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.
AGENDA

(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: Approval of Minutes
   5.a. For Possible Action: To approve the minutes from the July 11, 2023 meeting.
       July 11, 2023 Minutes
6. Presentation and Reading of Miscellaneous Correspondence
7. Advisory Board Reports
8. Public Hearing Items
   8.a. For Possible Action: To forward a recommendation to the Board of Commissioners for the request for a Conditional Use Permit from DG Locust Grove Circle K, LLC to allow the Non-restricted gaming use in the EMU (Employment Mixed Use) zoning district, to include up to a 150 gaming devices within
a larger truck stop development on a 28.99-acre parcel generally located in the northeast corner of the intersection of US Highway 50 Parkway (Highway 439) at 3200 Opal Avenue in Silver Springs (APN 015-181-3) PLZ-2023-040.

Staff Report
Backup

8.b. For Possible Action: To forward a recommendation to the Board of Commissioners for the request for a Zoning Map Amendment from Aspen Creek 2022, LLC, to reconfigure the zoning boundaries of a dual-zoned, 612.85-acre parcel with RR-20 (Fifth Rural Residential-20 acre minimum) and SR-12,000 (Suburban Residential-12,000 sq. ft. minimum) districts located approximately 2.6 miles to the east of the intersection of U.S. Highway 50 and Fort Churchill Road at 1455 Fort Churchill Road in Dayton (APN 016-023-02) PLZ-2023-041.

Staff Report
Backup

8.c. For Possible Action: To forward a recommendation to the Board of Commissioners for the request for a Tentative Subdivision Map from Aspen Creek 2022, LLC to create a 499-lot single-family residential subdivision on a 612.85-acre parcel located approximately 2.6 miles to the east of the intersection of U.S. Highway 50 and Fort Churchill Road at 1455 Fort Churchill Road in Dayton (APN 016-023-02) PLZ-2023-042.

Staff Report
Backup

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

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

10. Action Items

11. Board Member Comments

12. Future Agenda Items

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

ADJOURN TO RECONVENE AS THE LYON COUNTY PLANNING COMMISSION

14. Staff Comments and Commissioner Comments

14.a. For Possible Action: Update on recent County Commissioners actions

15. 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.

16. 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](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](http://www.lyon-county.org)
Meeting Date: August 8, 2023

Agenda Item Number: 5.a

Subject: For Possible Action: To approve the minutes from the July 11, 2023 meeting.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- July 11, 2023 Minutes
LYON COUNTY PLANNING COMMISSION MEETING MINUTES
July 11, 2023

The July 11, 2023 meeting of the Lyon County Planning Commission was called to order by Commission Chairwoman, Audrey Allan, at approximately 9:00 a.m. in the Lyon County Administrative Complex, 27 S. Main Street, Yerington, NV, 89447.

Attending staff: Community Development Director, Louis Cariola; Senior Planner, Bill Roth; Senior Planner, Lisa Nash; Planning Technician, Kerry Page; Administrative Assistant; and Deputy District Attorney, Illyssa Fogel, attended in person.

1. Roll Call

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

A letter from Shawn Keating was read into the record which stated he is resigning his seat from the commission as he is now a Lyon County employee and can no longer serve on the board.

2. Pledge of Allegiance was led by Mark Jones.

3. Public Participation – None

4. Review and Adoption of the Agenda

Commissioner Ewing motioned to adopt the agenda as presented. Commissioner Sell seconded, the motion passed unanimously vote (6 Ayes; 0 Nay; 0 Abstentions).

5. For Possible Action: Approval of Minutes

5.a. For Possible Action: To approve the minutes from the June 13, 2023 meeting.

Commissioner Jones motioned to approve the minutes from the June 13, 2023, meeting as presented. Commissioner Sell seconded and the motion passed unanimously (6 Ayes; 0 Nay; 0 Abstentions).

6. Presentation and Reading of Miscellaneous Correspondence - The resignation letter from Shawn Keating was acknowledged.

7. Advisory Board Reports- Reports were received from the Silver Springs Advisory Board and the Smith Valley Advisory Board.

8. Public Hearing Items

8.a. 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.

Senior Planner, Bill Roth, presented the staff report. Mr. Roth stated the reason for the variance request is to allow the construction of a four-thousand (4,000) square foot Accessory Building to be located sixty-one (61) feet from an adjacent road where a minimum of one-hundred (100) feet...
is required by Lyon County Code. He added that any construction will require submittal of a Flood Plaid Development permit.

There was no public participation.

Loretta Sell motioned to recommend approval of the request for a Major Variance on APN 010-631-29 and located at 54 Hoye Canyon Road, Wellington based on the recommended findings and subject to the following 9 conditions:

1. No change in the terms and conditions of the Major Variance, 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 Smith Valley Fire Protection District (SVFPD) and the Lyon County Building Department for review and approval to obtain a Building Permit.
4. All contractors doing any construction, modifications, or remodels must be licensed in Lyon County and the State of Nevada.
5. The subject property is located within multiple flood zones (A and D). Prior to any development on the property, as defined in Lyon County code section 15.02.01, the applicant shall secure approval of a flood plain development permit through the County Engineer and/or the Floodplain Administrator.
6. The proposed project shall conform to the site and elevation plans approved with this Major Variance.
7. Exterior lighting shall be downward facing and shielded such that light is not shed onto adjacent properties and public rights-of-way.
8. The applicant shall comply with Lyon County’s 2018 revised drainage guidelines to the satisfaction of the County Engineer prior to occupancy.
9. The substantial failure to comply with the conditions imposed on the issuance of this Major Variance or the operation of the proposed 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 proposed use may result in the institution of revocation proceedings. The Major Variance will expire and become null or void if the project does not comply with the provisions of Chapter 13 of Title 15 of the Lyon County Code.

Michael Carlson seconded and the motion passed unanimously (6 Ayes; 0 Nay; 0 Abstentions)

8.b. 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.

After Chairwoman Allan read agenda item 8.b.into the record, Commissioner Jones recused himself from both agenda items 8.b and 8.c since he is the applicant on both applications.
Chairwoman Allan suggested hearing agenda item 8.b and 8.c together and take action on them separately. She then read agenda item 8.c into the record.

Commissioner Sell made a motion to hear agenda items 8.b and 8.c. together, and take action on them separately. Commissioner Carlson seconded, the motion passed by unanimous vote.

8.c. 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.

Senior Planner, Bill Roth, started by explaining that all Zoning Map Amendments must comply with the goals and polices of the designated Master Plan. Therefore, if the Master Plan Amendment application is denied the Zoning Map Amendment would also be denied based on non compliance with the master plan.

Mr. Roth summarized the applicant’s request. The Applicant requests a Master Plan Amendment to change the designation from Agriculture to Rural Residential on a 21.60-net-acre parcel in Smith Valley. The stated future intent of the proposed Master Plan Amendment and the associated Zoning Map Amendment is to facilitate the subdivision of the parcel into four parcels of a minimum five acres in size for rural residential use.

Mr. Roth noted the Zoning Designations that are compatible with the Agriculture Master Plan Designation and went on to note the applicant’s request for a Zoning Map Amendment to change the zoning from RR-5 (20-Acre minimum) **Title 10** to RR-5 (Rural Residential-5 Acre minimum) **Title 15**, is not an allowable/compatible zoning designation in the Agriculture Master Plan Designation. There are several parcels to the south and northeast of the parcel that are already master planned Rural Residential and zoned RR-5 (Rural Residential-5 acre minimum).

Mr. Roth said the Master Plan Amendment application meets all findings, goals and standards of the master plan; staff is recommending approval.

The Zoning Map Amendment Application meets two of the three findings. If the Master Plan Amendment is approved, the application will meet all three findings.

There was conversation amongst the Commissioners regarding the surrounding parcel sizes, compatibility with surrounding uses and concerns about changing the integrity of area. There were questions about how the land is currently being used.

Mr. Jones stated he felt Commissioner Kuzmicki should recuse himself based on his own personal views pertaining to the applications.

Deputy District Attorney, Illyssa Fogel, stated if Commissioner Kuzmicki feels that he has a bias toward the project it would be appropriate to recuse himself.

Commissioner Kuzmicki recused himself.
The applicant stated they tried to grow crops on this parcel and due to water issues and other circumstances, were unsuccessful in doing so.

Applicant’s Representative, Kate Cunningham with RO Anderson Engineering, gave a presentation summarizing the current use of the parcel, the relationship between Master Plan and Zoning. The Parcel is currently being used for single family residential use. The applicant put time energy and effort toward growing crops on this parcel with no luck and is proposing only three additional (3) 5-acre single family residential Lots. Therefore the use will not change, however the density will.

Public Comment-

Judith Harper, Smith Valley resident who attended the Master Plan workshop feels the residents made it clear they want to preserve their rural lifestyle of agriculture and farming and feels the county should preserve these agriculture parcels and use them for what they were intended for.

Leslie Sonne, Smith Valley resident, also expressed the importance of enforcing the Master Plan as it was designed by and is supported by the community. Smith Valley residents want to remain rural and preserve their agricultural lands. She spoke about the opposition by the community when these applications were presented to the Advisory Board. She said she felt like there was insufficient information and time for the Advisory Board to provide comments. She encouraged the Planning Commission to continue the item so the Advisory Board and Public can provide additional comment.

Don Smith, Smith Valley resident, spoke about the history of Smith Valley being established as agriculture in 1859 and throughout the years, while the rest of the county has seen significant growth and development, Smith Valley has remained primarily agricultural/rural. He expressed the importance of maintaining the rural/agricultural character of Smith Valley.

Joann Lawson, Smith Valley resident, stated the applicant’s request goes against the Master Plan. She stated Mr. Jones is not suffering any more of a hardship than anyone else in the area. Many farms nearby do not seem to have any issue growing crops. She also stated Mr. Jones was aware his property was zoned RR-5 (rural residential-20 acre minimum) with a Master Plan designation of Agriculture when he bought it and it should remain Agriculture and RR-5 (rural residential-20 acre minimum) to keep density low and preserve the rural character. Changing the Master Plan for Mr. Jones sets a precedence for other people to do the same.

Wendy Loomis, Smith Valley resident, spoke about the residents concerns that approving this application will set a precedence for others to do the same. She explained however, that every planning application is unique and reviewed individually by staff, the Planning Commission and Board of County Commissioners. Each application must meet the findings with facts and evidence in order to be approved. There should not be concern that approving these applications will set a precedence. The Master Plan and procedures in place, along with the guidance of staff and the Planning Commission will prevent that from happening.

Commissioner Ewing motioned to forward a recommendation of approval to the Board of Commissioners for the Master Plan Amendment for Mark and Sheryle Jones from Agricultural to Rural Residential on a 21.60-acre parcel in Smith Valley (APN 010-081-43) PLZ-2023-020 based on the following findings:

A. The applicant has demonstrated that the amendment is in substantial compliance with and promotes the master plan goals, objectives and actions;
B. The proposed amendment is compatible with the existing or master planned adjacent land uses, and reflects a logical change in land uses;

C. 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;

D. 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; and

E. 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 development of the County based on the consideration of natural resources, the physical geography and the efficient expenditure of funds for public services.

Commissioner Carlson seconded, there were 3 Ayes, Commissioners Allan, Ewing and Carlson. Commissioners Jones and Kuzmicki recused themselves and Commissioner Sell abstained. Chairwoman Allan called a 5 minute recess to consult with the Deputy District Attorney, Illyssa Fogel regarding the vote.

The meeting was called back to order and Chairwoman Allan and Ms. Fogel went over Robert’s Rules of Order regarding abstentions versus recusals for clarification.

Chairwoman Allan restated the vote for the record. Commissioner Carlson seconded, the motion passed by majority vote (3 Ayes, Commissioners Allan, Carlson and Ewing; 0 Nay; 1 Abstention, Commissioner Sell; 2 Recusals, Commissioners Jones and Kuzmicki)

Chairwoman Allan asked if staff, the applicant or the applicant’s representative had anything to add pertaining to agenda item 8.c. There was no additional comments.

She called for public comment, there was none.

Commissioner Ewing motioned to forward a recommendation of approval to the Board of Commissioners for a Zoning Map Amendment request by Mark H. & Sheryle L. Jones from the Title 10 zoning district of RR-5 (Rural Residential - - 20 acre minimum, to the Title 15 zoning district of RR-5 (Rural Residential – 5 acre minimum) on a 21.60-acre parcel in Smith Valley (APN 010-081-43) PLZ-2023-021 based on the following recommended findings:

A. The proposed amendment is consistent with the policies embodied in the adopted master plan and the underlying land use designation contained in the land use plan;

B. The proposed amendment will not be inconsistent with the adequate public facilities policies contained in this title; and

C. The proposed amendment is compatible with the actual or master planned adjacent uses.

Commissioner Carlson seconded, the motion passed by majority vote (3 Ayes, Commissioners Allan, Carlson and Ewing; 0 Nay; 1 Abstention, Commissioner Sell; 2 Recusals, Commissioners Jones and Kuzmicki)

8.d. For Possible Action: To forward a recommendation to the Board of Commissioners for the request for a Conditional Use Permit from Mr. Darrell Bluhm of Lyon County School District to
allow a bus storage yard, commercial coach office building, vehicle maintenance building, bus fueling station, and an employee parking area at an existing Educational Facility in the RR-5 – Rural Residential (5 acre minimum) zoning district on a 60-acre parcel generally located to the south east of the intersection of Spruce Avenue and Topaz Street in Silver Springs (APN 15-131-26) PLZ-2023-031.

Senior Planner Bill Roth summarized the applicant’s request. The applicant’s proposal includes the construction of a storage yard for twenty-five (25) school buses; an employee parking area with forty (40) parking spaces; a 1,440 square foot (sf) commercial coach for a transportation staff office building; a 4,800 sf pre-engineered, metal bus maintenance building (“bus barn”); a bus fueling station; and a bus wash pad at an existing educational facility. The proposed bus yard would replace LCSD’s existing bus yard that is located across the street from the proposed project site at the northeast corner of Spruce Avenue and Topaz Street. LCSD staff states that, should the proposed project be approved, the site of the existing bus yard would remain as-is as there are currently no planned uses for that site. The subject property has a Master Plan designation of Public/Quasi Public and is zoned RR-5 – Rural Residential (5 acre minimum). Educational Facilities and commercial coach structures may be allowed in the RR-5 zoning district subject to the approval of a Conditional Use Permit.

Commissioner Ewing expressed concern with increased traffic to the site and the change in traffic patterns. He felt it should have been addressed. Senior Planner Bill Roth explained it is not increasing traffic just relocating the bus year and the route in which traffic is flowing. The County Engineer and Roads department reviewed the Traffic Study and did not express any concerns.

Community Development Director, Louis Cariola reminded the Planning Commission they can make recommendations regarding future traffic patterns.

Commissioner Sell asked if there is a fueling station at the existing Bus yard site.

Applicant’s Representative, Justin Sand, spoke about the traffic concerns. He stated there should be no increase to traffic and or traffic routes. The buses are not changing their destination just where they are leaving from. If there was a desire to have buses enter and leave the bus yard from Topaz Street rather than Ramsey weeks it should not be a problem. He went on to say busses currently get fuel from the Lyon County Public Works yard, off of Graham Ave which is across Ramsey Weeks Cut-Off. Lyon County School District currently owns the fueling equipment that is on Lyon County property, which also uses the fueling station. By placing it on the School District’s property, it will expedite billing issues. Lyon County has expressed the desire to continue the use of that fueling station and asked if it was above or below ground.

Commissioner Sell expressed safety concerns with having a fueling station near the school. Mr. Sand stated the site will be fully fenced and all fueling equipment will require a secure access card to access or get fuel from it. It will be an above ground fueling station.

Commissioner Jones and Ewing revisited the concern with change in traffic route and possibly increasing traffic on Ramsey Weeks. Community Development Director, Louis Cariola, stated if the concern of having the fueling station on the site is an increase in bus traffic/trips it would make sense that it will likely decrease trips on Ramsey with not having to go to the Graham site for fuel.
Commissioner Jones motioned to forward a recommendation to the Board of Commissioners of the request by the Lyon County School District for a Conditional Use Permit to allow a bus storage yard, commercial coach office building, vehicle maintenance building, fueling station, and an employee parking area at an existing Educational Facility on a 60-acre parcel in the Rural Residential (5 acre minimum) zoning district; accessed by Spruce Avenue west of Ramsey Weeks Cutoff in Silver Springs; located on APN 015-131-26, subject to the following Conditions of Approval (PLZ-2023-031 based on the recommended findings and subject to the following 9 conditions of approval and adding a condition requiring the School District to continue using the existing bus/traffic routes.

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 (CLCFPD) and the Lyon County Building Department for review and approval to obtain a Building Permit.
   a. Fire plan review by CLCFPD is required.
   b. Plan review by Silver Springs Mutual Water Company is required.
   c. An encroachment permit from the Lyon County Road Department (LCRD) is required for work in the public right of way.

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

5. The fueling station and wash pad shall be used only for Lyon County School District (LCSD) vehicles. Commercial fuel sales are not permitted.

6. Any connection to the sewer system will require submission and approval by Lyon County Utilities District (LCUD).
   a. If the concrete wash pad is to be connected to the sewer system, a properly sized sand oil separator will be required, to the satisfaction of LCUD.

7. Exterior lighting shall be downward facing and shielded such that light is not shed onto adjacent properties and public rights-of-way.

8. The applicant shall comply with Lyon County’s 2018 revised drainage guidelines to the satisfaction of the County Engineer prior to occupancy.

9. 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.

10. The existing bus travel routes shall be maintained to the extent practicable due to the relocation of the bus yard in order to minimize additional trips on Ramsey Weeks Cutoff.
Commissioner Ewing seconded, the motion passed with a unanimous vote (6 Ayes; 0 Nay; 0 Abstentions)

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

10. Public Participation- None
11. Action Items- None
12. Board Member Comments- None
13. Future Agenda Items- None
14. Public Comment- None

ADJOURN TO RECONVENE AS THE LYON COUNTY PLANNING COMMISSION

15. Staff update on recent County Commissioner actions
   15.a. Community Development Director, Louis Cariola, introduced the new Senior Planner, Lisa Nash.
   Commissioner Allan congratulated Shawn Keating on his new position and thanked him for his services.

16. Public Participation- There was none
17. Adjournment

At approximately 10:48 a.m. it was unanimously motioned to adjourn.

Audrey Allan, Chairwoman

Shannon Juntunen, Administrative Assistant
Lyon County Planning Commission Agenda Summary

Meeting Date: August 8, 2023

Agenda Item Number:
8.a

Subject:
For Possible Action: To forward a recommendation to the Board of Commissioners for the request for a Conditional Use Permit from DG Locust Grove Circle K, LLC to allow the Non-restricted gaming use in the EMU (Employment Mixed Use) zoning district, to include up to a 150 gaming devices within a larger truck stop development on a 28.99-acre parcel generally located in the northeast corner of the intersection of US Highway 50 Parkway (Highway 439) at 3200 Opal Avenue in Silver Springs (APN 015-181-3) PLZ-2023-040.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- Staff Report
- Backup
PLANNING COMMISSION

Proposed Action: Conditional Use Permit for Nonrestricted Gaming within an EMU District

Meeting Date: August 8, 2023

Owner: DG Locust Grove Circle K, LLC

Applicant: DG Locust Grove Circle K, LLC

Locations: 320 Opal Drive in Silver Springs, north of US Highway 50

Parcel Numbers: 015-181-03

Parcel Sizes: 28.99 acres

Master Plan: Employment - Suburban Character District

Zoning: Employment Mixed Use (EMU)

Flood Zone(s): X Unshaded per FIRM 32019C0200E

Case Planner: Lisa Nash

REQUEST

DG Locust Grove Circle K, LLC are requesting a Conditional Use Permit (CUP) for Nonrestricted Gaming in the Employment Mixed Use (EMU) zoning district.

PROJECT SUMMARY

The applicant’s proposed development of a Truck Stop, Convenience Store, Fast-Food/Dining and Bar, including up to 150 gaming devices has already been approved by Lyon County staff within an Administrative Design Review, in accordance with Title 15 of County Code. The project will be built in phases with the first phase consisting of 14 fueling pumps, a 15,718 square foot truck stop building which will house the fast-food/dining, bar and casino. The casino will include the use of Nonrestricted Gaming, which requires a CUP in the EMU zoning district: this staff report will only address approval for the Nonrestricted Gaming use.

BACKGROUND
The parcel was rezoned from C-1 and RR-3T to EMU (Employment Mixed Use) by the Board of Commissioners at their June 6, 2019 meeting (PLZ-19-0019). An Administrative Design Review (ADR) was performed for this site and approved by the Community Development Director on August 10, 2022 (PLZ-2021-054).

Subsequent to the ADR review, the Lyon County Development Code use tables for Nonrestricted and Restricted Gaming were updated. Ordinance No. 634 was approved on June 1, 2023 by the Board of Commissioners with an adoption date of June 21, 2023.

This CUP request is required under the updated use tables for Nonrestricted Gaming. The overall proposed development has not changed since the ADR approval and the additional use is allowed within the EMU zoning.

**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 DG Locust Grove Circle K, LLC for a Conditional Use Permit to allow for Non-Restricted Gaming within an Employment Mixed Use District on one parcel approximately 28.99 acres in total, accessed by USA Parkway and US 50 in Silver Springs, located on APN 015-181-03 to the following Conditions of Approval (PLZ-2023-040).**

**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 Conditions of Approval outlined in the Administrative Design Review PLZ-2021-054 approved by the Community Development Director on August 10, 2022. The Signed ADR Letter is included as an attachment to this report.
3. All contractors doing any construction, modifications, or remodels must be licensed in the State of Nevada.

4. The applicant shall maintain a Lyon County business license for the use while occupying the site.

5. 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 two (2) years from the date of approval will result in the expiration of the conditional use permit approval.**

**PROJECT INFORMATION**

**Location**

The subject parcel is in the northeast corner of the intersection of US Highway 50 and SR 439 (USA Parkway) in Silver Springs. Property access to the parcel will be from US Highway 50 less and SR 439.

**Site Photo**

The image to the right was provided by the applicant.

The image is taken from the Round About at Highway 50 and USA Parkway. The site is to the north of Highway 50.
Master Plan and Zoning
The Master Plan designation for the site is within the Suburban Character District and the site is zone Employment Mixed Use. The zoning was amended by the Board of Commissioners on June 6, 2019.

Public Facilities
The project is located within the Silver Springs Mutual Water Company (SSMWC) service boundaries. Lyon County Utilities Department will provide sewer service to the site through an existing public sewer southwest of the Airport in Opal Lane.

STAFF REVIEW AND COMMENTS
The proposed project consists of the requesting approval for up to 150 gaming devices. The project will be built in phases with the first phase consisting of 14 fueling pumps and a 15,718 square foot truck stop building which will house the requested gaming units, fast-food/dining and a bar/casino.

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

The proposed development will serve as a Truck Stop, Convenience Store, Bar including up to 150 gaming devices and Fast-Food/Dining. The proposed development will provide a sense of gathering for Lyon County community residents and the commuter/traveler population while increasing tax revenue, and employment for Lyon County.
The site plan that follows was included in the applicant’s submittal. Additional materials submitted by the applicant are included in the attachments to this report.

**Site Plan Image**

![Site Plan Image](image-url)

**Conditional Use Permit**

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. Underlined sections of the Applicant’s response are especially pertinent to the Staff Comment that follows.

**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 (underline added)*

The proposed development is located within the Suburban Character District with an Employment land use designation, per the Lyon County Master Plan. Per the description and characteristics: “Intended to provide concentrated areas of employment, combined with a mix of complementary commercial and residential uses Office/Research Park developments may be incorporated into a master planned neighborhood, or located in close proximity to residential areas.” The proposed development will serve as a Truck Stop, Convenience Store, Bar including up to 150 gaming devices and Fast-Food/Dining. The proposed development will provide a sense of gathering for Lyon County community residents and the commuter/traveler population while increasing tax revenue, and employment for Lyon County.
Staff Comment

The site is identified in the 2020 Master Plan as being within the Silver Springs Suburban Character District and having the Employment Mixed Use zoning designation within Silver Springs. As the applicant quoted above, the Employment land use states that this designation is: “Intended to provide concentrated areas of employment, combined with a mix of complementary commercial and residential uses.”

The proposed development may appropriately be expected to attract additional employment within Lyon County. Within Chapter 15.320 of the Lyon County Development Code, Table 15.320-4 lists the allowed uses within the Employment Mixed Use (EMU) zoning district. Non-restricted gaming is permitted within the EMU district with a Conditional Use Permit as a part of Ordinance No. 634 that approved on June 1, 2023 by the Board of Commissioners.

Staff feels the location of the project is appropriate considering the Master Plan designation and Goals/Policies contained therein. This Finding may be met in the affirmative.

Finding 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 (underline added)

The proposed development is an establishment designed to strengthen socialization amongst Lyon County community residents and travelers/commuters in a manner that is consistent with the adjacent uses, while providing tangible improvements to the area, employment opportunities, and increased services/entertainment that are not currently available. By allowing up to 150 gaming devices the establishment will provide growth and attraction in a manner that furthers the long-standing goals and desires for peace and prosperity in Lyon County. The gaming devices will be in an isolated segment of the establishment with 24-hour monitoring both by surveillance and staff to preserve the integrity of the surrounding area.

Staff Comment

The surrounding uses consist of a Public/Quasi-Public Facility use by the Silver Springs Airport south across US 50, and of Employment uses to the north which is currently vacant/undeveloped with a single family residential unit directly north of the property.

As shown by the uses noted above and the applicant’s statement, the proposed addition of a non-restricted gaming use to be contained fully within the approved Truck Stop is compatible with the character and integrity of the adjacent development.

Staff did not identify other potentially adverse impacts that require specified mitigation for the non-restricted gaming use. Therefore, as per the recommended Conditions, which include the conditions required within the Administrative Design Review, staff believes this Finding is made in the affirmative.

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

Applicant’s Response (underline added)

Based on information to date, all impacts can be addressed by proposed improvements to the adjacent highways. Applicant will submit a traffic study specific to this issue no later than fourteen (14) days of any scheduled hearing on this matter.
Staff Comment
The applicant submitted an updated Traffic Impact Study (TIS) June 26, 2023 to specifically address the updated use. Approval of this CUP would be subject to the Conditions of Approval listed herein and the Conditions of Approval attached to the Administrative Design Review PLZ-2021-054.

This Finding is met in the affirmative per the County’s direction to install the improvements with the approval of the Nevada Department of Transportation (NDOT) as outlined in PLZ-2021-054 and the updated TIS.

Finding 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 (underline added)
Based on information to date, all impacts can be addressed by proposed improvements to the adjacent highways. The existing study which is included does not demonstrate any significant impacts. The existing traffic study is being updated to account for the gaming addition of up to 150 additional slot machines is being developed now.

Staff Comment
For the same reasons as Finding C, this Finding is met in the affirmative from a County-perspective.

Finding 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 (underline added)
The increased gaming machines will be housed entirely indoor. All visual screening is part of the previously approved site design.

Staff Comment
Visually, the project will not be visible to anyone who is not in the building so the County will not be recommending mitigation for this quality of the project. As stated in the Comment for Finding B, as per the recommended Conditions of Approval, which include the conditions required within the Administrative Design Review, this Finding is made in the affirmative.

Finding 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 (underline added)
Per Findings A and B, the proposed development meets the Lyon County master plan and has been specifically designed to meet the requirements of all applicable Lyon County Codes.

Staff Comment
Staff has included recommended Conditions of Approval that should address the proposed use and its potential impacts. As conditioned, the use is consistent with the zoning standards of Title 15 and staff feels this Finding may be met in the affirmative.
Finding 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 (underline added)**

For the reasons stated in Findings A and B the establishment will not be materially detrimental to the public health, safety, and welfare, or result in material damage or prejudice to other properties in the vicinity. The Employment Mixed Use (EMU) district is designed to serve/meet the desires and needs of the Lyon County community residents and travelers/commuters in a manner that is reflected in the anticipated use and design. The establishment will fill a necessary gap between the Lyon County residents and travelers/commuters throughout its operations to ensure safety in the establishment and surrounding roadways.

**Staff Comment**

As conditioned and described above, staff believes the potential impacts of this project to neighboring properties will be mitigated. This Finding may be met in the affirmative.
NARRATIVE & FINDINGS: SILVER SPRINGS COMMERCIAL-ZONE CHANGE

This memo is intended to describe the narrative & findings for the proposed project per Chapter 15.220.0 of the Lyon County Code.

The applicant wishes to do a conditional use permit ….

The findings are below in blue.

A. The proposed development is consistent with the goals and policies embodied in the adopted master plan and the general purpose and intent of the applicable zoning district regulations;

The proposed development is located within the Suburban Character District with an Employment land use designation, per the Lyon County Master Plan. Per the description and characteristics: “Intended to provide concentrated areas of employment, combined with a mix of complementary commercial and residential uses Office/Research Park developments may be incorporated into a master planned neighborhood, or located in close proximity to residential areas.” The proposed development will serve as a Truck Stop, Convenience Store, Bar including up to 150 gaming devices and Fast-Food/Dining. The proposed development will provide a sense of gathering for Lyon County community residents and the commuter/traveler population while increasing tax revenue, and employment for Lyon County.

B. The proposed development 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;

The proposed development is an establishment designed to strengthen socialization amongst Lyon County community residents and travelers/commuters in a manner that is consistent with the adjacent uses, while providing tangible improvements to the area, employment opportunities, and increased services/entertainment that are not currently available. By allowing up to 150 gaming devices the establishment will provide growth and attraction in a manner that furthers the long-standing goals and desires for peace and prosperity in Lyon County. The gaming devices will be in an isolated segment of the establishment with 24-hour monitoring both by surveillance and staff to preserve the integrity of the surrounding area.

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

Based on information to date, all impacts can be addressed by proposed improvements to the adjacent highways. Applicant will submit a traffic study specific to this issue no later than fourteen (14) days of any scheduled hearing on this matter.
D. The proposed development incorporates roadway improvements, traffic control devices, mechanisms or access restrictions to control traffic flow or divert traffic as needed to mitigate the development impacts;

Based on information to date, all impacts can be addressed by proposed improvements to the adjacent highways. The existing study which is included does not demonstrate any significant impacts. The existing traffic study is being updated to account for the gaming addition of up to 150 additional slot machines is being developed now.

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

The increased gaming machines will be housed entirely indoor. All visual screening is part of the previously approved site design.

F. The proposed development complies with all additional standards imposed on it by the particular provisions of this title, the Lyon County Design Criteria and Improvement Standards and all other requirements of this title applicable to the proposed development and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of chapter 110 of this title;

Per Findings A and B, the proposed development meets the Lyon County master plan and has been specifically designed to meet the requirements of all applicable Lyon County Codes.

G. The proposed development will not be materially detrimental to the public health, safety, and welfare, or result in material damage or prejudice to other properties in the vicinity. (Ord. 603, 11-1-2018)

For the reasons stated in Findings A and B the establishment will not be materially detrimental to the public health, safety, and welfare, or result in material damage or prejudice to other properties in the vicinity. The Employment Mixed Use (EMU) district is designed to serve/meet the desires and needs of the Lyon County community residents and travelers/commuters in a manner that is reflected in the anticipated use and design. The establishment will fill a necessary gap between the Lyon County residents and travelers/commuters throughout its operations to ensure safety in the establishment and surrounding roadways.

Sincerely,

Vince Griffith, P.E.
President, Reno Engineering Corporation

775.771.9575 • 201 West Liberty Street Suite 300 Reno, NV 89501 • vince@rennv.com
SCOPE OF WORK

1. Install New TA Sign
2. Install New Welcome Professional Driver
3. Install New Guthrie’s
4. Install New Casino

PROPOSED SIGN
S1
38.54 SQ. FT.
Scale: 1” = 35’

PROPOSED SIGN
S2
13.57 SQ. FT.
Scale: 1” = 35’

PROPOSED SIGN
S3
22.55 SQ. FT.
Scale: 1” = 35’

PROPOSED SIGN
S4
22.55 SQ. FT.
Scale: 1” = 35’

These drawings are not for construction purposes. The information contained herein is intended to express design intent only. This original design is the sole property of Blair Image Elements. It cannot be reproduced, copied or exhibited in whole or in part, without first obtaining written consent from Blair Image Elements.
SCOPE OF WORK

1. Install New TA Sign
2. Install New Travel Center
SCOPE OF WORK

1. Install New Guthrie's
S1. Construction Limits - No work outside of this line allowed with soils engineer. All slopes to begin a minimum of one foot behind curb. If 2:1 slopes are required per the grading plan, use decorative slope protection on slope. Steeper slopes require retaining walls.

S3. Not used. Construct entrance per R107 & standard detail this plan set.

S5. Construct new sidewalk as shown. Include pedestrian ramps at all newly constructed and existing curb returns where indicated. 4" PCC on 4" AB (verify with soils report).

S6. Depress curb for wheelchair access. Refer to standard details this plan set and current ADA code prior to future MacKey Dr extension.

S7. Install City of Reno Type 2 PCC median curb. See detail on sheet.

S8. Install City of Reno Type 1 PCC curb & gutter see detail on sheet CD2. Use grease sock configuration from DTL on sheet CD4.

S10. Construct 3' concrete valley gutter per detail R201 100' drainage easement to be relocated with final by TMFPD. Refer to sheet C2 for const.

S12. Install new fire hydrant per Cor Details R-301A-C. No irrigated landscape allowed within 10' of hydrant per County Health.

(2) 3'X12' box culvert DTL CH-5A

S14. Onsite storm drain system to be privately owned and maintained.

S15. Note no site runoff to leave site except through recorded drainage easements.

S17. Install Type 4-R CB per R206A & standard detail this plan set.

S18. Sawcut existing AC neat to pour against new conc. Protect edge during const.

S30. Note all standard parking spaces shall be 9.0' wide x 19.0' length. No adjacent sidewalk or landscaping exist in front of parking stalls. (17' stall depth minimum)

S33. Wall height as specified on grading plan. Structural walls rebar driven into AC.

S34. Construct trash enclosure. Obtain approval letter from Waste Management prior to construction for size and specifications.

S35. Not used. Easement lines, refer to ALTA and C0 sheet for descriptions.

S36. Not used. Construct 5' x 5' conc. stoop at all exit doors, if no adjacent sidewalk.

S37. Construct 3'w curb openings.

S38. NDOT Class 150 riprap. Refer to detail sheet this set.


S40. Monument sign per architect / owner's direction.

S41. 4' PCC path, refer landscape plan.

S42. Emergency access route centerline. All radius shown are 40' or greater. Clear width = 20'. See approved fire plan for prop tape. 50' drainage channel.

S43. Access control gates. Refer to architectural plans for specifications.

S44. Refer to electrical plans for lighting design.
Circle K
At the Round About looking East onto Highway 50.
Circle K
At the Round About looking East onto Highway 50.
Lyon County Planning Commission Agenda Summary

Meeting Date: August 8, 2023

Agenda Item Number: 8.b

Subject:
For Possible Action: To forward a recommendation to the Board of Commissioners for the request for a Zoning Map Amendment from Aspen Creek 2022, LLC, to reconfigure the zoning boundaries of a dual-zoned, 612.85-acre parcel with RR-20 (Fifth Rural Residential-20 acre minimum) and SR-12,000 (Suburban Residential- 12,000 sq. ft. minimum) districts located approximately 2.6 miles to the east of the intersection of U.S. Highway 50 and Fort Churchill Road at 1455 Fort Churchill Road in Dayton (APN 016-023-02) PLZ-2023-041.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- Staff Report
- Backup
PLANNING COMMISSION

PLZ-2023-041

Proposed Action: Zoning Map Amendment to reconfigure the zoning boundaries of a dual-zoned, 612.85-acre parcel with RR-20 (Rural Residential - 20 Acre Minimum) and SR-12,000 (Suburban Residential - 12,000 Sq. Ft. Minimum) districts.

Meeting Date: August 8, 2023

Property Owner: Aspen Creek, LLC

Applicant: Aspen Creek 2022, LLC

Location: Dayton - approximately 2.6 miles to the east of the intersection of U.S. Highway 50 and Fort Churchill Road at 1455 Fort Churchill Road.

Parcel Number: 016-023-02

Parcel Size: 612.85 acres

Master Plan: Suburban Residential and Rural Residential

Current Zoning: RR-20 (Rural Residential - 20 Acre Minimum) and SR-12,000 (Suburban Residential - 12,000 Sq. Ft. Minimum)

Proposed Zoning: RR-20 (Rural Residential - 20 Acre Minimum) and SR-12,000 (Suburban Residential - 12,000 Sq. Ft. Minimum)

Flood Zone(s): A, AE, X-Shaded per FIRM 32019C0340F (effective date 10/20/2016)

Case Planner: Bill Roth

REQUEST

The Applicant requests a Zoning Map Amendment to reconfigure the zoning boundaries of a dual-zoned, 612.85-acre parcel with RR-20 (Rural Residential - 20 Acre Minimum) and SR-12,000 (Suburban Residential - 12,000 Sq. Ft. Minimum) districts. The existing zoning is based on a Tentative Map configuration that was approved in 2006 and followed the Federal Emergency Management Agency (FEMA) flood zone boundaries at that time (PLZ-06-0130). The FEMA flood zone boundaries have since changed, which has led the Applicant to propose a reconfiguration of
the zoning boundaries and Tentative Subdivision Map. The proposed Tentative Subdivision Map is analyzed in a separate report (PLZ-2023-042).

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission forward a recommendation of approval of the Zoning Map Amendment request based on the Findings as listed in the staff report as the request would be in general conformance with the 2020 Comprehensive Master Plan designations for the property.

A Zoning Map Amendment request cannot be conditioned.

**RECOMMENDED MOTION**

If the Planning Commission determines that they will forward a recommendation of approval of the requested Zoning Map Amendment application to the Board of Commissioners, then the Planning Commission should make a motion similar to the following.

**The Planning Commission finds that:**

A. The proposed amendment is consistent with the policies embodied in the adopted master plan and the underlying land use designation contained in the land use plan;

B. The proposed amendment will not be inconsistent with the adequate public facilities policies contained in this title; and

C. The proposed amendment is compatible with the actual or master planned adjacent uses.

**Based on the aforementioned Findings, I move that the Planning Commission forward a recommendation of approval to the Board of Commissioners for a Zoning Map Amendment request by Aspen Creek 2022, LLC to amend the Zoning Map to reconfigure the zoning boundaries of a dual-zoned, 612.85-acre parcel with RR-20 (Rural Residential - 20 Acre Minimum) and SR-12,000 (Suburban Residential - 12,000 Sq. Ft. Minimum) districts in Dayton (APN 016-023-02) PLZ-2023-041.**
BACKGROUND INFORMATION

In August 2006, Lyon County approved a Master Plan Amendment and Zone Change to facilitate a subdivision similar to the one now proposed. The approvals allowed for a split zoning designation of the subject parcel to include 248.6 acres zoned E-1 (Title 10)/SR-12,000 (Title 15) and 364.25 acres zoned RR-5 (Title 10)/RR-20 (Title 15). The original Aspen Creek project included approximately 525 12,000-square-foot or larger single-family residential lots (PLZ-06-0130).

A Tentative Subdivision Map that would reconfigure the site layout in response to the FEMA Flood Map and replace the now expired Tentative Subdivision Map that was approved in 2007 is analyzed in a separate report (PLZ-2023-042). The proposed Tentative Subdivision Map, if approved, would allow for 499 single-family residential units, rather than the up to 525 lots that were previously approved in 2006. The Applicant’s Project Description provides additional details and is attached to this report.

Location, Size, Topography

The subject 612.85-acre parcel is located on Fort Churchill Road, east of U.S. Highway 50 and Spring Creek Drive, and includes portions of land to the north and the south of the Carson River in Dayton (outlined in blue in Image 1, below). The subject Zoning Map Amendment involves a boundary reconfiguration of the parcel area north of the Carson River (see Proposed Zoning section later in this report). An approximately 335.19-acre portion of that northern parcel area, that is zoned SR-12,000, is intended for a single-family residential subdivision, subject to approval of a Tentative Subdivision Map, which is analyzed in a separate report (PLZ-2023-042) – see inset in Image 3, below. There is no proposed development for the portions of the parcel that are zoned RR-20.

In regard to topography, the western portion of that northern parcel area that is intended for single-family residential use is relatively flat while the eastern portion is hilly, as is the portion of the parcel to the south of the Carson River.
SUBJECT

Proposed Residential Subdivision, Subject to Separate Approval
Site Photos
The images below were provided by the applicant.
Master Plan

The Master Plan designations for the site are Suburban Residential and Rural Residential, which are described below in excerpts from Chapter 3 of the 2020 Master Plan (see yellow highlights). No change to the Master Plan designations are proposed.
The northern area of the parcel, which would be subject to the proposed zoning map reconfiguration, is located in the Dayton Suburban Character District. Suburban Character Districts are described in Chapter 2 of the 2020 Master Plan as follows.

**Suburban Character Districts**

Suburban Districts include those areas that are predominately medium to high density residential development with regional/community commercial, neighborhood, industrial and employment uses. Improvement standards will reflect the “suburban” character of these areas and will include requirements for municipal water and sewer, roadway design appropriate to the planned land uses, landscaping of public areas, and pedestrian facilities (sidewalks and paths). Roads are likely to have some bike and pedestrian facilities within road rights-of-way or separate paths.

The southern area of the parcel, which would not be subject to the proposed zoning map amendment and is not currently proposed for development, is located in the Dayton Rural Character District. Rural Character Districts are described in the 2020 Master Plan as follows.

**Rural Character Districts**

Rural Districts include those areas that are predominately low density residential development with limited neighborhood commercial uses. They may or may not have agricultural land uses or grazing lands. Improvement standards will reflect the “rural” character of the area. Rural districts are not likely to have municipal water and sewer. Roads are likely to have dirt shoulders, some equestrian paths as well as bike facilities within road rights-of-way.

**Zoning**

The current dual zoning designations of the subject parcel are E1 (First Estates Residential District) and RR-5 (Fifth Rural Residential, 20 acre minimum). These designations are from the County’s expired Development Code, Title 10. Per the Zoning Consistency Matrix, adopted in 2018 with Title 15 and excerpted below, the corresponding districts in Title 15 are SR1200 (Suburban Residential, 12,000 square feet minimum) and RR-20 (Rural Residential – 20 acre minimum). The existing and proposed zoning boundaries are shown in the next subsection.
PROPOSED ZONING

The Applicant requests a Zoning Map Amendment to reconfigure the zoning boundaries of the dual-zoned, 612.85-acre parcel with RR-20 (Rural Residential - 20 Acre Minimum) and SR-12,000 (Suburban Residential - 12,000 Sq. Ft. Minimum) districts. The existing zoning is based on a Tentative Map configuration that was approved in 2006, which followed the Federal Emergency Management Agency (FEMA) flood zone boundaries at that time. Since that time, the FEMA flood zone boundaries have changed, which has led the Applicant to propose a reconfiguration of the zoning boundaries and Tentative Subdivision Map. The current and proposed zoning map configurations are shown in the images below.
Current Zoning Map Designations –
- E1 (Title 10); SR12000 (Title 15)
- RR5 (Title 10); RR-20 (Title 15)

Proposed Zoning Map Designations –
- SR12000 (Title 15)
- RR-20 (Title 15)

STAFF REVIEW AND COMMENTS

Proposed Zoning Map Amendments are first reviewed by staff and the Planning Commission, who then make recommendations to the Board of Commissioners. The Board makes the final vote on whether or not to approve the request.

FINDINGS FOR REVIEWING A ZONING MAP AMENDMENT REQUEST

Chapter 15.220.05 of Lyon County Code states that when considering approval of a Zoning Map Amendment, three Findings must be considered and supported by a statement of evidence, facts and conclusions. Staff has included those three Findings in **bold** type below. Each Finding is listed with the applicant’s response in *italics* and then staff’s comments.

Finding A: The proposed amendment is consistent with the policies embodied in the adopted master plan and the underlying land use designation contained in the land use plan.
Applicant’s Response

The site is located within a Suburban Character District in the Dayton area. Chapter 3 of the Master Plan describes the Suburban Residential Land Use generally as medium density residential neighborhoods, which includes uses such as single-family residences, duplexes, and attached housing. The Master Plan encourages new residential development in suburban areas that can be served by municipal water and sewer, as is provided in this location. Furthermore, Policy LU2.1 of the Master Plan discourages low-density rural development in the Suburban Districts. The proposed SR-12000 zoning is suitable for the site and the proposed amendment to the zoning map is minor in nature and would enhance the viability of the development.

Staff Comment

The proposed Zoning Map Amendment would reconfigure the zoning district boundaries in the northern portion of the parcel to better align with current FEMA Flood Map boundaries. Both the SR-1200 and the RR-20 zoning designations are consistent with the Suburban Residential and Rural Residential Master Plan designations that already apply to the site, as highlighted in excerpts from the Master Plan in the Master Plan section of this report. Subject to separate approval and analyzed in a separate report (PLZ-2023-042), a Tentative Subdivision Map to better align the residential subdivision boundaries with the current FEMA Flood Map boundaries would, if approved, allow for 499 single-family residential lots with lot sizes of 12,000 square feet or more. That proposed Tentative Subdivision Map would be in conformance with the Suburban Residential Master Plan designation and the SR-1200 zoning designation. The proposed Zoning Map Amendment is also consistent with the following Master Plan policies.

Chapter 2: Communities

• Goal C 1: Quality Design
  o Policy C 1.2: Pedestrian Friendly Communities
    As Lyon County communities grow, new development will be designed to be pedestrian friendly, and to connect with community attractions where pedestrian amenities are appropriate.
  o Policy C 1.5: Design Complementary Neighborhoods in Suburban Districts
    Development in suburban areas should promote a high standard of design that is compatible with and enhances the surrounding area.

Chapter 3: Land Use, Economy, and Growth

• Goal LU 1: Orderly Growth Patterns
  o Policy LU 1.1: Follow Development Patterns as Established in the Land Use Plan
    Future development of Lyon County will be consistent with the Land Use Plan. The Land Use Plan will guide future growth and development by defining appropriate land use types, densities, and character in different locations including cities and towns, suburbanizing areas, rural areas, farm and ranch land, hillsides, and public lands. The county’s future urban and suburban growth will develop largely around existing communities.
  o Policy LU 1.2: Residential Development Patterns in Neighborhoods
    New residential development, particularly in suburban areas, will be designed to reinforce “neighborhoods” as the primary building blocks of the county’s residential areas. Features of this approach include attractive streetscapes; trail connections and sidewalks that link together residential, recreational, and commercial areas; parks and other common features that serve as gathering places; and a connected pattern of streets. The overall intent of this policy is that
housing areas within communities should be designed as part of the livable communities, not just subdivisions, with access to community infrastructure and amenities.

The proposed zoning amendment is in conformance with the Master Plan Land Use designation of Suburban Residential and would facilitate a proposed Tentative Subdivision Map (PLZ-2023-041) that would implement the above-cited goals and policies. As noted in the Background Information section of this report, the proposed zoning and subsequent tentative subdivision map would allow a single-family residential subdivision with lots sizes in conformance with the requirements of the Suburban Residential Master Plan designation and the SR-12000 zoning district. The proposed project would be similar in character to existing suburban residential development in the surrounding area, complementing the existing and approved residential development to the west by matching the existing single-family residential lot sizes. The project would preserve areas for open space and a pedestrian trail along the Carson River. The proposal would facilitate a variety of home styles, models, and lot sizes. This Finding is met.

Finding B: The proposed amendment will not be inconsistent with the adequate public facilities policies contained in this title.

Applicant’s Response

As detailed in the project description and the Subdivision Feasibility Analysis, the project has adequate access and availability of public facilities and services such as water, sewer, telephone, natural gas, cable, electric, schools, police protection, fire protection, transportation, recreation, and parks.

Staff Comment

The residential development proposed would be contiguous with other similarly designated suburban residential parcels, it would not result in a “leap frog” development. It would be served by adjacent municipal water and sewer services, consistent with the Master Plan Policy excerpted below. It would be consistent with the adequate public facilities policies and would be served by public services that are already provided to existing residents in the area. This Finding is met.

Chapter 3: Land Use, Economy, and Growth

• Goal LU 2: Services Coordinated with Growth
  o Policy LU 2.1: Residential Development in Areas with Services
    Urban and suburban development will locate in Suburban Districts that can be served by municipal water and sewer and that are close to other municipal services and not “leapfrog” into rural areas. Conversely, low-density rural development should not occur in existing or planned suburban areas.

Chapter 7: Public Facilities and Services

• Goal FS 1: Provision of Services
  o Policy FS 1.1: Location of New Development
    New development will occur in areas that are served by, or are adjacent to, areas with existing utility systems to avoid distant and costly extensions.
Finding C: That the proposed amendment is compatible with the actual or master planned adjacent uses.

**Applicant’s Response**

The approved subdivision to the west of the site also has E1 (Title 10)/SR-12000 (Title 15) zoning, which allows for the equivalent 12,000 square foot lot size being requested with this application. The Title 10 E1 zoning is comparable to the proposed Title 15 SR-12000 zoning. The proposed SR-12000 zoning would complement the adjacent single family residential developments. Additionally, both the project site seeking a zoning map amendment and the adjacent properties all contain Suburban Residential Master Plan Land Use.

**Staff Comment**

The proposed Zoning Map Amendment would maintain the site’s existing SR-1200 and RR-20 zoning designations for the site, while making minor modifications to the district boundaries to align them with the updated FEMA Flood Zone Map. The SR-12000 zoning district, wherein single-family residential uses would be located, would be consistent and compatible with existing and planned adjacent residential development. This Finding is met.

**Alternatives to Approval**

**Alternative Motion for Continuance**

If the Planning Commissioners determine that there is insufficient information with which to make a decision on the Zoning Map Amendment application before them and that additional information, discussion, and public comment are necessary to have a more complete and thorough review of the proposed project, then the Planning Commission should make the appropriate findings and move to continue the Public Hearing for the Zoning Map Amendment 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 Zoning Map Amendment application.

Based on the aforementioned finding, and with the applicant’s concurrence, the Planning Commission continues the Zoning Map Amendment request by by Aspen Creek 2022, LLC to amend the Zoning Map to reconfigure the zoning boundaries of a dual-zoned, 612.85-acre parcel with RR-20 (Rural Residential - 20 Acre Minimum) and SR-12,000 (Suburban Residential - 12,000 Sq. Ft. Minimum) districts in Dayton (APN 016-023-02); PLZ-2023-041 for ___ days.
Alternative Motion for Denial

If after review and public comment the Planning Commission determines that they should recommend denial of the Zoning Map Amendment application, then the Planning Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission has considered:

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.

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;
B. That the proposed amendment will not be inconsistent with the adequate public facilities policies contained in this title; and
C. That the proposed amendment is compatible with the actual or master planned adjacent uses.

After consideration of the above-listed Findings, the Lyon County Planning Commission has determined that the Zoning Map Amendment would not be in conformance with the above-listed considerations and recommends denial of the Zoning Map Amendment request by Aspen Creek 2022, LLC to amend the Zoning Map to reconfigure the zoning boundaries of a dual-zoned, 612.85-acre parcel with RR-20 (Rural Residential - 20 Acre Minimum) and SR-12,000 (Suburban Residential - 12,000 Sq. Ft. Minimum) districts in Dayton (APN 016-023-02); PLZ-2023-041.

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.
ASPEN CREEK

Zoning Map Amendment
Tentative Subdivision Map

June 2023

Prepared For:
Aspen Creek 2022, LLC
3808 N. Sullivan Road, N15, Suite 202
Spokane Valley, WA  99216

Prepared By:
Manhard Consulting
241 Ridge Street, Suite 400  Reno, NV  89501
TABLE OF CONTENTS
Project Location ............................................................................................................................................ 2
Existing Conditions .................................................................................................................................... 3
Master Plan and Zoning Designations ........................................................................................................ 6
Project history ............................................................................................................................................... 9
Application Request ...................................................................................................................................... 9
Project Description........................................................................................................................................ 9
Zoning Map Amendment ............................................................................................................................. 12
Development Standards .................................................................................................................................. 14
Landscaping................................................................................................................................................. 14
Fencing ........................................................................................................................................................ 15
Vehicle and Pedestrian Access .................................................................................................................... 15
Traffic .......................................................................................................................................................... 17
Hydrology .................................................................................................................................................... 17
Phasing ........................................................................................................................................................ 18
Subdivision Feasibility Analysis ................................................................................................................... 20
Utilities and Public Services ........................................................................................................................ 20
Findings ....................................................................................................................................................... 23

LIST OF FIGURES
Figure 1: Project Location ............................................................................................................................. 2
Figure 2: Surrounding Property Designations ............................................................................................... 3
Figure 3: Site Photographs ............................................................................................................................. 3
Figure 4: Master Plan Designation ................................................................................................................ 7
Figure 5: Existing Zoning Designation ........................................................................................................... 8
Figure 6: Project Summary .......................................................................................................................... 10
Figure 7: Preliminary Landscape Plan/Site Plan .......................................................................................... 11
Figure 8: Existing and Proposed Zoning ...................................................................................................... 12
Figure 9: Proposed Zoning Designation ........................................................................................................ 13
Figure 10: Parking Calculations ................................................................................................................... 14
Figure 11: Cross Sections ............................................................................................................................ 15
Figure 12: Trip Generation ........................................................................................................................... 17
Figure 13: Phasing Exhibit .......................................................................................................................... 19

APPENDICES
• Application and Supporting Documents
  (Title Report, Legal Description)
• Location Exhibit
• Existing Zoning Exhibit
• Proposed Zoning Exhibit
• TM Plan Set & Landscape Plan
• Phasing Plan
• Area Plan
• Sewer Report
• Preliminary Hydrology Report
• Geotechnical Report
• Traffic Impact Study
• Hydrology and Hydraulics Study
• Street Name Request Form
• Intent to Serve Letters
PROJECT LOCATION

The project site is a +/- 335.19 acre portion of APN 016-023-02 (total 612.85 acres) generally located along Fort Churchill Road, east of Spring Creek Drive, north of the Carson River and southeast of US Highway 50. The site is accessed via Fort Churchill Road.

Figure 1: Project Location
EXISTING CONDITIONS

The project site is undeveloped. There is an approved single family residential subdivision, Riverpark, located west of it. This site is bordered to the south by the Carson River and undeveloped land to the north, east, and south (south of the Carson River). The development area of the proposed Tentative Map has a Master Plan designation of Suburban Residential (SUB) and is zoned First Estates Residential District (E-1) (Title 10)/SR12000 (Title 15).

Figure 2: Surrounding Property Designations (Adjacent to Development Area)

<table>
<thead>
<tr>
<th>Direction</th>
<th>Master Plan</th>
<th>Zoning (Title 10)/(Title 15)*</th>
<th>Current Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Low Density Residential, Suburban Residential (northwest), Public/Quasi-Public Open Space</td>
<td>RR-2T/RR-2 RR-5/RR-20</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>East</td>
<td>Suburban Residential</td>
<td>RR-5/RR-20</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>South</td>
<td>Suburban Residential, Rural Residential, and Parks (southwest)</td>
<td>RR-5/RR-20</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>West</td>
<td>Suburban Residential and Parks</td>
<td>E-1/SR-12000</td>
<td>Undeveloped, Riverview Elementary School, Rolling A</td>
</tr>
</tbody>
</table>

*Title 10
E-1 – First Estates Residential District
RR-5 – Fifth Rural Residential District (20 Acres)
RR-2T – Second Rural Residential District (2 Acres)

*Title 15
SR-12000 – Suburban Residential-12,000 sq ft min
RR-20 – Rural Residential 20 Acre
RR-2 – Rural Residential, 2 Acre

Figure 3: Site Photographs
Figure 3: Site Photographs, cont.

1. Looking east - Fort Churchill Road.

2. Looking northwest from the fork where Fort Churchill Road splits.
Figure 3: Site Photographs, cont.

3. Looking Southeast from Chaves Road.

4. Looking northwest from Fort Churchill Road.
MASTER PLAN AND ZONING DESIGNATIONS

The project site has an existing Master Plan designation of Suburban Residential (SR) and is in a Suburban Character District. The existing zoning designation is First Estates Residential District (E-1) (Title 10)/Suburban Residential-12,000 sq ft min (SR12000) (Title 15).
Figure 4: Master Plan Designation – Suburban Residential
Figure 5: Existing Zoning Designation - E-1/SR-12,000
PROJECT HISTORY

In August 2006, Lyon County approved a Master Plan Amendment and Zone Change to facilitate a similar subdivision. The approvals allowed for a split zoning designation of this parcel to include 248.6 acres zoned E-1 (Title 10)/SR-12,000 (Title 15) and 364.25 acres zoned RR-5 (Title 10)/RR-20 (Title 15). The original Aspen Creek project was approved for +/- 525 lots for this E-1 zoned portion. Improvements and infrastructure developed in the vicinity have contemplated this project.

APPLICATION REQUEST

The enclosed application is a request for:

1) A Zoning Map Amendment to allow for an alternate configuration of the SR-12000 zoning designation for the proposed Tentative Map lot area.

2) A Tentative Map to create a 499 lot single-family residential subdivision.

PROJECT DESCRIPTION

Aspen Creek is a proposed 499 lot single-family residential subdivision located in Dayton, to be developed in phases over approximately fourteen years. The project site is a +/- 335.19 acre portion of APN 016-023-02 (total 612.85 acres), which includes lot area, right-of-way, and common area.

The proposed lots range in size from 12,000 sq. ft. to 37,241 sq. ft., with an average lot size of 13,477 sq. ft. The proposed project density is 1.49 dwelling units per gross acre (499 lots/335.19 acres).

The project includes common area parcels, totaling +/- 133.81 acres that generally include: 1) pedestrian access; 2) open space; 3) landscape buffer along Fort Churchill Road; 4) an engineered drainage channel to continue the adjacent Riverpark development channel to the existing natural drainage channel and route drainage to the Carson River; and 5) overflow for stormwater. Common areas are proposed to be maintained by a Homeowners Association or similar entity as approved by Lyon County.

The site has been designed to:

- Provide expanded housing opportunities in an area designed for suburban residential development.
- Complement the existing and approved residential development to the west by matching the existing single-family residential lot sizes.
- Preserve areas for open space and a pedestrian trail along the Carson River.
- Provide needed right-of-way to allow for the Chaves bridge option, in accordance with the Lyon County Master Plan.
- Reduce peak flow discharges with the construction of associated improvements.
• Preserve scenic views.
• Ensure watershed protection, soil stabilization, erosion control protection by limiting areas of development to outside the riparian zone and floodway.

Home designs are not available at this development stage. Building pads are shown on the lots that depict an appropriate buildable location, based on topography, hydrology, and development standards. Future development will comply with the requirements of the Lyon County Code.

**Figure 6: Project Summary**

<table>
<thead>
<tr>
<th>Project Summary</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parcel Size</strong></td>
<td>612.85 acres</td>
</tr>
<tr>
<td><strong>Project Site</strong></td>
<td>+/- 335.19 acres</td>
</tr>
<tr>
<td><strong>Total Number of Lots</strong></td>
<td>499</td>
</tr>
<tr>
<td><strong>Minimum Lot Size</strong></td>
<td>12,000 sq. ft.</td>
</tr>
<tr>
<td><strong>Smallest Lot</strong></td>
<td>12,000 sq. ft.</td>
</tr>
<tr>
<td><strong>Largest Lot</strong></td>
<td>37,241 sq. ft.</td>
</tr>
<tr>
<td><strong>Average Lot Size</strong></td>
<td>13,477 sq. ft.</td>
</tr>
<tr>
<td><strong>Maximum Density Allowed</strong></td>
<td>3.63 units per gross acre</td>
</tr>
<tr>
<td><strong>Proposed Density</strong></td>
<td>1.49 units per acre (499 units/335.19 acres)</td>
</tr>
</tbody>
</table>
ZONING MAP AMENDMENT

The existing zoning is based on a Tentative Map configuration that was approved in 2006, which followed the FEMA flood zone boundaries at that time. Since that time, the FEMA flood zone boundaries have changed, which led to a slightly different proposed Tentative Map configuration.

The existing zoning includes 248.6 acres of E-1/SR-12,000 and 364.25 acres of RR-5/RR-20. The proposed zoning includes a similar area (slightly less) to be zoned SR-12,000 (+/-248 acres) and +/- 364.89 acres zoned RR-5/RR-20, in an alternate configuration. The proposed amendment will allow for this alternate configuration, while maintaining the similar amount of land designated E-1/SR-12,000 and RR-5/RR-20.

The existing E-1/SR-12,000 zoning designation, and the proposed alternate configuration accommodates the proposed 12,000 square foot minimum lot size, is complementary to the approved Riverpark subdivision located to the west, and implements the existing Suburban Residential Master Plan designation and Suburban Character District.

The Suburban Residential Master Plan designation is generally described as medium density residential neighborhoods, including uses such as single-family residences, duplexes, and attached housing. The Master Plan encourages new residential development in suburban areas that can be served by municipal water and sewer. This project location does just that. Furthermore, Policy LU2.1 of the Master Plan also discourages low-density rural development in the Suburban Districts. The existing/proposed SR-12000 zoning designation implements this policy, and is therefore, suitable and appropriate for the site.

**Figure 8: Existing and Proposed Zoning**

<table>
<thead>
<tr>
<th>APN</th>
<th>Existing Zoning</th>
<th>Acreage</th>
<th>Proposed Zoning</th>
<th>Acreage</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>016-023-02</td>
<td>E-1 (Title 10)/SR-12,000 (Title 15)</td>
<td>248.6</td>
<td>SR-12,000</td>
<td>247.96</td>
<td>-.64 acres</td>
</tr>
<tr>
<td></td>
<td>RR-5 (Title 10)/RR-20 (Title 15)</td>
<td>364.25</td>
<td>RR-20</td>
<td>364.89</td>
<td>+.64 acres</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>612.85</td>
<td>612.85</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Figure 9: Proposed Zoning Designation – SR-12,000 Alternate Configuration
DEVELOPMENT STANDARDS

The proposed residential lots are designed in accordance with the SR-12000 development standards, including lot area, lot width, setbacks, density, building height, yards, and parking pursuant to Lyon County Code. As previously described, home designs are not available at this development stage. Building pads are shown on the lots to depict an appropriate buildable location. Any future development will comply with the requirements of the Lyon County Code, including:

- Maximum Building Height - 35 ft.
- Front Setback - 25 ft.
- Side Setback - 10 feet
- Side Street setback - 20 feet
- Rear Setback - 20 feet
- Driveway - 20 ft.
- Lot street frontage width - 60 feet (30 feet if located on a cul-de-sac bulb)

Off-Street Parking

Off-street parking will be provided as follows in accordance with Lyon County Land Use and Development Code Section 15.401:

- A minimum of two (2) off street parking spaces for each single-family lot.

Specific floorplans are not available at this time, however it is anticipated that each home will have at least a two car garage would accommodate a minimum of two spaces per home, plus a minimum of two additional driveway spaces.

Figure 10: Parking Calculations

<table>
<thead>
<tr>
<th>Land Use</th>
<th># of Units</th>
<th>Spaces Required per Unit</th>
<th>Total Required Spaces</th>
<th>Total Spaces Provided (at a minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Detached</td>
<td>499</td>
<td>2</td>
<td>998</td>
<td>998 garage spaces 998 driveway spaces 1,996 TOTAL</td>
</tr>
</tbody>
</table>

LANDSCAPING

Front and street side yards will be landscaped in conformance with Chapter 402 of the Lyon County Development Code. Landscaping for individual lots will be provided and maintained by homeowners. Title 15 Land Use and Development Code, Section 15.402.03(E) requires street trees as part of the subdivision landscape design standards. As shown on the preliminary landscape plan, street trees are provided throughout the proposed subdivision.
FENCING

Walls and fencing within the project will comply with Section 15.341.05 of the Lyon County Development Code. A fencing plan will be submitted with final plans. In accordance with the development code, lot fencing will include a solid block wall or wooden fence a minimum of six feet in height along all side and rear lot lines.

VEHICLE AND PEDESTRIAN ACCESS

**Vehicular Access**

Vehicular access to the site is provided from Fort Churchill Road, through existing and approved phases of Riverpark. Typical local roads through the subdivision will include two travel lanes, 4 ft. sidewalks on both sides of the road, and curb and gutter (50 ft. ROW). The project also proposes improvements to extend Fort Churchill Road: 1) to include three lanes of travel, with the total pavement width to accommodate five lanes of travel with potential future traffic in addition to this project (total 80 ft. ROW) east of River Park Parkway to Chaves Road; and 2) three lanes of travel east of Chaves Road (total 60 ft. ROW).

The proposed proposes to provide adequate ROW for a future bridge structure over the Carson River south of the project as contemplated by Lyon County.

Access around and through the proposed subdivision has been designed to integrate with the existing residential subdivisions west of the site through River Park Parkway and Clear Creek Drive connections.

**Figure 11: Cross-Sections**

![Cross-Sections Diagram]
Pedestrian Access

Pedestrian access will be provided throughout the project site through 4 ft. sidewalks, located on both sides of the proposed streets. Sidewalks (5 ft.) are also provided along the project frontage of Fort Churchill Road.

A decomposed granite (DG) trail is proposed along the south side of the lots, to provide pedestrian access along the Carson River.

Road Construction and Maintenance

In accordance with Lyon County standards, the development will provide a slurry seal onto the streets and roadways every five (5) years from the date of installation of asphalt concrete paving of the subdivision’s streets and roadways until such time as the subdivision is 90% completed and the County accepts the offer for dedication for the right-of-way for all streets and roadways within the subdivision. The developer shall make a perpetual offer of dedication for the right-of-way for all streets and roadways within the proposed subdivision. The County will not accept the offer of dedication until at least 90% of
the lots within the respective unit have been developed, the improvements are inspected and approved by the County, and the County accepts the improvements for maintenance.

**TRAFFIC**

The project will generate approximately 4,706 daily trips with 349 AM Peak hour trips and 469 PM peak hour trips. As further discussed in the Traffic Impact Study (June 12, 2023), the US 50/Fort Churchill intersection is anticipated to operate at a poor of service unless improved, with or without this project. With a planned traffic signal in place, the intersection will operate within level of service policy. All other studied intersections are expected to operate within policy level of service.

The following is a list of the recommended project specific improvements:

- The project will construct and extension of Fort Churchill Road east of River Park Parkway through the project site. A three-lane roadway (one lane in each direction with a two-way left turn lane or left-turn pockets) is recommended to accommodate project traffic. Right-of-way should be reserved for up to five lanes (two lanes in each direction with a center turn lane) on Fort Churchill Road west of Chaves Road to accommodate potential future traffic in addition to this project.

- A future bridge structure over the Carson River south of the project has been contemplated; however, funding, timing, and feasibility are unknown at this time. It is recommended that right-of-way be reserved for a potential future bridge connection opposite Chaves Road, as shown on the project site plan.

- It is anticipated that the Woodbridge PUD project will construct a traffic signal at the US 50/Fort Churchill intersection. This project should be limited to a pro-rata share contribution of 44% ($264,000) towards the traffic signal improvement.

**Figure 12: Trip Generation**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Size</th>
<th>ADT</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>ITE Land Use Code 210</td>
<td>499 du</td>
<td>4,706</td>
<td>349</td>
<td>469</td>
</tr>
<tr>
<td>Single Family Detached Housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**HYDROLOGY**

*Existing Conditions*

The site has two existing ephemeral drainages that flow through the site and was analyzed in the Dayton Valley Area Drainage Master Plan (dated August 30, 2019). The site drains from the northwest to the south, southeast. The existing peak discharge flows are conveyed in the existing ephemeral drainages and culvers that convey the peak flows under Fort Churchill Road and eventually discharges into the Carson River.
According to the FEMA Flood Insurance Rate Map (FIRM) a portion of the subject project is located in Shaded Zone X, Zone A, and Zone AE.

**Proposed Conditions**

Flows from the proposed development will not increase the 100-year peak flow as the peak flow from the site will be out of the system before the 100-year peak flow events in the ephemeral drainages. The Aspen Creek proposed drainage will be contained in on-site drainage swales flowing to curb and gutters that discharge to catch basins and travel through the proposed storm drain network eventually discharging into engineered channels. Additionally, water quality basins will be designed to provide detention/retention and prevent sedimentation.

1. The proposed Aspen Creek provide will not increase peak flow discharges with the construction of associated improvements.
2. There are no adverse effects associated with the construction of this project. Peak flows will not be increased in the existing ephemeral drainage.
3. A complete Hydrology Report is included with this application package, and is compliant with the most current Lyon County Design Standards and the Drainage Guidelines for Lyon County.

**PHASING**

It is anticipated that the project will be designed in six phases, over approximately fourteen years. The six phases are anticipated to include:

Phase 1: +/- 107 lots, drainage improvements, and associated sanitary sewer, water, and road improvements.
Phase 2: +/- 105 lots, the DG path along the river, and associated sanitary sewer, water, and road improvements.
Phase 3: +/- 50 lots, continued DG path along the river, and associated sanitary sewer, water, and road improvements.
Phase 4: +/- 75 lots, drainage improvements, and associated sanitary sewer, water, and road improvements.
Phase 5: +/- 98 lots, drainage improvements, and associated sanitary sewer, water, and road improvements.
Phase 6: +/- 64 lots, continued DG path along the river, and associated sanitary sewer, water, and road improvements.

The developer reserves the right to determine phasing under NRS Chapter 278. Phasing may be modified depending on actual development conditions; each phase will be in accordance with the Lyon County Code.
Figure 13: Phasing Exhibit

**Phasing Summary:**

- **Phase 1:**
  - 107 Lots
  - Continuation of drainage channel from the west
  - 2 Culverts
  - 1 Sewer Lift Station
  - Continued access onto the existing Fort Churchill Road at location #1

- **Phase 2:**
  - 105 Lots
  - Grader required
  - 50 Path along River

- **Phase 3:**
  - 100 Lots
  - Continuation of path along River from Phase 2

- **Phase 4:**
  - 75 Lots
  - 2 Culverts
  - Army Corp Permitting
  - Continued access onto the existing Fort Churchill Road at location #2

- **Phase 5:**
  - 98 Lots
  - 1 Culvert
  - 1 Lift Sewer Station
  - Continued access onto the existing Fort Churchill Road at location #3
  - Access road from location #3 to sewer lift station
  - Additional sewer infrastructure needed for sewer lift station

- **Phase 6:**
  - 64 Lots
  - Continued access onto the existing Fort Churchill Road at location #4
  - 50 Path along River
SUBDIVISION FEASIBILITY ANALYSIS

The following Subdivision Feasibility Analysis (related to utilities and public services) is provided in accordance with Lyon County Code Section 15.607.02(A)(1):

UTILITIES AND PUBLIC SERVICES

**Water Availability**

The project is proposed to be served by public water (LCUD). Water infrastructure is designed to connect at two locations: 1) on Fort Churchill on the west of the project site, and 2) in the northwest area of the project through Riverpark-Phase 3 Unit 19B. Should this project be developed before Riverpark Phase 3 Unit 19B, easements will be in place for utility connections and sewer and water utilities will be extended as needed. Additional looping is proposed within the development.

Appropriate water rights will be acquired by the project with project development. Lyon County Utilities has issued an Intent to Serve letter, conditioned on providing water rights that have met all requirements set forth by the State Engineer and LCUD and system improvements and expansion needs created by the project.

**Sewage Disposal**

The project is proposed to be served by public sanitary sewer (LCUD). The on-site sanitary sewer mains proposed will adequately serve the project as planned. Sewer infrastructure is designed to connect in two locations: 1) into the existing 8-inch sanitary at the intersection of River Road and Fort Churchill Road, and 2) from the proposed stub from Riverpark-Phase 3 Unit 19B. Should this project be developed before Riverpark Phase 3 Unit 19B, easements will be in place for utility connections and sewer and water utilities will be extended as needed. A Preliminary Sewer Report is included with this application that details estimated peak sewage flows, proposed sewer mains, and two proposed sanitary sewer lift stations.

**Utility Transmission Line**

There is an existing overhead transmission line that has been incorporated into the overall design of the project. Although there are no required setbacks, the closest structure is a minimum of 35 ft. from the transmission line.

**Electricity, Telephone, and Natural Gas Availability**

Electricity, telephone, and natural gas are available to serve the site. Intent to serve letters from AT&T, NV Energy, SW Gas, and Charter are included with this application.

**Fire and Police Protection**

The Central Lyon County Fire Protection District (CLCFPD) provides paramedic, advanced life support, and fire prevention and suppression services to the Dayton Area and will serve this project area. The nearest
The Lyon County Sheriff Department provides police protection services to the area. The closest police station is the Dayton Substation and is approximately 2.1 miles away.

**Education Services**

Lyon County School District (LCSD) provides education services to Dayton. The closest schools are Dayton High School (8.8 miles), Dayton Intermediate School (8.4 miles), and Riverview Elementary School (1.5 miles). LCSD receives revenue from a School Impact Fee collected by Lyon County, School Operating and School Debt Taxes, and a Distributive School Account (per student). The nearest bus stop that serves Dayton High School and Dayton Intermediate School is located on Oakmont Drive and Stratton Drive, approximately 1.3 miles from the envisioned project site. Riverview Elementary School is within what would be considered a walkable distance, per the Safe Routes to School suggestions.

**Parks and Recreation Areas**

The Carson River and River Park (1.2 miles), Rolling A Disc Golf (1.6 miles), Patriot Park (1.8 miles), Mark Twain Park (2.7 miles), Lyon County School District recreation facilities (at local schools, 1.5 – 8.8 miles), little league fields (8 miles), Como Park (8 miles), Dayton Skate Park (8 miles), Dayton Valley Branch Library (8.6 miles), and the Dayton Valley Golf Course (10.7 miles) all provide parks and recreation opportunities for Dayton residents.

**Commercial and Shopping Areas**

Commercial and shopping areas generally exist close to Highway 50 throughout Dayton. Dayton Discount Liquor (2.1 miles), Carson Plains Market (2.5 miles), The Dollar General (2.7 miles), The Grocery Outlet (5.2 miles), and Smith’s Shopping Center (5.7 miles) are all stores and shopping area opportunities for Dayton residents located close to the project site.

**Road Construction and Maintenance**

In accordance with Lyon County standards, the development will provide a slurry seal onto the streets and roadways every five (5) years from the date of installation of asphalt concrete paving of the subdivision’s streets and roadways until such time as the subdivision is 90% completed and the County accepts the offer for dedication for the right-of-way for all streets and roadways within the subdivision. The developer shall make a perpetual offer of dedication for the right-of-way for all streets and roadways within the proposed subdivision. The County will not accept the offer of dedication until at least 90% of the lots within the respective unit have been developed, the improvements are inspected and approved by the County, and the County accepts the improvements for maintenance.

**Adjacent Ownership and Use**

Adjacent ownership, present use, and zoning on adjacent properties is shown on the Tentative Subdivision Map plan set and in Figure 2 in this project description.
Traffic Impacts

The project will generate approximately 4,706 daily trips with 349 AM Peak hour trips and 469 PM peak hour trips. As further discussed in the Traffic Impact Study (June 12, 2023), the US 50/Fort Churchill Road intersection is anticipated to operate at a poor of services unless improved, with or without this project. With a planned traffic signal in place, the intersection will operate within level of service policy. All other studied intersections are expected to operate within policy level of service.

The following is a list of the recommended project specific improvements:

- The project will construct and extension of Fort Churchill Road east of River Park Parkway through the project site. A three-lane roadway (one lane in each direction with a two-way left turn lane or left-turn pockets) is recommended to accommodate project traffic. Right-of-way should be reserved for up to five lanes (two lanes in each direction with a center turn lane) on Forth Churchill Road west of Chaves Road to accommodate potential future traffic in addition to this project.

- A future bridge structure over the Carson River south of the project has been contemplated; however, funding, timing, and feasibility are unknown at this time. It is recommended that right-of-way be reserved for a potential future bridge connection opposite Chaves Road, as shown on the project site plan.

- It is anticipated that the Woodbridge PUD project will construct a traffic signal at the US 50/Fort Churchill intersection. This project should be limited to a pro-rata share contribution of 44% ($264,000) towards the traffic signal improvement.

Drainage Study and Stormwater Impact Analysis

A Preliminary Hydrology Study, prepared in conformance with the Lyon County Drainage Guidelines is provided with this application.

Solid Waste Disposal

Solid waste disposal is provided by Waste Management.

Soils Report, Geotechnical Analysis, and Land Compatibility Analysis

A Geotechnical Investigation has been provided that identifies physical characteristics of the land, such as floodplain, slope, vegetation, and soils is provided with this application. With the preliminary analysis, the site does not present geotechnical conditions or geologic hazards that cannot be mitigated with standard and customary construction and design practices. A complete Geotechnical Investigation is included with this application.

Zoning and Master Plan Designations and Land Uses

Figures 2, 4, and 5 in this project description identify the existing Zoning and Master Plan designations and land uses of the surrounding property. There are no off-site structures within 25 feet of the project area property line.
FINDINGS

15.220.05: FINDINGS FOR ZONING MAP AMENDMENTS:

The project has been designed to meet the following findings for a zoning map amendment.

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;

The site is located within a Suburban Character District in the Dayton area. Chapter 3 of the Master Plan describes the Suburban Residential Land Use generally as medium density residential neighborhoods, which includes uses such as single-family residences, duplexes, and attached housing. The Master Plan encourages new residential development in suburban areas that can be served by municipal water and sewer, as is provided in this location. Furthermore, Policy LU2.1 of the Master Plan discourages low-density rural development in the Suburban Districts. The proposed SR-12000 zoning is suitable for the site and the proposed amendment to the zoning map is minor in nature and would enhance the viability of the development.

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

As detailed in the project description and the Subdivision Feasibility Analysis, the project has adequate access and availability of public facilities and services such as water, sewer, telephone, natural gas, cable, electric, schools, police protection, fire protection, transportation, recreation, and parks.

C. That the proposed amendment is compatible with the actual or master planned adjacent uses.

The approved subdivision to the west of the site also has E1 (Title 10)/SR-12000 (Title 15) zoning, which allows for the equivalent 12,000 square foot lot size being requested with this application. The Title 10 E1 zoning is comparable to the proposed Title 15 SR-12000 zoning. The proposed SR-12000 zoning would complement the adjacent single family residential developments. Additionally, both the project site seeking a zoning map amendment and the adjacent properties all contain Suburban Residential Master Plan Land Use.

15.607.03: TENTATIVE SUBDIVISION MAP FINDINGS:

The project has been designed to meet the following tentative subdivision map findings. The commission in making its recommendation and the Board in rendering a decision on the tentative subdivision map shall base its decision on the requirements of Nevada Revised Statutes and make affirmative findings on the following factors, taking into account the recommendations of reviewing agencies:

1. The property to be subdivided is zoned for the intended uses and the density and design of the subdivision conforms to the requirements of the zoning regulations contained in this title;
As described, the proposed project requests a zoning map amendment to revise the extent of the two zoning designations found on the project parcel E1/SR-12000 and RR-5/RR-20. The proposed project is zoned properly for the intended single-family use and meets the development standards and other requirements associated with the existing E1/SR-12000 zoning designation, including use, density, and design.

2. If located within a planned unit development, the tentative subdivision map conforms to the density requirements, lot dimension standards and other design standards regulations approved for the planned unit development;

N/A- The proposed project is not located within a planned unit development.

3. The tentative subdivision map conforms to public facilities and improvement standards contained in this title;
The tentative subdivision map conforms to all public facilities and improvement standards contained in the Lyon County Code.

4. The tentative subdivision map conforms to the improvement and design standards contained in this title and adopted design criteria and improvement standards;
The tentative subdivision map conforms to Lyon County improvement and design standards contained in the land use and development code.

5. If applicable, that a phasing plan has been submitted and is deemed acceptable;
A phasing plan has been submitted that shows six phases over approximately twenty years, with each phase able to be constructed independently. The developer reserves the right to determine phasing under NRS Chapter 278. Phasing may be modified depending on actual development conditions; each phase will be in accordance with the Lyon County Code.

6. There are no delinquent taxes or assessments on the land to be subdivided, as certified by the county treasurer;
There are no delinquent taxes or assessments on the land to be subdivided. Information from the Lyon County Treasurer has been included with the application package.

7. The project complies with all 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;
The tentative subdivision map has been designed to comply with all environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water and sewage disposal.

8. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;
An intent to serve letter from Lyon County utilities will be provided with review of this application, which will indicate the availability of water which meets applicable health standards and in sufficient quantity for the reasonably foreseeable needs of the subdivision.

9. There is adequate access and availability to public services such as schools, police protection, transportation, recreation and parks;

As detailed in the project description and the subdivision feasibility analysis, the project has adequate access and availability to public services such as schools, police protection, transportation, recreation, and parks.

10. The project is in general conformity with the Lyon County Comprehensive Master Plan, the local community plan, if adopted, and the master plan of streets and highways;

The tentative subdivision map reflects the Suburban Residential development pattern as described in the 2020 Lyon County Master Plan. Chapter 3 of the Master Plan describes the Suburban Residential Land Use generally as medium density residential neighborhoods, including uses such as single-family residences, duplexes, and attached housing. The project site is also within the Dayton Suburban Character District. The Master Plan encourages new residential development in suburban areas that can be served by municipal water and sewer, and discourages low-density rural development in these areas. The project is also in conformance with the master plan of streets and highways.

11. The project will have no adverse impacts, or provides adequate mitigation of adverse impacts, to existing public streets;

A Traffic Impact Study is provided with this application and includes a list of recommended project-specific improvements that will mitigate adverse impacts to existing public streets.

12. The physical characteristics of the land such as floodplain, slope and soil have been considered and provisions to adequately mitigate adverse impacts of development on the environment have been incorporated; and

All physical characteristics of the land such as floodplain, slope, and soil have been considered and provisions to adequately mitigate adverse impacts of development on the environment have been incorporated. A detailed conceptual drainage study and geotechnical study have been submitted with this application and include any necessary mitigation measures.

13. The project demonstrates availability and accessibility of fire protection services, 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 project will comply with conditions related to fire protection services, 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.
Lyon County Planning Commission Agenda Summary

Meeting Date: August 8, 2023

Agenda Item Number: 8.c

Subject: For Possible Action: To forward a recommendation to the Board of Commissioners for the request for a Tentative Subdivision Map from Aspen Creek 2022, LLC to create a 499-lot single-family residential subdivision on a 612.85-acre parcel located approximately 2.6 miles to the east of the intersection of U.S. Highway 50 and Fort Churchill Road at 1455 Fort Churchill Road in Dayton (APN 016-023-02) PLZ-2023-042.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- Staff Report
- Backup
PLANNING COMMISSION

PLZ-2023-042

Proposed Action: Tentative Subdivision Map to create a 499-lot single-family residential subdivision on a 612.85-acre parcel.

Meeting Date: August 8, 2023

Property Owner: Aspen Creek, LLC

Applicant: Aspen Creek 2022, LLC

Location: Dayton - approximately 2.6 miles to the east of the intersection of U.S. Highway 50 and Fort Churchill Road at 1455 Fort Churchill Road.

Parcel Number: 016-023-02

Parcel Size: 612.85 acres

Master Plan: Suburban Residential and Rural Residential

Current Zoning: RR-20 (Rural Residential - 20 Acre Minimum) and SR-12,000 (Suburban Residential - 12,000 Sq. Ft. Minimum)

Proposed Zoning: RR-20 (Rural Residential - 20 Acre Minimum) and SR-12,000 (Suburban Residential - 12,000 Sq. Ft. Minimum)

Flood Zone(s): A, AE, X-Shaded per FIRM 32019C0340F (effective date 10/20/2016)

Case Planner: Bill Roth

REQUEST

The applicant is requesting a Tentative Subdivision Map from Aspen Creek 2022, LLC to create a 499-lot single-family residential subdivision on a 612.85-acre parcel located approximately 2.6 miles to the east of the intersection of U.S. Highway 50 and Fort Churchill Road at 1455 Fort Churchill Road in Dayton.

Preceding the proposed Tentative Subdivision Map request is a request for a Zoning Map Amendment to reconfigure the zoning boundaries of the dual-zoned, 612.85-acre parcel with RR-20 (Rural Residential - 20 Acre Minimum) and SR-12,000 (Suburban Residential - 12,000 Sq. Ft. Minimum) districts. The existing zoning is based on a Tentative Map configuration that was approved in 2006 and followed the Federal Emergency Management Agency (FEMA) flood zone boundaries at that time (PLZ-06-0130). The FEMA
flood zone boundaries have since changed, which has led the Applicant to propose a reconfiguration of the zoning boundaries and a new Tentative Subdivision Map. The proposed Zoning Map Amendment is analyzed in a separate report (PLZ-2023-041).

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission forward a recommendation of approval of the Tentative Subdivision Map request based on the Findings as listed in the staff report and subject to the recommended Conditions of Approval listed below, as the request would be in general conformance with the 2020 Comprehensive Master Plan designations for the property.

**RECOMMENDED MOTION**

If the Lyon County Planning Commission, basing its decision on the requirements of Nevada Revised Statutes and making affirmative findings on the following factors, and taking into account the recommendations of reviewing agencies, wishes to make a recommendation of approval of the Tentative Subdivision Map to the Board, then the Planning Commission should make a motion similar to the following.

**The Planning Commission finds that:**

1. The property to be subdivided is zoned for the intended uses and the density and design of the subdivision conforms to the requirements of the zoning regulations contained in this title;
2. If located within a planned unit development, the tentative subdivision map conforms to the density requirements, lot dimension standards and other design standards regulations approved for the planned unit development;
3. The tentative subdivision map conforms to public facilities and improvement standards contained in this title;
4. The tentative subdivision map conforms to the improvement and design standards contained in this title and adopted design criteria and improvement standards;
5. If applicable, that a phasing plan has been submitted and is deemed acceptable;
6. There are no delinquent taxes or assessments on the land to be subdivided, as certified by the County Treasurer;
7. The project complies with all 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;
8. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;
9. There is adequate access and availability to public services such as schools, police protection, transportation, recreation and parks;
10. The project is in general conformity with the Lyon County Comprehensive Master Plan, the local community plan, if adopted, and the master plan of streets and highways;
11. The project will have no adverse impacts, or provides adequate mitigation of adverse impacts, to existing public streets;
12. The physical characteristics of the land such as floodplain, slope and soil have been considered and provisions to adequately mitigate adverse impacts of development on the environment have been incorporated;

13. The project demonstrates availability and accessibility of fire protection services, 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.

Based on the aforementioned Findings, I move that the Lyon County Planning Commission forward a recommendation of approval to the Lyon County Board of Commissioners for a Tentative Subdivision Map request by Aspen Creek 2022, LLC to create 499 single-family residential lots on an approximately 335.19-acre portion of a 612.85-acre parcel in the SR-12,000 and RR-20 zoning districts, accessed by Fort Churchill Road west of U.S. Highway 50 in Dayton, located on APN 016-023-02, subject to the following Conditions of Approval (PLZ-2023-042).

CONDITIONS OF APPROVAL

1. Approval of the tentative map shall not constitute acceptance of the final map. Approval of the tentative map shall lapse unless a final map based thereon is presented to the Board of Commissioners within four (4) years from the date of such approval, unless a provision for an extension of time has been granted. The Board of County Commissioners, with the recommendation of the Community Development Department, may grant to the developer a single extension of not more than two (2) years within which to record a final map after receiving approval of the tentative map.

2. The applicant shall comply with all Federal, State, County and special purpose district regulations.

3. The developer shall provide the proposed Covenants, Conditions and Restrictions ("CC&Rs"), landscape maintenance association/homeowners association agreements, easements and/or other legal instruments containing sufficient detail to constitute enforceable provisions necessary for operation and maintenance by the developer and his successors, and assignees as well as the individual subdivision lot property owners as the project is subdivided and the individual lots sold for all common areas and storm drainage facilities (easements, channels and basins) as well as any other provisions necessary for the subdivision as approved, for review by the Community Development Director, the Utilities Director, the County Engineer and District Attorney’s Office. The approved legal instrument shall be signed and recorded prior to approval of a final map or first in a series of final maps for the project.

4. Prior to issuance of any Final Map, the applicant shall submit for the County's approval a landscape/treatment development plan for all common areas on the site, for that phase, including the maintenance access road for overhead utilities.

5. The applicant shall submit and receive approval of a street-naming application prior to submittal of an application for a final map or first in a series of final maps. Should any requested street name(s) be denied, the Community Development Director is authorized to administratively process a request for a replacement street name(s), obtain review and comment from the fire district with jurisdiction, Road Department and any other appropriate agency, and approve a revised street name(s) without the requirement of a public hearing before the Planning Commission.

6. Before requesting a Will-Serve Letter for the final subdivision map, the developer must submit an LCUD application for water and sewer service and meet the requirements outlined in County Code,
Title 9. The applicant shall provide written evidence (i.e. 'will-serve' letters) demonstrating that the proposed parcels are able to be served by municipal water and sewer systems prior to recordation of a final subdivision map or first in a series of final maps for this project.

7. The proposed realignment of Fort Churchill Road will necessitate the relocation of a sewer effluent main and associated utility easements at the expense of the developer, for the affected phases. The relocated sewer effluent connection must be maintained and functional throughout the project duration. A maintenance road paved with an all-weather surface will also be required to run concurrently with the sewer effluent line throughout the project duration if Fort Churchill Road is not providing the required access. The realignments of the sewer effluent line, associated easements, and either a maintenance road or Fort Churchill Road, must be approved by the Utilities Director, the Roads Department Director, and the Community Development Director prior to recordation of the Final Map for all phases of the development.

8. The proposed project shows two new lift stations. The developer is required to meet the requirements of NAC445A.285 and WTS-21. Odor control mitigation for a lift station is required when there are any homes within 1000’ of a lift station. All property taxes must be paid in full through the end of the fiscal year (June 30) and any applicable agricultural deferred taxes shall be paid in full prior to recordation of any final map.

9. The applicant shall comply with the final subdivision map requirements as prescribed by NRS 278 and Title 15 of the Lyon County Code.

10. Required recording fees to be paid at time of recording map.

11. No lot shall be offered for sale or sold until the final subdivision map has been approved and recorded.

12. No building permits shall be accepted for processing until a final subdivision map has been approved and recorded.

13. The applicant shall make corrections of any engineering or drafting errors and other technical map corrections to the satisfaction of the County Engineer and Community Development Director prior to submitting the final subdivision map for recordation.

14. The applicant shall pay the actual costs for County Engineer plan and map checking 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 Community Development Department prior to final subdivision map recordation.

15. The applicant shall provide the final subdivision map to the Lyon County GIS Coordinator in form and format compatible with the County geographical information system (GIS) pursuant to 15.607.08(B) of the Lyon County Code. 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.

16. The applicant shall comply with County requirements, in accordance with Chapter 15.234 of the Lyon County Code, mandating that a site improvement permit(s) be obtained for any disturbance occurring on the subject site. The site improvement permit applications shall also include documentation of approval of a Stormwater Pollution Prevention Plan (“SWPPP”) permit and a Surface Area Disturbance (“SAD”) permit with the Nevada Department of Environmental Protection (NDEP).
17. The site improvements required by the terms of Title 15 of the Lyon County Code shall be inspected by the County as the work progresses. Such improvements shall not be started until the inspection fee, required as a prerequisite to the filing of the final map, has been paid.

18. Prior to any construction of improvements, a preconstruction conference shall be held between the contractor/developer and the appropriate County inspection personnel.

19. The applicant shall comply with Lyon County requirements as set forth in the adoption of Title 15 and as set forth in Title 15 of the Lyon County Code including, but not limited to:
   a. The developer shall obtain all necessary encroachment permits and approvals as well as coordinate and comply with the requirements of the Roads Department;
   b. The developer shall design the street alignments in compliance with AASHTO standards to the approval of the Road Superintendent;
   c. The developer shall install all required signage, striping and traffic control improvements in compliance with Nevada Department of Transportation and Lyon County requirements;
   d. The developer shall attain a Floodplain Development Permit from the County before construction or development begins within any area of special flood hazard established in subsection 15.800.07A of Lyon County Code. The permit shall be for all structures, including manufactured homes and accessory structures whether a building permit is required or not required as defined herein or in chapter 1200 of Lyon County Code, appendix A, and for all development, including fill and other activities, including river bank and stream bank erosion repair activities, as defined in chapter 1200 of Lyon County Code, appendix A.
   e. The developer shall install street lighting in compliance with the requirements of the Roads Department;
   f. The developer shall submit a detailed geotechnical report with the final map(s) for the project that includes roadway structural sections and the structural section calculations demonstrating that the proposed structural section is adequate to support the weight of the anticipated traffic;
   g. The developer shall provide a slurry seal onto the streets and roadways in compliance with the current County standards every five (5) years from the date of installation of asphalt concrete paving of the subdivision’s streets and roadways until such time as the subdivision is 90% completed and the County accepts the offer for dedication for the rights-of-way for all streets and roadways within the subdivision; and
   h. The developer shall make a perpetual offer of dedication for the right-of-way for all streets and roadways within the proposed subdivision. The County rejects the offer of dedication at this time and will not accept the offer of dedication until at least 90% of the lots within the respective unit have been developed, the improvements are inspected and approved by the County, and the County accepts the improvements for maintenance.

20. Unless a traffic signal is already installed by NDOT, prior to recordation of the Final Map, the applicant shall demonstrate to the County documentation of agreed pro-rata contribution to the US Highway 50 and Fort Churchill Road traffic signal improvement project. If a traffic signal is not installed prior to recording a Final Map, an updated traffic study will be required to determine if a traffic signal is warranted.

21. The applicant shall comply with Lyon County’s Dayton Valley Drainage Master Plan. The applicant shall demonstrate that the proposed drainage facilities will comply with the Lyon County Drainage Guidelines to the satisfaction of the County Engineer and Utilities Department Director prior to
recordation of the final subdivision map. Major drainage facilities shall be constructed in the first phase of development and each phase of building development shall have drainage improvements that tie into the major facilities and function without dependency on improvements in future phases of development.

a. The developer shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director and the Community Development Director that provisions for maintenance and continued operation of the stormwater system have been developed and put in place prior to approval of a final subdivision map or first in a series of final maps for this project.

b. The applicant shall provide documentation that easements have been recorded to permit discharge of project-generated stormwater to all off-site properties receiving stormwater discharges prior to recordation of a final subdivision map or first in a series of final maps for this project.

c. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director, and the Community Development Director that facilities necessary to protect source water from potential stormwater contamination have been designed and will be installed prior to approval of a final subdivision map or first in a series of final maps for this project.

d. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Road Superintendent, the County Utilities Department Director, and the Community Development Director that facilities necessary for the treatment of stormwater prior to discharge have been designed and installed prior to approval of a final subdivision map or the first in a series of final maps for this project.

e. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Road Superintendent, the County Utilities Department Director and the Community Development Director that provisions for maintenance and continued operation of the stormwater system have been developed and put in place prior to approval of a final subdivision map or first in a series of final maps for this project.

f. Debris grates are required at the pipe inlets of the retention/detention basins.

22. The applicant shall complete any and all required development improvements and facilities to the satisfaction of the Community Development Director, County Engineer, the County Road Superintendent, Utilities Director, Building Official, Central Lyon County Fire Protection District or other authorized County personnel, as applicable, or an appropriate security must be provided and approved prior to recordation of a final subdivision map or first in a series of final maps for this project. There may be temporary restrictions to obtaining building permits even with an acceptable security instrument depending on the County's approval of the various systems. All facility construction shall be completed/installed to satisfaction of the Community Development Director, the Building Official, the County Engineer, the County Road Superintendent, the Utilities Department Director, the Facilities Department Director, Central Lyon County Fire Protection District, their respective designees or other authorized County personnel, as applicable prior to the issuance of a Certificate of Occupancy will be allowed in a single family residence for this project or if done in phases, that portion of the project.

23. The applicant shall comply with all applicable building and fire code requirements.

24. The water system must meet the requirements of the Lyon County Utilities Department and Central Lyon County Fire Protection District and be constructed in accordance with the following:
a. The location of fire hydrants shall be determined by the Central Lyon County Fire Protection District.

b. A minimum required fire flow is required for each fire hydrant as directed by the Central Lyon County Fire Protection District.

c. Prior to any combustible materials being brought on site, all required fire hydrants are to be installed and fully operating.

25. Distinct and legible “temporary” addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.

26. The applicant will maintain the property until the development is complete. This maintenance will include the semi-annual mowing of all weeds within the development boundaries and the removal of noxious weeds when they are identified.

27. The applicant shall post and maintain a rules and regulations sign at the entryways to the property until it is fully developed. The signs shall be intended for the subcontractors performing work and shall include:

   a. No loud music;
   b. No alcohol or drugs;
   c. Dispose of personal trash and site debris;
   d. Clean up any mud and or dirt that is deposited from the construction parcels onto the streets; and
   e. No burning of construction or other debris on the property.

28. All debris on construction sites must be contained and removed periodically as required for safety and cleanliness to the satisfaction of the Lyon County Community Development Department.
BACKGROUND INFORMATION

In August 2006, Lyon County approved a Master Plan Amendment and Zone Change to facilitate a single-family residential subdivision similar to the one that is currently proposed. The approvals allowed for a split zoning designation of the subject parcel to include 248.6 acres zoned E-1 (Title 10)/SR-12,000 (Title 15) and 364.25 acres zoned RR-5 (Title 10)/RR-20 (Title 15). The original Aspen Creek project included approximately 525 12,000-square-foot or larger single-family residential lots. The FEMA flood map for the area (Number 32019C0311F, effective 10/20/2016) was changed from the time of the original Tentative Map, and encroached into areas where lots were previously shown. The proposed site layout has changed to accommodate the flood zone and would create 499 single-family residential lots.

The proposed project is one of several subdivisions in the area that are being developed by the same applicant team. Improvements and infrastructure developed in the vicinity, such as for the Woodbridge Estates project to the northwest, have contemplated the proposed Aspen Creek project. As discussed in the Traffic Study attached to this report, the Aspen Creek project is required to pay a pro rata share to fund a signalized intersection at U.S. Highway 50 and Fort Churchill Road. That signalized intersection will be constructed with the Woodbridge Estates project, before the Aspen Creek project is completed.

The existing parcel is outlined in red in this excerpt from the 2006 Parcel Map for Aspen Creek, LLC (below).

Location, Size, Topography

The subject 612.85-acre parcel is located on Fort Churchill Road, east of U.S. Highway 50 and Spring Creek Drive, and includes portions of land to the north and the south of the Carson River in Dayton (outlined in blue in Image 1, below). An approximately 335.19-acre portion of the northern parcel area that is zoned SR-12,000 is intended for a single-family residential subdivision, subject to approval of the proposed Tentative Subdivision Map – see inset in Image 3, below. There is no proposed development for the portions of the parcel that are zoned RR-20.

In regard to topography, the western portion of that northern parcel area that is intended for single-family residential use is relatively flat while the eastern portion is hilly, as is the portion of the parcel to the south of the Carson River. No development is currently planned for the portions of the parcel that are zoned RR-20.
Site Photos
The images below were provided by the applicant.

Flood Zone Designation
The subject site is located within Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) Panel 32019C0340F (effective date 10/20/2016). Per the FEMA FIRM Panel, portions of the parcel are located in Zones A and AE, which are special flood hazard areas, and Zone X Shaded, which is an area with a 1% annual chance flood hazard.
Section 15.800.08(A) of the Lyon County Code states that a development permit has to be approved before construction or development is allowed to begin within any area of special flood hazard established in subsection 15.800.07A of this chapter. The development permit is required for all structures as well as for all development including fill and other activities as defined in 15.1200. "Development Activity" is defined within section 15.1200.05 as:

"An improvement that is allowed and permitted and completed on a lot, parcel, or tract of land by a developer or property owner. The term "development activity" shall include zoning, subdivision, planned unit development, building permit issuance, construction, alterations, land grading, excavating, and clearing. As used in chapter 800 of this title, development means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard."

In accordance with 15.800.08(A) and as a Condition of Approval for the proposed project, the Applicant shall obtain approval of a flood plain development permit prior to any development on the property.

**Public Facilities**

- **Water Service and Sewer Service** – The subject parcel is within the Lyon County Utility Department’s (LCUD) service boundary for both water and sewer service. Future development will be required to construct infrastructure to connect to LCUD facilities.
- **Law Enforcement** – The Lyon County Sheriff Department provides police protection services to the area. The closest police station is the Dayton Substation and is approximately 2.1 miles away.

- **Fire Protection** – The Central Lyon County Fire Protection District (CLCFPD) provides paramedic, advanced life support, and fire prevention and suppression services to the Dayton Area and will serve this project area. The nearest fire station is approximately 1.9 miles away.

**Proposed Tentative Subdivision Map**

The proposed Tentative Subdivision Map, shown below and attached to this report, would allow for 499 single-family residential units, rather than the approximately 525 lots that were previously approved with a Tentative Subdivision Map in 2006 (PLZ-06-0130). The proposed lots would range in size from 12,000 sq. ft. to 37,241 sq. ft., with an average lot size of 13,477 sq. ft. Per SR-12,000 zoning, the maximum lot density is 3.63 units per acre. The proposed project density is 1.49 dwelling units per acre.

The project would be constructed in phases over approximately fourteen years and would include lot area, right-of-way, and common area, in an approximately 335.19 acre portion of the parcel. The common area parcels, totaling approximately 133.81 acres, would generally include: 1) pedestrian access; 2) open space; 3) landscape buffer along Fort Churchill Road; 4) an engineered drainage channel to continue the adjacent Riverpark development channel to the existing natural drainage channel and route drainage to the Carson River; and 5) overflow for stormwater. Common areas are proposed to be maintained by a Homeowners Association or a similar entity. The Applicant’s Project Description that is attached to this report provides additional project details.
**Typical Lot Configurations**

The Tentative Subdivision Map submitted includes typical lot building footprint configurations that meet or exceed the setbacks for SR-12,000 zoning standards (the street side setback is 20’ per Title 15).
**Typical Street Layouts**

Street layouts in the Tentative Subdivision Map meet County standards as depicted below.

*Residential Road*

![Residential Road Diagram]

*Major Collector Street*

![Major Collector Street Diagram]

*Minor Arterial*

![Minor Arterial Diagram]

**STAFF REVIEW AND COMMENTS**

Chapter 15.607.03 (A) lists the Findings that the Planning Commission, in making its recommendation, and the Board, in rendering a decision, have to consider when reviewing tentative subdivision map applications. These Findings are listed below in the staff report in **bold** type below. Each Finding is listed with the Applicant’s response in *italics* and then staff’s review of the Findings in normal type.
Finding 1: The property to be subdivided is zoned for the intended uses and the density and design of the subdivision conforms to the requirements of the zoning regulations contained in this title;

**Applicant’s Response**

As described, the proposed project requests a zoning map amendment to revise the extent of the two zoning designations found on the project parcel E1/SR-12000 and RR-5/RR-20. The proposed project is zoned properly for the intended single-family use and meets the development standards and other requirements associated with the existing E1/SR-12000 zoning designation, including use, density, and design.

**Staff Comment**

The applicant’s response is correct. Presuming the Zoning Map Amendment to change the zoning on the subject parcel is approved (PLZ-2023-041), the proposed Tentative Subdivision Map will conform to SR-12,000 zoning standards. This Finding is met.

Finding 2: If located within a planned unit development, the tentative subdivision map conforms to the density requirements, lot dimension standards and other design standards regulations approved for the planned unit development;

**Applicant’s Response**

N/A - The proposed project is not located within a planned unit development.

**Staff Comment**

The applicant is correct. This Finding is not applicable.

Finding 3: The tentative subdivision map conforms to public facilities and improvement standards contained in this title;

**Applicant’s Response**

The tentative subdivision map conforms to all public facilities and improvement standards contained in the Lyon County Code.

**Staff Comment**

The subject parcels’ access along Fort Churchill Road and its location within Lyon County Utility District (LCUD) service boundaries ensures compliance with the County’s adequate public facilities provisions. Will-serve letters from private utilities were also submitted. This Finding is met.

Finding 4: The tentative subdivision map conforms to the improvement and design standards contained in this title and adopted design criteria and improvement standards;

**Applicant’s Response**

The tentative subdivision map conforms to Lyon County improvement and design standards contained in the land use and development code.

**Staff Comment**

The street and lot configurations are consistent with Title 15 and County Development Standards. This Finding is met.
Finding 5: If applicable, that a phasing plan has been submitted and is deemed acceptable;

**Applicant’s Response**
A phasing plan has been submitted that shows six phases over approximately twenty years, with each phase able to be constructed independently. The developer reserves the right to determine phasing under NRS Chapter 278. Phasing may be modified depending on actual development conditions; each phase will be in accordance with the Lyon County Code.

**Staff Comment**
The proposed phasing plan is acceptable per Nevada Revised Statutes and Lyon County Code. This Finding is met.

Finding 6: There are no delinquent taxes or assessments on the land to be subdivided, as certified by the County Treasurer;

**Applicant’s Response**
There are no delinquent taxes or assessments on the land to be subdivided. Information from the Lyon County Treasurer has been included with the application package.

**Staff Comment**
The applicant is correct. This Finding is met.

Finding 7: The project complies with all 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;

**Applicant’s Response**
The tentative subdivision map has been designed to comply with all environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water and sewage disposal.

**Staff Comment**
Future development on the site will require approvals from State entities, including the Division of Environmental Protection (NDEP) for grading and the Division of Water Resources for water rights. As conditioned and processed through the pending Final Map process, this Finding is met.

Finding 8: The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

**Applicant’s Response**
An intent to serve letter from Lyon County utilities will be provided with review of this application, which will indicate the availability of water which meets applicable health standards and in sufficient quantity for the reasonably foreseeable needs of the subdivision.

**Staff Comment**
Sufficient water rights will need to be attained to record final maps, with connection to the LCUD water system required. As conditioned and processed through the pending Final Map process, this Finding is met.
Finding 9: There is adequate access and availability to public services such as schools, police protection, transportation, recreation, and parks;

**Applicant’s Response**
As detailed in the project description and the subdivision feasibility analysis, the project has adequate access and availability to public services such as schools, police protection, transportation, recreation, and parks.

**Staff Comment**
The availability of public services is described in the Background Information section of this report. This Finding is met.

Finding 10: The project is in general conformity with the Lyon County Comprehensive Master Plan, the local community plan, if adopted, and the master plan of streets and highways;

**Applicant’s Response**
The tentative subdivision map reflects the Suburban Residential development pattern as described in the 2020 Lyon County Master Plan. Chapter 3 of the Master Plan describes the Suburban Residential Land Use generally as medium density residential neighborhoods, including uses such as single-family residences, duplexes, and attached housing. The project site is also within the Dayton Suburban Character District. The Master Plan encourages new residential development in suburban areas that can be served by municipal water and sewer, and discourages low-density rural development in these areas. The project is also in conformance with the master plan of streets and highways.

**Staff Comment**
The applicant’s statement above is correct. The Proposed Tentative Map section of this report includes cross sections of the proposed roadways, demonstrating compliance with the County’s Development Standards and Master Plan. This Finding is met.

Finding 11: The project will have no adverse impacts, or provides adequate mitigation of adverse impacts, to existing public streets;

**Applicant’s Response**
A Traffic Impact Study is provided with this application and includes a list of recommended project-specific improvements that will mitigate adverse impacts to existing public streets.

**Staff Comment**
The Traffic Impact Study for this map complements others submitted for previously approved projects that address the Highway 50 and Fort Churchill Road intersection. That intersection, with or without the subdivision proposed with this map is projected to drop below a Level of Service (LOS) that is typically acceptable to the Nevada Department of Transportation (NDOT) which is Level F. The County is coordinating with the proponents of the Woodbridge PUD to the northwest of the subject parcel and NDOT on installation of a traffic signal for this intersection. If this proposed tentative map moves forward to the Final Map stage, pro-rata contributions will be required in order to supplement the contributions of the Woodbridge PUD maps. Per Recommended Condition 20 of this report, prior to recordation of the Final Map, the applicant shall demonstrate to the County documentation of the agreed pro-rata contribution to the US Highway 50 and Fort Churchill Road traffic signal improvement project and the traffic signal improvement project shall be completed before the first units in the proposed project are occupied. This Finding is met.
Finding 12: The physical characteristics of the land such as floodplain, slope and soil have been considered and provisions to adequately mitigate adverse impacts of development on the environment have been incorporated;

**Applicant's Response**

All physical characteristics of the land such as floodplain, slope, and soil have been considered and provisions to adequately mitigate adverse impacts of development on the environment have been incorporated. A detailed conceptual drainage study and geotechnical study have been submitted with this application and include any necessary mitigation measures.

**Staff Comment**

The common areas of the proposed Tentative Subdivision Map will include an engineered drainage channel to continue the adjacent Riverpark development channel to the existing natural drainage channel and route drainage to the Carson River and area for stormwater overflow. Although not yet reviewed by the County engineers, the intended stormwater management designs should reduce peak flow discharges with the construction of associated improvements. Prior to recording of a Final Map, the technical studies will be reviewed for compliance with Lyon County Drainage Guidelines (revised September 20, 2018) and the Dayton Valley Drainage Master Plan, per Recommended Condition 20 of this report. As conditioned, this Finding is met.

Finding 13: The project demonstrates availability and accessibility of fire protection services, 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.

**Applicant’s Response**

The project will comply with conditions related to fire protection services, 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.

**Staff Comment**

Per Recommended Conditions 21, 22, and 23 of this report, the applicant must demonstrate compliance with all Central Lyon County Fire Protection District standards. As conditioned, this Finding is met.

**Alternatives to Approval**

**Alternative for Continuance**

If the Planning Commission determines that there is insufficient information with which to make a decision on the Tentative Subdivision 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 project, then the Planning Commission should make the appropriate findings and move to continue the Public Hearing for the Tentative Subdivision 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 Subdivision Map application.

Based on the aforementioned Finding, and with the Applicant’s concurrence, the Planning Commission continues the Tentative Subdivision Map request by Aspen Creek 2022, LLC to create 499 single-family residential lots on an approximately 335.19-acre portion of a 612.85-acre parcel in the SR-12,000 and
Alternative Motion for Denial

If the Planning Commission, basing its decision on the requirements of Nevada Revised Statutes and cannot make affirmative findings on the following factors, and taking into account the recommendations of reviewing agencies, wishes to make a recommendation of denial of the Tentative Subdivision Map to the Board, then the Planning Commission should consider a motion similar to the following.

The Lyon County Planning Commission has considered:

1. The property to be subdivided is zoned for the intended uses and the density and design of the subdivision conforms to the requirements of the zoning regulations contained in this title;
2. If located within a planned unit development, the tentative subdivision map conforms to the density requirements, lot dimension standards and other design standards regulations approved for the planned unit development;
3. The tentative subdivision map conforms to public facilities and improvement standards contained in this title;
4. The tentative subdivision map conforms to the improvement and design standards contained in this title and adopted design criteria and improvement standards;
5. If applicable, that a phasing plan has been submitted and is deemed acceptable;
6. There are no delinquent taxes or assessments on the land to be subdivided, as certified by the County Treasurer;
7. The project complies with all 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;
8. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;
9. There is adequate access and availability to public services such as schools, police protection, transportation, recreation and parks;
10. The project is in general conformity with the Lyon County Comprehensive Master Plan, the local community plan, if adopted, and the master plan of streets and highways;
11. The project will have no adverse impacts, or provides adequate mitigation of adverse impacts, to existing public streets;
12. The physical characteristics of the land such as floodplain, slope and soil have been considered and provisions to adequately mitigate adverse impacts of development on the environment have been incorporated;
13. The project demonstrates availability and accessibility of fire protection services, 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 Subdivision Map would not be in conformance with the above-listed considerations and recommends denial of the Tentative Subdivision Map request by Aspen Creek 2022, LLC to create 499 single-family residential lots on an approximately 335.19-acre portion of a 612.85-acre parcel in the SR-12,000 and RR-20 zoning districts, accessed by Fort Churchill Road west of U.S. Highway 50 in Dayton, located on APN 016-023-02; (PLZ-2023-042).

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.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Location</td>
<td>2</td>
</tr>
<tr>
<td>Existing Conditions</td>
<td>3</td>
</tr>
<tr>
<td>Master Plan and Zoning Designations</td>
<td>6</td>
</tr>
<tr>
<td>Project history</td>
<td>9</td>
</tr>
<tr>
<td>Application Request</td>
<td>9</td>
</tr>
<tr>
<td>Project Description</td>
<td>9</td>
</tr>
<tr>
<td>Zoning Map Amendment</td>
<td>12</td>
</tr>
<tr>
<td>Development Standards</td>
<td>14</td>
</tr>
<tr>
<td>Landscaping</td>
<td>14</td>
</tr>
<tr>
<td>Fencing</td>
<td>15</td>
</tr>
<tr>
<td>Vehicle and Pedestrian Access</td>
<td>15</td>
</tr>
<tr>
<td>Traffic</td>
<td>17</td>
</tr>
<tr>
<td>Hydrology</td>
<td>17</td>
</tr>
<tr>
<td>Phasing</td>
<td>18</td>
</tr>
<tr>
<td>Subdivision Feasibility Analysis</td>
<td>20</td>
</tr>
<tr>
<td>Utilities and Public Services</td>
<td>20</td>
</tr>
<tr>
<td>Findings</td>
<td>23</td>
</tr>
</tbody>
</table>

# LIST OF FIGURES

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Project Location</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>Surrounding Property Designations</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>Site Photographs</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>Master Plan Designation</td>
<td>7</td>
</tr>
<tr>
<td>5</td>
<td>Existing Zoning Designation</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>Project Summary</td>
<td>10</td>
</tr>
<tr>
<td>7</td>
<td>Preliminary Landscape Plan/ Site Plan</td>
<td>11</td>
</tr>
<tr>
<td>8</td>
<td>Existing and Proposed Zoning</td>
<td>12</td>
</tr>
<tr>
<td>9</td>
<td>Proposed Zoning Designation</td>
<td>13</td>
</tr>
<tr>
<td>10</td>
<td>Parking Calculations</td>
<td>14</td>
</tr>
<tr>
<td>11</td>
<td>Cross Sections</td>
<td>15</td>
</tr>
<tr>
<td>12</td>
<td>Trip Generation</td>
<td>17</td>
</tr>
<tr>
<td>13</td>
<td>Phasing Exhibit</td>
<td>19</td>
</tr>
</tbody>
</table>

# APPENDICES

- Application and Supporting Documents (Title Report, Legal Description)
- Location Exhibit
- Existing Zoning Exhibit
- Proposed Zoning Exhibit
- TM Plan Set & Landscape Plan
- Phasing Plan
- Area Plan
- Sewer Report
- Preliminary Hydrology Report
- Geotechnical Report
- Traffic Impact Study
- Hydrology and Hydraulics Study
- Street Name Request Form
- Intent to Serve Letters
Aspen Creek
Zoning Map Amendment and Tentative Subdivision Map

PROJECT LOCATION

The project site is a +/- 335.19 acre portion of APN 016-023-02 (total 612.85 acres) generally located along Fort Churchill Road, east of Spring Creek Drive, north of the Carson River and southeast of US Highway 50. The site is accessed via Fort Churchill Road.

Figure 1: Project Location
EXISTING CONDITIONS

The project site is undeveloped. There is an approved single family residential subdivision, Riverpark, located west of it. This site is bordered to the south by the Carson River and undeveloped land to the north, east, and south (south of the Carson River). The development area of the proposed Tentative Map has a Master Plan designation of Suburban Residential (SUB) and is zoned First Estates Residential District (E-1) (Title 10)/SR12000 (Title 15).

Figure 2: Surrounding Property Designations (Adjacent to Development Area)

<table>
<thead>
<tr>
<th>Direction</th>
<th>Master Plan</th>
<th>Zoning (Title 10)/(Title 15)*</th>
<th>Current Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Low Density Residential, Suburban Residential</td>
<td>RR-2T/RR-2</td>
<td>Undeveloped</td>
</tr>
<tr>
<td></td>
<td>(northwest), Public/Quasi-Public Open Space</td>
<td>RR-5/RR-20</td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>Suburban Residential</td>
<td>RR-5/RR-20</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>South</td>
<td>Suburban Residential, Rural Residential, and Parks</td>
<td>RR-5/RR-20</td>
<td>Undeveloped</td>
</tr>
<tr>
<td></td>
<td>(southwest)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>Suburban Residential and Parks</td>
<td>E-1/SR-12000</td>
<td>Undeveloped, Riverview Elementary School, Rolling A</td>
</tr>
</tbody>
</table>

*Title 10
E-1 – First Estates Residential District
RR-5 – Fifth Rural Residential District (20 Acres)
RR-2T – Second Rural Residential District (2 Acres)

*Title 15
SR-12000 – Suburban Residential-12,000 sq ft min
RR-20 – Rural Residential 20 Acre
RR-2 – Rural Residential, 2 Acre

Figure 3: Site Photographs
Figure 3: Site Photographs, cont.

1. Looking east - Fort Churchill Road.

2. Looking northwest from the fork where Fort Churchill Road splits.
Figure 3: Site Photographs, cont.

3. Looking Southeast from Chaves Road.

4. Looking northwest from Fort Churchill Road.
Figure 3: Site Photographs, cont.

5. Looking south from northwest project boundary.

MASTER PLAN AND ZONING DESIGNATIONS

The project site has an existing Master Plan designation of Suburban Residential (SR) and is in a Suburban Character District. The existing zoning designation is First Estates Residential District (E-1) (Title 10)/Suburban Residential-12,000 sq ft min (SR12000) (Title 15).
Figure 4: Master Plan Designation – Suburban Residential
Figure 5: Existing Zoning Designation- E-1/SR-12,000
PROJECT HISTORY

In August 2006, Lyon County approved a Master Plan Amendment and Zone Change to facilitate a similar subdivision. The approvals allowed for a split zoning designation of this parcel to include 248.6 acres zoned E-1 (Title 10)/SR-12,000 (Title 15) and 364.25 acres zoned RR-5 (Title 10)/RR-20 (Title 15). The original Aspen Creek project was approved for +/- 525 lots for this E-1 zoned portion. Improvements and infrastructure developed in the vicinity have contemplated this project.

APPLICATION REQUEST

The enclosed application is a request for:

1) A Zoning Map Amendment to allow for an alternate configuration of the SR-12000 zoning designation for the proposed Tentative Map lot area.

2) A Tentative Map to create a 499 lot single-family residential subdivision.

PROJECT DESCRIPTION

Aspen Creek is a proposed 499 lot single-family residential subdivision located in Dayton, to be developed in phases over approximately fourteen years. The project site is a +/- 335.19 acre portion of APN 016-023-02 (total 612.85 acres), which includes lot area, right-of-way, and common area.

The proposed lots range in size from 12,000 sq. ft. to 37,241 sq. ft., with an average lot size of 13,477 sq. ft. The proposed project density is 1.49 dwelling units per gross acre (499 lots/335.19 acres).

The project includes common area parcels, totaling +/- 133.81 acres that generally include: 1) pedestrian access; 2) open space; 3) landscape buffer along Fort Churchill Road; 4) an engineered drainage channel to continue the adjacent Riverpark development channel to the existing natural drainage channel and route drainage to the Carson River; and 5) overflow for stormwater. Common areas are proposed to be maintained by a Homeowners Association or similar entity as approved by Lyon County.

The site has been designed to:

- Provide expanded housing opportunities in an area designed for suburban residential development.
- Complement the existing and approved residential development to the west by matching the existing single-family residential lot sizes.
- Preserve areas for open space and a pedestrian trail along the Carson River.
- Provided needed right-of-way to allow for the Chaves bridge option, in accordance with the Lyon County Master Plan.
- Reduce peak flow discharges with the construction of associated improvements.
- Preserve scenic views.
- Ensure watershed protection, soil stabilization, erosion control protection by limiting areas of development to outside the riparian zone and floodway.

Home designs are not available at this development stage. Building pads are shown on the lots that depict an appropriate buildable location, based on topography, hydrology, and development standards. Future development will comply with the requirements of the Lyon County Code.

**Figure 6: Project Summary**

<table>
<thead>
<tr>
<th>Project Summary</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Parcel Size</td>
<td>612.85 acres</td>
</tr>
<tr>
<td>Project Site</td>
<td>+/- 335.19 acres</td>
</tr>
<tr>
<td>Total Number of Lots</td>
<td>499</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>12,000 sq. ft</td>
</tr>
<tr>
<td>Smallest Lot</td>
<td>12,000 sq. ft</td>
</tr>
<tr>
<td>Largest Lot</td>
<td>37,241 sq. ft</td>
</tr>
<tr>
<td>Average Lot Size</td>
<td>13,477 sq. ft</td>
</tr>
<tr>
<td>Maximum Density Allowed</td>
<td>3.63 units per gross acre</td>
</tr>
<tr>
<td>Proposed Density</td>
<td>1.49 units per acre (499 units/335.19 acres)</td>
</tr>
</tbody>
</table>
Figure 7: Preliminary Landscape Plan/Site Plan for ASPEN CREEK, DAYTON, NEVADA
ZONING MAP AMENDMENT

The existing zoning is based on a Tentative Map configuration that was approved in 2006, which followed the FEMA flood zone boundaries at that time. Since that time, the FEMA flood zone boundaries have changed, which led to a slightly different proposed Tentative Map configuration.

The existing zoning includes 248.6 acres of E-1/SR-12,000 and 364.25 acres of RR-5/RR-20. The proposed zoning includes a similar area (slightly less) to be zoned SR-12,000 (+/-248 acres) and +/- 364.89 acres zoned RR-5/RR-20, in an alternate configuration. The proposed amendment will allow for this alternate configuration, while maintaining the similar amount of land designated E-1/SR-12,000 and RR-5/RR-20.

The existing E-1/SR-12,000 zoning designation, and the proposed alternate configuration accommodates the proposed 12,000 square foot minimum lot size, is complementary to the approved Riverpark subdivision located to the west, and implements the existing Suburban Residential Master Plan designation and Suburban Character District.

The Suburban Residential Master Plan designation is generally described as medium density residential neighborhoods, including uses such as single-family residences, duplexes, and attached housing. The Master Plan encourages new residential development in suburban areas that can be served by municipal water and sewer. This project location does just that. Furthermore, Policy LU2.1 of the Master Plan also discourages low-density rural development in the Suburban Districts. The existing/proposed SR-12000 zoning designation implements this policy, and is therefore, suitable and appropriate for the site.

Figure 8: Existing and Proposed Zoning

<table>
<thead>
<tr>
<th>APN</th>
<th>Existing Zoning</th>
<th>Acreage</th>
<th>Proposed Zoning</th>
<th>Acreage</th>
<th>Difference</th>
</tr>
</thead>
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<tr>
<td>016-023-02</td>
<td>E-1 (Title 10)/SR-12,000 (Title 15)</td>
<td>248.6</td>
<td>SR-12,000</td>
<td>247.96</td>
<td>-.64 acres</td>
</tr>
<tr>
<td></td>
<td>RR-5 (Title 10)/RR-20 (Title 15)</td>
<td>364.25</td>
<td>RR-20</td>
<td>364.89</td>
<td>+.64 acres</td>
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<tr>
<td>TOTAL</td>
<td></td>
<td>612.85</td>
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<td>612.85</td>
<td></td>
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</table>
Figure 9: Proposed Zoning Designation – SR-12,000 Alternate Configuration
DEVELOPMENT STANDARDS

The proposed residential lots are designed in accordance with the SR-12000 development standards, including lot area, lot width, setbacks, density, building height, yards, and parking pursuant to Lyon County Code. As previously described, home designs are not available at this development stage. Building pads are shown on the lots to depict an appropriate buildable location. Any future development will comply with the requirements of the Lyon County Code, including:

- Maximum Building Height - 35 ft.
- Front Setback - 25 ft.
- Side Setback - 10 feet
- Side Street setback - 20 feet
- Rear Setback - 20 feet
- Driveway - 20 ft.
- Lot street frontage width - 60 feet (30 feet if located on a cul-de-sac bulb)

Off-Street Parking

Off-street parking will be provided as follows in accordance with Lyon County Land Use and Development Code Section 15.401:

- A minimum of two (2) off street parking spaces for each single-family lot.

Specific floorplans are not available at this time, however it is anticipated that each home will have at least a two car garage would accommodate a minimum of two spaces per home, plus a minimum of two additional driveway spaces.

Figure 10: Parking Calculations

<table>
<thead>
<tr>
<th>Land Use</th>
<th># of Units</th>
<th>Spaces Required per Unit</th>
<th>Total Required Spaces</th>
<th>Total Spaces Provided (at a minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Detached</td>
<td>499</td>
<td>2</td>
<td>998</td>
<td>998 garage spaces 998 driveway spaces 1,996 TOTAL</td>
</tr>
</tbody>
</table>

LANDSCAPING

Front and street side yards will be landscaped in conformance with Chapter 402 of the Lyon County Development Code. Landscaping for individual lots will be provided and maintained by homeowners. Title 15 Land Use and Development Code, Section 15.402.03(E) requires street trees as part of the subdivision landscape design standards. As shown on the preliminary landscape plan, street trees are provided throughout the proposed subdivision.
FENCING

Walls and fencing within the project will comply with Section 15.341.05 of the Lyon County Development Code. A fencing plan will be submitted with final plans. In accordance with the development code, lot fencing will include a solid block wall or wooden fence a minimum of six feet in height along all side and rear lot lines.

VEHICLE AND PEDESTRIAN ACCESS

**Vehicular Access**

Vehicular access to the site is provided from Fort Churchill Road, through existing and approved phases of Riverpark. Typical local roads through the subdivision will include two travel lanes, 4 ft. sidewalks on both sides of the road, and curb and gutter (50 ft. ROW). The project also proposes improvements to extend Fort Churchill Road: 1) to include three lanes of travel, with the total pavement width to accommodate five lanes of travel with potential future traffic in addition to this project (total 80 ft. ROW) east of River Park Parkway to Chaves Road; and 2) three lanes of travel east of Chaves Road (total 60 ft. ROW).

The proposed proposes to provide adequate ROW for a future bridge structure over the Carson River south of the project as contemplated by Lyon County.

Access around and through the proposed subdivision has been designed to integrate with the existing residential subdivisions west of the site through River Park Parkway and Clear Creek Drive connections.

**Figure 11: Cross-Sections**
Pedestrian Access

Pedestrian access will be provided throughout the project site through 4 ft. sidewalks, located on both sides of the proposed streets. Sidewalks (5 ft.) are also provided along the project frontage of Fort Churchill Road.

A decomposed granite (DG) trail is proposed along the south side of the lots, to provide pedestrian access along the Carson River.

Road Construction and Maintenance

In accordance with Lyon County standards, the development will provide a slurry seal onto the streets and roadways every five (5) years from the date of installation of asphalt concrete paving of the subdivision’s streets and roadways until such time as the subdivision is 90% completed and the County accepts the offer for dedication for the right-of-way for all streets and roadways within the subdivision. The developer shall make a perpetual offer of dedication for the right-of-way for all streets and roadways within the proposed subdivision. The County will not accept the offer of dedication until at least 90% of
the lots within the respective unit have been developed, the improvements are inspected and approved by the County, and the County accepts the improvements for maintenance.

**TRAFFIC**

The project will generate approximately 4,706 daily trips with 349 AM Peak hour trips and 469 PM peak hour trips. As further discussed in the Traffic Impact Study (June 12, 2023), the US 50/Fort Churchill intersection is anticipated to operate at a poor of service unless improved, with or without this project. With a planned traffic signal in place, the intersection will operate within level of service policy. All other studied intersections are expected to operate within policy level of service.

The following is a list of the recommended project specific improvements:

- The project will construct and extension of Fort Churchill Road east of River Park Parkway through the project site. A three-lane roadway (one lane in each direction with a two-way left turn lane or left-turn pockets) is recommended to accommodate project traffic. Right-of-way should be reserved for up to five lanes (two lanes in each direction with a center turn lane) on Forth Churchill Road west of Chaves Road to accommodate potential future traffic in addition to this project.

- A future bridge structure over the Carson River south of the project has been contemplated; however, funding, timing, and feasibility are unknown at this time. It is recommended that right-of-way be reserved for a potential future bridge connection opposite Chaves Road, as shown on the project site plan.

- It is anticipated that the Woodbridge PUD project will construct a traffic signal at the US 50/Fort Churchill intersection. This project should be limited to a pro-rata share contribution of 44% ($264,000) towards the traffic signal improvement.

**Figure 12: Trip Generation**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Size</th>
<th>ADT</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>ITE Land Use Code 210</td>
<td>499 du</td>
<td>4,706</td>
<td>349</td>
<td>469</td>
</tr>
<tr>
<td>Single Family Detached Housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**HYDROLOGY**

*Existing Conditions*

The site has two existing ephemeral drainages that flow through the site and was analyzed in the Dayton Valley Area Drainage Master Plan (dated August 30, 2019). The site drains from the northwest to the south, southeast. The existing peak discharge flows are conveyed in the existing ephemeral drainages and culvers that convey the peak flows under Fort Churchill Road and eventually discharges into the Carson River.
According to the FEMA Flood Insurance Rate Map (FIRM) a portion of the subject project is located in Shaded Zone X, Zone A, and Zone AE.

**Proposed Conditions**

Flows from the proposed development will not increase the 100-year peak flow as the peak flow from the site will be out of the system before the 100-year peak flow events in the ephemeral drainages. The Aspen Creek proposed drainage will be contained in on-site drainage swales flowing to curb and gutters that discharge to catch basins and travel through the proposed storm drain network eventually discharging into engineered channels. Additionally, water quality basins will be designed to provide detention/retention and prevent sedimentation.

1. The proposed Aspen Creek provide will not increase peak flow discharges with the construction of associated improvements.
2. There are no adverse effects associated with the construction of this project. Peak flows will not be increased in the existing ephemeral drainage.
3. A complete Hydrology Report is included with this application package, and is compliant with the most current Lyon County Design Standards and the Drainage Guidelines for Lyon County.

**PHASING**

It is anticipated that the project will be designed in six phases, over approximately fourteen years. The six phases are anticipated to include:

- **Phase 1:** +/- 107 lots, drainage improvements, and associated sanitary sewer, water, and road improvements.
- **Phase 2:** +/- 105 lots, the DG path along the river, and associated sanitary sewer, water, and road improvements.
- **Phase 3:** +/- 50 lots, continued DG path along the river, and associated sanitary sewer, water, and road improvements.
- **Phase 4:** +/- 75 lots, drainage improvements, and associated sanitary sewer, water, and road improvements.
- **Phase 5:** +/- 98 lots, drainage improvements, and associated sanitary sewer, water, and road improvements.
- **Phase 6:** +/- 64 lots, continued DG path along the river, and associated sanitary sewer, water, and road improvements.

The developer reserves the right to determine phasing under NRS Chapter 278. Phasing may be modified depending on actual development conditions; each phase will be in accordance with the Lyon County Code.
Figure 13: Phasing Exhibit

**PHASING SUMMARY:**
- **PHASE 1**
  - 107 lots
  - Continuation of drainage channel from the west
  - 2 culverts
  - 1 sewer lift station
  - Continued access onto the existing Fort Churchill road at Location #1
- **PHASE 2**
  - 105 lots
  - CLOM required
  - DG path along river
- **PHASE 3**
  - 50 lots
  - Continued DG path along river from Phase 2
- **PHASE 4**
  - 75 lots
  - 2 culverts
  - Army Corp permitting
  - Continued access onto the existing Fort Churchill road at Location #2
- **PHASE 5**
  - 98 lots
  - 1 culvert
  - 1 lift sewer station
  - Continued access onto the existing Fort Churchill road at Location #3
  - Access road from Location #3 to sewer lift station
  - Additional sewer infrastructure needed for sewer lift station
- **PHASE 6**
  - 64 lots
  - Continued access onto the existing Fort Churchill road at Location #4
  - DG path along river
SUBDIVISION FEASIBILITY ANALYSIS

The following Subdivision Feasibility Analysis (related to utilities and public services) is provided in accordance with Lyon County Code Section 15.607.02(A)(1):

UTILITIES AND PUBLIC SERVICES

Water Availability

The project is proposed to be served by public water (LCUD). Water infrastructure is designed to connect at two locations: 1) on Fort Churchill on the west of the project site, and 2) in the northwest area of the project through Riverpark-Phase 3 Unit 19B. Should this project be developed before Riverpark Phase 3 Unit 19B, easements will be in place for utility connections and sewer and water utilities will be extended as needed. Additional looping is proposed within the development.

Appropriate water rights will be acquired by the project with project development. Lyon County Utilities has issued an Intent to Serve letter, conditioned on providing water rights that have met all requirements set forth by the State Engineer and LCUD and system improvements and expansion needs created by the project.

Sewage Disposal

The project is proposed to be served by public sanitary sewer (LCUD). The on-site sanitary sewer mains proposed will adequately serve the project as planned. Sewer infrastructure is designed to connect in two locations: 1) into the existing 8-inch sanitary at the intersection of River Road and Fort Churchill Road, and 2) from the proposed stub from Riverpark-Phase 3 Unit 19B. Should this project be developed before Riverpark Phase 3 Unit 19B, easements will be in place for utility connections and sewer and water utilities will be extended as needed. A Preliminary Sewer Report is included with this application that details estimated peak sewage flows, proposed sewer mains, and two proposed sanitary sewer lift stations.

Utility Transmission Line

There is an existing overhead transmission line that has been incorporated into the overall design of the project. Although there are no required setbacks, the closest structure is a minimum of 35 ft. from the transmission line.

Electricity, Telephone, and Natural Gas Availability

Electricity, telephone, and natural gas are available to serve the site. Intent to serve letters from AT&T, NV Energy, SW Gas, and Charter are included with this application.

Fire and Police Protection

The Central Lyon County Fire Protection District (CLCFPD) provides paramedic, advanced life support, and fire prevention and suppression services to the Dayton Area and will serve this project area. The nearest
fire station is approximately 1.9 miles away. The Lyon County Sheriff Department provides police protection services to the area. The closest police station is the Dayton Substation and is approximately 2.1 miles away.

**Education Services**

Lyon County School District (LCSD) provides education services to Dayton. The closest schools are Dayton High School (8.8 miles), Dayton Intermediate School (8.4 miles), and Riverview Elementary School (1.5 miles). LCSD receives revenue from a School Impact Fee collected by Lyon County, School Operating and School Debt Taxes, and a Distributive School Account (per student). The nearest bus stop that serves Dayton High School and Dayton Intermediate School is located on Oakmont Drive and Stratton Drive, approximately 1.3 miles from the envisioned project site. Riverview Elementary School is within what would be considered a walkable distance, per the Safe Routes to School suggestions.

**Parks and Recreation Areas**

The Carson River and River Park (1.2 miles), Rolling A Disc Golf (1.6 miles), Patriot Park (1.8 miles), Mark Twain Park (2.7 miles), Lyon County School District recreation facilities (at local schools, 1.5 – 8.8 miles), little league fields (8 miles), Como Park (8 miles), Dayton Skate Park (8 miles), Dayton Valley Branch Library (8.6 miles), and the Dayton Valley Golf Course (10.7 miles) all provide parks and recreation opportunities for Dayton residents.

**Commercial and Shopping Areas**

Commercial and shopping areas generally exist close to Highway 50 throughout Dayton. Dayton Discount Liquor (2.1 miles), Carson Plains Market (2.5 miles), The Dollar General (2.7 miles), The Grocery Outlet (5.2 miles), and Smith’s Shopping Center (5.7 miles) are all stores and shopping area opportunities for Dayton residents located close to the project site.

**Road Construction and Maintenance**

In accordance with Lyon County standards, the development will provide a slurry seal onto the streets and roadways every five (5) years from the date of installation of asphalt concrete paving of the subdivision’s streets and roadways until such time as the subdivision is 90% completed and the County accepts the offer for dedication for the right-of-way for all streets and roadways within the subdivision. The developer shall make a perpetual offer of dedication for the right-of-way for all streets and roadways within the proposed subdivision. The County will not accept the offer of dedication until at least 90% of the lots within the respective unit have been developed, the improvements are inspected and approved by the County, and the County accepts the improvements for maintenance.

**Adjacent Ownership and Use**

Adjacent ownership, present use, and zoning on adjacent properties is shown on the Tentative Subdivision Map plan set and in Figure 2 in this project description.
**Traffic Impacts**

The project will generate approximately 4,706 daily trips with 349 AM Peak hour trips and 469 PM peak hour trips. As further discussed in the Traffic Impact Study (June 12, 2023), the US 50/Fort Churchill Road intersection is anticipated to operate at a poor of services unless improved, with or without this project. With a planned traffic signal in place, the intersection will operate within level of service policy. All other studied intersections are expected to operate within policy level of service.

The following is a list of the recommended project specific improvements:

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- It is anticipated that the Woodbridge PUD project will construct a traffic signal at the US 50/Fort Churchill intersection. This project should be limited to a pro-rata share contribution of 44% ($264,000) towards the traffic signal improvement.

**Drainage Study and Stormwater Impact Analysis**

A Preliminary Hydrology Study, prepared in conformance with the Lyon County Drainage Guidelines is provided with this application.

**Solid Waste Disposal**

Solid waste disposal is provided by Waste Management.

**Soils Report, Geotechnical Analysis, and Land Compatibility Analysis**

A Geotechnical Investigation has been provided that identifies physical characteristics of the land, such as floodplain, slope, vegetation, and soils is provided with this application. With the preliminary analysis, the site does not present geotechnical conditions or geologic hazards that cannot be mitigated with standard and customary construction and design practices. A complete Geotechnical Investigation is included with this application.

**Zoning and Master Plan Designations and Land Uses**

Figures 2, 4, and 5 in this project description identify the existing Zoning and Master Plan designations and land uses of the surrounding property. There are no off-site structures within 25 feet of the project area property line.
FINDINGS

15.220.05: FINDINGS FOR ZONING MAP AMENDMENTS:
The project has been designed to meet the following findings for a zoning map amendment.

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;

The site is located within a Suburban Character District in the Dayton area. Chapter 3 of the Master Plan describes the Suburban Residential Land Use generally as medium density residential neighborhoods, which includes uses such as single-family residences, duplexes, and attached housing. The Master Plan encourages new residential development in suburban areas that can be served by municipal water and sewer, as is provided in this location. Furthermore, Policy LU2.1 of the Master Plan discourages low-density rural development in the Suburban Districts. The proposed SR-12000 zoning is suitable for the site and the proposed amendment to the zoning map is minor in nature and would enhance the viability of the development.

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

As detailed in the project description and the Subdivision Feasibility Analysis, the project has adequate access and availability of public facilities and services such as water, sewer, telephone, natural gas, cable, electric, schools, police protection, fire protection, transportation, recreation, and parks.

C. That the proposed amendment is compatible with the actual or master planned adjacent uses.

The approved subdivision to the west of the site also has E1 (Title 10)/SR-12000 (Title 15) zoning, which allows for the equivalent 12,000 square foot lot size being requested with this application. The Title 10 E1 zoning is comparable to the proposed Title 15 SR-12000 zoning. The proposed SR-12000 zoning would complement the adjacent single family residential developments. Additionally, both the project site seeking a zoning map amendment and the adjacent properties all contain Suburban Residential Master Plan Land Use.

15.607.03: TENTATIVE SUBDIVISION MAP FINDINGS:
The project has been designed to meet the following tentative subdivision map findings. The commission in making its recommendation and the Board in rendering a decision on the tentative subdivision map shall base its decision on the requirements of Nevada Revised Statutes and make affirmative findings on the following factors, taking into account the recommendations of reviewing agencies:

1. The property to be subdivided is zoned for the intended uses and the density and design of the subdivision conforms to the requirements of the zoning regulations contained in this title;
As described, the proposed project requests a zoning map amendment to revise the extent of the two zoning designations found on the project parcel E1/SR-12000 and RR-5/RR-20. The proposed project is zoned properly for the intended single-family use and meets the development standards and other requirements associated with the existing E1/SR-12000 zoning designation, including use, density, and design.

2. If located within a planned unit development, the tentative subdivision map conforms to the density requirements, lot dimension standards and other design standards regulations approved for the planned unit development;

N/A- The proposed project is not located within a planned unit development.

3. The tentative subdivision map conforms to public facilities and improvement standards contained in this title;

The tentative subdivision map conforms to all public facilities and improvement standards contained in the Lyon County Code.

4. The tentative subdivision map conforms to the improvement and design standards contained in this title and adopted design criteria and improvement standards;

The tentative subdivision map conforms to Lyon County improvement and design standards contained in the land use and development code.

5. If applicable, that a phasing plan has been submitted and is deemed acceptable;

A phasing plan has been submitted that shows six phases over approximately twenty years, with each phase able to be constructed independently. The developer reserves the right to determine phasing under NRS Chapter 278. Phasing may be modified depending on actual development conditions; each phase will be in accordance with the Lyon County Code.

6. There are no delinquent taxes or assessments on the land to be subdivided, as certified by the county treasurer;

There are no delinquent taxes or assessments on the land to be subdivided. Information from the Lyon County Treasurer has been included with the application package.

7. The project complies with all 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;

The tentative subdivision map has been designed to comply with all environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water and sewage disposal.

8. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;
Aspen Creek
Zoning Map Amendment and Tentative Subdivision Map

An intent to serve letter from Lyon County utilities will be provided with review of this application, which will indicate the availability of water which meets applicable health standards and in sufficient quantity for the reasonably foreseeable needs of the subdivision.

9. There is adequate access and availability to public services such as schools, police protection, transportation, recreation and parks;

As detailed in the project description and the subdivision feasibility analysis, the project has adequate access and availability to public services such as schools, police protection, transportation, recreation, and parks.

10. The project is in general conformity with the Lyon County Comprehensive Master Plan, the local community plan, if adopted, and the master plan of streets and highways;

The tentative subdivision map reflects the Suburban Residential development pattern as described in the 2020 Lyon County Master Plan. Chapter 3 of the Master Plan describes the Suburban Residential Land Use generally as medium density residential neighborhoods, including uses such as single-family residences, duplexes, and attached housing. The project site is also within the Dayton Suburban Character District. The Master Plan encourages new residential development in suburban areas that can be served by municipal water and sewer, and discourages low-density rural development in these areas. The project is also in conformance with the master plan of streets and highways.

11. The project will have no adverse impacts, or provides adequate mitigation of adverse impacts, to existing public streets;

A Traffic Impact Study is provided with this application and includes a list of recommended project-specific improvements that will mitigate adverse impacts to existing public streets.

12. The physical characteristics of the land such as floodplain, slope and soil have been considered and provisions to adequately mitigate adverse impacts of development on the environment have been incorporated; and

All physical characteristics of the land such as floodplain, slope, and soil have been considered and provisions to adequately mitigate adverse impacts of development on the environment have been incorporated. A detailed conceptual drainage study and geotechnical study have been submitted with this application and include any necessary mitigation measures.

13. The project demonstrates availability and accessibility of fire protection services, 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 project will comply with conditions related to fire protection services, 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.
TENTATIVE MAP FOR
ASPEN CREEK
APN:016-023-02
DAYTON, NEVADA

VICINITY MAP

UTILITIES

STANDARD SYMBOLS

EXISTING

PROPOSED

ABBREVIATIONS

PROJECT DATA

BASIS OF BEARINGS

BASIS OF ELEVATION


NEVADA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983/1984, DETERMINED USING REAL TIME KINEMATIC GPS (RTK GPS) OBSERVATIONS ON NEVADA DEPARTMENT OF TRANSPORTATION MONUMENTATION. COMBINED GRID TO GROUND FACTOR = 1.00022199927.
Lyon County Planning Commission Agenda Summary

Meeting Date: August 8, 2023

Agenda Item Number: 14.a

Subject: For Possible Action: Update on recent County Commissioners actions

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS

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