LYON COUNTY PLANNING COMMISSION
TUESDAY, JUNE 13, 2023
9:00 AM
LYON COUNTY ADMINISTRATIVE COMPLEX
27 S. MAIN STREET
YERINGTON, NV 89447

Join Zoom Meeting
https://us02web.zoom.us/j/81479347441?pwd=MlBJZ0ZtaHJrNVdOVHkxam5ZNGJiQT09
Meeting ID: 814 7934 7441
Passcode: 950290
One tap mobile
+16699006833,,81479347441#,*950290# US (San Jose)
Dial by your location
+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 countyclerks@lyon-county.org, the day prior to the posted meeting date. Be sure to type, PUBLIC COMMENT or DOCUMENT REQUEST in the subject line.

Written public comments may also be mailed to the Lyon County Clerk-Treasurer's 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 Board meeting will be compiled and added as supplemental materials to the County's website and distributed to the Board of Equalization within 24 hours after the meeting.

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 of Action: Approval of Minutes

5.a. For Possible Action: To approve the minutes from the May 9, 2023 meeting.

6. Public Hearing Items

6.a. For Possible Action: CONTINUED FROM MAY 9, 2023-To forward a recommendation to the Board of Commissioners for the request of 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 and Ramsey Street in Silver Springs (APNs: 018-432-02/-03/-05, 018-434-01/-02/-03) PLZ-2023-208.

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

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

8. Public Lands Regular Agenda

9. Board Member Comments

10. Future Agenda Items

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

ADJOURN TO RECONVENE AS THE LYON COUNTY PLANNING COMMISSION

12. Staff Comments and Commissioner Comments

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

13. 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.

14. ADJOURNMENT

Pursuant to NRS 241.020, the agenda has been posted at the following locations: Lyon County Administrative Complex (27 S. Main Street, Yerington, NV), the Lyon County Website: https://www.lyon-county.org, and the State Website: https://notice.nv.gov. Supporting documentation for the items on the agenda is available to members of the public at the County Manager’s Office (27 S. Main Street, Yerington, NV), by phone (775)463-6531, or by email requests to countyclerks@lyon-county.org.

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

Persons with disabilities who require alternate means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency or USDA’s TARGET Center at (202) 720-2600 (voice and T) or contact USDA through the Federal Relay Service at (800)
To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found on-line at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410; Fax: (202) 690-7442; or Email: program.intake@usda.gov

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

Lyon County is an equal opportunity provider.

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

Meeting Date: June 13, 2023

Agenda Item Number: 5.a

Subject: For Possible Action: To approve the minutes from the May 9, 2023 meeting.

Recommendation:

Summary:

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

1. Roll Call

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

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

2. Pledge of Allegiance – Led by Commissioner Ewing

3. Public Participation – There was none

4. Review and Adoption of the Agenda

Commissioner Keating motioned to adopt the agenda with noted corrections. Commissioner Ewing seconded, the motion passed by a unanimous vote (7 Ayes; 0 Nay; 0 Abstentions)

5. For Possible Action: Approval of Minutes

5.a. For Possible Action: To approve the minutes from the April 11, 2023 meeting.

Commissioner Keating motioned to approve the minutes from the April 11, 2023, meeting as presented. Commissioner Jones seconded, the motion passed by a unanimous vote (7 Ayes; 0 Nay; 0 Abstentions)

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

7. Advisory Board Reports- There were Letters of Transmittal from The Dayton Regional Advisory Board for Agenda items 9.b. and 9.c. and from the Silver Springs Advisory Board for agenda item 9.a.

8. For Possible Action: Planning Process Presentation

8.a. For Possible Action: Presentation of the Planning Process

Community Development Director, Louis Cariola, gave a presentation explaining the basic Planning Process. He explained how Planning applications are processed from time of submittal to approval, the role of the Planning Commission and the Board of County Commissioners.

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 Land 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, 018-551-04, 018-552-01,018-552-02 & 018-552-03) PLZ-2023-005.

Community Development Director, Louis Cariola, gave a brief summary of the applicant’s request. Staff is recommending approval based on the recommended findings.

The applicant’s representative, Stacie Huggins of Wood Rodgers, Inc., explained the request to abandon a portion of Rhyolite Lane and a full abandonment of the utility easement on Deodar Street is so they can proceed with combining the parcels for future development. She also said the applicant’s request would not
have a negative impact on surrounding parcels. There will still be access to adjacent parcels, it will not negatively affect the ability to provide utilities to other property owners or the public and will not interfere with drainage of the subject parcels or adjacent parcels.

Commissioner Jones asked if the remaining access for Deodar Street is wide enough to accommodate two lanes of traffic. Louis Cariola responded the remaining access will be 30 feet wide and is sufficient for two lanes of traffic.

Commissioner Keating voiced concerns about creating flag lots with abandoning the access and asked how soon the applicant will be completing the Reversion to Acreage. Stacie Huggins said the applicant will move forward with that as soon as they get approval with this application.

Commissioner Carlson asked Ms. Huggins if she received a copy of the letter from the adjacent property owner expressing their concerns. She responded staff had given her a copy when she arrived and went on to say the applicant’s request will not affect the neighbor’s access.

Public Comment- There was none

Commissioner **Keating** motioned to forward a **recommend of approval for** the request from Microsoft Corporation for the Abandonment of a 60 feet wide access and utility easement known as Rhylolite Land 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, 018-551-04, 018-552-01, 018-552-02 & 018-552-03) PLZ-2023-005, based on the following findings:

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.

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

9.b. For Possible Action: 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.

Senior Planner, Bill Roth, presented the staff report. The Applicant’s request to replace two (2) existing buildings with one new building for office space requires a Conditional Use Permit based on the zoning designation. The proposed use is in conformance with the Master Plan and surrounding uses, and will not create any additional vehicular traffic.

The commissioners asked if the new meeting room would be available for the public to utilize and if the school district will have enough space since they will have less square footage than before.

Darrell Bluhm said he was not sure if the School District would allow the space to be rented out/utilized for public and or private organizations to use for a meeting space. He went on to say although the new building is smaller they relocated some of the things they were storing in the previous buildings so they should have plenty of room.

**Public Comment-** There was none

Commissioner **Ewing** motioned to forward a **recommendation of approval** 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 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 based on the recommended findings and subject to the seven (7) 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.**

Commissioner Sell seconded and the motion passed unanimously (7 Ayes; 0 Nay; 0 Abstentions).

**9.c.** For Possible Action: To forward a recommendation to the Board of Commissioners of the request 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.

Senior Planner, Bill Roth explained the applicant requested a continuance with no specified date.

Commissioner Keating motioned to approve the applicant’s request for a continuance of their request for a Conditional Use Permit 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, with no specified period in which the applicant wishes to bring the application back before the board.

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

**9.d.** For Possible Action: 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.

Senior Planner, Bill Roth explained the applicant requested a 30-day continuance due to concerns brought up by the Silver Springs Advisory Board.
Commissioner Keating motioned to approve the applicant’s request for a 30 day continuance of their request for Conditional Use Permit for a Commercial Solar Generation Facility on APNs 018-432-02/-03/-05, 018-434-01/-02/-03 - PLZ-2022-208. Commissioner Jones seconded and the motion passed unanimously (7 Ayes; 0 Nay; 0 Abstention) 

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, explained due to technical difficulty the May 4, 2023 Board of Commissioners meeting had to be canceled so all items on that agenda will be moved to the May 18, 2023 meeting. The two Planning Items on the agenda were a Code Amendment to amend zoning districts in which restricted and non-restricted gaming is allowed and the Blackcomb Conditional Use Permit application (PLZ-2022-213) that the Planning Commission heard in March. Mr. Cariola also said moving forward, Code Amendments will be presented to the Planning Commission to keep everyone updated on the changes being made to Title 15. 

16. Public Participation- There was none 
17. Adjournment 

At approximately 10:19 a.m. it was unanimously motioned to adjourn.

Audrey Allan, Chairwoman 

Shannon Juntunen, Administrative Assistant
Lyon County Planning Commission Agenda Summary

Meeting Date: June 13, 2023

Agenda Item Number: 6.a

Subject: For Possible Action: CONTINUED FROM MAY 9, 2023-To forward a recommendation to the Board of Commissioners for the request of 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 and Ramsey Street in Silver Springs (APNs: 018-432-02/-03/-05, 018-434-01/-02/-03) PLZ-2023-208.

Recommendation: 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 (APNs 018-432-02/-03/-05, 018-434-01/-02/-03), subject to the following Conditions of Approval PLZ-2022-208).

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).

Attachments:
Staff Report
Backup
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: June 13, 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:**

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 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.
CONDITIIONS 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 by 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).

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.

<table>
<thead>
<tr>
<th>Assessor’s Parcel Number</th>
<th>Acreage</th>
<th>Master Plan Land Use Designation</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Title 10</td>
</tr>
<tr>
<td>018-432-02</td>
<td>5.90</td>
<td>Industrial</td>
<td>M1</td>
</tr>
<tr>
<td>018-432-03</td>
<td>5.80</td>
<td>Industrial</td>
<td>M1</td>
</tr>
<tr>
<td>018-432-05</td>
<td>5.32</td>
<td>Industrial</td>
<td>M1</td>
</tr>
<tr>
<td>018-434-01</td>
<td>4.68</td>
<td>Industrial</td>
<td>M1</td>
</tr>
<tr>
<td>018-434-02</td>
<td>4.68</td>
<td>Industrial</td>
<td>M1</td>
</tr>
<tr>
<td>018-434-03</td>
<td>4.38</td>
<td>Industrial</td>
<td>M1</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>30.76 acres</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Topography
The elevation of the subject site increases gradually from approximately 4,170 feet in the northeast corner of the six-parcel site to approximately 4,200 feet 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.

![Site Photo 1](image1.jpg)
![Site Photo 2](image2.jpg)
![Site Photo 3](image3.jpg)
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

As shown in the Master Plan diagram below, the Master Plan designation is Industrial for all six of the subject parcels.

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>Description</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 images that follow are 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 images below to show Option 1.

![Solar Site Elevations Diagram](image-url)
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 meet the requirement.

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:

1. **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’).

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

4 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.
   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.

G. 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
Lyon County Planning Commission Agenda Summary

Meeting Date: June 13, 2023
Agenda Item Number: 12.a
Subject: For Possible Action: Update on recent County Commissioner actions.

Recommendation:

Summary:

Attachments: