway measuring approximately 14 feet in width and 46 feet in length would connect the garage to the alleyway (24-feet width) that abuts the rear property line. The garage would be located five feet from both side property lines, similar to the existing house (circa 1908), which is set back five feet from the northern property line and three feet from the southern property line. The applicant owns the adjacent property to the south, which includes several small accessory buildings. The adjacent property to the north is owned by a separate party and includes a restaurant (Compadres Mexican Restaurant). Both adjacent properties are also zoned Community Commercial.
As the subject property is zoned for commercial use, the addition of the garage to serve the existing non-conforming single-family residential use would be considered an expansion of the non-conforming residential use and, therefore, requires the approval of a Conditional Use Permit.

**RECOMMENDED MOTION**

If the Planning Commission determines that they will recommend approval of the request to the Board of Commissioners, then the Planning Commission may want to consider a motion similar to the following.

**The Lyon County Planning Commission finds that:**

A. The proposed use at the specified location is consistent with the policies embodied in the adopted master plan and the general purpose and intent of the applicable district regulations;

B. The proposed use is compatible with the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods;

C. The proposed use will not generate vehicular traffic which cannot be accommodated by the existing, planned or conditioned roadway infrastructure;

D. The proposed use incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to mitigate the development impacts;

E. The proposed use incorporates features to address adverse effects, including visual impacts and noise, of the proposed conditional use on adjacent properties;

F. The proposed conditional use complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to the proposed conditional use and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of this title; and

G. The proposed conditional use will not be materially detrimental to the public health, safety and welfare, and will not result in material damage or prejudice to other properties in the vicinity.

**Based on the aforementioned Findings, I move that the Planning Commission recommend approval to the Board of Commissioners of the request by Mr. John Miles for a Conditional Use Permit to allow a Detached Garage on a 0.1 acre parcel in the Community Commercial zoning district, accessed by Pike Street north of Tyler in Dayton, located on APN 006-052-02, subject to the following Conditions of Approval (PLZ-2022-189).**

**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. 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 prior to issuance of a Building Permit.

4. All contractors doing any construction, modifications, or remodels must be licensed in the State of Nevada.

5. Exterior lighting for the garage, if any, shall be downward facing and shielded such that light is not shed onto adjacent properties.
6. 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 or to complete all work within two (2) years from the date of approval will result in the expiration of the conditional use permit approval.**
BACKGROUND INFORMATION

Location

The subject parcel is located in the Comstock Historical District Dayton Area, to the west of Highway 50. Vehicular access to the parcel is provided via Pike Street, which connects to 2nd Avenue to the north and Main Street to the south. There is an unimproved alleyway to the west of the parcel, abutting its rear property line.
Subject Parcel Size

The subject parcel is approximately 0.1 acres (4,356 square feet) in size.

Topography

The subject parcel is relatively flat. The image to the right is from the County GIS system and includes 10’ contour lines.
Site Photos

The images to the right and below were provided by the applicant. Additional photos are available in the attached materials. The images are taken from Pike Street. The yellow house is the primary dwelling on the subject property. The adjacent restaurant property is shown on the right in the photo below.

Master Plan and Zoning

The Master Plan designation for the site is Mixed Use. The parcel is currently zoned C-2 (General Commercial), under Title 10 and CC (Community Commercial) under Title 15. The existing surrounding zoning is also C-2 as well as NR-1 (Single-Family Nonrural Residential District) and C-1 (Limited Commercial District).

The parcel should be reviewed with the Title 15, CC (Community Commercial) land use and development regulations per the Zoning Consistency Matrix which was adopted as Exhibit A along with Title 15, the current land use and development code for Lyon County.
**Historical Character District**

The parcel is located in the Dayton Historical Character District. Historic Character Districts provide guidance to the type, intensity, density, and general development standards for uses intended to occur within their boundaries with the intent to preserve existing historic character or to promote “historic” architectural design elements.
Flood Zone Designation

The subject site is located within the X-Unshaded Flood Zone per the FEMA Flood Insurance Rate Map Panel 32019C0452F (effective date: 10/20/2016). The site is outside the 500-year flood plain and no Floodplain Development permit will be necessary for development on site.

Public Facilities

Lyon County Utilities Department provides an existing domestic water and sewer connection to the property and had no further comments on the project at this time.

Project Description

The proposed project consists of an approximately 368 square feet detached one-car garage with internal storage on a parcel with an existing single-family house that was built around 1908. Central Lyon Fire has provided a letter, dated August 5, 2022, finding the proposed garage in conformance with the applicable non-structural fire and life safety codes. As the proposed property is located in the Comstock Historic District, the proposed garage was reviewed by the Comstock Historic District Commission, which provided an approved Certificate of Appropriateness, dated June 14, 2022.

Per the applicant, the proposed development is described as such.

Detached garage for house at 155 Pike Street. Access will be from alley.

The site plans and images that follow were included in the applicant’s submittal. Additional materials submitted by the applicant are included in the attachments to this report. This includes color samples of burgundy and treeline green.
**Building Permit Required**

Should the proposed CUP for the expansion of a nonconforming use be approved, the proposed detached garage structure would be subject to Building Permit Review. The applicant has provided a site plan and conceptual elevation drawing and a floor plan of the proposed garage (below).

**Site Plan**

![Site Plan](image)

**Elevation**

![Elevation](image)

**Floor Plan**

![Floor Plan](image)
Conditional Use Permit

With the adoption of Title 15, the Board of Commissioners also adopted Exhibit A – Zoning Consistency Matrix. The Zoning Consistency Matrix is to be used to determine the correct land use and development regulations to use until staff completes the Title 15 rezoning to convert properties from the Title 10 zoning districts over to the Title 15 zoning districts. As previously stated, the parcel under consideration is currently zoned C-2 (General Commercial); however, as shown in the adopted Zoning Consistency Matrix, the corresponding Title 15 zoning districts is CC (Community Commercial).

Properties with the CC designation are typically located in Suburban Character Districts and are intended to provide a mix of commercial and retail services in a concentrated and unified center that serves the local community. Given the Master Plan goal of preserving historic character, adaptive re-use of the historic house on the property with a commercial use could be an option in the future that would be consistent with the intent of the CC zoning designation; however, at present, it is the applicant’s intent to continue to use the property as single-family residential. The proposed garage to serve the existing house is considered an accessory structure and an expansion of that nonconforming single-family residential use. An excerpt from Table 15.320-2 is provided below, showing that Residential accessory use or structure is not permitted in the CC zoning district.

<table>
<thead>
<tr>
<th>TABLE 15.320-2</th>
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<tr>
<td>TABLE OF ALLOWED USES - SUBURBAN RESIDENTIAL, MIXED USE AND COMMERCIAL ZONING DISTRICTS</td>
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<tr>
<td>Single-family residential</td>
<td>Home-based business</td>
<td>P P P P P P P P</td>
<td>- - - - - P P</td>
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<td>Home occupation</td>
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<td>Residential accessory use or structure</td>
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<td>Subsections 15.335.03A1 and B</td>
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<td>P P P P P P P</td>
<td>- - - - - P P</td>
<td>Chapters 340 and 241</td>
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</table>

Within Title 15’s Appendix A – Glossary and Definitions, Chapter 15.1200.05 – Part 2 – General Terms and Definitions, nonconforming use is defined as follows:

“NONCONFORMING SITUATION/USE: A situation or use that complied with this title when created, but which does not currently conform to one or more of the regulations applicable to the district in which the lot or structure is currently located.”

Chapter 15.202 of Title 15 regulates nonconforming uses. Chapter 15.202.02 (C) states the following (staff’s emphasis):

“C. Expansion. Nonconforming uses shall not be extended or enlarged except as provided by this chapter. Any extension or expansion of a nonconforming use shall require review and approval of a Conditional Use Permit as outlined in chapter 15.230 of this title.”

Page 11 of 14
Planning Commission – Jan 10, 2023
John Miles Detached Garage - CUP
Planning-BR
When considering applications for a CUP, the commission or Board must evaluate the impact of the conditional use on, and its compatibility with, surrounding properties and neighborhoods to mitigate potential impacts of the use at a particular location and make the following findings from Chapter 15.230.06: FINDINGS. Each Finding is listed with the applicant’s response and staff’s comments.

**FINDINGS**

Finding A: The proposed use at the specified location is consistent with the policies embodied in the adopted master plan and the general purpose and intent of the applicable district regulations;

**Applicant’s Response**

This is an enhancement of the existing structure that was built in 1908, and is consistent with the historical norms of downtown old Dayton.

a. The proposed development is consistent with the following Lyon County Master Plan Goal and Policies:

   i. **LU 6.1: Provide alternative standards that allow for unique growth in historic districts.**

      Lyon County will develop creative and flexible design standards for historic districts that acknowledge, at a minimum, the need for alternative:

      • Off-street parking requirements
      • Topography consideration
      • Parcel configuration
      • Setback requirements

   ii. **Policy C 1.2: Pedestrian Friendly Communities**

   iii. **Policy C 3.1: Maintain and Restore Historic Resources**

   ... 

   **Strategies:**

   • Continue to implement zoning designations that encourage historic use and development patterns including mixed-use structures and districts.

**Staff Comment**

The proposed garage is located at setbacks equal to or greater than the existing historic house, such that it follows the established development characteristics of the subject property and supports the continued residential use of the historic house, consistent with 2020 Master Plan Policy LU 6.1. Because the new garage is detached and would be located behind the house, it will not detract from or block views of the historic house when viewed from the property’s Pike Street frontage. That the garage would take access off of a rear alleyway rather than Pike Street is conducive to a pedestrian-friendly environment, as it reduces the need for vehicle access onto the property via Pike Street. The proposed garage would contribute to the function and convenience of the property for its residents, which, in turn, is supportive of long-term occupancy and up-keep by those that live there. This Finding is met.

B. The proposed use is compatible with the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods;
**Applicant’s Response**

The adjacent properties are various, and some are in a state of dilapidation, and by enhancing the subject property with the shown out-building, the project would impact the neighborhood in a positive or neutral way.

**Staff Comment**

The proposed garage would not generate new impacts to the area and, instead, provides an enclosed building wherein a vehicle and other tools and items may be stored out of public view. The proposed garage height and site placement at rear and adherence to existing building setbacks ensure the building would be subordinate to the existing house and would not be detrimental to the adjacent restaurant use. This Finding is met.

C. The proposed use will not generate vehicular traffic which cannot be accommodated by the existing, planned or conditioned roadway infrastructure;

**Applicant’s Response**

Since the identified structure is only an ancillary structure to enhance the existing house, there will be no additional traffic impacts.

**Staff Comment**

The proposed garage would serve residents of the property and would not increase vehicular traffic on the roadway. This Finding is met.

D. The proposed use incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to mitigate the development impacts;

**Applicant’s Response**

The construction of this project will not impact any traffic flow;

**Staff Comment**

The proposed garage would not impact area traffic flow such that mitigation would be necessary. The proposed driveway access via the rear alleyway rather than Pike Street may indeed reduce the potential for vehicle circulation conflicts on Pike Street. This Finding is met.

E. The proposed use incorporates features to address adverse effects, including visual impacts and noise, of the proposed conditional use on adjacent properties;

**Applicant’s Response**

The proposed structure has been approved by the historical society with their guidelines and will enhance the subject property thus enhancing the neighborhood.

**Staff Comment**

As previously stated, the size and location of the proposed garage would not impact views of the historic house and supports the historic residential use and occupancy of the property. The proposed project would not introduce a new use that would generate adverse effects on adjacent properties. This Finding is met.

F. The proposed conditional use complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to the proposed conditional use and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of this title; and
**Applicant’s Response**

The subject building will only be served by electricity, thus not impacting the utilities of the district. The project does not meet existing zoning provisions, but is asking for a conditional use permit as it meets the historical uses and setbacks utilized by the existing structure.

**Staff Comment**

As previously stated, the proposed property is already served by County water and sewer and would not generate a new use that would require additional water or sewer services. The property is located in the Comstock Historic District and has been deemed appropriate per the Comstock Historic District Commission, such that it would not be detrimental to the historic character of the property or district. As conditioned, the use is consistent with the zoning standards of Title 15 and staff feels this Finding is met.

G. The proposed conditional use will not be materially detrimental to the public health, safety and welfare, and will not result in material damage or prejudice to other properties in the vicinity.

**Applicant’s Response**

The proposed project has been approved by the Central Lyon County Fire District. The construction of said project will not be detrimental to any of the adjacent properties.

**Staff Comment**

As stated, Central Lyon Fire has provided a letter, dated August 5, 2022, finding the proposed garage in conformance with the applicable non-structural fire and life safety codes. The proposed garage will be subject to Building Permit review, which will ensure that the structure will not be detrimental to health, safety and welfare. This Finding is met.
STATE OF NEVADA
COMSTOCK HISTORIC DISTRICT COMMISSION
P.O. BOX 128
VIRGINIA CITY, NEVADA 89440

CERTIFICATE OF APPROPRIATENESS

This Certificate verifies that pursuant to Nevada Revised Statutes Section 384.110,

John Miles, owner

has made application to the Comstock Historic District Commission for a Certificate of Appropriateness for work to be conducted on the structure located at:

155 Pike St., Dayton

property address/description

This application has been reviewed by the Comstock Historic District Commission in accordance with Chapter 384 of the Nevada Revised Statutes. The proposed project as described in the application on file with the Commission’s office, as amended at the public meeting before the Commission if applicable, has been deemed appropriate to the preservation of the Comstock Historic District. The work specified below or in detail in Exhibit A attached here to and made part thereof, may now be commenced. This certificate shall not be effective without said description or attachment. This certificate will be in force and effect until:

6/14/23 unless there is a violation thereof

The observation of work not in keeping with this certificate shall constitute due cause for the issuance of a Stop Work Order and legal action pursuant to NRS 384.190 to 384.200 inclusive.

This certificate is not valid or effective until signed by the owner of the property in question or his representative and the Chair of the CHDC or his duly appointed representative.

6/14/22
Date

Owner

Garage as per plans
with 450 corners on
garage opening.

Gus

Chair, CHDC
August 5, 2022

John and Ann Miles

Project address: 155 Pike St. Utility Building
Occupancy type: U
Construction type: VB
Occupant Load: residential, garage
Project Area: 368 sq. ft.

The Central Lyon County Fire Protection District has reviewed your application for the above referenced project.

This review is to verify conformance with the non-structural fire and life safety codes adopted by the State of Nevada, Lyon County and Central Lyon County Fire Protection District.

Your project is approved for construction.

This project conforms with Class 3 Ignition Resistance of the 2018 Wildland Urban Interface Code (ICC).

Please notify for final inspection, allow 3 business days to schedule.

The applicant is required to comply with all requirements of federal, state or local authorities having jurisdiction. The Central Lyon County Fire Protection District may revoke any project approvals if the subsequent inspection finds a violation of adopted codes or standards, inaccurate representation or construction that varies from the approved application. An approved and stamped copy of plans shall remain on the job site while the work is being performed.

A Certificate of Occupancy covering non-structural fire and life safety items to allow occupancy will only be granted by the Central Lyon County Fire Protection District following inspection by the district. Please provide at least 3 business days’ notice for all inspection requests, including any cover up inspections or acceptance inspections as related to fire code.

Please submit an electronic version of “as built” plans within 30 days of job completion. If any changes should occur to drawings, please supply CLCFPD with revised plans for review of changes. If any deviation should occur from original plans, please re-submit an electronic copy of “as built” plans within 30 days of project completion.
APN 006-052-02/155 Pike Street
John & Ann Miles Family Trust

Google Earth view from Pike Street showing the existing detached single family residential dwelling unit and detached accessory buildings.
Google Earth view from Pike Street showing the existing detached single family residential dwelling unit and detached accessory buildings.
Burgundy

Tree line Green
Lyon County Planning Commission Agenda Summary

Meeting Date: January 10, 2023

Agenda Item Number:
9.b

Subject:
For Possible Action - To approve a request from Bret and Tauni Allen for a Tentative Parcel Map to subdivide a 3.63-acre parcel into two (2) parcels, the smallest being 1.73 acres, located at 16 Jones Road in Mound House (APN 016-231-11) PLZ 2022-193.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- Staff Report
- Backup
STAFF REPORT

PLZ-2022-193  Parcel map to subdivide an existing 3.63 acre parcel into two (2) parcels

Meeting Type  Planning Commission
Meeting Date  January 10, 2023
Owner(s)  Bret and Tauni Allen
Applicant(s)  Robert O. LaRiviere
Representative  CFA c/o Deane Scheiber
Location  6 Jones Road, Mound House
Parcel Number  016-231-11
Parcel Size  3.63 acres
Master Plan  Low Density Residential
Zoning  M-1 (General Industrial District) subject to HI-S (Heavy Industrial-Suburban)
Flood Zone(s)  Zone X per FIRM 32019C0310E (effective date 01/16/2009)
Case Planner  Louis Cariola

REQUEST

The applicant proposes that the above-referenced 3.63-acre parcel be subdivided into two (2) parcels through the parcel map land division process. Proposed Parcel 1 is 75,492 square feet (1.73 acres) and proposed Parcel 2 is 82,935 square feet (1.9 acres). The property is currently zoned M-1 (General Industrial District) subject to HI-S (Heavy Industrial-Suburban)

STAFF RECOMMENDATION

Staff recommends approval of the tentative parcel map based on the Findings listed in the staff report and subject to the recommended Conditions of Approval listed below.

RECOMMENDED MOTION

If the Lyon County Planning Commission finds, after reviewing the staff report and considering public comment, they want to approve the tentative parcel map, then the Commissioners should consider a motion similar to the following:

The Planning Commission has considered:
1. General improvement considerations for all parcel maps including, but not limited to:
a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

b) The availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;

c) Conformity with the zoning ordinances and master plan;

d) General conformity with the Lyon County master plan of streets and highways;

e) Physical characteristics of the land such as floodplain, slope and soil;

f) The recommendations and comments of those entities reviewing the tentative parcel map; and

g) The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands.

2. Where an applicant proposes to create parcels of less than one acre, the commission may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.

3. For a second or subsequent parcel map with respect to a single parcel or a contiguous tract of land under the same ownership, the commission may require any reasonable improvement up to those required for subdivisions.

Based on the aforementioned Findings 1 through 3, I move that the Lyon County Planning Commission approve the Tentative Parcel Map request for Bret and Tauni Allen (APN: 016-231-11/PLZ-2022-193) subject to the following Conditions of Approval.

Conditions of Approval

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 Department 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. Prior to recordation of the Final Map, the developer shall provide documentation to the Community Development Department that the direction and processes as described in the attached letter from the Lyon County Utility District Director, dated December 15, 2022, have been addressed to the satisfaction of the Director.

6. The following items are listed in accordance with the comments submitted by the Lyon County Roads Department for the proposed tentative parcel map. Prior to recordation of the Final Map, the applicant shall provide documentation to the Community Development Department that the direction and processes as outlined below have been satisfied to the satisfaction of the Roads Department.

   a) Jones Road requires improvement and pavement per Orange Book Standards. There is currently a 200'x24' portion of road that is native dirt right in front of this property. The improvement would consist of 6" of 3/4 Type 2 spec base on 3" of asphalt (mix design is PG-64-28NV).
b) Design, testing of material and compaction in the County ROW will need to be submitted to Farr West Engineering and the Road Department for sign-off and approval.

c) All parcels with driveway accesses from the County ROW require improvement of the aprons to Orange Book Standards for asphalt pavement or concrete.

7. The applicant 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.

8. The applicant shall pay the required recording fees at time of Final Map recordation.

9. 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.

10. The applicant shall comply with the Drainage Guidelines for Lyon County (revised September 2018) when/if developing the property in the future.

11. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 (Design Criteria and Improvement Standards) of Lyon County Code.

12. The applicant shall comply with all applicable fire code requirements to the satisfaction of the Central Lyon Fire Protection District.

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:

   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 County 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. The applicant shall resolve all Code Enforcement violations on the subject site to the satisfaction of the Community Development Director prior to recordation of the Final Map.

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.
GENERAL INFORMATION

Property Location and Access

The subject site is generally located in Mound House, north of US Highway 50 with connection via Red Rock Road to Jones Road, an unimproved roadway. Jones Road provides direct access to the subject parcel’s frontage.
Active commercial uses that are typical in the Mound House region occur on the site, including outdoor storage of construction materials, vehicle and truck storage, 3 buildings used for storage and warehousing, and a “tent” structure (not shown in the image below).
Size

The subject site is approximately 3.63 acres net acres in size. The existing configuration was created as Parcel 2-B of recorded map number 40619 on 09/21/78.
Topography

The subject site slopes to the south east at approximately 4% grade, as demonstrated by the 10’ contour lines shown below in an image from the County’s GIS system.

Flood Zone

Per the FEMA Flood Insurance Rate Map (FIRM) Panel 32019C0425F (effective date 01/16/2009) the subject site is within the X-Unshaded Zone, outside the 500 year floodplain.
**Master Plan**

The Master Plan designation is Employment.

**Zoning**

The zoning on the subject site is M-1 (General Industrial District) from Title 10, the County’s expired development code. Per the Consistency Matrix, adopted in 2018 by the County with the current development code, Title 15, the subject site’s development standards are determined by the current zoning district of Heavy Industrial-Suburban (HI-S).

**Current Use**

As previously stated and described, the site includes typical industrial-type uses for the Mound House region.
Proposed Parcel 1 is 75,492 square feet (1.73 acres).

Proposed Parcel 2 is 82,935 square feet (1.9 acres).

Public Utility Easements 5’ in width will be required along the new property line that separates the Proposed Parcels (and are included in the map). A 7.5’ wide Public Utility Easement will be required along the Jones Road Frontage.

The inset image to the right depicts the location of the existing structures, demonstrating that they will not encroach upon the line that separates the Proposed Parcels.
FINDINGS

Chapter 15.606.07 (D) lists the Findings which the Planning Commission have to consider when reviewing tentative parcel map applications. These Findings are listed below in the staff report in **bold** with staff’s review of the Findings in normal type.

1. General improvement considerations for all parcel maps including, but not limited to:
   a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

   **Environmental and Health Regulations**

   Water Pollution and Air Quality: The Nevada Division of Environmental Protection (NDEP) is the governing body for water and air quality. NDEP was forwarded the application materials and had an opportunity to offer comments, but did not respond with any stated concerns.

   **Solid Waste Disposal**

   Lyon County has a franchise agreement with Waste Management to deal with solid waste disposal.

   **Sewage Disposal**

   The Lyon County Utility District (LCUD) does not provide sewer service to the area. Any future development that requires a new commercial septic system will require approval from the Nevada Division of Environmental Protection and Lyon County.

   **Water Supply**

   The site is within the LCUD service area for water. The Director of the LCUD, David Bruketta, supplied the letter attached to this report in response to Community Development’s request for comment to the proposed land division. The letter includes comments related to water service and existing LCUD infrastructure in the area. Prior to recordation of a Final Map, the applicant is required to supply documentation that the LCUD’s comments, concerns, and processes have been satisfied to the satisfaction of the Director.

   b) The availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;

   As stated above, the applicant is required to work with the LCUD to insure water of sufficient quality and supply is available for proposed uses.

   c) Conformity with the zoning ordinances and master plan;

   The proposed new parcels meet the minimum parcel dimensions required by the zoning district. Future development will be required to meet setbacks and other HI-S development standards. The Master Plan designation of Employment recognizes the types of existing uses and those contemplated for the new parcel configurations as consistent and conforming.
d) General conformity with the Lyon County master plan of streets and highways;

The site is accessed by existing roadways, with no impact to planned regional roadways per the 2020 Master Plan update. The image below is from the 2020 Master Plan update and depicts the subject site’s area within the red oval. Highway 50 is in green.

![Image of Mound House area within red oval with Highway 50 in green](Mound_House_area_red_oval_Highway_50.png)

Related to the existing state of Jones Road, the Lyon County Roads Department reviewed the proposed land division and provided the following comments to be incorporated into the Conditions of Approval (underline added).

1. Jones Rd will need to be improved and paved per Orange Book Standards. There is currently a 200'x24' portion of road that is native dirt right in front of this property. The improvement would consist of 6" of 3/4 Type 2 spec base on 3" of asphalt (mix design is, PG-64-28NV).

2. Design, testing of material and compaction in County ROW will need to be submitted to Farr West Engineering and the Road Department for sign off.

3. As we are now using Title 15, the lots/Parcels with any driveway [accesses] from County ROW into their property will also need to be improved with Orange Book Standards. (paved or concrete).

e) Physical characteristics of the land such as floodplain, slope and soil;

As noted above in the staff report, the subject site is located within an X Unshaded Flood Zone, outside the 500 year flood boundary. The site includes native soils and typical desert vegetation without any known drainage issues that create nuisances to neighboring properties, but future development proposals will be required to demonstrate compliance with the Drainage Guidelines for Lyon County (2018).

f) The recommendations and comments of those entities reviewing the tentative parcel map; and

This document’s recommended Conditions of Approval include any topics of concern raised by staff and reviewing agencies. LCUD Director Bruketta’s comment letter is recommended to be implemented as a Condition of Approval.

g) The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands.

The Central Lyon County Fire Protection District was sent a copy of the tentative parcel map application to review. Their lack of response indicated sufficient facilities for fire suppression already exists. Typically, the Fire District informs applicants of the following.

As of July 1, 2021, Central Lyon Fire District requires fire plan review for all residential projects built within the fire district. Please find relevant code information and the fire and life safety plan review application on our website at www.centrallyonfire.org. Please submit one hard copy of site and building plans along with the application and appropriate fees to the Central Lyon Fire administrative office located at 246 Dayton Valley
2. Where an applicant proposes to create parcels of less than one acre, the commission may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.

   The applicant is proposing to legally create two parcels, both of which will be larger than one acre in size.

3. For a second or subsequent parcel map with respect to a single parcel or a contiguous tract of land under the same ownership, the commission may require any reasonable improvement up to those required for subdivisions.

   There is no subsequent parcel map proposed.
December 15, 2022

Lyon County Community Development Department
Louis Cariola, Senior Planner
27 S. Main Street
Yerington, NV 89447

RE: PLZ-2022-193, Tentative Parcel Map
APN 016-231-11

Dear Mr. Cariola:

The Lyon County Utilities Department (LCUD) has reviewed the tentative parcel map application material and has the following comments:

1. APN 016-231-11 is within the LCUD’s water and sewer service area, although this letter does not guarantee that services will be provided.
2. There is no sewer service available in that area. The closest gravity sewer line is approximately 2,000’ away on the south side of Highway 50 at Highlands Drive.
3. There is a 6” water main within Jones Road that travels approximately 730’ east from Red Rock Road and is currently a dead-end line.
4. LCUD does not require dedication or relinquishment of water rights during the parcel map process. The water rights dedication will be required prior to the issuance of a building permit once the demands are known. The applicant at that time will be responsible to have the Lyon County Engineer run the water model to ensure the infrastructure is sized appropriately and pay for any extensions or expansions that are required.
5. APN 016-231-11 has 2.03 acre-feet of water rights (Permit No.62077) assigned to it and will remain assigned to the existing buildings.

If you have additional questions, please don’t hesitate to contact me.

Sincerely,

______________________
David Bruketta, Utilities Director

cc: Melissa Whitt and Sean Sinclair – Lyon County
OWNERS CERTIFICATE

This is to certify that the undersigned, BRETT ALLEN and TAUNI ALLEN, HUSBAND AND WIFE, AS JOINT TENANTS, are the owners of the tract of land described below, and that surveys were made to the preparation and reproduction of this map and do hereby dedicate and set aside all easements as shown.

Signature: BRETT ALLEN – OWNER
Signature: TAUNI ALLEN – OWNER

PROJECT LOCATION

VICINITY MAP

NOT TO SCALE

SURVEYOR’S CERTIFICATE

ROBERT D. LAWRENCE, a professional land surveyor licensed in the State of Nevada, certifies that:
1. THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF BRETT ALLEN AND TAUNI ALLEN, HUSBAND AND WIFE, AS JOINT TENANTS.
3. THIS PLAT COMPLIES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE GOVERNING BODY GAVE ITS FINAL APPROVAL.
4. THE MONUMENTS DEPICTED ON THE PLAT ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED AND ARE OF SUFFICIENT NUMBER AND DURABILITY.

SURVEYOR:

ROBERT D. LAWRENCE – PLS BRET

PLANNING COMMISSION APPROVAL

APPROVED AND ACCEPTED BY THE PLANNING COMMISSION OF LYON COUNTY, NEVADA.

SIGNATURE: Print Name/Title: Date:

COUNTY ENGINEER’S CERTIFICATE

I hereby certify that I have examined this plat of parcel 2 of parcel map number 40516, LYON COUNTY, recorded in Section 30 and Section 30 of Township 16 North, Range 21 East, M.D.&M., and am satisfied that it is technically correct.

LYON COUNTY ENGINEER
Print Name/Title: Date:

COUNTY CLERK’S CERTIFICATE

The undersigned hereby certify that there are no liens for unpaid State, County, City or special assessment taxes or special assessments for any property tax levies or special assessments that will affect the property shown on this plat.

LYON COUNTY CLERK/RECORDABLE
Print Name/Title: Date:

NOTES:
1) The land shown herein are subject to the right to farm ordinance as approved by the Lyon County Board of Commissioners on April 13, 1999. Ordinance No. 429, Bldg. No. 99-102. See said document for all particulars.

PUBLIC UTILITY EASEMENT NOTES:
The following public utility easements shown herein are hereby made a part of this plat:
1) A 7.50’ public utility easement along all roadway frontages.
2) A 3.00’ public utility easement along all sides and rear lot lines.
3) A 10’ public utility easement centered along all interior lot lines.
Agenda Item Number: 9.c

Subject: For Possible Action - To approve a request from HSKS LLC for a Tentative Parcel Map to subdivide a 0.92-acre parcel into two (2) parcels, the smallest being 0.46 acres, located at 3120 Elm Street in Silver Springs (APN 018-414-06) PLZ 2022-143.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- Staff Report
- Backup Materials
STAFF REPORT

PLZ-2022-143  Parcel map to subdivide an existing 0.92 acre parcel into two (2) parcels
Meeting Type  Planning Commission
Meeting Date  January 10, 2023
Owner(s)  HSKS LLC
Applicant(s)  Starwest Homes LLC
Representative  Robison Engineering c/o Andrea Roegiers
Location  3120 Elm Street, Silver Springs
Parcel Number  018-414-06
Parcel Size  0.92 acres
Master Plan  Suburban
Zoning  SR-12,000
Flood Zone(s)  Zone X per FIRM 32019C0213E (effective date 01/16/2009)
Case Planner  Louis Cariola

REQUEST

The applicant proposes that the 0.92-acre subject parcel be subdivided into two (2) parcels through the parcel map land division process. Proposed Parcel 1 is 20,009 square feet and proposed Parcel 2 is 20,017 square feet. The property is zoned SR-12,000 (Suburban Residential – 12,000 sf minimum).

STAFF RECOMMENDATION

Staff recommends approval of the tentative parcel map based on the Findings listed in the staff report and subject to the recommended Conditions of Approval listed below.

RECOMMENDED MOTION

If the Lyon County Planning Commission finds, after reviewing the staff report and considering public comment, they want to approve the tentative parcel map, then the Commissioners should consider a motion similar to the following:

The Planning Commission has considered:

1. General improvement considerations for all parcel maps including, but not limited to:
a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

b) The availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;

c) Conformity with the zoning ordinances and master plan;

d) General conformity with the Lyon County master plan of streets and highways;

e) Physical characteristics of the land such as floodplain, slope and soil;

f) The recommendations and comments of those entities reviewing the tentative parcel map; and

g) The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands.

2. Where an applicant proposes to create parcels of less than one acre, the commission may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.

3. For a second or subsequent parcel map with respect to a single parcel or a contiguous tract of land under the same ownership, the commission may require any reasonable improvement up to those required for subdivisions.

Based on the aforementioned Findings 1 through 3, I move that the Lyon County Planning Commission approve the Tentative Parcel Map request for HSKS LLC (APN: 018-414-06/PLZ-2022-143) subject to the following Conditions of Approval.

**Conditions of Approval**

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 Department 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. Prior to recordation of the Final Map the applicant is required to improve Mono Street to Lyon County’s Gravel Road standard, from the southerly boundary of the existing parcel’s limits north to Lake Avenue.

6. The developer shall provide 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 prior to recordation of the final parcel map (through coordination with the Silver Springs Mutual Water Company).

7. The applicant 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.

8. The applicant shall pay the required recording fees at time of final parcel map recordation.
9. 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.

10. The applicant shall comply with Lyon County’s storm drainage guidelines when/if developing the property in the future (revised September 2018).

11. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 (Design Criteria and Improvement Standards) of Lyon County Code.

12. The applicant shall comply with all applicable fire code requirements to the satisfaction of the Mason Valley Fire Protection District.

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:
   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 County 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.
GENERAL INFORMATION

Property Location and Access

The subject site is in Silver Springs, generally located south of the US Highway 50 intersection with US Highway 95A.

The site’s address is 3120 Elm Street, a paved roadway that is maintained by Lyon County. The existing configuration includes frontage on the east side along Mono Street, an unimproved road not maintained by the County. (The images below from the County’s GIS system includes a parcel boundary that is shifted slightly south of the actual location of the parcel lines.)
Size

The subject site is 0.92 net acres in size. The existing configuration was created as part of the Silver Springs Subdivision Map #3, recorded on 04/08/1957, as depicted below in the Plat Map from the County Assessor’s office.
**Topography and existing development**

The subject site slopes gently east with no significant features that would limit development on the site. A solitary mobile home is located on the western half of the subject parcel. To the south of the site is a multifamily development (Silver Springs Village). To the north is single family residential development.

**Flood Zone**

Per the FEMA Flood Insurance Rate Map (FIRM) Panel 32019C0213E (effective date 01/16/2009) the subject site is within the X-Unshaded Zone, outside the 500 year floodplain.
**Master Plan**

The Master Plan designation is Suburban Residential.

**Zoning**

The zoning on the subject parcel is SR-12,000 (Suburban Residential – 12,000 sf minimum). This zoning district is intended for single family residential development, which is what the applicant intends for both of the new parcels proposed.

**STAFF REVIEW**

The proposed new parcel sizes of 20,009 square feet (sf) for Parcel 1 and 20,017 for Parcel 2 meet the minimum parcel size required for SR-12,000 zoning. In accordance with Lyon County standards, a 7.5-foot public utility easement along the front property lines and 5-foot public utility easement along all side property lines will be required for the proposed new parcels prior to recordation of the Final Map.

The image below is taken from the map submitted by the applicant and depicts the new parcels’ configurations.

**FINDINGS**

Chapter 15.606.07 (D) lists the Findings which the Planning Commission have to consider when reviewing tentative parcel map applications. These Findings are listed below in **bold** with staff’s review of the Findings in normal type.

1. General improvement considerations for all parcel maps including, but not limited to:
   a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

**Environmental and Health Regulations**

Water Pollution and Air Quality: The Nevada Division of Environmental Protection (NDEP) is the governing body for water and air quality. NDEP was forwarded the application materials and had an opportunity to offer comments, but did not respond with any stated concerns.

**Solid Waste**

Lyon County has a franchise agreement with Waste Management to deal with solid waste disposal.
Sewage Disposal

The site is within the boundaries of the Silver Springs General Improvement District (SSGID), which provides sewer disposal services. Existing sewer lines are located on both frontages of the subject site and connection to the SSGID will be required prior to development on the site.

Water Supply

The subject site is located within the boundaries of the Silver Springs Mutual Water Company. The County sent notification of the proposed land division to the Water Company’s Manager Matthew Martensen, who sent the following response (underline added).

*Currently, 3120 Elm St. APN 018-414-06 has 1 unit = (1.12af) of water rights to serve an existing 3/4” residential metered connection. In order to accommodate a parcel split at this location and for HSKS to receive a Will-Serve letter from Silver Springs Mutual Water Company for the newly created parcel, it will be necessary for HSKS place a minimum of 1 unit = (1.12af) on the newly created parcel and pay the capacity fees for the appropriate meter size to serve said location.*

The applicant will need to coordinate with the Nevada Division of Water Resources and with the Silver Springs Mutual Water Company directly to ensure adequate water rights are in place prior to recordation of the Final Map.

b) The availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;

As stated above, the applicant will need to coordinate with the Nevada Division of Water Resources and with the Silver Springs Mutual Water Company directly to ensure adequate water rights are in place prior to recordation of the Final Map.
c) **Conformity with the zoning ordinances and master plan;**

The proposed new parcels meet the minimum parcel size required by the zoning district. Future development will be required to meet setbacks and other SR-12,000 development standards. The Master Plan designation of Suburban Residential recognizes SR-12,000 zoning as being compatible and in conformance with the Master Plan.

d) **General conformity with the Lyon County master plan of streets and highways;**

The site is accessed by existing roadways, with no impact to planned regional roadways per the 2020 Master Plan update. The image below is from the 2020 Master Plan update and depicts the subject site’s area within the black circle. (However, Mono Street will be required to be improved by the applicant to the County’s Gravel Road standard prior to recordation of the Final Map in order to ensure safe access to proposed Parcel 2.)

e) **Physical characteristics of the land such as floodplain, slope and soil;**

As noted above in the staff report, the subject site is located within an X Unshaded Flood Zone, outside the 500 year flood boundary. The site includes native soils and typical desert vegetation without any notable topographical features that would preclude or hinder development.

f) **The recommendations and comments of those entities reviewing the tentative parcel map; and**

This document’s recommended Conditions of Approval include any topics of concern raised by staff and reviewing agencies.

g) **The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands.**

The Central Lyon County Fire Protection District was sent a copy of the tentative parcel map application to review. Their lack of response indicated sufficient facilities for fire suppression already exists. Typically, the Fire District informs applicants of the following.

> As of July 1, 2021, Central Lyon Fire District requires fire plan review for all residential projects built within the fire district. Please find relevant code information and the fire and life safety plan review application on our website at www.centrallyonfire.org. Please submit one hard copy of site and building plans along with the application and appropriate fees to the Central Lyon Fire administrative office located at 246 Dayton Valley Rd. Suite 106 Dayton, NV 89403 (775) 246-6209. Arrangements can be made to accept electronic materials for submittal. For questions, please contact Elizabeth Mink, Deputy Fire Marshal at (775) 246-6209.
2. Where an applicant proposes to create parcels of less than one acre, the commission may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.

The applicant is proposing to legally create two parcels, both of which will be served by public utilities.

3. For a second or subsequent parcel map with respect to a single parcel or a contiguous tract of land under the same ownership, the commission may require any reasonable improvement up to those required for subdivisions.

There is no subsequent parcel map proposed.
TENTATIVE PARCEL MAP
SUPPORTING REPORTS
FOR HSKS, LLC
BEING A SPLIT OF 3120 ELM ST., SILVER SPRINGS, NEVADA
ORIGINALLY LOT 6, SILVER SPRINGS SUBDIVISION NO. 3
SUBDIVISION MAP 72429F LYON COUNTY RECORDS

June 7, 2022

Prepared by
INTRODUCTION, NARRATIVE AND JUSTIFICATION

This document is a supplement to an application for a Tentative Parcel Map for 3120 Elm St., a lot in Silver Springs, Lyon County, Nevada. It is proposed to split original Lot 6 Silver Springs Subdivision No. 3 (APN 018-414-06) into two new parcels. Parcel 1 with 20,009 S.F. and Parcel 2 with 20,017 S.F. There is currently an existing house on the proposed Parcel 1 that will stay and, it is proposed that Parcel 2 will be developed for residential use with a single family dwelling. On September 2, 2021 the Lyon County Board of Commissioners approved to change the zoning from RR-2T to SR-12000 for proposed split and development of said parcel. The lot is located in the northwest quarter of Section 30, Township 18 North, Range 25 East, Mount Diablo Meridian, approximately 1 mile southwest of Silver Springs, Nevada, and approximately 1.5 miles southwest of, and upslope from Lahontan Reservoir.

The lot is 0.92 acres in size, being roughly rectangular and approximately 400 feet in an east-west direction and 100 feet in a north-south direction. It is zoned Suburban Residential 12000 (SR12000) with a minimum lot size of 12,000 square feet. It is intended for single family dwelling units. One such single family unit exists on the westerly part of the lot (a mobile home), and the lot is currently bounded by existing residences on the north and south and roadway frontages on the east and west, specifically Mono Street on the east and Elm Street on the west.

Included in this document are brief discussions of each of the topics required by Lyon County Land Use and Development Code, Title 15, Land Division Regulations Chapters 15.600 through 15.607 (1 Nov 2018), and Lyon County Tentative Parcel Map Application, version “Planning Application 01.2022”, specifically:

1) Traffic
2) Drainage
3) Soils

TRAFFIC
The proposal is to divide the existing lot into two parcels, one fronting on Elm Street, the other fronting on Mono Street. It is proposed to demolish the existing mobile home and build a new single family residence on each lot. Access to each lot would be provided by the adjacent streets, namely Elm Street, a paved road, and Mono Street, an unpaved roadway. Adding one residence to the neighborhood is expected to add approximately 2 light vehicles and their associated daily traffic to the local residential traffic flow, a negligible increase. Further study is not warranted.

DRAINAGE
The lot slopes gently (0.42%) to the northeast, toward Lahontan Reservoir on the Carson River. The Federal Emergency Management Agency (FEMA) classifies the site as Zone X, an area of minimal flood hazard. Following is a FEMA firmitte which illustrates the location of the lot and nearby FEMA flood zones.
SOILS
Soils in the area are characteristic of high desert where rainfall is approximately 4.9 inches per year. The Natural Resources Conservation Service (NRCS) classifies the soils as Patna Sandy Loam, a coarse to fine sandy, excessively drained soil with a saturated hydraulic conductivity of approximately 2 to 6 inches per hour. Attached as Appendix A is a USDA Web Soil Service soils report.
APPENDIX A – SOIL REPORT
For Possible Action – Brian Gauck- CONTINUED from the December 13, 2022 meeting- To approve a request from Brian Gauck for a Tentative Parcel Map to subdivide a 24.81-acre parcel into four (4) parcels, the smallest being 5 acres, located at 9725 Iroquois Trail in Stagecoach (APN 015-761-31) PLZ 2022-186.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
• - Staff Report
• - Backup Materials
• - Stagecoach Advisory Board Report
• - Public Comment
STAFF REPORT

PLZ-2022-186  Parcel map to subdivide an existing 24.81 acre parcel into four (4) parcels

Meeting Type  Planning Commission
Meeting Date  January 10, 2023
Owner(s)  Bryan Gauck
Applicant(s)  Bryan Gauck
Representative  CFA c/o Deane Scheiber
Location  9725 Iroquois Trail, Stagecoach
Parcel Number  015-761-31
Parcel Size  24.81 acres
Master Plan  Low Density Residential
Zoning  RR-3T (Third Rural Residential District – 5 acre minimum with a Trailer Overly)
Flood Zone(s)  Zone X per FIRM 32019C0310E (effective date 01/16/2009)
Case Planner  Louis Cariola

REQUEST

The applicant proposes that the above-referenced 24.81-acre parcel be subdivided into four (4) parcels through the parcel map land division process. Proposed Parcel 1 is 9.39 acres; proposed Parcel 2 is 5.42 acres; proposed Parcels 3 and 4 are 5 acres each. The property is currently zoned RR-3T (Third Rural Residential District – 5 acre minimum with a Trailer Overly).

STAFF RECOMMENDATION

Staff recommends approval of the tentative parcel map based on the Findings listed in the staff report and subject to the recommended Conditions of Approval listed below.

RECOMMENDED MOTION

If the Lyon County Planning Commission finds, after reviewing the staff report and considering public comment, they want to approve the tentative parcel map, then the Commissioners should consider a motion similar to the following:
The Planning Commission has considered:

1. General improvement considerations for all parcel maps including, but not limited to:
   a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
   b) The availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
   c) Conformity with the zoning ordinances and master plan;
   d) General conformity with the Lyon County master plan of streets and highways;
   e) Physical characteristics of the land such as floodplain, slope and soil;
   f) The recommendations and comments of those entities reviewing the tentative parcel map; and
   g) The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands.

2. Where an applicant proposes to create parcels of less than one acre, the commission may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.

3. For a second or subsequent parcel map with respect to a single parcel or a contiguous tract of land under the same ownership, the commission may require any reasonable improvement up to those required for subdivisions.

Based on the aforementioned Findings 1 through 3, I move that the Lyon County Planning Commission approve the Tentative Parcel Map request for Bryan Gauck (APN: 015-761-31); PLZ-2022-186 subject to the following Conditions of Approval:

**Conditions of Approval**

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 Department 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 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 (which is typically 2 acre-feet per new parcel).

6. The applicant 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 applicant 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 applicant shall comply with Lyon County’s storm drainage guidelines when/if developing the property in the future (revised September 2018).

10. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 (Design Criteria and Improvement Standards) of Lyon County Code.

11. The applicant shall comply with all applicable fire code requirements to the satisfaction of the Central Lyon Fire Protection District.

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 County 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 applicant shall place a note to this effect on the final parcel map prior to recordation.

15. The applicant shall resolve all Code Enforcement violations on the subject site to the satisfaction of the Community Development Director prior to recordation of the Final Map.

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.
GENERAL INFORMATION

Property Location and Access

The subject site is generally located in Stagecoach, north of US Highway 50 with access via Boyer Lane, which connects to Iroquois Trial. Boyer Lane crosses the US Highway 50 Frontage Road.
Size

The subject site is approximately 24.81 net acres in size. The existing configuration was created as Parcel 4 of recorded map number 202141 on February 5, 1997.

A 50’ wide easement for access and public utilities was included in the recorded map and is displayed below.
Topography

The subject site slopes gently south with no significant features that would limit development on the site, as demonstrated by the 10’ contour lines below.

Flood Zone

Per the FEMA Flood Insurance Rate Map (FIRM) Panel 32019C0301E (effective date 01/16/2009) the subject site is within the X-Unshaded Zone, outside the 500 year floodplain.
Master Plan
The Master Plan designation is Low Density Residential.

Zoning
The zoning on the subject parcel is RR-3T (Third Rural Residential District – 5 acre minimum parcel size with a Trailer Overlay). This zoning district is from Title 10, the County’s expired development code. Per the Consistency Matrix, adopted in 2018 by the County with the current development code (Title 15) the subject site’s development standards are determined by the current zoning district of RR-5 (Rural Residential - 5 acre minimum parcel size). Surrounding properties include sites subject to RR-20 (Rural Residential 20-acre minimum) and RR-5 standards.

Current Use
There are no residences on the property. Previously existing homes were demolished.
STAFF REVIEW

The proposed new parcel sizes of 9.39 acres for Parcel 1, 5.42 acres forParcel 2, and 5 acres for Parcels 3 and 4 all meet the minimum parcel size for the Title 15 zoning district of RR-5. Existing 5’ wide perimeter Public Utility Easements (PUE) will remain in place.

The image below is a staff-modified depiction of the proposed new parcel configurations, calling attention to a proposed 50’ wide vehicular and PUE easement in yellow. The new alignment will connect to the existing 50’ wide easement that connects to Iroquois Trail and will remain in place. The existing turn-around easement will be relinquished with the recording of a Final Map for the proposed new parcel configurations.
Findings

Chapter 15.606.07 (D) lists the Findings which the Planning Commission have to consider when reviewing tentative parcel map applications. These Findings are listed below in the staff report in bold with staff’s review of the Findings in normal type.

1. General improvement considerations for all parcel maps including, but not limited to:
   a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

Environmental and Health Regulations

Water Pollution and Air Quality: The Nevada Division of Environmental Protection (NDEP) is the governing body for water and air quality. NDEP was forwarded the application materials and had an opportunity to offer comments, but did not respond with any stated concerns.

Solid Waste

Lyon County has a franchise agreement with Waste Management to deal with solid waste disposal.

Sewage Disposal

Any new septic systems proposed will need to be permitted through NDEP with documentation provided to the County.

Water Supply

The subject site is located outside of the existing boundaries of the Stagecoach GID. The County sent notification of the proposed land division to the GID, whose Manager, Teri Hurt, sent the following response (underline added).

This email will confirm that at this time our GID will not be able to provide water service to APN 015-761-31 nor its resulting parcels. While this parcel is located within the Stagecoach GID Service Area, we are not currently accepting any new applications to be included into our District Boundaries because we do not currently have the capacity to serve any additional lots.

In light of the GID’s position, future development on site will require approval from the Nevada Division of Water Resources (DWR) for authorization to drill wells for the new parcel configurations.

b) The availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;

Typically, a proposed parcel map must meet the minimum discretionary requirements and mandatory water rights requirements set forth in Lyon County Code Chapter 15.600.05, part of which is copied below in italic text.

"15.600.05 – Requirements:

Mandatory Water Rights Dedication or Relinquishment Requirements are as follows:

All maps of land division, including parcel maps, subdivision maps and maps of division of land into large parcels, must dedicate or relinquish water rights as follows:

1. If the land encompassed by any map of land division is not within the existing boundaries of a public water system as defined in NRS 445A and the newly created parcels are to be served by domestic well:
   a. The land divider shall relinquish to the state engineer water rights necessary to ensure an adequate water supply for domestic use of the newly created parcels from within the water basin in which the parcel is located; and
b. The land divider shall bear all costs associated with such relinquishment; and

c. For purposes of this section, valid underground water rights in the amount of 2.0 acre-feet per year shall be relinquished for each new parcel created by the land division; and

d. No map of land division shall be recorded until the requirements of this section have been satisfied.

The applicant will need to provide documentation of the water rights dedication/relinquishment to the satisfaction of the DWR to the County before proposed development may be constructed.

c) Conformity with the zoning ordinances and master plan;

The proposed new parcels meet the minimum parcel size required by the zoning district. Future development will be required to meet setbacks and other RR-5 development standards. The Master Plan designation of Low Density Residential considers lot sizes below 5 acres as more consistent with the Plan, but notably, considers properties without public utilities as consistent with the Plan.

d) General conformity with the Lyon County master plan of streets and highways;

The site is accessed by existing roadways, with no impact to planned regional roadways per the 2020 Master Plan update. The image below is from the 2020 Master Plan update and depicts the subject site’s area within the red oval. Highway 50 is in green.

e) Physical characteristics of the land such as floodplain, slope and soil;

As noted above in the staff report, the subject site is located within an X Unshaded Flood Zone, outside the 500 year flood boundary. The site includes native soils and typical desert vegetation without any notable topographical features that would preclude or hinder development.

f) The recommendations and comments of those entities reviewing the tentative parcel map; and

This document’s recommended Conditions of Approval include any topics of concern raised by staff and reviewing agencies.

g) The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands.
The Central Lyon County Fire Protection District was sent a copy of the tentative parcel map application to review. Their lack of response indicated sufficient facilities for fire suppression already exists. Typically, the Fire District informs applicants of the following.

As of July 1, 2021, Central Lyon Fire District requires fire plan review for all residential projects built within the fire district. Please find relevant code information and the fire and life safety plan review application on our website at www.centrallyonfire.org. Please submit one hard copy of site and building plans along with the application and appropriate fees to the Central Lyon Fire administrative office located at 246 Dayton Valley Rd. Suite 106 Dayton, NV 89403 (775) 246-6209. Arrangements can be made to accept electronic materials for submittal. For questions, please contact Elizabeth Mink, Deputy Fire Marshal at (775) 246-6209.

2. Where an applicant proposes to create parcels of less than one acre, the commission may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.

The applicant is proposing to legally create four parcels, all of which will be larger than one acre in size.

3. For a second or subsequent parcel map with respect to a single parcel or a contiguous tract of land under the same ownership, the commission may require any reasonable improvement up to those required for subdivisions.

There is no subsequent parcel map proposed.
Alternatives to the Staff Recommendations:

Alternative for Continuance

If the Planning Commissioners determine that there is insufficient information with which to make a decision on the tentative parcel map application before them and that additional information, discussion and public comment are necessary to have a more complete and thorough review of the proposed parcel map, then the Planning Commission should make the appropriate findings and move to continue the Public Hearing for the tentative parcel map application to a future date with concurrence from the applicant.

If so, then the Planning Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission finds that:

A. Additional information, discussion and public review are necessary for a more thorough review of the proposed tentative parcel map application.

Based on the aforementioned finding, and with the applicant’s concurrence, the Planning Commission continues the Tentative Parcel Map request for Bryan Guack, file number PLZ-2022-186 (APN: 015-761-31) for ___ days.

Alternative Motion for Denial:

If after review and public comment the Planning Commission determines that they should deny the tentative parcel map application, then the Planning Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission has considered:

1. General improvement considerations for all parcel maps including, but not limited to:
   a. Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
   b. The availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
   c. Conformity with the zoning ordinances and master plan;
   d. General conformity with the Lyon County master plan of streets and highways;
   e. Physical characteristics of the land such as floodplain, slope and soil;
   f. The recommendations and comments of those entities reviewing the tentative parcel map; and
   g. The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands.

After consideration of the above-listed Findings, the Lyon County Planning Commission has determined that the tentative parcel map would not be in conformance with the above-listed considerations and denies the Tentative Parcel Map request for Bryan Guack, file number PLZ-2022-186 (APN: 015-761-31).

Appeal Process:

LCC 15.606.12: An applicant aggrieved by a decision of the planning commission may appeal to the Board of County Commissioners within thirty (30) days of the mailing of the decision. The Board of County Commissioners shall render their decision within forty five (45) days after filing of the appeal and payment of fees.
To the Lyon County Planning Commission. Below is a report from the Stagecoach Advisory Board (Board) for the November 8, 2022 planning commission meeting concerning two planning items in the Stagecoach valley. Below are agenda items 8 and 9, the Boards’ recommended action and supporting reasons.

9. For Possible Action: To forward a recommendation to the Board of Commissioners for a request from Brian Guack for a Tentative Parcel Map to subdivide a 24.81 acre lot into four (4) parcels, the smallest being 5 acres, located at 9725 Iroquois Trail in Stagecoach (APN 015-76-31) PLZ-2022-186.

A motion for a recommendation of denial to the Board of Commissioners for a request from Brian Guack for a Tentative Parcel Map to subdivide a 24.81 acre lot into four (4) parcels, the smallest being 5 acres, located at 9725 Iroquois Trail in Stagecoach (APN 015-76-31) PLZ-2022-186 was made and seconded. The recommendation for denial passed 5-0 with the following reasons (discussion concerning this agenda item is located at 1:49:44 to 2:14:40 on the audio recording):

The staff report (page 5) describes a 50’ wide access and utility easement, but it was unknown if the roads will be built to County standards, or will be paved, gravel or dirt and who owns the road (owned by the parcel themselves or by the County).

A property owner immediately adjacent to the subject site stated that neither he nor his neighbor (who is also immediately adjacent to the property) were notified about this project by the County.

Flooding. A property owner immediately adjacent to the subject site stated the County had previously constructed a drainage ditch to divert water. The individual who previously owned the subject site constructed a “V” in this drainage ditch, so now water comes onto his property and buildings. Would like to know how this issue will be addressed.

The staff report (page 7) indicates there are no residences on the property and the previously existing homes were demolished. An adjacent land owner stated there is somebody currently living on the property on a trailer and there is also a barn, both located on proposed lot #2. There is also a large pile of debris currently on the property from the demolished trailer(s) and showed a photograph of the pile. Other residents indicated there are some new buildings and a bunch of RVs on the site. None of this is depicted on the provided maps.

The staff report (page 9) indicates SGID will not be providing water and that private wells will be required and need approval through the State of Nevada. An adjacent resident stated there is an existing well on the north end of the property; it is dilapidated and falling over. There is some confusion if this well is currently in use or abandoned and if this well will be used as one of the wells for the subdivided lots and how many wells or acre-feet of water rights will be required.
Re: PLZ-2022-186; APN #015-761-31
1 message

Jesse Olson <jesse.o@thehappyoutlet.com>  Wed, Nov 30, 2022 at 1:23 PM
Reply-To: jesse.o@thehappyoutlet.com
To: "sjuntunen@lyon-county.org" <sjuntunen@lyon-county.org>

Lyon County Community Development
27 South Main Street
Yerington, Nevada 89447
sjuntunen@lyon-county.org

Re: PLZ-2022-186

Jesse Olson
9555 Iroquois Trail
Stagecoach, Nevada 89429
APN# 015-761-34 Parcel 1

Ms. Shannon Juntenen,

I have received the Notice of Application and Public Hearing scheduled for December 13, 2022. As an affected property owner, I wish to provide written comments in advance of the hearing.

I have no issues with the proposed subdividing of the 24.81-acre parcel. The smallest parcel remains at 5 acres, and is in keeping with the current 5-acre zoning. However, I do have two separate requests that affect the improvement and maintenance of my property.

First, I request that NRS 534.120(3)(e) be applied to this application. The State Engineer may authorize, "in connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance." In addition, the well has not been used in the 14 years we have resided at the property. Accordingly, NRS 534.090(2) states "If the records of the State Engineer or any other documents obtained by or provided to the State Engineer indicate 4 or more consecutive years of nonuse of all or any part of a water right which is governed by this chapter" the water right must be forfeited.

Second, I request that - despite the requirements of NAC 534.424 - the cost burden to abandon and plug the well be the responsibility of dominant tenent. As the servient tenent, I have received no benefit from said well. Therefore, it would not be equitable for the "the owner of the land at the time the well is plugged [to be] responsible for the cost of plugging the well. Should Mr. Gauck wish to subdivide his parcel, this cost should be associated with his own improvement.

If for any reason these requests can not be met, I request the following alternate inclusions to the easement:

First, I request that the easement (see attached document #212826-1 be revised and/or improved. As you can see the existing easement is vague. Additionally, the attached plot map merely shows the location of the well, and does not include the locations of buried water pipes that run from the well, across our property, to Mr. Guack's property. Since the easement was originally created on November 7, 1997 none of the original property owners exist. Consequently, there is not one left to know where these buried utilities lie. I am sure you would agree that knowing where these utilities are located would help prevent future issues as both properties are improved. The easement should include a plot plan describing the location of buried utilities, and the width and length of such easement.

Second, I request that the easement indicate that the "well, pump, water lines, transformer," well house, and other appurtenances be maintained by the dominant tenent. In the 14 years we've owned the property, these items have never been maintained. In fact, because of the lack of maintenance the well has flooded our property, the wind and rain have collapsed the well house, and the overhead electrical service was disconnected due to hazard.
I appreciate your allowing me to participate in the upcoming hearing by providing my comments via email. Please confirm that you have received this email, and let me know if you have any other questions or concerns.

Sincerely,

Jesse Olson
(775) 690-1603
jesse.o@thehappyoutlet.com
Subject: PUBLIC COMMENT

Mandy Brinnand <sunstream3@yahoo.com>
to drcab@lyon-county.org

You are viewing an attached message. Lyon-county.org Mail can't verify the authenticity of attached messages.

My name is Amanda Brinnand and although I live in Stagecoach, I commute through the Mark Twain and Dayton and am in the same water basin as Dayton.

I would like to provide public comment on the November 2, 2022 Dayton Regional Advisory Board Agenda Item #8 and #9:

The 2020 Master Plan has so many areas that are already zoned for small lots (12,000 square feet). This area is zoned 2-acre minimum and should stay zoned as 2-acre minimum. A mosaic of small and large lot sizes should be maintained through the previously very rural Mark Twain so a solid corridor of unappealing tract homes isn't evident through this area. Developers purchase these lots with larger acre zoning at a reduced price, want to change the zoning, and build on postage stamp size lots at a great profit to them. The Master Plan has many areas that are zoned for these smaller lot sizes, developers should be required to build on those smaller size lots and not remove little bit of open space Dayton and Mark Twain has left.

The Developer makes the statement on page 8 that the site has been designed to:

Complement the approved residential development to the east, north and south by matching the surrounding single family residential lots. Although lots to the south are currently small sized lots, lots to North and to the East across US Highway 50 are currently larger sized lots. There is no guarantee the other developments they describe will be built, and even if they are, this development doesn't complement the predominant existing land use in Mark Twain. They don't state they will complement the existing residences on larger lots to the East or North, or even acknowledge them, that's because they will dramatically conflict with them.

Preserve areas for open space – building 3.6 homes per acre compared to 1 home per 2 acres is not preserving open space – it is destroying open space.

Improve connectivity of the existing and approved road network. Not sure how this will improve existing roads, don’t.

Water is a very big concern in this area – we live in a desert and are in a drought. This out of control building on tiny small lots will have long term and far reaching impacts. Twenty homes on the 40 acres will have a vastly lower in to the water and sewage facilities than 72 homes. What happens when wells start to dry up? The developer will long gone.

Please don't allow this zoning map amendment to change the zoning from 2-acre minimum to 12,000 square feet help to keep the rural areas with larger lots intermixed with suburbia and allow for the health and safety of existing residents.

Thank you
Subject: Keep rural Lyon County rural residential

C U <lukkitychika@gmail.com>
to drcab

You are viewing an attached message. Lyon-county.org Mail can't verify the authenticity of attached message:

I oppose suburban conversion. Chikako Uchinami
Subject: PUBLIC COMMENT

At&t Yahoo Mail <djsunshine@att.net>
to drcab@lyon-county.org

You are viewing an attached message. Lyon-county.org Mail can't verify the authenticity of attached message:

My one comment is NO MORE RESIDENTIAL building until we get more infrastructure. Roads, police, schools. Still waiting for the second bridge.
Diana and Stan Wyman

Sent from AT&T Yahoo Mail for iPad
Lyon County Planning Commission Agenda Summary

Meeting Date: January 10, 2023

Agenda Item Number: 15.a

Subject: For Possible Action: Staff update on recent County Commissioner actions.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
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