LYON COUNTY PLANNING COMMISSION
TUESDAY, MAY 09, 2023
9:00 AM
LYON COUNTY ADMINISTRATIVE COMPLEX
27 S. MAIN STREET
YERINGTON, NV 89447

Join Zoom Meeting
https://us02web.zoom.us/j/83096013398?pwd=Ny9nV0hyLzR3bUlzRnMyeDVub0VhUT09
Meeting ID: 830 9601 3398
Passcode: 429204
One tap mobile
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+1 408 638 0968 US (San Jose)

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: Approve the minutes from the April 11, 2023 meeting.
       - Draft Minutes

6. Presentation and Reading of Miscellaneous Correspondence

7. Advisory Board Reports

8. For Possible Action: Planning Process Presentation

   8.a. For Possible Action: Presentation of the Planning Process.
9. Public Hearing Items

9.a. For Possible Action: To forward a recommendation to the Board of Commissioners for a request from Microsoft Corporation for the Abandonment of a 60 feet wide access and utility easement known as Rhyolite Lane for a length of approximately 671 feet and a 30 feet wide access and utility easement known as Deodar Street for a length of approximately 660 feet on five (5) parcels in Silver Springs (APNs: 018-551-03, 081-551-04, 018-552-01, 018-552-02, & 015-553-03) PLZ-2023-005.
   - Staff Report
   - Backup
   - Advisory Board Letter of Transmittal

9.b. For Possible: To forward a recommendation to the Board of Commissioners for a request for a Conditional Use Permit from Lyon County School District to allow an approximately 1,440-square-foot office building on an approximately 80.45-acre parcel generally located to the southeast of the intersection of Old Dayton Valley Road and Breakwater Drive, at 335 Old Dayton Valley Road in Dayton (APN 016-271-11) PLZ-2023-010.
   - Staff Report
   - Backup

9.c. For Possible: To forward a recommendation to the Board of Commissioners for a request for a Conditional Use Permit from Steven Cruz to allow an asphalt batch plant on an approximately 130.90-acre parcel generally located approximately 5,700 feet to the northwest of the intersection of Enterprise Way and E. Highway 50, at 3750 E. Highway 50 in Dayton (APN 016-401-75) PLZ-2023-004.
   - Request for Continuance

9.d. For Possible: To forward a recommendation to the Board of Commissioners for a request for a Conditional Use Permit from Lahontan Nevada Holdings, LTD to allow a Commercial Solar Generation Facility in the HI-S (Heavy Industrial - Suburban) zoning district on six parcels generally located to the northeast of the intersection of Idaho Avenue and Ramsey Street in Silver Springs (APNs 018-432-02/-03/-05, 018-434-01/-02/-03) PLZ-2022-208.
   - Staff Report
   - Backup
   - Request for Continuance _ Applicant
   - Request for Continuance _ Staff

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

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

11. Action Items

12. Board Member Comments

13. Future Agenda Items

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

ADJOURN TO RECONVENE AS THE LYON COUNTY PLANNING COMMISSION
15. Staff Comments and Commissioner Comments

15.a. For Possible Action: Update on recent County Commissioner actions.

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

17. ADJOURNMENT

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

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

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

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

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

Lyon County is an equal opportunity provider.

Agenda and Backup Material is
Meeting Date: May 9, 2023

Agenda Item Number: 5.a

Subject: For Possible Action: Approve the minutes from the April 11, 2023 meeting.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

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

The April 11, 2023 meeting of the Lyon County Planning Commission was called to order by Commission Vice-Chairwoman, Audrey Allan, at approximately 9:00 a.m. in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGTON, NV 89447

1. Roll Call

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

Attending staff: District Attorney, Steve Rye; Senior Planners Louis Cariola, and Administrative Assistant, Shannon Juntunen, attended in person.

2. Pledge of Allegiance – Led by Commissioner Sell

3. Public Participation –

   County Manager, Andrew Haskin welcomed the new Planning Commissioners Ralph Ewing and Mark Jones. Mr. Haskin said he will do a training on planning process and procedure at the next meeting.

4. Review and Adoption of the Agenda

   Commissioner Sell motioned to adopt the agenda as presented. Commissioner Carlson seconded, the motion passed by a unanimous vote (7 Ayes; 0 Nay; 0 Abstentions)

5. For Possible Action:

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

      Chairwoman Allan nominated Shawn Keating for Vice-Chair; Commissioner Kuzmicki seconded. Commissioner Keating nominated Loretta Sell for Vice-Chair; Commissioner Carlson Seconded. Chairwoman Allan opened the vote for the election of Shawn Keating for Vice-Chair.

      By majority vote (4 Ayes, Commissioners Kuzmicki, Jones, Allan and Ewing; 2 Nay, Commissioners Carlson and Sell; 1 Abstention, Commissioner Keating) Commissioner Keating was appointed as Vice-Chair.

      Commissioner Keating nominated Loretta Sell for Secretary; Commissioner Allan seconded. By unanimous vote (7 Ayes; 0 Nay; 0 Abstentions) Loretta sell was appointed as Secretary.

6. For Possible Action: Approval of Minutes

   6.a. For Possible Action: To approve the minutes from the March 14, 2023 meeting.

      Commissioner Sell motioned to approve the minutes from the March 14, 2023, meeting as presented. Commissioner Carlson seconded, the motion passed by a unanimous vote (4 Ayes; 0 Nay; 3 Abstentions; Commissioners Kuzmicki, Ewing and Jones)

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

Due to technical difficulties the Board took a 5 minute recess.

8. Advisory Board Reports- Mandy Brinnand with Stagecoach Advisory Board stated a letter of transmittal recommending approval of agenda item 9.a PLZ-2023-211 for Clayton Homes Tentative Parcel Map request was forwarded. There were some public concerns regarding the additional parcels being on septic systems and the proximity of existing wells. Residents asked for confirmation that the septic systems will not be placed close to property lines to ensure the existing wells do not become contaminated. The Advisory Board requested a minimum 100 ft. separation and de-nitrification systems be installed. There was also discussion about who would be responsible for the maintenance of the septic systems. Clayton Homes was open to
both the idea of installing de-nitrification systems and the possibility of GID overseeing the maintenance.

Due to login issues the Board took a 5 minute recess and reconvened at 9:30 a.m.

9. Public Hearing Items

9.a. For Possible Action: To approve a request from Clayton Homes for a Tentative Parcel Map to subdivide a 5.04-acre parcel into four (4) parcels of 1.26 acres each, located at 4805 Apache Drive in Stagecoach (APN 015-081-17) PLZ 2022-211.

Community Development Director, Louis Cariola, presented the staff report. The applicant’s request is in conformance with the goals and policies of the 2020 Comprehensive Master Plan and the Zoning Designation standards. Staff is recommending approval based on the findings listed in the staff report.

The applicant’s representative, Bob LaRiviera from CFA, stated they did a presentation at the Advisory Board meeting and are available for any questions the Board may have. The Board did not have any question for the applicant’s representative.

The Applicant, Frank Bouchard, addressed the public concerns with wells and septic systems. They will ensure they are placed the appropriate distance from other septic systems. Once the percolation test is completed they will have their engineer determine if a de-nitrification system is required.

Commissioner Jones asked what the advantage is to installing a de-nitrification system and what the disqualifying annexation from the Stagecoach GID was. Mr. Bouchard stated a de-nitrification system pushes air into the chamber helping eliminate nitrates much faster. The reason the applicants cannot hook to the GID is that all their allocations are taken, they simply do not have the capacity to serve any more homes in the area at this time.

Commissioner Kuzmicki asked if the lot size is sufficient to have both wells and septic systems. Mr. Bouchard responded an acre is sufficient to house both a well and septic, it will just take a little planning to ensure the septic and leach fields are not too close to those surrounding wells and septic.

Public Participation- Amanda Brinnand expressed concern with adding more septic on smaller lots. She suggested the County look at what the maximum number of septic this valley can hold before it begins to contaminate wells.

Commissioner Ewing had questions regarding property lines and access affecting the total size of each proposed parcel. Mr. Cariola stated the proposed acreage is the gross acreage versus the net, which would be removing the area of the access easement.

Commissioner Sell motioned to approve the request from Clayton Homes for a Tentative Parcel Map to subdivide a 5.04-acre parcel into four (4) parcels; located at on APN 015-081-17, based on the findings listed in the staff report and subject to the following 16 conditions of approval.

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

2. The applicant shall make corrections of any engineering or drafting errors and other technical map corrections to the satisfaction of the County Engineer and Planning Department prior to submitting the final parcel map for recordation.

3. The applicant shall pay the actual costs for County Engineer plan and map checking fees and County Inspector site improvement inspection fees, in accordance with the adopted County fee resolution in effect at the time, and provide proof of payment to the Planning Department prior to final parcel map recordation.

4. The applicant shall pay in full all property taxes through the end of the fiscal year (June 30) prior to recordation of the final parcel map.
5. The developer shall provide documentation of the relinquishment of water rights necessary to insure an adequate water supply for residential use of the newly created parcels to the satisfaction of the State Division of Water Resources (DWR) prior to recordation of the final parcel map (which is typically 2 acre-feet per new parcel).

6. The applicant shall provide the parcel map to the Lyon County GIS Coordinator in form and format compatible with the County geographical information system (GIS). The scale of the site plan, improvements, monuments and other items shall be in model space correctly oriented to coordinate system as established by the GIS Coordinator. Cover sheet and standard details need not be included.

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

8. No lot shall be offered for sale or sold and no building permits shall be accepted for processing until the final parcel map has been approved and recorded.

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

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

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

12. The final parcel map will comply with the current Lyon County standards requiring a 5-foot public utility easement along all side property lines for the proposed parcels prior to recordation.

13. The following items are required of all development:
   a. All construction shall comply with all applicable building and fire code requirements.
   b. Building permits shall be issued in compliance with Title 15 of the Lyon County Code.
   c. Site development work will require a site improvement permit(s) in accordance with Title 15.234 unless directly associated with a single family residential building permit.
   d. Structures placed on these parcels shall adhere to the County’s site and setback standards for the zoning district as it applies to each parcel at the time of development.
   e. Distinct and legible “temporary” addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.
   f. All debris on construction sites must be contained and removed periodically as required for safety and cleanliness to the satisfaction of the Lyon County Building Department.
   g. Prior to any combustible materials being brought on site street name signage shall be installed, if applicable and emergency vehicle access has been installed to the satisfaction of the Central Lyon County Fire Protection District.

14. Any further division may be subject to the imposition of subdivision improvement standards as may be legally imposed at the time. The applicant shall place a note to this effect on the final parcel map prior to recordation.

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

16. Approval of the tentative parcel map shall not constitute acceptance of the final parcel map. **Failure to submit a complete final parcel map and pay the required fees within one (1) year from the date of approval shall render the tentative parcel map approval as expired.** No extension may be granted after receiving approval of the tentative parcel map.

Commissioner Carlson seconded and the motion **passed unanimously** (7 Ayes; 0 Nay; 0 Abstentions)

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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 –Community Development Director, Louis Cariola, said Staff has met with representatives for future development of the N.N.I.C. (Northern Nevada Industrial Center) area and will bring updates on development as proposed projects come forward. Due to much of N.N.I.C being previously approved as a PUD (Planned Unit Development) a majority of the development can and will be approved by Administrative Design Review by staff and will not have to come before the Planning Commission or Board of Commissioners. However, he will keep both Boards updated as proposed development comes forward.

16. Public Participation- There was none
17. Adjournment

At approximately 9:52 a.m. it was unanimously motioned to adjourn.

Audrey Allan, Chairwoman

Shannon Juntunen, Administrative Assistant
Lyon County Planning Commission Agenda Summary

Meeting Date: May 9, 2023

Agenda Item Number:
8.a

Subject:
For Possible Action: Presentation of the Planning Process.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS

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Lyon County Planning Commission Agenda Summary

Meeting Date: May 9, 2023

Agenda Item Number: 9.a

Subject: For Possible Action: To forward a recommendation to the Board of Commissioners for a request from Microsoft Corporation for the Abandonment of a 60 feet wide access and utility easement known as Rhyolite Lane for a length of approximately 671 feet and a 30 feet wide access and utility easement known as Deodar Street for a length of approximately 660 feet on five (5) parcels in Silver Springs (APNs: 018-551-03, 081-551-04, 018-552-01, 018-552-02, & 015-553-03) PLZ-2023-005.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS
- Staff Report
- Backup
- Advisory Board Letter of Transmittal
Lyon County Planning Commission

PLZ-2023-05 Right-of-Way Abandonment/Vacation of
~ 671 feet of Rhyolite Lane and ~660’ of Deodar Street

Meeting Date May 9, 2023
Owner Microsoft Corporation
Applicant Microsoft Corporation
Representative Wood Rodgers, Inc. c/o Stacie Huggins
Area Location Dayton
Parcel Numbers (APNs) 018-551-03, 018-551-04, 018-552-01, 018-552-02
Zoning NC (Neighborhood Commercial)
Case Planner Louis Cariola

REQUEST
The applicant is requesting abandonment of approximately 671 linear feet of Rhyolite Lane situated between Assessor’s Parcel Numbers (APN’s) 018-551-03, 081-551-04, 018-552-01, & 018-552-02 and approximately 660 linear feet of Deodar Street located on a portion of APN 018-552-02 in Silver Springs. The Rhyolite Lane area is 60 feet wide and the Deodar Street area is 30 feet wide. The abandonment areas are not improved for vehicular access.

STAFF RECOMMENDATION
Staff recommends approval of the abandonment request as the abandonment of this right-of-way will have:

- No detrimental effect on public access to adjacent properties,
- No impact on ability of utilities to provide services to other property owners or the public and
- Will not interfere with drainage of the subject parcel or any adjacent parcels.

SUGGESTED MOTION
If the Planning Commission finds there is sufficient reason to approve the abandonment, then the Planning Commission should make findings in support of the right-of-way abandonment/vacation and move to recommend approval the request.

The Planning Commission may consider a motion similar to the following:

The Lyon County Planning Commission finds that:
A. The public will not be materially injured by the vacation.
B. No easements are known to be located within the right of way that must be perpetuated.
C. The vacation will not result in the loss of access to a street from abutting property owners.
D. Neither the public nor Lyon County have a continued interest in the preservation of the areas proposed for abandonment.

Based on the aforementioned findings, the Lyon County Planning Commission recommends approval to the Board of Commissioners of a request from Microsoft Corporation for the Abandonment of a 60 feet wide access and utility easement known as Rhyolite Lane for a length of approximately 671 feet and a 30 feet wide access and utility easement known as Deodar Street for a length of approximately 660 feet on five (5) parcels in Silver Springs (APNs: 018-551-03, 081-551-04, 018-552-01, 018-552-02, & 015-553-03) PLZ-2023-005.
LOCATION and BACKGROUND

The subject abandonment area is located adjacent to four (4) parcels (APN’s 018-551-03, 081-551-04, 018-552-01, & 018-552-02) that are northeast of the Silver Springs Airport and west of the intersection of Highways 95A and 50, north of Highway 50.
The streets within this area were granted to Lyon County in 1987 as a “60-foot-wide non-exclusive easement for public road and utility purposes" through the Lincoln Highway Estates subdivision (reference T.M. 110408). Rhyolite Lane and Deodar Street provide “access” to other parcels in the surrounding area but have never been improved.

The image to the left below from the County's Assessor’s Plat maps displays the location of the existing easements relative to the subject parcels. The image on the right was provided by the applicant. The applicant’s image displays the entire:

- **60’ width to be abandoned running east/west on Rhyolite Lane at a length of ~671’;** and the

- **30’ width being abandoned running north/south on Deodar Street at a length of ~695.5.**

The parcel to the east of the 30’ abandonment of the Deodar Street easement will still have a 30’ width for access on their property. The County Roads Department has reviewed the proposed abandonments and has no concerns with them as proposed.
An 8 inch sewer line was installed within a portion of the Rhyolite Lane easement. The sewer line does not serve any development, and neither street has been improved to provide access to the surrounding parcels. The applicant’s have received a permit from the Lyon County Utility Department (LCUD) to remove the existing sewer main, manhole, and cleanout and install a new manhole at the property line.

The attachments to this report are from the applicant’s submittal (prepared by Wood Rodgers, Inc.) and include images depicting the easement areas, the existing sewer manholes to be abandoned, and other notable qualities of the area.

STAFF REVIEW AND COMMENTS

Based on our review and comments received from the reviewing public utility providers regarding the application, staff believes the requested abandonment would not have an adverse impact on existing or future access to adjoining properties and will not materially injure the public.

Requirements for Granting an Abandonment

The following should be considered in an action to abandon or vacate a publicly dedicated roadway:

1. **Will the public be materially injured by the abandonment/vacation?**

   **Applicant Response**

   The proposed request to abandon two Easements (60’wide Rhyolite & 30’ Deodar) will not have any impact on the public as the portions of the subject streets currently do not serve properties other than those owned by the Applicant. Rhyolite Lane and Deodar Street will still provide access to the properties to the east. Properties to the north can be accessed via Mountain Drive, and properties to the west and south are owned by the Applicant and can be accessed from US Highway 50 Alternative. Alternative access and utilities to serve future development of the surrounding properties will be provided in the future as development occurs in the area.

   **Staff Comment**

   The County’s Road Department confirmed that the Applicant’s response is accurate. The LCUD has issued a permit for the removal of the sewer utilities in the existing easement alignment along Rhyolite Lane. This Finding is met.

2. **Is there any easement located within the right of way? If so, the Commission should provide for the continuation of the easement.**

   **Applicant Response**

   All the easements proposed are not located with the right of way. The easements to be abandoned were originally created per document #110408 (T.M. Lincoln Highway Estates) in anticipation of future development. The Applicant and current owner of the subject parcels also owns the surrounding properties to the west and south. Based on the Applicant’s future plans for development, the existing street alignments create challenges for development and have therefore been deemed as unnecessary given that all properties owned by the Applicant can be accessed and served by other more efficient options. These easements do not need to be perpetuated.

   **Staff Comment**

   The applicant’s response is confirmed by staff: this Finding is met.
3. Will the abandonment/vacation result in the loss of access to a street from the abutting property owner?

**Applicant Response**

Abandonment of the Easements will not result in the loss of access from abutting property owners. Rhyolite Lane and Deodar Street will still provide access to the properties to the east and properties to the north can be accessed via Mountain Drive. Properties to the west and south are owned by the Applicant and can be accessed from US Highway 50 Alternative. The Deodar Street Easement does not contain any of the existing dirt road identified as Deodar and is only a partial abandonment of the easement. The portion of Deodar Street located on the property to the east will remain.

**Staff Comment**

The applicant’s response is confirmed by staff: this Findings is met.

4. Does the public, or Lyon County, have a continued interest in the preservation of this access?

**Applicant Response**

Initial conversations with Lyon County indicate they do not have a continued interest in the preservation of the Easements. The public will still be able to access the easements in the surrounding properties via the remaining portion of Rhyolite Lane and Deodar Street to the east and to the north via Mountain Drive. The property to the west and south is owned by the applicant and can be accessed via US Highway 50 Alternative. Future development of the site will provide additional access should it be determined that it is necessary at that time.

**Staff Comment**

As previously stated, the LCUD and Roads Departments have both reviewed the proposed abandonment in addition to the Community Development Department. The Finding is met because no County entity has expressed continued interest in preservation of the existing easements.
Executive Summary
Applicant: Microsoft Corporation
APN Numbers: 018-551-03, 081-551-04, 018-552-01, & 018-552-02
Location: The subject abandonment area consists of approximately 671 linear feet of Rhyolite Lane between APN’s 018-551-03, 081-551-04, 018-552-01, & 018-552-02 and an additional 659.5 linear feet of Deodar Street located on a portion of APN 018-552-02. The parcels adjacent to the streets are pending a rezoning request to Neighborhood Commercial.

Background
The subject abandonment area is located adjacent to four (4) parcels (APN’s 018-551-03, 081-551-04, 018-552-01, & 018-552-02) that are northeast of the Silver Springs Airport. The streets within this area were granted to Lyon County in 1987 as a “60-foot-wide non-exclusive easement for public road and utility purposes” (ie – Easement) through the Lincoln Highway Estates subdivision (reference T.M. 110408). Since that time, Rhyolite Lane and Deodar Lane provide access to various parcels in the surrounding area but have not been improved for access, however, an eight-inch sewer line was installed within a portion of the Rhyolite Lane access and utility easement in anticipation of future development. The sewer line terminates approximately at the center of the site near the intersection of all four of the project parcel boundaries. The sewer line connects to an existing sewer line at the intersection of Rhyolite Lane and Elm Street, approximately 680 feet to the east of the project site. The sewer line located within the project site does not currently serve any development, and neither street has been improved to provide access to the surrounding parcels.

Specifically looking at the surrounding parcels and compatibility, the Lyon County Master Plan identifies the parcels within the Silver Springs Suburban Character District with a master plan designation of Commercial (C). The surrounding parcels are currently pending a Zoning Map Amendment (PLZ-2023-002) that will change the surrounding parcels from Recreational Vehicle Park (RVP) and Mobile Home Park (MHP) to Neighborhood Commercial (NC). Pending approval of the zone change, future development of the surrounding parcels is anticipated to be designed in accordance with standards identified within the NC zoning designation of Lyon County Development Code. While this request to abandon portions of the streets supports the zone change, it will not be impacted by the outcome of the pending zoning change.

Project Request
The proposed request is to abandon the entire portion of the Rhyolite Lane Easement (±671 linear feet) between APN’s 018-551-03, 081-551-04, 018-552-01, & 018-552-02 (Refer to Exhibit A-1 Rhyolite Lane in Section 4) and the portion of Deodar Street Easement (±659.5 linear feet) located along the eastern portion of APN 018-553-02 (refer to Exhibit A-1 Deodar Street in Section 4). It should noted that the Deodar Street abandonment only includes 30 feet of the full 60-foot-wide easement and should be considered a half street abandonment as the other 30-foot-wide portion located on the adjacent parcel to the east is not included with this request (refer to Aerial Map 1 & 2 included in Section 3 of this submittal packet).

As noted on Exhibit A-1 in the Rhyolite Lane Legal Description, the Rhyolite Lane Easement runs in an east/west direction terminating at the western boundary of APN 018-551-04 & 018-552-01. The Applicant owns the parcels to the west and does not plan to rely on the Rhyolite Lane Easement for access or utilities as the property has other means of access and can be served by utilities through other points of access.
The Deodar Street Easement runs in a north/south direction providing access from US Highway 50 West up to the intersection with Rhyolite Lane. The portion of the Easement subject to this abandonment request is limited to the 30-foot-wide portion that extends along 018-552-02. Where this portion of the easement reaches the southern boundary of APN 018-552-02, the Easement transitions to the east and does not extend on to APN 015-141-04. The eastern portion of the Deodar Street Easement, as well as the portion of Easement adjacent to 015-141-04 will not be impacted by this request (refer to Exhibit A-1 in the Deodar Street Legal Description).

The intention of this request will improve flexibility in future development of the site. Future access and utilities will be designed based on Lyon County Development Code. Any required access and utility easements will be granted upon development of the project site including providing access to surrounding properties if required.

**Summary of the Site**

*Existing Site Characteristics*

The proposed abandonments, referred to as the project site throughout this document, is generally unimproved with natural vegetation and natural slopes falling from the northwest to the southeast. Two dirt/gravel roads bisect the site, one running diagonally and the other located within a portion of the Rhyolite Lane easement. The portion of Rhyolite Lane located within the easement is an unpaved gravel road and runs east to west between APN 018-551-03 and 018-552-02. The exiting 8-inch underground sewer line is located within this portion of the easement before it terminates. The sewer can be identified by two manholes and a cleanout that is located at the terminus of the sewer line near the center of the Rhyolite Lane Easement. Here the road is intersected with an unimproved dirt road running diagonally across the project site. The remaining Rhyolite Lane easement to the west is natural and undisturbed (see site photos below).

The portion of the Deodar Street Easement located on the project site runs north to south along the eastern boundary of APN 018-552-02. This easement is natural slope and vegetation with no underground utilities. The unpaved dirt road identified as Deodar Street is located entirely within the adjacent property to the east and can still be used as access pending approval of this abandonment.

*Lyon County Master Plan and Zoning*

The project site has a master plan of Commercial (C) and is currently pending approval of a zoning amendment to Neighborhood Commercial (pending approval of PLZ-2023-002). This zoning designation will allow the properties surrounding the abandoned streets to be developed with a mix of commercial uses that can serve the surrounding area (Refer to Existing Zoning Map and Existing Master Plan Map in Section 3 of this submittal packet).

*Utilities*

As noted previously, there is an existing 8-inch underground sewer line located in Rhyolite Lane. This sewer line was installed in anticipation of new development however it is currently not in use. The sewer line terminates generally near the center of the Rhyolite Lane Access Easement near the four corners of the project parcels. Pending approval of this abandonment request, the Applicant will submit an application to Lyon County Utility Department and Nevada Division of Environmental Protection to request approval to abandon existing utilities within the Easement areas which will include the removal of the 8-inch underground sewer line. Pending approval by the various agencies, the sewer line will be capped with a clean-out to the east within the remaining Rhyolite Lane Easement.
Public Services
In terms of public facilities, fire and sheriff service is currently provided by Lyon County, however, this will not be impacted by this request and is available in the area given the proximity of the subject site to the Silver Springs Airport and other existing development in the general vicinity.
Photo Location 1: South end of Deodar Street (view north)

Photo Location 2: North end of Deodar (view south)
Rhyolite Ln. & Deodar St. Abandonment
Abandonnent - Project Description

Photo Location 3: Manhole within Rhyolite Lane (view east)

Photo Location 4: Rhyolite Lane at terminus of sewer line (view northwest)
Citizen Advisory Board
Letter of Transmittal

Meeting Date: 5/01/2023

Advisory Board: Silver Springs Community Advisory Board

Please select which board this item is to be brought before:

Board of Commissioners __X__, (and/or) Planning Commission __X__

Agenda Item:
8B. __ To forward a recommendation for a request from Microsoft Corporation for the Abandonment of a 60 feet wide access and utility easement known as Rhyolite Lane for a length of approximately 671 feet and a 30 feet wide access and utility easement known as Deodar Street for a length of approximately 660 feet on five (5) parcels in Silver Springs (APNs: 018-551-03, 081-551-04, 018-552-01, 018-552-02, & 015-553-03) PLZ-2023-005.

Recommended Motion and/or Report:

MOTION: To forward a recommendation of APPROVAL for the abandonment

Advisory Board or Public Concerns:
There were initial concerns from both the board and the public regarding access to roadways and properties, it was shown and explained to be a non-issue

Submitted By: Katie Baker-Secretary
Lyon County Planning Commission Agenda Summary

Meeting Date: May 9, 2023

**Agenda Item Number:**
9.b

**Subject:**
For Possible: To forward a recommendation to the Board of Commissioners for a request for a Conditional Use Permit from Lyon County School District to allow an approximately 1,440-square-foot office building on an approximately 80.45-acre parcel generally located to the southeast of the intersection of Old Dayton Valley Road and Breakwater Drive, at 335 Old Dayton Valley Road in Dayton (APN 016-271-11) PLZ-2023-010.

**Summary:**

**Financial Department Comments:**

**Approved As To Legal Form:**

**County Manager Comments:**

**Recommendation:**

**ATTACHMENTS**
- Staff Report
- Backup
PLANNING COMMISSION

PLZ-2023-010: Request for a Conditional Use Permit from Lyon County School District to allow an approximately 1,440-square-foot office building on an approximately 80.45-acre parcel generally located to the southeast of the intersection of Old Dayton Valley Road and Breakwater Drive, at 335 Old Dayton Valley Road in Dayton (APN 016-271-11) PLZ-2023-010.

Proposed Action: Conditional Use Permit for the Addition of One Office Building at an Educational Facility.

Meeting Date: May 9, 2023

Property Owner: Lyon County School District (LCSD)

Applicant: Darrell Bluhm (LCSD Facilities)

Location: Dayton

Parcel Number: 016-271-11

Parcel Size: 80.45 acres

Master Plan: Public/Quasi Public

Zoning: RR-20 – Rural Residential (20 acre minimum)

Flood Zone(s): X Unshaded (Area of Minimal Flood Hazard) per FIRM 32019C_324

Case Planner: Bill Roth

REQUEST

The applicant, Lyon County School District (LCSD), is requesting a Conditional Use Permit (CUP) to allow the construction of an approximately 1,440-square-foot transportation office building on the approximately 80.45-acre Dayton High School campus parcel located at 335 Old Dayton Valley Road in Dayton.

PROJECT SUMMARY

The applicant’s proposal includes the removal of two modular buildings, each measuring 1,240 square feet in size, that were used for office and storage space and the construction of a new 1,440-square-foot modular building to provide office space for LCSD transportation staff at the southern end of the 80.45-acre Dayton High School campus. The older buildings were constructed in the late 1980s and early 1990s and would be replaced with a new office building that is more energy efficient and compatible with current building standards.
RECOMMENDED MOTION: APPROVAL

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

The Lyon County Planning Commission finds that:

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

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

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

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

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

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

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

Based on the aforementioned Findings, I move that the Planning Commission recommend approval to the Board of Commissioners of the request by Mr. Darrell Bluhm for a Conditional Use Permit to allow an Office Building on one 80.45-acre parcel in the Rural Residential (20 acre minimum) zoning district, generally located to the southeast of the intersection of Old Dayton Valley Road and Breakwater Drive, at 335 Old Dayton Valley Road in Dayton on APN 016-271-11 (PLZ-2023-010).

CONDITIONS OF APPROVAL

1. No change in the terms and conditions of the Conditional Use Permit (CUP), as approved, shall be undertaken without first submitting the changes to Lyon County Community Development and having them modified in conformance with Lyon County Code.

2. The applicant shall comply with all applicable Fire, building, zoning and improvement code requirements and obtain any necessary public inspections.

3. All construction documents and separate applications must be submitted to the Central Lyon County Fire Protection District and the Lyon County Building Department for review and approval 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. Exterior lighting for the office building shall be downward facing and shielded such that light is not shed onto adjacent properties and public rights-of-way.

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

7. The substantial failure to comply with the conditions imposed on the issuance of this conditional use permit or the operation of the conditional use in a manner that endangers the health, safety or welfare of Lyon County or its residents or the violation of ordinances, regulations or laws in the conditional use may result in the institution of revocation proceedings. **Failure to initiate the conditional use permit within one (1) year from the date of approval or to complete all work within two (2) years from the date of approval will result in the expiration of the conditional use permit approval.**

**BACKGROUND INFORMATION**

**Location**

The subject parcel is located at the southern end of an approximately 80.45–acre parcel that is generally located to the southeast of the intersection of Old Dayton Valley Road and Breakwater Drive, at 335 Old Dayton Valley Road in Dayton (APN 016-271-11) PLZ-2023-010. Vehicular access to the project area is provided via Breakwater Drive.
Subject Parcel Size

The subject parcel (APN 016-271-11) is approximately 80.45 acres in size and is part of the LCSD Dayton campus, which includes Dayton High School.

Topography

The subject parcel is relatively flat. The image to the right is from the County GIS system and includes 10’ contour lines.
Site Photos
The images below of the existing transportation office and storage buildings were taken by the applicant. The two buildings, which would be demolished as part of the proposed project, are highlighted in yellow in the aerial further below.
**Master Plan and Zoning**

The Master Plan designation for the site is Public/Quasi Public. The subject parcel is zoned RR-5 Fifth Rural Residential District (20 acres) under Title 10 and RR-20 – Rural Residential (20 acre minimum) under Title 15. The zoning of the surrounding properties is a mix of RR-20, MFR – Multi-family Residential, NC – Neighborhood Commercial, and CC – Community Commercial.

The project should be reviewed with the Title 15 Rural Residential (20 acre minimum) land use and development regulations per the Zoning Consistency Matrix which was adopted as Exhibit A along with Title 15, the current land use and development code for Lyon County.

**Master Plan**
Zoning

Suburban Character District
The subject parcel is located in the Dayton Suburban Character District. Suburban Districts include those areas that are predominately medium to high density residential development with regional/community commercial, neighborhood, industrial, and employment uses.
Flood Zone Designation

The subject site is located within Zone X Unshaded - Area of Minimal Flood Hazard per the FEMA Flood Insurance Rate Map Panel 32019C_324. A Floodplain Development permit will not be necessary for development on site.

Public Facilities

Lyon County Utilities Department (LCUD) confirmed that there are sufficient water rights at Dayton High School to add the new transportation office, per email dated February 28, 2023 from LCUD to LCSD. Any fixture units serving the new building would need to comply with LCUD requirements.

Project Description

The applicant’s proposal includes the removal of two modular buildings, each 1,240 square feet in size, and the construction of a new one-story modular office building, approximately 1,440 square feet in size. The new building would provide office space for LCSD transportation staff. The older buildings, one of which was used as an office and the other of which was used for storage, were constructed in the late 1980s and early 1990s and are being replaced to provide a new office building that is more energy efficient and compatible with current building standards. Stored equipment and other items would be relocated to another site.

The new office building would include two individual offices, a large open office area, and two restrooms for LCSD Transportation staff. An existing restroom building and an existing bus shop building, shown on the applicant’s preliminary site plan, would remain. Existing parking for Transportation staff and LCSD school buses is located around and behind the project area, as shown in the aerial and the Applicant’s site plan, later in this report.
Per the applicant, the proposed development is described as follows:

To change out two older modular buildings at APN 16-271-11 with a newer and more energy-efficient office building.

Parking
The existing onsite parking area, which provides parking for LCSD school bus drivers and on-site transportation office workers has a capacity for at least 25 passenger vehicles. Approximately 13 bus drivers currently park their personal vehicles in the parking lot during their morning or afternoon shifts and no change to that is proposed with the current project. The new 1,440 square-foot office building would require a total of 5 parking spaces, as Office uses have a parking requirement of one parking space per 300 square feet of enclosed floor space, per Lyon County code section 15.401.03. As shown in the table below, a total of 18 parking spaces are required for the passenger vehicles of the bus drivers and those of the workers in the proposed office building. As such, the existing 25-space parking area would be more than sufficient.

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Area</th>
<th>Parking Ratio</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office Use</td>
<td>1,440 sf</td>
<td>1 space per 300 sf</td>
<td>5 parking spaces</td>
</tr>
<tr>
<td>Bus Drivers (Personal Vehicles)</td>
<td>n/a</td>
<td>1 space per driver</td>
<td>13 parking spaces</td>
</tr>
<tr>
<td><strong>Total Parking Required:</strong></td>
<td></td>
<td></td>
<td><strong>18 parking spaces</strong></td>
</tr>
</tbody>
</table>

Building Permit Required
Should the proposed CUP be approved, the proposed modular office building would be subject to Building Permit Review. The applicant has provided a site plan and conceptual elevation drawing and a floor plan of the proposed project (below).
Preliminary Site Plan
Preliminary Elevation
Floor Plan

Conditional Use Permit

With the adoption of Title 15, the Board of Commissioners also adopted Exhibit A – Zoning Consistency Matrix. The Zoning Consistency Matrix is to be used to determine the correct land use and development regulations to use until staff completes the Title 15 rezoning to convert properties from the Title 10 zoning districts over to the Title 15 zoning districts.

As previously stated, the parcel under consideration is currently zoned RR-5 Fifth Rural Residential District (20 acres) under Title 10 and RR-20 – Rural Residential (20 acre minimum) under Title 15. The project should be reviewed with the Title 15 RR-20 land use and development regulations per the Zoning Consistency Matrix. The proposed transportation office use would be part of the larger LCSD Educational Facility use. Educational Facilities may be allowed in the RR-20 zoning district subject to the approval of a Conditional Use Permit.

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Rural Residential</th>
<th>Commercial Mixed-Uses</th>
<th>Agricultural/Resource</th>
<th>Commercial</th>
<th>Use Specific Regulations (Code Reference)</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>RR-20</td>
<td>RR-10</td>
<td>RR-5</td>
<td>RR-2</td>
<td>RR-16</td>
</tr>
<tr>
<td>Educational facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
When considering applications for a CUP, the commission or Board must evaluate the impact of the conditional use on, and its compatibility with, surrounding properties and neighborhoods to mitigate potential impacts of the use at a particular location and make the following findings from Chapter 15.230.06: FINDINGS. Each Finding is listed with the applicant’s response and staff’s comments.

**FINDINGS**

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

**Applicant’s Response**

LCSD has reviewed the current Master Plan and is following the current zoning requirements under the guidance of Title 15 and RR-20 format as stated below.

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Type</th>
<th>R1</th>
<th>R2-1</th>
<th>R2-2</th>
<th>R2-3</th>
<th>R2-4</th>
<th>Commercial Mixed-use</th>
<th>Agricultural/Resource</th>
<th>Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational Facilities</td>
<td>School, K-12 (public or private)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>Post-secondary, trade, or technical education</td>
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<td>--</td>
<td>--</td>
<td>--</td>
<td>C</td>
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</tbody>
</table>

**Staff Comment**

Government offices, buildings, and facilities and school uses are characteristic of the Public/Quasi-Public Master Plan designation. The proposed development is consistent with the following Lyon County Master Plan Goal and Policies:

1. **Goal FS 3: Schools.**
   Lyon County will support the school district in its goal to see all students graduate with successful futures in college and in careers.

2. **Policy FS 3.1: Quality Schools**
   Lyon County will continue to support efforts by the Lyon County School District to provide adequate school facilities and quality education for all children.

   **Strategies:**
   - Coordinate development review with the School District and actively seek School District comments and requirements.
   - Cooperate with the School District in facilities planning.

The proposed use is associated with the existing LCSD educational facility and will not introduce a new use that might be incompatible with the intent of the Dayton Suburban Character District. The transportation office building would be supportive of efforts to provide adequate school facilities and access to quality education. This Finding is met.
B. The proposed use is compatible with the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods;

   Applicant’s Response
   LCSD has looked at all aspects of the above related questions and deems there will not be any influence of such.

Staff Comment
The proposed building for the transportation office would be located outside of the setbacks required in the RR-20 zoning district and would not exceed the maximum building height, helping to ensure that the proposed project will be compatible with the surrounding parcels. The proposed office building is a replacement of the existing, comparably-sized office building on the subject property and, as such, would not introduce a significant increase in traffic or noise to the area. This Finding is met.

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

   Applicant’s Response
   LCSD has reviewed such and no related impacts will be incurred.

Staff Comment
As previously stated, the proposed use is a replacement of an existing office use and would not result in a significant increase to vehicular traffic over existing conditions. The existing parking area provides more than the required parking for the proposed use and the existing use, ensuring that all required parking will be provided on-site. This Finding is met.

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

   Applicant’s Response
   LCSD does not see any impacts of the above mentioned.

Staff Comment
The proposed office use replaces an existing, comparably-sized office use and would not increase or impact area traffic flow such that mitigation would be necessary. No change to the site’s access to the public right of way is necessitated or proposed with this project. This Finding is met.

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

   Applicant’s Response
   This structure is replacing two existing structures and will not affect the surroundings in its location.

Staff Comment
The size and location of the proposed building would meet the requirements of the RR-20 zoning district, which is intended to avoid impacts to adjacent sites. The proposed project would not introduce a new use that would be generate visual impacts and noise effects on adjacent properties. As conditioned, lighting for the project shall be screened to ensure there is no light spillage on adjacent properties. This Finding is met.

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

**Applicant’s Response**

*LCSD after review of the current Lyon County Design Criteria believes it has met the proposed standards with site development of the proposed structures.*

**Staff Comment**

As conditioned, the use is consistent with the zoning standards of Title 15 and has been reviewed by outside agencies. This Finding is met.

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

**Applicant’s Response**

*In the location of this new office, LCSD finds that there will not be any detriment to public safety, welfare or prejudice.*

**Staff Comment**

The proposed project involves the replacement of an existing office use with an equivalent office use and is part of an ongoing educational facility use at the LCSD Dayton campus. The proposed building will be subject to Building Permit review, which will ensure that the structure will not be detrimental to health and safety. This Finding is met.

**Alternatives to Approval**

**Alternative for Continuance**

If the Planning Commissioners determine that there is insufficient information with which to make a decision on the Conditional Use Permit 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 Conditional Use Permit 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 Conditional Use Permit application.

Based on the aforementioned finding, and with the applicant’s concurrence, the Planning Commission continues the Conditional Use Permit request from Lyon County School District to allow an approximately 1,440-square-foot office building on an approximately 80.45-acre parcel generally located to the southeast of the intersection of Old Dayton Valley Road and Breakwater Drive, at 335 Old Dayton Valley Road in Dayton (APN 016-271-11); PLZ-2023-010 for ___ days.

**Alternative Motion for Denial**

If after review and public comment the Planning Commission determines that they should recommend denial of the Conditional use Permit application, then the Planning Commission may wish to consider a motion similar to the following:
The Lyon County Planning Commission has considered:

15.230.06: FINDINGS:

When considering applications for a conditional use permit, the commission or Board, where applicable, 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:

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.

After consideration of the above-listed Findings, the Lyon County Planning Commission has determined that the Conditional Use Permit would not be in conformance with the above-listed considerations and recommends denial of the Conditional Use Permit request from Lyon County School District to allow an approximately 1,440-square-foot office building on an approximately 80.45-acre parcel generally located to the southeast of the intersection of Old Dayton Valley Road and Breakwater Drive, at 335 Old Dayton Valley Road in Dayton (APN 016-271-11); PLZ-2023-010.

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.
LCSD DHS Transportation Office

To whom this may concern:
I'm writing this letter to inform you that LCSD would like to change out 2 older modular buildings at APN 16-271-11 with a newer and more energy efficient office building.

Thank you for your consideration in this matter.

Respectfully,
Darrell Bluhm
LCSD Project Facilitator
The findings listed in Chapter 235.04 are as follows:

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; LCSD has reviewed the current Master Plan and is following the current zoning requirements under the guidance of Title 15 and RR-20 format as stated below.

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Type</th>
<th>Rural Residential</th>
<th>Commercial Mixed-use</th>
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<tbody>
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<td>☑</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Post-secondary, trade, or technical education</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

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; LCSD has looked at all aspects of the above related questions and deems there will not be any influence of such.

C. The proposed development will not generate vehicular traffic which cannot be accommodated by the existing, planned or conditioned roadway infrastructure; LCSD has reviewed such and no related impacts will be incurred.

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; LCSD does not see any impacts of the above mentioned.

E. The proposed development incorporates features to address adverse effects, including visual impacts, of the proposed development on adjacent properties; This structure is replacing 2 existing structures and will not affect the surroundings in its location.

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; and

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. In the location of this new office the above mentioned will not be affected as laid out in the above mentioned standards.
NOTE:
15x41 has all 4030 windows.
DHS Transportation Demo Plan

The 2 existing buildings in Red are being removed.
DHS Transportation
Vacinity of proposed location

Legend
- Dayton
- Dayton High School
- Dayton High School

Google Earth

Proposed location of new DHS Transportation Office in Yellow above.
Lyon County Planning Commission Agenda Summary

Meeting Date: May 9, 2023

**Agenda Item Number:**
9.c

**Subject:**
For Possible: To forward a recommendation to the Board of Commissioners for a request for a Conditional Use Permit from Steven Cruz to allow an asphalt batch plant on an approximately 130.90-acre parcel generally located approximately 5,700 feet to the northwest of the intersection of Enterprise Way and E. Highway 50, at 3750 E. Highway 50 in Dayton (APN 016-401-75) PLZ-2023-004.

**Summary:**

**Financial Department Comments:**

**Approved As To Legal Form:**

**County Manager Comments:**

**Recommendation:**

**ATTACHMENTS**
- Request for Continuance
April 28, 2023

Lyon County Planning Commission
c/o Chairperson Audrey Allen
27 South Main Street
Yerington, NV 89447

RE: Cruz Construction CUP application for an Asphalt Batch Plant (PLZ-2023-004)

Dear Ms. Allan,

The applicant for a Conditional Use Permit for an asphalt batch plant in Dayton, Steve Cruz, has formally requested a Continuance from staff for his Planning Commission hearing. Staff is recommending that the Planning Commission grant that request to a date uncertain in order to allow Mr. Cruz time to address staff concerns with the proposed project.

The file number is PLZ-2023-004. The item has already been published in accordance with Lyon County and Nevada regulations so will be included on the agenda for the Planning Commission’s May 9 agenda.

I will be available at the meeting to answer any questions. Thank you for your consideration.

Respectfully,

Louis Cariola
Lyon County Community Development Director

Cc:
File
Steve Cruz at steve@cruzconstruction.com
Lyon County Planning Commission Agenda Summary

Meeting Date: May 9, 2023

Agenda Item Number: 9.d

Subject: For Possible: To forward a recommendation to the Board of Commissioners for a request for a Conditional Use Permit from Lahontan Nevada Holdings, LTD to allow a Commercial Solar Generation Facility in the HI-S (Heavy Industrial - Suburban) zoning district on six parcels generally located to the northeast of the intersection of Idaho Avenue and Ramsey Street in Silver Springs (APNs 018-432-02/-03/-05, 018-434-01/-02/-03) PLZ-2022-208.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS

- Staff Report
- Backup
- Request for Continuance _ Applicant
- Request for Continuance _ Staff
PLANNING COMMISSION

PLZ-2023-008: Request for a Conditional Use Permit from Lahontan Nevada Holdings, LTD to allow a Commercial Solar Generation Facility in the HI-S (Heavy Industrial - Suburban) zoning district on six parcels generally located to the northeast of the intersection of Idaho Avenue and Ramsey Street in Silver Springs (APNs 018-432-02/-03/-05, 018-434-01/-02/-03) PLZ-2022-208.

Proposed Action: Conditional Use Permit for a Commercial Solar Generation Facility

Meeting Date: May 9, 2023

Property Owners: Daniel and Julie Leach, Landino Family Trust

Applicant: Lahontan Nevada Holdings, LTD

Location: Silver Springs

Parcel Numbers: 018-432-02/-03/-05, 018-434-01/-02/-03

Parcel Sizes: 5.90 acres, 5.80 acres, 5.32 acres, 4.68 acres, 4.68 acres, 4.38 acres – Total: 30.76 acres

Master Plan: Industrial

Zoning: HI-S (Heavy Industrial - Suburban)

Flood Zone(s): Zone AE (all of APN 018-432-05 and portions of APNs 018-432-02/-03 and 018-434-02/-03), Zone X Unshaded (APN 018-434-01) per FIRM 32019C0214E

Case Planner: Bill Roth

REQUEST

The Applicant is requesting a Conditional Use Permit (CUP) to construct and operate a commercial solar power generating facility.

PROJECT SUMMARY

The proposed project involves the construction and operation of a commercial solar power generating facility within a six-parcel site totaling 30.76 acres. The solar power would be used for modular data centers (buildings that house computer servers) that the Applicant states would be constructed over three phases of the project. The
subject property is located to the northeast of the intersection of Idaho Avenue and Ramsey Street in Silver Springs (APNs 018-432-02/-03/-05, 018-434-01/-02/-03).

RECOMMENDED MOTION: DENIAL

If the Planning Commission determines that they will recommend denial 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:

15.230.06: FINDINGS:

A. The proposed use at the specified location is not 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 not 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 does not incorporate features to address adverse effects, including visual impacts and noise, of the proposed conditional use on adjacent properties;

F. The proposed conditional use does not comply 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 denial to the Board of Commissioners of the request by Lahontan Nevada Holdings, LTD for a Conditional Use Permit to allow a Commercial Solar Energy Generating Facility in the HI-S (Heavy Industrial - Suburban) zoning district on six (6) parcels that are approximately 30.76 acres in total, generally located to the northeast of the intersection of Idaho Avenue and Ramsey Street in Silver Springs on APNs 018-432-02/-03/-05, 018-434-01/-02/-03), subject to the following Conditions of Approval PLZ-2022-208).

ALTERNATIVES TO MOTION FOR DENIAL

Alternative for Continuance

If the Planning Commissioners determine that there is insufficient information with which to make a decision on the Conditional Use Permit 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 Conditional Use Permit 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 Conditional Use Permit application.

Based on the aforementioned finding, and with the applicant’s concurrence, the Planning Commission continues the Conditional Use Permit request from Lahontan Nevada Holdings, LTD to allow a Commercial Solar Generation Facility in the HI-S (Heavy Industrial - Suburban) zoning district on six parcels generally located to the northeast of the intersection of Idaho Avenue and Ramsey Street in Silver Springs (APNs 018-432-02/-03/-05, 018-434-01/-02/-03); PLZ-2022-208 for ___ days.

**Alternative Motion for Approval**

If after review and public comment the Planning Commission determines that they should recommend approval of the Conditional use Permit application, then the Planning Commission may wish to consider a motion similar to the following:

The Lyon County Planning Commission has considered:

15.230.06: FINDINGS:

When considering applications for a conditional use permit, the commission or Board, where applicable, 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:

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.

After consideration of the above-listed Findings, the Lyon County Planning Commission has determined that the Conditional Use Permit would be in conformance with the above-listed considerations and recommends approval of the Conditional Use Permit request from Lahontan Nevada Holdings, LTD to allow a Commercial Solar Generation Facility in the HI-S (Heavy Industrial - Suburban) zoning district on six parcels generally located to the northeast of the intersection of Idaho Avenue and Ramsey Street in Silver Springs (APNs 018-432-02/-03/-05, 018-434-01/-02/-03); PLZ-2022-208.

**CONDITIONS OF APPROVAL**
1. No change in the terms and conditions of the Conditional Use Permit (CUP), as approved, shall be undertaken without first submitting the changes to Lyon County Community Development and having them modified in conformance with Lyon County Code.

2. The Applicant shall comply with all applicable Fire, building, zoning and improvement code requirements and obtain any necessary public inspections.

3. All construction documents and separate applications must be submitted to the Central Lyon County Fire Protection District and the Lyon County Building Department for review and approval prior to obtaining a Building Permit.

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

5. The Applicant shall maintain a Lyon County business license for the use while occupying the site.

6. The Applicant shall submit for a fire/life safety plan review to the Central Lyon County Fire District prior to the issuance of a site improvement permit/building permit for the project.

7. The proposed project site is within the Silver Springs Mutual Water Company and a Wellhead Protection Zone. Any excavation or other development shall meet all standards and limitations required per that Zone. Municipal water service is subject to the Silver Springs Mutual Water Company rules and regulations and the approval of the Office of the State Engineer regarding water quantity and availability. A Will Serve letter from the Silver Springs Mutual Water Company and a Mylar map of the proposed project must be presented to the State Engineer for approval and signed through that office prior to development of the site.
   a. Any proposed onsite sewage disposal system must be approved by the Silver Springs Mutual Water Company and the Nevada Division of Environment Protection and evidence of such approval must be provided to the Lyon County Planning Department prior to approval of any building permit for any sanitary facilities.
   b. Any proposed water usage is subject to approval of the Silver Springs Mutual Water Company and the Nevada Division of Water Resources.

8. Prior to any development activity, as defined in Lyon County code section 15.02.01, occurring on the property that is located within any area of special flood hazard established in subsection 15.800.07A the Lyon County Code, such as Flood Zone A, the applicant shall secure approval of a flood plain development permit through the County Engineer.

9. Prior to commencement of the use, the Applicant shall ensure the satisfactory completion of all required access, driveway and parking improvements to County and International Fire Code standards, as required by the Lyon County Planning Department, the Lyon County Road Department, and the Central Lyon County Fire Protection District.
   a. The Applicant shall enter into a road maintenance agreement with the County for the maintenance and dust control of rights-of-way in front of the subject property during the construction period of the project. Once the construction of the project is completed and the amount of traffic generated by the project is minimal, the road maintenance agreement may expire.
   b. Prior to commencement of the use, the Applicant shall provide to the Lyon County Planning Department evidence of the issuance of an encroachment permit and satisfactory completion of all improvements required by the Nevada Department of Transportation, or documentation that no new encroachment permit and/or improvement are required.

10. Prior to the approval of the first building or grading permit for the proposed project, a Line-of-Sight Study demonstrating compliance with the requirements in Lyon County Code section 15.336.09(D)(2), shall be
provided for review and approval by the Community Development Director. If upon the Director’s review of the site screening study it is deemed necessary to make design modifications to the project to ensure compliance with Lyon County Code, the project shall be redesigned to the satisfaction of the Community Development Director.

11. Prior to the approval of the first building permit for the proposed project, a Decommissioning Plan to restore the site to its state prior to the construction of solar structures and buildings associated with the proposed project shall be submitted to the satisfaction and approval of the Community Development Director. Tasks described in the Decommissioning Plan shall commence within one month of the end of the solar facility’s useful life and shall be completed within six months thereafter.

   a. A Performance Bond, to the benefit of Lyon County, for the full value of all tasks described in the Decommissioning Plan shall be recorded prior to the approval of the first building permit for the proposed project and shall remain in place until the completion of all tasks described in the Decommission Plan, to the satisfaction and approval of the Community Development Director.

12. All outdoor lighting shall comply with the outdoor lighting performance standards of Chapter 15.357 of the Lyon County Code, shall include cut-off shields that direct the illumination down and reduce glare to the satisfaction of the Planning Department.

13. The Applicant shall comply with Lyon County’s 2018 drainage guidelines, as revised to the approval of the County Engineer.

14. New commercial or industrial buildings or building additions that exceed or in combination with the existing building footprint exceed 4,999 square feet total shall require approval of an Administrative Design Review permit, in accordance with Lyon County Code Chapter 225.

15. Any exterior signage will require a separate building permit, through the Lyon County Building Department.

16. The substantial failure to comply with the conditions imposed on the issuance of this conditional use permit or the operation of the conditional use in a manner that endangers the health, safety or welfare of Lyon County or its residents or the violation of ordinances, regulations or laws in the conditional use may result in the institution of revocation proceedings. Failure to initiate the conditional use permit within one (1) year from the date of approval or to complete all work within two (2) years from the date of approval will result in the expiration of the conditional use permit approval.
BACKGROUND INFORMATION

Location

The six subject parcels are located approximately one mile to the southeast of the intersection of US 95A and US 50 in Silver Springs (indicated with a blue star in the image below).

![Location Map](image)

Subject Parcel Size

The total size of the six subject parcels is approximately 30.76 acres. The acreage for each parcel is shown in the table below.

| Assessor’s Parcel Number | Acreage | Master Plan Land Use Designation | Zoning  
|--------------------------|---------|---------------------------------|---------
| 018-432-02               | 5.90    | Industrial                      | M1      
| 018-432-03               | 5.80    | Industrial                      | M1      
| 018-432-05               | 5.32    | Industrial                      | M1      
| 018-434-01               | 4.68    | Industrial                      | M1      
| 018-434-02               | 4.68    | Industrial                      | M1      
| 018-434-03               | 4.38    | Industrial                      | M1      
| **Total:** 30.76 acres    |         |                                 |         |
Topography
The elevation of the subject site increases gradually from approximately 4,170 fee in the northeast corner of the six-parcel site to approximately 4,200 in the southwest corner. Spot elevations, shown in feet, are indicated in the image below (the subject six-parcel site is outlined in red dashed lines). Note that the placement of the spot elevations in the image below is imprecise due to the limitations of the labeling software available. In general, the subject property is at a higher elevation than the residential properties (indicated with an “RR” in the image below) to the west, north, and east.
Site Photos
The images below were provided by the Applicant. A photo orientation (legend) was requested but was not provided by the Applicant.
Master Plan and Zoning

As shown in the preceding Table 1: Individual Parcel Sizes and Land Use and Zoning Designations and the Master Plan diagram below, the Master Plan designation is Industrial for all six of the subject parcels.

Master Plan

Zoning

The six parcels under consideration are currently zoned under Title 10 as M1 (General Industrial District). The adopted Zoning Consistency Matrix shows the comparative Title 15 zoning districts as HI-S (Heavy Industrial - Suburban). Commercial Solar Generation facilities require approval of a conditional use permit in HI-S zoning district, per Lyon County Land Use and Development Code Table 15.320-4.
Suburban Character District

The subject parcels are located in the Silver Springs Suburban Character District. Suburban Districts include those areas that are predominately medium to high density residential development with regional/community commercial, neighborhood, industrial, and employment uses.
Flood Zone Designation

All of APN 018-432-05 and portions of APNs 018-432-02/-03 and 018-434-02/-03 are located in Flood Zone AE, a Special Flood Hazard Area. Flood Zone AE has a one percent annual chance of flooding, with both flooding elevations and moving water velocities that necessitate more significant construction standards. APN 018-434-01 is located in Zone X Unshaded, an Area of Minimal 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 that is located within Flood Zone AE.

**Public Facilities**
The proposed project site is within a Wellhead Protection Zone of the Silver Springs Mutual Water Company’s source water well. Any excavation or other development shall meet all standards and limitations required per that Zone.

**STAFF REVIEW AND COMMENTS**
The proposed project consists of a Solar Generation, Commercial facility (capitalized and italicized words represent a specific use recognized in Title 15), which is allowable with the approval of a Conditional Use Permit (CUP) in the subject HI-S zoning district.

**Project Description**
The applicant proposes an eleven (11) mega-watt solar array to be spread over four of the existing parcels. A main meter and switch gear would be located on a separate parcel and one parcel would remain vacant until future expansion. The applicant has provided the following table showing the distribution of the proposed solar power facility infrastructure.

<table>
<thead>
<tr>
<th>Assessor’s Parcel Numbers</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dan &amp; Julie Leach</td>
<td></td>
</tr>
<tr>
<td>018-432-02 3155 Beach Street</td>
<td>Solar Field</td>
</tr>
<tr>
<td>018-432-03 3265 Beach Street</td>
<td>Solar Field</td>
</tr>
<tr>
<td>018-432-05 1850 Lake Ave</td>
<td>Expansion Area</td>
</tr>
<tr>
<td>018-434-01 3255 Ramsey Street</td>
<td>Solar Field</td>
</tr>
<tr>
<td>018-434-02 3145 Ramsey Street</td>
<td>Solar Field</td>
</tr>
<tr>
<td>Landino Family Trust</td>
<td></td>
</tr>
<tr>
<td>018-434-03 1810 Lake Ave</td>
<td>Main Meter &amp; Switch Gear</td>
</tr>
</tbody>
</table>

The site plan image that follows is preliminary and would be subject to building permit review.
The applicant proposes either of two options to provide screening of the solar facility from neighboring properties:

**Applicant’s Option 1:** Excavation all the area within the boundaries of APN 018-432-02, 018-432-03, 018-434-01 and 018-432-02 to a depth of eight feet (8’) below the present grade excluding the required thirty feet (30’) set back boundary. The solar panels would be ground mount south facing with no more than six feet (6’) height. A berm eight feet (8’) in height would be constructed using excavated soil from the interior excavation. The eight feet (8’) high by thirty feet (30’) wide berm would be completed and planted with drought resistant native plants. With eight feet (8’) high security fence placed/installed on the top of the berm.

**Applicant’s Option 2:** A sixteen-foot (16’) security fence would be installed on the property lines.

These screening options are analyzed for compliance with Lyon County Code in the Findings section of this report. The applicant has provided the image below to show Option 1.
**Required Permits**

If the proposed project is approved, the development of the solar panel structures may proceed without additional Planning Department approvals, but Building Permits are required. The applicant’s submittal indicates that the proposed solar power would be used for modular data centers that would be built in three phases. New commercial or industrial buildings or building additions that exceed or in combination with the existing building footprint exceed 4,999 square feet total would require approval of an Administrative Design Review permit, in accordance with Lyon County Code Chapter 225.

**Conditional Use Permit**

When considering applications for a CUP, the Planning Commission or Board of County Commissioners must evaluate the impact of the conditional use on, and its compatibility with, surrounding properties and neighborhoods to mitigate potential impacts of the use at a particular location and make the following findings from *Chapter 15.230.06: FINDINGS*. Each Finding is listed with the Applicant’s response and staff’s comments.

**FINDINGS**

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

The proposed use is consistent with the Master Plan by separation using a topographical feature.

**Staff Comment**

Per Lyon County Code 15.336.09(D)(2), underlined below, Commercial Solar Energy Conversion Systems (SECS) that are not set back a minimum of one thousand five hundred feet (1,500') from the boundary of any Residential Zoning District “must be be separated by a topographic feature of a height sufficient to completely obstruct views of the commercial SECS from a point sixteen (16) vertical feet above the boundary of any Residential Zoning District.”

15.336.09: SOLAR GENERATION, COMMERCIAL:

A. Purpose: The intent of this section is to encourage the development of commercial solar energy conversion systems (SECS) while protecting the public health, safety and general welfare.

B. Shade Structures: Non-commercial building-mounted solar systems, including solar energy conversion systems (SECS) used as parking lot shade structures, shall not require a CUP provided the structure is conforming, houses or is accessory to a permitted use, and meets all Building Code requirements.

C. Acknowledgment/Approval: Written acknowledgment and general approval from the public utility must be included in all commercial SECS applications.

D. Siting Requirements:

1. Parcel Size: A minimum parcel size of ten (10) acres net is required. No part of the commercial SECS shall be located within or over drainage, utility or other established easements.

2. Setback: Each commercial SECS array must be set back a minimum of one thousand five hundred feet (1,500') from the boundary of any Residential Zoning District or be separated by a topographic feature of a height sufficient to completely obstruct views of the commercial SECS from a point sixteen (16) vertical feet above the boundary of any Residential Zoning District if the horizontal distance between the nearest point of the array and a Residential Zoning District boundary is less than one thousand five hundred feet (1,500').

3. Components: All components of the commercial SECS must be set back from the property boundary a minimum of thirty feet (30').

4. Comstock Historic District: In addition to all other requirements, all proposed commercial SECS located within the Comstock Historic District, as established by the Comstock Historical Commission pursuant to Nevada Revised Statutes chapter 384, shall receive a review, approval and a certificate of appropriateness from the Comstock Historic District Commission prior to submitting an application for a conditional use permit.

5. Height: Unless otherwise approved the total extended height of a commercial SECS shall not exceed twenty four feet (24'). The system must be in compliance with FAA regulations regarding height and lighting.

6. Minimum Standards: Standards for access, noise, design and installation, etc., shall meet or exceed the requirements of chapter 337, "Performance Requirements For Industrial Uses", of this title. However, conditions placed on the conditional use permit may be more restrictive than the minimum standards provided in this chapter.

7. Building Permit: A permit from the County Building Department is required to install a commercial SEC system in Lyon County. In evaluating whether to approve a building permit, the building official may request and consider:
   a. Supporting technical data,
   b. Test reports, and
   c. Appropriate documentation from approved sources.

8. Variance: Deviations from the standards established by this chapter shall require a variance in accordance with chapter 203 of this title.
As shown in the image below, there are multiple residentially-zoned properties (indicated with an “RR” in the image below) that are within 1,500 feet of the proposed project site.

As the 1,500-foot separation requirement would not be met, the applicant proposes either of two alternative screening options, inset below.

Applicant’s Option 1: Excavation of all the area within the boundaries of APN 018-432-02, 018-432-03, 018-434-01 and 018-432-02 to a depth of eight feet (8’) below the present grade excluding the required thirty feet (30’) set back boundary. The solar panels would be ground mount south facing with no more than six feet (6’) height. A berm eight feet (8’) in height would be constructed using excavated soil from the interior excavation. The eight feet (8’) high by thirty feet (30’) wide berm would be completed and planted with drought resistant native plants. With eight feet (8’) high security fence placed/installed on the top of the berm.

Applicant’s Option 2: A sixteen-foot (16’) security fence would be installed on the property lines.

As discussed in the Topography section of this report, the nearby residential properties are generally at a lower elevation than the subject property (for approximate spot elevations, see image in Topography section). This difference in elevation should help the proposed project meet the requirement in 15.336.09(D)(2), above, to provide “a topographic feature of a height sufficient to completely obstruct views of the commercial SECS from a point sixteen (16) vertical feet above the boundary of any Residential Zoning District...” That said, it would also make the proposed berm and/or security fence more visible on the horizon.

Applicant’s Option 1, which includes an eight-foot pit for the solar structures and an eight-foot tall berm around that would not appear to meet the intent of the requirement for a 16-foot tall topographic feature because the six-foot height of the solar structures placed within the pit would result in an effective screening height of only 12 feet.
above the top of those solar structures. A security fence is not a topographic feature. Unfortunately, the applicant’s Solar Site Elevations image, shown earlier in this report, does not show the effectiveness of the proposed screening from the boundary of the residential properties to the west, north, and east. As such, it cannot be concluded from the submittal that the project would be in compliance with 15.336.09(D)(2).

In regard to Applicant’s Option 2, a sixteen-foot tall security fence is not a “topographic feature” and would not meet the requirements of Lyon County Code 15.336.09(D)(2). Even if the security fence could be considered a topographic feature, the six-foot height of the solar structures behind the sixteen-foot tall security fence would result in an effective screening height of only 10 feet and would not, in theory, meet the requirement although no detailed information relative to the topography was submitted for review.

Both screening proposals would themselves present a conspicuous visual barrier when viewed from residential properties in the area. The long berm would result in an artificially raised eight-foot elevation along the full length of the property on at least three sides and tall security fence atop that would present a bleak focal point for those looking in the general direction of the site. As such, the proposed development would not be consistent with the intent to avoid adverse impacts to existing residential settlements as provided in the following Lyon County Master Plan Policy:

i. **Policy LU 1.4: Locate industrial development as designated on County-wide Land Use Plan or determined by criteria.**

   Industrial uses, including extractive industries, will occur in areas that are designated on the Land Use Plan. New industrial uses should only be located in areas that do not adversely impact existing residential settlements.

   **Strategies:**

   • Consider developing a set of siting criteria to be used in determining the suitability of sites for industrial and extraction uses.

   • Establish performance standards in areas of noise, odor, dust, traffic generation, etc.

For the reasons stated above, the proposed project would not comply with the established performance standards. This Finding is not met.

Should the Planning Commission wish to recommend approval or should the Board of County Commissioners ultimately wish to approve the project, however, staff has included a Condition of Approval to require a Line-of-Sight Study to ensure compliance with Lyon County Code 15.336.09.

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

   **Applicant’s Response**

   The proposed SECS is compatible with the existing neighborhood and includes improvements and modifications, that makes the long term impacts minimal with respect to traffic, noise, odors or visual nuisances.

   **Staff Comment**

   As discussed in relation to Finding A above, the proposed screening proposals would themselves present a conspicuous visual impact and nuisance to nearby residential properties and would not be consistent with Master
Plan Policy LU 1.4. The proposed screening as submitted would not meet the requirements of Chapter 15.336.09 of the Lyon County Code. This Finding is not met.

Should the Planning Commission wish to recommend approval or should the Board of County Commissioners ultimately wish to approve the project, however, staff has included a Condition of Approval to require a Line-of-Sight Study to ensure compliance with Lyon County Code 15.336.09.

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

**Applicant’s Response**

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

**Staff Comment**

With the exception of the initial construction phase, the proposed use will not generate vehicular traffic that cannot be accommodated by the existing, planned or conditioned roadway infrastructure. The CUP includes a condition of approval that would require the Applicant to enter into a road maintenance agreement with the County for maintenance and dust control of the right-of-way during the construction period of the project. As such, this finding is met.

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

**Applicant’s Response**

The proposed use requires NO roadway improvement, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to mitigate the development impacts. Development impacts would be mitigated through the grading permit.

**Staff Comment**

As noted in staff’s comment for Finding C, this Finding is met in the affirmative as the project would be required to enter into a road maintenance agreement during the construction period, to the satisfaction of the County.

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

**Applicant’s Response**

The proposed mitigation measures will address adverse effects including visual impacts and noise of proposed conditional use. No noise impacts are anticipated. Visual impacts are addressed in the proposed conditional use.

a. Currently there is a Railroad & State Park to the East of subject property.

b. To the West, South & East is similar industrial parcels.

c. The residential to the North of us, does not have any issues with solar panels, as you are aware, there are solar ground mounted panels at the Silver Springs Mutual Water Company.

d. Included with this CUP Application are photos of said Solar Panels already installed and in use bordering our property lines by the Silver Spring Mutual Water Company.

**Staff Comment**

The use of the proposed security fence to provide screening would not comply with the requirements for SECS per Lyon County Code and would introduce a visual impact rather than mitigate one. This Finding is not met.
Should the Planning Commission wish to recommend approval or should the Board of County Commissioners ultimately wish to approve the project, however, staff has included a Condition of Approval to require a Line-of-Sight Study to ensure compliance with Lyon County Code 15.336.09.

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

Applicant’s Response

The proposed conditional use allows development of the parcels with minimal water and sewer requirements. Proposed project currently has city water right with 2” main & sewer. Proposed project requires LITTLE to NO water or sewer use over and above the current use. This is a MAJOR saving to the Ground Water Basin that is over tacks already. Maintenance requirements are at the lowest level effecting the nearby parcels.

a. The Central Lyon County Fire Protection District & Silver Springs Volunteer Fire Department Station 32 will provide fire and emergency medical services.
b. Lyon County Sheriff’s Office has substation in Silver Springs and would provide law enforcement services.

Staff Comment

Staff’s review of the regulations as well as the responses from outside reviewing agencies indicate that the proposed use, as conditioned, would comply with County requirements intended to ensure adequate public facilities. However, as stated in the analysis of Finding A, the proposed project would not comply with the screening standards required for commercial solar facilities. This Finding is not met.

Should the Planning Commission wish to recommend approval or should the Board of County Commissioners ultimately wish to approve the project, however, staff has included a Condition of Approval to require a Line-of-Sight Study to ensure compliance with Lyon County Code 15.336.09.

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

Applicant’s Response

The proposed CU will not be materially detrimental to the public health, safety and well-being, and will not result in material damage or prejudice to other properties in the vicinity.

a. Public electrical supplies will be increased and made more reliable – see our attached agreement with NV Energy.
b. The installation of Solar RENEWABLE energy with a ZERO carbon emission is consistence with NV goal of 50% solar by 2030.
c. HWY 95A can accommodate traffic impacts.
d. Sewer and Water is already on site.
e. Dust and Weed control will be part of our maintenance
Staff Comment
The proposed project would be subject to building permit review, which would ensure that the project would not be materially detrimental to the health, safety, and welfare of the public. This Finding is met.

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.
CUP Detail Description / Narrative & Justification

Lyon County Code Section 15.336.09 Solar Generation, Commercial

1810 Lake Avenue
Silver Springs, NV 89429

For

11 Mega Watt Solar Array

Assessor’s Parcel Numbers

Dan & Julie Leach

018-432-02  3155 Beach Street  Solar Field
018-432-03  3265 Beach Street  Solar Field
018-432-05  1850 Lake Ave  Expansion Area
018-434-01  3255 Ramsey Street  Solar Field
018-434-02  3145 Ramsey Street  Solar Field

Landino Family Trust

018-434-03  1810 Lake Ave  Main Meter & Switch Gear

1 Preliminary Design Study Contract with Nevada Energy is attached. Further design engineering is pending.

2 Set back: Each commercial SECS array must be set back a minimum of one thousand five hundred feet (1500’) from the boundary of any Residential zoning district or be separated by a topographical feature of a height of sufficient to completely obstruct views of the commercial
SECS from a point sixteen (16) vertical feet above the of any residential zoning district if the horizontal distance between the nearest point of the array and a residential zoning district boundary is less than one thousand five hundred feet (1500’).

Components: All components of the commercial SECS must be set back from the property line boundary a minimum of thirty feet (30’).

Discussion: The subject proposal commercial solar array does not meet the one thousand five hundred feet (1500’) residential zoning district setback requirements. This conditional use permit application is made under the “or be separated by a sixteen foot (16’) topographical feature."

a. Option 1: The applicant proposes to excavate all the area within the boundaries of APN 018-432-02, 018-432-03, 018-434-01 and 018-432-02 to a depth of eight feet (8’) below the present grade excluding the required thirty feet (30’) set back boundary set back. The solar panels would be ground mount south facing with no more than six feet (6’) height. A berm eight feet (8’) in height would be constructed using excavated soil from the interior excavation. The eight feet (8’) high by thirty feet (30’) wide berm would be completed and planted with drought resistant native plants. With eight feet (8’) high security fence placed/installed on the top of the berm.

b. Option 2: A sixteen-foot (16’) security fence would be installed on the property lines.
Project Summary

Project includes solar power generation for modular data centers (which are buildings that house computer servers) constructed over phases one, two and three.

A CUP is necessary for Solar Generating System.

Findings for CUP - Chapter 15.230.06

A. The proposed use is consistent with the Master Plan by separation using a topographical feature.
B. The proposed SECS is compatible with the existing neighborhood and includes improvements and modifications, that makes the long term impacts minimal with respect to traffic, noise, odors or visual nuisances.
C. The proposed use will not generate vehicular traffic which cannot be accommodated by existing planned or conditioned roadway infrastructure.
D. The proposed use requires NO roadway improvement, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to mitigate the development impacts. Development impacts would be mitigated through the grading permit.
E. The proposed mitigation measures will address adverse effects including visual impacts and noise of proposed conditional use. No noise impacts are anticipated. Visual impacts are addressed in the proposed conditional use.
a. Currently there is a Railroad & State Park to the East of subject property.
b. To the West, South & East is similar industrial parcels.
c. The residential to the North of us, does not have any issues with solar panels, as you are aware, there are solar ground mounted panels at the Silver Springs Mutual Water Company.
d. Included with this CUP Application is the photos of said Solar Panels already installed and in use boarding our property lines by SSMWC.

F. The proposed conditional use allows development of the parcels with minimal water and sewer requirements. Proposed project currently has city water right with 2” main & sewer. Proposed project requires LITTLE to NO water or sewer use over and above the current use. This is a MAJOR saving to the Ground Water Basin that is over tacks already. Maintenance requirements are at the lowest level effecting the nearby parcels.

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b. The installation of Solar RENEWABLE energy with a ZERO carbon emission is consistence with NV goal of 50% solar by 2030.
c. HWY 95A can accommodate traffic impacts.
d. Sewer and Water is already on site.
e. Dust and Weed control will be part of our maintenance
80 Panel height (in.)
40 Panel Width (in.) **Bold Cells are Inputs**
22.22 panel area (ft.^2)
6.67 panel length (ft)
30 install angle (deg.)
5.77 horiz length, installed (ft)
3.33 vertical height, installed (ft)
5 Open space between each row of panels (ft)
0.588 Coverage ratio (length)
10.77 Length of panel + space between rows (ft)
106 Number of rows on property, <1200' (4x2 array blocks & 5 service aisles @ 12 ft/aisle)

3.33 panel width (ft)
107 # panels in a row (1 column width)
357.00 Width of column (ft)
12 Width of aisle (ft)
750.00 Array width w/ 2 array columns & 3 service aisles @ 12'/aisle (ft)
0.95 Coverage ratio (width)

750 Property width (ft) Per Google Maps
1200 Property length (ft) Per Google Maps
20.66 Area (acres)

22666 #panels on property
450 Power output per panel (W)
10.20 Total power output (MW)
Property outline w/ solar array (750' x 1200' - 20.7 Acres)

12' Access
Solar panels w/ spacing
CLOSEST BUILDING LENNOX BARN

MINIMUM DISTANCE PV PANELS ARE OUT OF SIGHT

339'

MAXIMUM DISTANCE BETWEEN ACROSS SOLAR FIELD (DIAGONAL)

1336'

SOLAR SITE ELEVATIONS
May 2, 2023

Re: Continuance of a Conditional Use Permit

Mr. Cariola,

I would like to Continue my Conditional Use Permit Planning Commission Hearing for file number PLZ-2023-008 to the June 13, 2023 Planning Commission hearing date.

Respectfully,

[Signature]

David Landino Sr.

President, Lahontan Nevada Holdings, LTD
May 2, 2023

Lyon County Planning Commission  
c/o Chairperson Audrey Allen  
27 South Main Street  
Yerington, NV 89447

RE: Lahontan Nevada Holdings, LTD, CUP application for a Commercial Solar Generation Facility (PLZ-2023-008)

Dear Ms. Allan,

The applicant for a Conditional Use Permit for a Commercial Solar Generation Facility in Silver Springs, David Landino Sr., has formally requested a one-month Continuance from staff for his Planning Commission hearing, scheduled for May 9, 2023. Staff is recommending that the Planning Commission grant that request to the June 13, 2023 meeting date.

The reason stated is that Mr. Landino was not able to attain a recommendation from the Silver Springs Advisory Board, despite being agenized and heard on May 1, 2023. He would like the opportunity to assemble answers for questions raised in their meeting and make a new presentation in June.

The file number is PLZ-2023-008. The item has already been published in accordance with Lyon County and Nevada regulations so will be included on the agenda for the Planning Commission’s May 9, 2023 agenda.

I will be available at the meeting to answer any questions. Thank you for your consideration.

Respectfully,

Louis Cariola  
Lyon County Community Development Director

Cc:  
File  
David Landino Sr. at dave@landinodrilling.com
Lyon County Planning Commission Agenda Summary

Meeting Date: May 9, 2023

Agenda Item Number:
15.a

Subject:
For Possible Action: Update on recent County Commissioner actions.

Summary:

Financial Department Comments:

Approved As To Legal Form:

County Manager Comments:

Recommendation:

ATTACHMENTS

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