You can also provide public comment for this meeting by sending us an email at svcab@lyon-county.org, the day prior to the posted meeting date. Be sure to type PUBLIC COMMENT in the subject line.

**Agenda (Amended)**

(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 related electronic devices 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 any time.

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. Call to Order - Chair Ted Stec
2. Roll Call: Determination of a Quorum
3. Pledge of Allegiance
4. Invocation
5. Public Participation (no action will be taken on any item until it is properly agendized) - It is anticipated that public participation will be held at this time, though it may be returned to at any time during the agenda. Citizens wishing to speak during public participation are asked to state their name for the record and will be limited to 3 minutes. The Board will conduct public comment after discussion of each agenda action item, but before the Board takes any action.
6. For Possible Action: Review and adoption of Agenda
7. For Possible Action: Approve Minutes of: June 7, 2023
8. Community Reports:
   a. County Commissioner – Dave Hockaday
   b. Planning Commission – Constantine Kuzmicki
   c. Sheriff’s Office Report – Cdr Ryan Powell (or designate)
   d. Fire Department Report – Chief Matt Nightingale (or designate)
9. **For Possible Action:** To forward a recommendation to the Board of Commissioners for the request for a Major Variance from Mr. George Thanash to allow an accessory building to be located less than one-hundred (100) feet from an adjacent road in the RR-20 (Rural Residential-20 acre minimum) zoning district on a 40.89-acre parcel located approximately five-hundred (500) feet to the southwest of the intersection of Hoye Canyon Road and State Route 208 at 54 Hoye Canyon Road in Smith Valley (APN 10-631-29) PLZ-2023-035.

10. **For Possible Action:** To forward a recommendation to the Board of Commissioners for the request for a Master Plan Amendment from Mark and Sheryle Jones to amend the Master Plan designation from Agriculture to Rural Residential on a 21.60-acre parcel generally located to the northeast of the intersection of Madison Way and Artesia Road at 60 Artesia Road in Smith Valley (APN 010-081-43) PLZ-2023-020.

11. **For Possible Action:** To forward a recommendation to the Board of Commissioners for the request for a Zoning Map Amendment from Mark and Sheryle Jones to amend the zoning Map designation from Title 10 district of RR-5 (Fifth Rural Residential - 20 acre minimum) to the Title 15 district of RR-5 (Rural Residential – 5 acre minimum) on a 21.60-acre parcel generally located to the northeast of the intersection of Madison Way and Artesia Road at 60 Artesia Road in Smith Valley (APN 010-081-43) PLZ-2023-021.

12. **For Discussion Only:** Review of Correspondence, email, other communications:
   
a. Miscellaneous correspondence and email

13. **For Discussion Only:** Chairperson & Board Member Discussion (to include ancillary duties update, if any)

**RECESS TO CONVENE AS THE SMITH VALLEY CEMETERY BOARD**

14. **Public Participation:** It is anticipated that public participation will be held at this time, though it may be returned to at any time during the agenda. Citizens wishing to speak during public participation are asked to state their name for the record, spell it, and will be limited to 3 minutes. The Smith Valley Cemetery Board will conduct public comment after discussion of each agenda action item, but before the Smith Valley Cemetery Board takes any action.

15. **For Report Only:** Report on cemetery operations, to potentially include
   
a. Plot sales and improvements to plots requested by plot owners (who and what has been requested).
   
b. Maintenance and activities, including a review of projects that need to be
accomplished.
Doug Homestead and/or Roger Rodarte.

16. Public Participation: It is anticipated that public participation will be held at this
time, though it may be returned to at any time during the agenda. Citizens
wishing to speak during public participation are asked to state their name for the
record, spell it, and will be limited to 3 minutes.

ADJOURN TO RECONVENE AS THE SMITH VALLEY ADVISORY BOARD

17. Public Participation: It is anticipated that public participation will be held at this
time, though it may be returned to at any time during the agenda. Citizens
wishing to speak during public participation are asked to state their name for the
record, spell it, and will be limited to 3 minutes.

18. Board Member Comments.

19. Adjourn.

Pursuant to NRS 241.020, the agenda has been posted at the following locations: Lyon County
Administrative Complex (27 S. Main Street, Yerington, NV), the Lyon County Website:
https://www.lyon-county.org, and the State Website: https://notice.nv.gov.

Members of the public requesting meeting support materials may contact Smith Valley Advisory
Board via email at: svcab@lyon-county.org

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 is Available at www.lyon-county.org
1. Call to Order - Chair Ted Stec
   The meeting was called to order by Chairman Stec at 6:00PM

2. Roll Call: Determination of a Quorum
   All five members being present, a quorum was established.

3. Pledge of Allegiance
   Led by Tom Renner.

4. Invocation
   Led by Roger Rodarte.

5. Public Participation

   Mark Jones - apologized for any excitement last meeting and related that he was unhappy with what he felt was a lack of professionalism in certain comments directed to his presenter. He also clarified that Planning Commission members can only speak to tell us what happened at their last meeting, unless it is an issue that they are personally a party to.

6. For Possible Action: Review and adoption of Agenda

   Being no comments, a motion to adopt as written was made by Wendy Loomis and, seconded by Tom Renner

   The motion was then unanimously adopted.

7. For Possible Action: Approve Minutes of: May 3, 2023

   Being no comments, a motion to adopt as written was made by Tom Renner, seconded by Roger Rodarte.

   The motion was then unanimously adopted.

8. Community Reports:
   a. County Commissioner – Dave Hockaday
Regarding the flooding, it’s an ongoing concern and time to buy mosquito repellent, it will be a bumper crop this year.

Missed attending the cemetery cleanup due to an illness and as a result have also not yet coordinated with IT re: the TV and Zoom meeting setup.

On the 18th of May he signed his 3rd emergency declaration (for flooding), and up until 3 days ago were bringing 300 truckloads of dirt down to prevent flooding of Yerington. Some houses have flooded and been evacuated. (Some houses too close to the river cannot be protected by the US Army Corps of Engineers.)

There is a sinkhole in Mason road due to flooding, and the road is closed until August most likely.

Dave Hockaday emphasized that everything we are doing is to protect Yerington, and noted that any flooding of Yerington would get into the sewers and likely overwhelm the sewer system and water treatment plant.

The paving project at the fairgrounds has been expanded with additional asphalt going in for ADA compliance. American Rescue Funds are being used.

All things considered, Smith Valley is in pretty good shape for flooding compared to Yerington.

Dave Hockaday provided a handout on flooding preparation and an update from Walker River Irrigation District for circulation amongst meeting attendees.

Mark Jones asked about the ditch across from Renner’s being full. Dave Hockaday clarified that the County is trying to keep the ditches full to relieve pressure on the river. Peri & Sons and the Roads Department both working hard, again the goal is to protect Yerington and the associated infrastructure.

Roger Rodarte - any word on Night in the Country being canceled? Dave Hockaday - Nothing has been decided yet, if action has to be taken it will be closer to the event.
Roger Rodarte and Dave Hockaday then discussed the potential need to shore up the road edges and protect the bridge in Wilson Canyon.

Tom Renner - Are there lessons we can take from the flood of 1997? Don Smith - any word on flow out of Desert Creek? Dave Hockaday - repairing v. mitigation are two separate issues. Our approach is to repair (bring it back to what we had) and then have to
pursue funds for mitigation / improvement. It’s two separate processes.

Dave Hockaday was then wished a happy birthday by the attendees.

b. Planning Commission – Constantine Kuzmicki
Constantine Kuzmicki was not present, any update from Planning Commissioner Mark Jones?
Yes - last month has been pretty simple, with nothing impacting Smith Valley to report.

c. Sheriff’s Office Report – Cdr Ryan Powell (or designate)
Cdr Powell was not present and did not submit a report.

d. Fire Department Report – Chief Matt Nightingale (or designate)
Chief Nightingale not present. Wendy Loomis attempted to contact but did not hear back from him.
Mark Jones - advanced EMT class completed, numbers are growing.

e. Other Elected/Appointed officials of Smith Valley, Lyon County or State of Nevada
None present

9. For Discussion Only: Review of Correspondence, email, other communications:

a. Miscellaneous correspondence and email (read and placed on table):

Thanash Major Variance application (54 Hoye Canyon Rd)
We have been requested to schedule this for the next meeting (July) and they have requested to make a brief presentation to SVCAB.

Hudbay Mason Project Open House (June 14)
Wendy Loomis stated she would be attending a different open house being held for the Tribes on Tuesday.

10. For Discussion Only: Chairperson & Board Member Discussion (to include ancillary duties update, if any)

Wendy Loomis - no further update other than attempted contact with the Fire Chief.

Jon Turner - nothing at this time

Tom Renner - Hwy 208 project, need someone who can write a grant proposal for the US Government. TRE is in the process of doing the same thing. There are funds available to do what we are trying to do here (improve our roads between us and another rural community)
Mark Jones - how many turn lanes requests?
Tom Renner: TRE = 3, three here (UC, LC, 208), and the passing lane going up Jack Wright Pass.

Roger Rodarte - nothing at this time

Ted Stec - attended the Walker River Basin Community Fundraiser last Saturday, which was well attended. Also, reached out to the owner of the sign (Northern Nevada High Speed) about obstruction of traffic sightlines at Lower Colony Rd. The business owner was receptive about addressing the concern, but would have to bring to the attention of the property owner. Sign is heavy and in concrete, so cannot be easily picked up and moved. (Note: This concern was raised by Mark Jones and others at a previous SVCAB meeting.)

There were no additional comments from the members nor the public.

RECESS TO CONVENE AS THE SMITH VALLEY CEMETERY BOARD

11. Public Participation:

none at this time

12. For Report Only: Report on plot sales and improvements to plots requested by plot owners (who and what has been requested) – Doug Homestead / Roger Rodarte.

See 14

13. For Report Only: Update on cemetery operations, maintenance and activities, including a report or information from Doug Homestead, facilities manager with review of projects that need to be accomplished.

See 14


Consolidated 12-14 minutes:
Roger Rodarte - one plot sold, one interment. One additional tribal burial, but he has no further information on that one.
The Cemetery Cleanup was a big success. On the 13th, a lot of cleanup work was completed thanks to Rotary. On the 20th, there was the cleanup day; Rodarte thanked Homestead and his crew for all their assistance. America Corp. assisted. Homestead talked about leveling headstones where they could, repairing flood damaged areas, road work, and more. $400 from the budget was spent on software and tree work. He has a tablet now to help with the new software that identifies burial site accurately. It is cloud-based to assist the public. Rodarte displayed new signage that is forthcoming.
15. Public Participation:

Don Smith - will the trees that were cut down be replaced?
Doug H - no, there will be no more trees along the gravesites. Roots into the graves is a problem.

Tom Renner - lights are against the rules but people are still placing them.
Doug H - there has been a change to the rules allowing them, we need to approve the change.
Roger Rodarte reported he had purchased solar lights for the flagpole so that the US flag may be appropriately flown and lit at night.
Doug H - he has flags as needed for display

Tom Renner - amazing participation at the cleanup day.

ADJOURN TO RECONVENE AS THE SMITH VALLEY ADVISORY BOARD

16. Public Participation:

Mark Jones - Basque BBQ coming up in Minden, tickets are $25. Florida Governor Ron DeSantis will be the guest speaker.
Lyon County Republican Central Committee will be holding a fundraiser at this ranch in August. Our Governor and others will be attending. He said it is important that we protect our rural areas.

17. Board Member Comments.

none at this time

18. Adjourn.

motion to adjourn by Tom seconded by Wendy.

Hearing no objections, the meeting was adjourned at 6:49PM.
Lyon County Community Development / Planning  
27 S. Main Street  
Yerington, NV 89447

Date: 2023-05-15

Address: 54 Hoye Canyon Road, Wellington, NV  
APN: 010-639-29

SUBJECT: Major Variance Application  
Project Description / Justification / Findings / Not Applicable

Dear Lyon County,

PROJECT DESCRIPTION / JUSTIFICATION:

With this application the applicant seeks a major variance to allow installation of a 4,000 square foot pre-engineered metal building shop on the subject parcel at a location on the subject property within 100 feet of Hoye Canyon Road.

Section 15.335.03 of the Land Use and Development Code for Lyon County states that for properties 5 acres or larger accessory buildings may be located closer to the adjacent road than the principal structure on the property but that the accessory buildings must be at least 100 feet from the adjacent road.

The subject parcel is 40.89 acres zoned RR-20/RR-5. The applicant originally intended to place a shop in a location sufficiently apart from Hoye Canyon Road, and constructed a pad with preliminary earthwork. The applicant later entered a contract for a somewhat larger pre-engineered metal building than originally planned, and it exceeds the pad that was originally intended for the shop; the as-built condition also revealed other issues.

Complying with the normal standards would create a hardship: The lot is extraordinarily irregular in shape, and unusually encumbered by:
- FEMA Special Flood Hazard Area (SFHA) mapping of the majority of the parcel, and all buildable areas, as Zone D or X (shaded), which each require fill 1’ above highest adjacent natural grade
- An irrigation ditch on the south boundary, which is imperfectly sealed and creates a saturated condition in most of the relatively flat land of the parcel
- The Walker River bisecting the parcel
- A public road bisecting the parcel
- Existing improvements which were adapted from original plans to utilize the lower, gentler sloped areas before the saturated condition was identified
Accordingly, due to the size of the proposed shop, the applicant seeks to place the shop in the only remaining location on the subject parcel where it will fit — the flattest non-wetland portion of the property, which is located the house and Hoye Canyon Road. This location is 61.2 feet from the property line at this location, which indicates a minimum variance requirement of 39% vs the Section 15.335.03 A.2.b(2) Exception.

There will be 50 feet between the applicant’s home and the new proposed shop location. The proximity of the shop to the home at this location will be more convenient for the applicant and safer for emergency and utility access.

FINDINGS:

Section 15.203.06 of the Land Use and Development Code for Lyon County sets forth what findings must be made to grant a major variance.

The facts here support a decision to allow a major variance.

1. By reason of exceptional narrowness, shallowness, or shape of the property in question, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the property in question, the strict application of the provisions of the applicable title would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the applicant.

ANALYSIS: The strict application of Section 15.335.03 of the Land Use and Development Code presents an exceptional and undue hardship here. The subject parcel is oddly shaped. It consists of two long and narrow or shallow prongs attached in one location. In addition, it has a challenging topography throughout most of the parcel, making much of the land undevelopable. Much of the parcel is in a flood zone. There are artesian water, wetlands, and ditches in many locations on the parcel. As a result, the area on the parcel where any building can occur is very limited and very narrow.

The subject parcel differs from other properties in the area. None of them are shaped like the subject parcel. They are more rectangular and/or wider. In addition, they do not have so much challenging topography if any at all.

The proposed shop would fit ideally on the portion of the property between the applicant’s house and Hoye Canyon Road. This is the flattest developable portion of the property, and the ideal location given its cooperative topography there as well as the proximity to his home and proximity to existing utilities servicing the home. Yet enforcement of Section 15.335.03 would prohibit building at this location.

To only allow the applicant to build his shop in the original location where he first contemplated putting the shop would cause undue hardship; The applicant would have
to expand the pad at that location. There would be great expense addressing the
topography there, particularly for an exit ramp/driveway. There would have to be
substantial grading to create a flat enough space for the desired shop. There also would
be the expense of extending utilities to that location, and a continual maintenance issue
of preventing sedimentation, as well as potential damage from the ditch above the
location.

Applicant seeks to build a 4,000 square foot shop, rather than a smaller structure,
because he intends to use it for multiple purposes; George has a friend with a shop of
about 2,400 square feet and that shop is already cramped and out of available space, so
Applicant decided a bigger shop would be best to accommodate all of the needs for his
growing family. He has already purchased and obtained the materials for a shop of this
size.

Even if Applicant seeks to build a smaller shop, there still will be the need for a variance
because the preferred location for any shop will be the same location that happens to be
within 100 feet of Hoye Canyon Road, for the reasons discussed above.

Other properties in the area have large accessory buildings:

i) At 180 Hoye Canyon Road, Wellington, APN 101-701-01, RR5, just west up the road
from the subject parcel, the owners are building a 2,500 square foot detached garage.
That structure looks to be within 100 feet of Hoye Canyon Road.

ii) At 2827 NV State Route 208, Wellington, APN 101-641-04, just east on Hoye Canyon
Road, there exists a 3,168 square foot barn not far from Hoye Canyon Road.

iii) At 27 Colony Estates Drive, Wellington, APN 009-141-04, RR2, there is a 4,800 square
foot shop that backs up to Upper Colony Drive.

iv) At 4 Colony Estates Drive, Wellington, APN 009-142-01, RR2, there is a 2,048 square
foot detached garage.

v) At 15 Upper Colony Drive, Wellington, APN 010-361-21, RR2, there is an 1,800 square
foot shop.

vi) At 2771 Nevada State Route 208, Wellington, APN 010-631-19, RR3, there is a 3,360
square foot barn.

vii) At 10 Lorane Lane, Wellington, APN 010-711-10, RR3, there is a 2,264 square foot
detached garage.

viii) At 39 Wellington Cut-Off, Wellington, APN 010-711-08, RR3, there is a 1,728 square
foot detached garage.
ix) At 526 Nevada State Route 338, Smith Valley, APN 010-741-66, RR5, there is a 3,000 square foot shop.

2. The circumstances or conditions do not apply generally to other properties in the same land use district.

ANALYSIS: The applicant has a unique problem given the subject parcel’s unusual shape and the challenging topography. The subject parcel is oddly shaped. It consists of two long and thin prongs attached in one location. No other parcel in the nearby area is shaped like it; they are more rectangular and/or wider. In addition, it has a challenging topography throughout most of the parcel, making much of the land undevelopable. Much of the parcel is in a flood zone. There is artesian water, wetlands, and ditches in many locations on the parcel. As a result, the area on the parcel where any building can occur is very limited and very narrow.

3. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity, substantial impairment of natural resources or be detrimental to the public health, safety, and general welfare.

ANALYSIS: Putting the proposed shop close to Hoye Canyon Road will not cause any damage or prejudice to other properties in the area. Nor will it cause any impairment of natural resources or be detrimental to public health, safety and general welfare. The Applicant intends to use his shop for multiple reasons. A primary reason will be for vehicle storage. He has a collection of classic cars, recreational vehicles, boats and tractors. He does not want to have to park these vehicles outside, and doing so would be unsightly to the neighborhood. The Applicant will also use the shop for general storage given their manufactured home has limited storage space. The Applicant plans a home gym, game room and workshop. None of these purposes would be detrimental to public health, safety, and general welfare, nor would they cause a nuisance to other properties. The subject property is in a remote canyon in Lyon County. There are a very small number of residents who live in that canyon on Hoye Canyon Road. Hoye Canyon Road is a secondary road that is not traveled that much by the general public going from community to community, but rather only used by local residents.

There are similarly sized accessory buildings in the area, some within 100 feet of the nearby roads. See list above.

Lastly, the proposed shop will be naturally screened to some degree from Hoye Canyon Road because there are large willow, sagebrush, and other woody plants between the proposed shop and the road, reducing visual impact.

Hence, the applicant respectfully requests a variance from Section 15.335.03 of the Lyon County Land Use and Development Code.
NOT APPLICABLE:

The applicant respectfully requests exemption from the following Major Variance application items:

4.A. Floor Plan – the shop has no interior features
5 Map – there is no proposed boundary modification map or similar plan for this application

Thank you for taking the time to consider this application. If you have any further comments, questions, or concerns please feel free to contact me, Eric Lerude at Ext. 717 or eric@robisoneng.com, or Victoria Foster at Ext. 723 or victoria@robisoneng.com.

Sincerely,
ROBISON ENGINEERING COMPANY

Nathan Earl Robison, PE
775-852-2251 x 700
nathan@robisoneng.com
Lyon County Community Development / Planning
27 S. Main Street
Yerington, NV 89447

Address: 54 Hoye Canyon Road, Wellington, NV
APN: 010-639-29

RENG Project #
1-1546-01.044

SUBJECT: Major Variance Application

Project Photos

Looking northwest from Septic area at proposed shop location with home on the right
Looking southeast at original shop pad excessive fill; home on the right.

Looking south across cleared proposed shop area: approach driveway visible in center
Looking southeast from towards shop area: note vegetation screening trailer at proposed shop location
April 3, 2023

Via Email

LYON COUNTY
Community Development
27 S. Main Street
Yerington, NV89447

Master Plan Amendment & Zoning Map Amendment
60 Artesia Road

Project Description / Narrative &
Justification / Findings

To Whom it may concern:

This letter addresses the Project Description and Narrative as well as the Justification and Findings for this request for approval of a Master Plan Amendment (MPA) and Zoning Map Amendment (ZMA) for this 23.41-acre (gross) property located in Smith Valley.

Project Description & Narrative

With this application for a MPA and ZMA, the applicant seeks the County’s approval to change the existing land use from Agricultural to Rural Residential, and the current zoning from RR-5 (Fifth Rural Residential, 20-acre minimum –Title 10) to RR-5 (Rural Residential – 5-acre minimum per Title 15) zoning for the property referenced in the table below.

Project Details

<table>
<thead>
<tr>
<th>APN &amp; Address</th>
<th>Acres</th>
<th>Current &amp; Proposed Zoning</th>
<th>Current &amp; Proposed Master Plan Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>010-081-43</td>
<td>23.41 gross acres</td>
<td>RR-5 (Fifth Rural Residential, 20-acre minimum – Title 10) ~&gt; RR-5 (Rural Residential, 5-acre minimum per Title 15 zoning district)</td>
<td>Agricultural ~&gt; Rural Residential</td>
</tr>
</tbody>
</table>
Site History
The Owners, Sir Mark and Sheryle Jones, purchased the property in 2019. At that time, the site included a 1,542 SF residence constructed in 1965 and a 5,283 SF residence built in 1999. Under their ownership, a warehouse and other improvements have been developed on the property.

In 2016, the existing parcel was created by a Record of Survey filed under Document No. 549450. With this recordation, Document No. 549449 was recorded to grant a perpetual offer of dedication for 2.93 acres of public road right-of-way along a portion of Artesia Road abutting Lyon County APN 10-81-19. With this map, Document No. 549452 was also recorded to establish a 5,181 SF “Declaration of Access and Maintenance Easement” in order “to access, use and maintain a irrigation well” within an easement established by this document.

The well and access easement are on the southeast side of the Jones’ property. In the last year, the grantee with access to the well (per the recorded easement on Document No. 549452) cut the irrigation pipe that routed water along the frontage of the Jones property. The pipe was capped—and the Jones family no longer had access to water from this well. The well itself is not under the applicant’s ownership though it is on his property; however, the water is inaccessible now that the pipe has been cut and capped.

By court agreement, the applicant was allowed to use the water when the primary user is not irrigating—provided that he obtain additional water rights. He did so—but opportunities to use these rights have been difficult to find because the well has often been running 24 hours, 7 days a week.

The owner reports that ag production is no longer feasible. Though he has the option to drill his own well, the cost ($138,000) is not reasonable for this hobby farm with about 12 acres in hay production.

Future Intent
With the approval of the requested master plan and zoning map amendments, the Owner intends to file a parcel map application to create three additional parcels. Each parcel will be a minimum of five acres in size—to allow the development of the parcels for residential use with allowance for certain agricultural activities. The new parcels will rely on well, septic, and propane as well as utility services from NV Energy and Frontier.
The property is within an X-Unshaded Flood Zone per Firm Panel 32019C0950E (effective date: 01/16/2009). The Owner’s contact information is available in the signed application included with this submittal.

Justification & Findings

15.210.03: Findings for Master Plan Amendments

A. Findings for Master Plan Amendments.

1. When making an approval, modification, or denial of an amendment to the master plan land use map or text, the commission and the Board shall, at a minimum, consider each of the following and base approval, modification, or denial based on the combined weight of the findings. Each finding shall be supported by a statement of evidence, facts, and conclusion.

Finding 1a: Consistency with the Master Plan
The applicant has demonstrated that the amendment is in substantial compliance with and promotes the master plan goals, objectives, and actions.

Response: The 2020 Lyon County Master Plan (Lyon County Master Plan) states that “Over 90 percent of the county is zoned for Rural Residential” (2020 Lyon County Master Plan, p. 2.3, “Key Facts and Trends”). Master Plans, as explained in Chapter 1 of the 2020 Plan, are advisory—and serve as a “general policy document to guide the physical development of the county.” The goals, policies, and strategies outlined in the Master Plan provide guidance for the reviewing parties to weigh. The proposed land use for this application, Rural Residential, would be matched with RR-5 zoning to align the land use with the zoning.

Chapter 2: Communities
In Chapter 2 of the Lyon County Master Plan, each of the Lyon County communities and their land use goals are described. The Smith Valley Community, where this parcel resides, includes two goals “especially relevant in Smith Valley” (p. 2.16).

- Goal LU 4: Viable Agriculture
  The Land Use Table in Chapter 3 of the LCMP outlines agricultural uses permitted under RR-5 zoning. These uses include animal keeping (livestock, poultry, etc.), field crops, plant nursery, and vineyard. The
limitations and requirements associated with these uses are clearly defined in Title 15.335.03 Uses Permitted Based on Standards.

For example, ag-related standards applicable to RR-5 zoning establish requirements for animal keeping. The number of animals or poultry on the property is limited by the following requirements.

- A quantity that will cause no harm to the animals
- A quantity that will cause no harm to the environment or ground water
- And a quantity that will cause no harm to neighboring lots, parcels, and/or owners.

These requirements are expanded upon as the discussion progresses—establishing two points.

1. Viable agriculture may continue on this property under RR-5 zoning.
2. The established standards for this use (and others) are clearly defined—including the management of any impacts on neighbors, ground water, and/or livestock.

Chapter 3, Land Use, Economy, and Growth identifies accommodating both ag uses and residential uses as a fundamental goal: “The County desires to continue agricultural production and the retention of agricultural lands but allow residential development especially in alternative “rural patterns” (Chapter 3, p. 3.2, LCMP). The uses allowed in Rural Residential zoning are exemplified as “ranchettes” and “farmettes” in the RR-5 definition of Title 15 zoning (Land Use Table, p. 3.10)—a reference that carries with it the integration of agricultural and residential uses.

- **Goal NR: Clean Water**
  Per the 2020 Lyon County Master Plan, 10 percent of the County’s land use is Agricultural. The proposed change to the land use and zoning would allow both a residential use and an agricultural one. This mix can preserve a measure of the land while expanding the opportunities to enjoy it—and potentially develop productive uses for that land.

While the County has abundant natural resources (over 75% of the County is public land, “Key Facts and Trends," p. 2.3, LCMP), the community values these resources and actively identifies strategies to protect them.
Water is fundamental to life—and protecting this resource is particularly important to Smith Valley—where agricultural land is gradually converting to residential uses.

Should the County approve a Master Plan (and Zone change) as required to permit the development of four parcels, each a minimum of 5-acres, each owner will rely on a well for water and a septic system for sewage disposal. The Department of Water Resources will oversee the requirements for any wells. State law and Lyon County Code regulate the treatment and disposal of sewage, and Lyon County will oversee these efforts and require compliance with state and local codes.

Agriculture and Residential uses both impact water quality. The productive mix of the two may be a healthy alternative to intensive ag uses and dense residential developments.

The goals and policies discussed below are found in Chapter 3: Land Use, Economy, and Growth of the 2020 Lyon County Master Plan.

**Goal LU 1: Orderly Growth Patterns**

*Policy LU 1.1: Follow Development Patterns as Established in the Land Use Plan*

The development patterns outlined in the Land Use Plan act as a point of reference when contemplating a change in the plan. This policy notes that the “county’s future urban and suburban growth will develop largely around existing communities” (p. 3.25, 2020 Lyon County Master Plan”). The strategy recommends using the plan to guide decisions on development approvals. The proposed change of the current land use and zoning at 60 Artesia Road would fit well with the established Land Use Plan—as illustrated in the response to finding b, below.

**Goal LU 4: Viable Agriculture**

*Policy LU 4.1: Encourage the Continuation of an Agricultural Lifestyle in appropriate areas of the County.*

In Smith Valley, a mix of residential and agricultural uses have been supporting agricultural lifestyles for decades. This policy encourages ranching and farming activities with a goal to “strive to preserve water rights to ensure continued agricultural potential” (p. 3.29, 2020 LCMP). The development of four parcels on this property in Smith Valley would support the agricultural
lifestyle many residents value while, as discussed above, balancing ag and residential uses that may offset the impacts of dense development and/or the extensive use of ag chemicals.

Finding 1b: Compatible Land Uses
The proposed amendment is compatible with the existing or master planned adjacent land uses and reflects a logical change in land uses.

Response: The Land Use Map in the 2020 LCMP for Smith Valley is primarily green, the color assigned for Agricultural Land Use. On this map, purple indicates areas with a Rural Residential Land Use. The Smith Valley Land Use map is attached to this document for your further reference (Attachment B). The exhibits below illustrate the current and proposed Land Use.

Figure 1: Existing and Proposed Master Plan Land Uses.
The exhibits above demonstrate the compatibility of the adjacent land use. The parcel at 60 Artesia Road is directly across from Pinion Ranch Estates, a subdivision with a Rural Residential Land Use and RR-5 zoning, the same density the owner seeks for the property across the road.
Finding 1c: Response to Change in Conditions

The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the master plan was adopted by the Board, and the requested amendment represents a more desirable utilization of land.

Response: When the current owners purchased this property with the intention to run a hay operation, the initial crops were satisfactory. However, this parcel, located at the end of the irrigation line, has, at times, received ½ of the 11% allotment for this parcel. In an effort to improve the irrigation, the owners have invested in these facilities by installing a water line with spigots along Artesia Road. In 2020, he re-lasered and reseeded the hay field and invested in weed abatement. He also purchased additional water rights for the property.

However, in the last few years, the distribution of water has been inadequate to sustain the haying operation. One year, they ended up with a total of four acre-feet. While the allotment of water on this property is anticipated to be 100% (2023) this year, this increase is unlikely to address the inadequacy of the end of line tailings they have received in the past.

The Lyon County Master Plan (LCMP) does not directly address the potential inadequacy of irrigation distribution. While the goals for Smith Valley in Chapter 2 of the LCMP do not address this potential issue, Policy LU 4.1 states the following intent: “Encourage the Continuation of an Agricultural Lifestyle in appropriate rural areas of the County” and recommends that the community “Celebrate the County’s agricultural past through land-use policies and programs designed to encourage ranching and farming activities” (2020 LCMP, p. 2.16). The Smith Valley community values also include that the county “will protect the water supply and encourage the efficient use of water resources” (p. 2.17).

Finding 1d: No Adverse Effects

The proposed amendment will not adversely affect the implementation of the master plan goals, objectives, and actions, and will not adversely impact the public health, safety, or welfare.

Response: Approval of a Master Plan Amendment would not adversely affect the implementation of the master plan goals. The site faces parcels with a Rural Residential land use. The opportunities and limitations for this land use are clearly defined in Title 15.335.03 Uses Permitted Based on Standards. Under the oversight and in compliance with the County’s development requirements for the construction of wells, septic,
access, and structures, the site will not adversely impact the health, safety, or welfare of the public.

Smith Valley is located in Basin 107. The Nevada Division of Environmental Protection regulations allow up to 127 septic systems within a one-mile radius when reviewing subdivision maps proposing to utilize septic systems for sewage disposal. Figure 2 illustrates the septic radius for this property.

While a few more parcels have been developed since this aerial image was obtained, the existing RR-5 south of Artesia Road and the agricultural parcels north and west of the project location are not likely to impact the maximum number of septic systems for Smith Valley as determined by NDEP.

A full-page copy of this exhibit is provided under Attachment B.

**Finding 1e: Desired Pattern of Growth**

The proposed amendment will promote the desired pattern for the orderly physical growth of the County, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides the development of the County based on the consideration of natural resources, the physical geography and the efficient expenditure of funds for public services. (Ord. 603, 11-1-2018)

**Response:** With the approval of the requested Master Plan and Zoning Map Amendments, the proposed 5-acre parcels would connect to an existing pattern of Rural Residential Land Use to the south of this parcel. The infrastructure in this rural area is limited to cable, phone service, and power; the properties will rely on well, septic, and propane. The parcel size—significantly larger and less dense than the 2-acre, “Low Density Residential” properties in the Wellington area—is shown in Attachment A: Smith Valley Land Use Map.
Rural infrastructure is already established in the area—as demonstrated by the development of Pinion Ranch Estates. The five-acre parcels proposed for development across the road from this subdivision would create a few additional parcels—and would be served by available infrastructure.

15.220.05: Findings for Zoning Map Amendments

When approving a zoning text or map amendment the commission and the board must make the following findings, supported by a statement of evidence, facts, and conclusions.

<table>
<thead>
<tr>
<th>APN &amp; Address</th>
<th>Acres</th>
<th>Current &amp; Proposed Zoning</th>
<th>Current &amp; Proposed Master Plan Status</th>
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<td>010-081-43</td>
<td>23.41</td>
<td>RR-5 (Fifth Rural Residential, 20-acre minimum – Title 10) -&gt; RR-5 (Rural Residential, 5-acre minimum per Title 15 zoning district)</td>
<td>Agricultural -&gt; Rural Residential</td>
</tr>
<tr>
<td>60 Artesia Rd</td>
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**Finding A:** That the proposed amendment is consistent with the policies embodied in the adopted master plan and the underlying land use designation contained in the land use plan;

**Response:** With the approval of a Master Plan Amendment, changing the land use from Agricultural to Rural Residential, the proposed zone change, from RR-5 (Fifth Rural Residential, 20-acre minimum – Title 10) to RR-5 (Rural Residential, 5-acre minimum per Title 15 zoning district) would align with the adopted master plan and the underlying land use designation.

**Finding B:** That the proposed amendment will not be inconsistent with the adequate public facilities policies contained in this title;

**Response:** The proposed amendment would not be inconsistent with public facilities policies in this title. As noted above, rural residential communities may rely on well and septic according to the requirements established by the County.
Finding C: That the proposed amendment is compatible with the actual or planned adjacent uses.

Response: Pinion Ranch Estates, directly across Artesia Road and south of the subject site is a subdivision with approximately 40 five-acre parcels. The proposed amendment is compatible with neighbors in Pinion Ranch Estates as the zoning matches the proposed future zoning for this property.

Figure 3: Existing and Proposed Master Plan Land Uses.

In addition, the proposed zoning is compatible with the existing agricultural zoning adjacent to both this parcel and the Pinion Ranch Estates Subdivision.

Thank you for your consideration of this project. Please let us know if you need additional information.
Sincerely,

R.O. ANDERSON ENGINEERING, INC.

Kate Cunningham, MA
Associate Planner

Attachment A: Recorded Documents
Attachment B: Smith Valley Land Use Map
Attachment C: Septic Radius Map
Attachment D: Title 15.311.03
### Photos: 60 Artesia Road

**Master Plan and Zone Change Amendments**

<table>
<thead>
<tr>
<th>View from west to east along frontage on Artesia Road</th>
<th>From east to driveway Well house visible</th>
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<tbody>
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<td><img src="image1.jpg" alt="View from west to east along frontage on Artesia Road" /></td>
<td><img src="image2.jpg" alt="From east to driveway Well house visible" /></td>
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<tr>
<th>View from northwest corner of property looking east at site development</th>
<th>Electrical and distant well sites - looking west from northeast side of property</th>
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<td><img src="image4.jpg" alt="Electrical and distant well sites - looking west from northeast side of property" /></td>
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</table>
Photos: 60 Artesia Road
Master Plan and Zone Change Amendments

| Irrigation looking north from curve | NE corner view of shed |