SMITH VALLEY CITIZENS ADVISORY BOARD
Wednesday, July 5, 2023, 6:00PM
Smith Valley Justice Court
2 Day Lane, Smith, Nevada

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

Agenda

(Action will be taken on all items unless otherwise noted)
(No action will be taken on any item until it is properly agendized).

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

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

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

1. Call to Order - Chair Ted Stec
2. Roll Call: Determination of a Quorum
3. Pledge of Allegiance
4. Invocation

5. Public Participation (no action will be taken on any item until it is properly agendized) - It is anticipated that public participation will be held at this time, though it may be returned to at any time during the agenda. Citizens wishing to speak during public participation are asked to state their name for the record and will be limited to 3 minutes. The Board will conduct public comment after discussion of each agenda action item, but before the Board takes any action.

6. For Possible Action: Review and adoption of Agenda
7. For Possible Action: Approve Minutes of: June 7, 2023
8. Community Reports:
   a. County Commissioner – Dave Hockaday
   b. Planning Commission – Constantine Kuzmicki
   c. Sheriff’s Office Report – Cdr Ryan Powell (or designate)
   d. Fire Department Report – Chief Matt Nightingale (or designate)
e. Other Elected/Appointed officials of Smith Valley, Lyon County or State of Nevada


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

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

RECESS TO CONVENE AS THE SMITH VALLEY CEMETERY BOARD

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

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

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

15. Board Member Comments.


ADJOURN TO RECONVENE AS THE SMITH VALLEY ADVISORY BOARD

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

16. Board Member Comments.

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

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

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Lyon County is an equal opportunity provider. Agenda is Available at www.lyon-county.org
minutes

1. Call to Order - Chair Ted Stec
   The meeting was called to order by Chairman Stec at 6:00PM

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

3. Pledge of Allegiance
   Led by Tom Renner.

4. Invocation
   Led by Roger Rodarte.

5. Public Participation

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

6. For Possible Action: Review and adoption of Agenda

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

   The motion was then unanimously adopted.

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

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

   The motion was then unanimously adopted.

8. Community Reports:

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

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

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

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

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

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

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

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

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

Roger Rodarte - any word on Night in the Country being canceled? Dave Hockaday - Nothing has been decided yet, if action has to be taken it will be closer to the event.

Roger Rodarte and Dave Hockaday then discussed the potential need to shore up the road edges and protect the bridge in Wilson Canyon.

Tom Renner - Are there lessons we can take from the flood of 1997? Don Smith - any word on flow out of Desert Creek?

Dave Hockaday - repairing v. mitigation are two separate issues. Our approach is to repair (bring it back to what we had) and then have to
pursue funds for mitigation / improvement. It’s two separate processes.

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

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

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

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

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

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

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

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

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

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

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

   Jon Turner - nothing at this time

   Tom Renner - Hwy 208 project, need someone who can write a grant proposal for the US Government. TRE is in the process of doing the same thing. There are funds available to do what we are trying to do here (improve our roads between us and another rural community)

   Mark Jones - how many turn lanes requests?
Tom Renner: TRE = 3, three here (UC, LC, 208), and the passing lane going up Jack Wright Pass.

Roger Rodarte - nothing at this time

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

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

RECESS TO CONVENE AS THE SMITH VALLEY CEMETERY BOARD

11. Public Participation:
   none at this time

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

   See 14

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

   See 14


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

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

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

Tom Renner - amazing participation at the cleanup day.

**ADJOURN TO RECONVENE AS THE SMITH VALLEY ADVISORY BOARD**

16. Public Participation:

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

17. Board Member Comments.

none at this time

18. Adjourn.

motion to adjourn by Tom seconded by Wendy.

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

Date: 2023-05-15

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

RENG Project #
1-1546-01.044

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

Dear Lyon County,

PROJECT DESCRIPTION / JUSTIFICATION:

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

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

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

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

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

FINDINGS:

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

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

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

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

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

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

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

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

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

Other properties in the area have large accessory buildings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

ROBISON ENGINEERING COMPANY

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

Date: 2023-05-15

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

RENG Project #
1-1546-01.044

SUBJECT: Major Variance Application

Project Photos

![Project Photos]

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

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