LYON COUNTY PLANNING COMMISSION MEETING MINUTES

March 14, 2023

The March 14, 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 and Shawn Keating attended in person at the Lyon County Administrative Complex. Connie Kuzmicki and Greg Clausen were absent.

Attending staff: District Attorney, Steve Rye; Senior Planners Louis Cariola, and Bill Roth and Planning Technician, Kerry Page.


3. Public Participation – Andrew Haskin, County Manager introduced and welcomed Louis Cariola as our new Community Development Director.

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 (5 Ayes; 0 Nay; 2 Absent – Commissioners Clausen and Kuzmicki)

5. For Possible Action

5.a. For Possible Action: To elect a new Planning Commission Chair for 2023

Because Tammy Hendrix was previously appointed Chairwoman and subsequently appointed to the Board of County Commissioners, by Governor Lombardo, a new Chairperson needs to be appointed. Michael Carlson motioned to appoint Audrey Allan as Chair of the Planning Commission. Loretta Sell seconded and the motion passed by a unanimous vote of those members present (5 Ayes; 0 Nay; 2 Absent – Commissioners Clausen and Kuzmicki)

After the vote, Shawn Keating asked if a new Vice Chair and Secretary needed to be appointed at this time. Mrs. Allan said an item should be added to next month’s agenda to appoint those positions.

6. For Possible Action: Approval of Minutes

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

Commissioner Allan asked that a statement she had made at the February 14th meeting be added to the minutes for that meeting. She had said “Agenda packets for the February meeting only showed findings for approval with no alternative motions being offered in the staff reports, for continuance or denial. The Planning Commission members were reminded that they could vote for either of those alternatives but their vote would have to meet the stated findings and county regulations.”

Commissioner Sell motioned to approve the minutes from the February 14, 2023, meeting as amended. Commissioner Clausen seconded and the motion passed by a unanimous vote of those members present (5 Ayes; 0 Nay; 2 Absent – Commissioners Clausen and Kuzmicki)

7. Presentation and Reading of Miscellaneous Correspondence –

Commissioner Allan announced that Commissioner Greg Clausen had submitted a letter of resignation from the Planning Commission, effective immediately. This leaves two vacant positions on the Planning Commission.

8. Advisory Board Reports- Reports were received from the Silver Springs Advisory Board and the
Dayton Regional Advisory Board and both reports were included in the respective item packets. A report from Smith Valley Advisory Board was also received.

9 Public Hearing Items

9.a. For Possible Action: To approve a request from Welch 1998 Revocable Trust for a Tentative Parcel Map to subdivide an approximately 60.018-acre parcel into three (3) parcels, the smallest being 20.006 acres, located to the east of Blue Bird Way, approximately 1,320 feet to the south of the intersection of Blue Bird Way and Jessen Road in Smith Valley (APN 010-181-14) PLZ-2023-001.

Bill Roth, Senior Planner, presented the staff report. Mr. Roth stated that the Smith Valley Advisory Board had a concern about street names associated with this request and staff looked back and found a 2001 Parcel Map that identified Bluebird Way as a county roadway. He said that this request meets all county code requirements as to zoning and size restrictions. Each of these parcels will be on well and septic upon developments of the lots. There are no municipal services provided in the Smith Valley area.

Neither the property owner nor his representative were present at the meeting however Mr. Roth did speak with them to confirm that they have read the conditions of approval and agree with all of them.

There was no public participation on this request.

Commissioner Loretta Sell moved to approve the request for a Tentative Parcel Map to subdivide an approximately 60.018-acre parcel (APN 010-181-14), into three (3) parcels; located off of Blue Bird Way, in Wellington, based on the recommended findings and subject to the following 16 conditions of approval:

1. The developer shall comply with all Federal, State, County and special purpose district regulations.
2. Any future development will require connection to the public right-of-way and an encroachment permit from the Lyon County Roads Department will be required.
3. The developer shall make corrections of any engineering or drafting errors and other technical map corrections to the satisfaction of the County Engineer and Planning Director prior to submitting the final parcel map for recordation.
4. The developer 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.
5. The developer shall pay in full all property taxes through the end of the fiscal year (June 30) prior to recordation of the final parcel map.
6. The developer 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 developer 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 developer shall comply with Lyon County’s storm drainage guidelines (revised September 2018).
10. The developer shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 of the Lyon County Code.
11. The developer shall comply with the requirements of the Smith Valley Fire Protection District (SVFPD) including, but not limited to conformance with the 2018 editions of the International Fire Code.
Code (IFC) and International Wildland-Urban Interface Code (IWUIC) including the 2018 Northern Nevada Amendments to both the IFC and IWUIC as applicable to the satisfaction of the Smith Valley Fire Protection District.

12. 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.

13. The final parcel map will comply with the current Lyon County standards requiring a 7.5-foot public utility easement along the front property lines and 5-foot public utility easement along all side property lines for the proposed parcels prior to recordation.

14. 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 Smith Valley Fire Protection District.

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

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.

Shawn Keating seconded and the motion passed unanimously by a vote of those members present (5 Ayes; 0 Nay; 2 Absent – Commissioners Clausen and Kuzmicki).

9.b. For Possible: To forward a recommendation to the Board of Commissioners for a Zoning Map Amendment request from Microsoft Corporation to change the zoning on five (5) parcels comprising approximately 30.88 acres in Silver Springs from RVP (Recreational Vehicle Park District), MHP (Mobile Home Park District) and C-1 (Limited Commercial District) to NC (Neighborhood Commercial) in accordance with the existing Master Plan designation of Commercial (APNs: 018-551-03, 081-551-04, 018-552-01, 018-552-02, & 015-141-04) PLZ-2023-002.

Louis Cariola, Community Development Director, deferred to Stacy Huggins with Wood Rodgers, LLC, as applicant’s representative, to provide a presentation for this item. He did state that he is available for any questions relating to the staff report and added that staff was able to make all the findings and recommend approval.
Stacy Huggins, Wood Rodgers, representing Microsoft Corporation, stated that this zone change encompasses five parcels on the north side of highway 50 and will bring these parcels into conformance with the Commercial Master Plan designation. This zone change is to support future development by the Microsoft Corporation. She noted an earlier zone change approved for Microsoft on adjacent parcels. She added that any development of these parcels in the future will have to go through the appropriate Planning processes and meet all county code requirements.

Ms. Huggins provided a visual presentation of the general vicinity of the parcels and the proposed zoning. She added that this Neighborhood Commercial zoning designation will prove a smooth transition between the heavier industrial zoning to the immediate west and the commercial uses existing to the east. Any development of these parcels will have to provide a buffer to the residential uses to the north. This rezoning meets all required findings of the Master Plan.

There were no questions posed by the Planning Commission nor was there any public participation.

Commissioner Loretta Sell motioned to forward a *recommendation for approval* to the Board of County Commissioners of the request for a Zoning Map Amendment for the Microsoft Corporation, to change the zoning from RVP (Recreational Vehicle Park District) on APNs 018-552-01 & 018-552-02; MHP (Mobile Home Park District) on APNs 18-551-03 & 018-551-04; and C-1 (Limited Commercial District) on APN 015-141-04 to NC (Neighborhood Commercial) (PLZ-2023-002); based on the following findings:

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

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

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

Shawn Keating seconded and the motion **passed unanimously** by a vote of those members present (5 Ayes; 0 Nay; 2 Absent – Commissioners Clausen and Kuzmicki)

**9.c.** For Possible Action: (CONTINUED from the February 14, 2023) meeting-to forward a recommendation to the Board of Commissioners for a Conditional Use Permit request from Blackcomb Property Group, LLC to allow a Self-storage/RV Storage facility in the CC (Community Commercial) zoning district on one three-acre parcel generally located to the southwest of the intersection of Dayton Valley Road and Como Road, west of the Carson River and U.S. Highway 50, at 222 Dayton Valley Road in Dayton (APN 006-091-10) PLZ-2022-213.

Bill Roth, Senior Planner, presented the staff report. Mr. Roth provided a Power Point presentation of the project. He confirmed that the actual construction will be built outside of the floodplain area shown on the aerial. There is also shown, an existing irrigation ditch named the Baroni Ditch which will also be avoided at the time of construction. The applicant has stated that the facility will provide 104 RV/Boat storage spaces under solar canopies; no storage lockers will be located onsite as was previously proposed; and there will be no watchman’s quarters onsite. Entry to the facility will be handled electronically with cameras throughout the site and they proposing to have staff residing close by to assist customers with their needs and or additional security.

Mr. Roth showed on the site plan that there is a conflict with the existing crosswalk, which is regularly used by students in the area, and the location of the gate entry. This will have to be worked out with the applicant and the Road Director. The driveway may need to be moved or possibly reduced to two ingress/egress lanes. The benefits for having two entry lanes is to prevent any queueing of vehicles back onto Dayton Valley Road. He added that an approval condition to address this issue is included. He said that the applicant has agreed to install a left turn lane off of Dayton Valley Road into the facility, as requested by the Road Director.
Mr. Roth stated that the performance standards within the county code for this type of facility within the Community Commercial zoning district, does require a solid, block wall be constructed along the entire perimeter of the property, along with a landscape buffer along the roadway. The applicant is proposing to have some open fencing along parts of the perimeter and will include their justification during their presentation. He added that the project does comply with county code, as conditioned.

Dave Snelgrove, of CFA, Inc., introduced Robert Morani of Blackcomb Investments Group. Mr. Snelgrove explained the reason for the continuation from last month’s meeting. He said they removed the mini-storage component of the project which consisted of the storage lockers. They believe that by shifting the crosswalk to the south about 10’-15’ will mitigate the crosswalk issue but they will work with the Road Department to resolve that issue.

Mr. Snelgrove said the canopies will all have solar panels which will provide energy to the facility. He discussed the design of the landscape buffer required along the roadway frontage. Mr. Snelgrove explained that the solar canopies along the southerly line do not cover the entire space because there is a 20’ setback requirement from any residential uses and the adjoining property to the south is zoned residential. He then stated that the travel lanes through the facility and onsite parking requirements have all been met.

Mr. Snelgrove discussed the fencing requirements. He said they are proposing some open fencing around the facility as they feel the areas towards the rear and side portions of a solid block perimeter wall could become illegal dumping areas or places where some people may want to camp or reside. He feels that allowing open fencing in these “hidden” areas would prevent those problems. Mr. Snelgrove added that this parcel is within a 500 year floodplain area and having some open fencing would allow any flood water to flow through to the river. Mr. Snelgrove did state that if it is decided that open fencing is appropriate, the applicant is accepting of that too.

Robert Morani, Blackcomb Property Group, explained that his company is a family operated business and has been constructing storage facilities for about 25 years. This project is in response to a very observable need. There are a lot of upscale developments in the immediate area that do not allow, or provide space for people to store their RVs, etc. He spoke about the quality product that they provide to these communities and how these types of facilities have evolved over time with new security technology, among other things.

Audrey Allan said she appreciates the applicant’s efforts in complying with county codes but expressed concern with the possibility of the landscaping blocking the view of oncoming traffic when exiting the facility. Mr. Snelgrove explained that the vegetation has been designed so that this will not be an issue. Discussion followed.

Loretta Sell asked why the fencing is stopping short of the rear property line. Mr. Snelgrove said that they are fencing the usable property. Behind that fence/wall will be the Baroni Ditch and possibly a 15’ walking path along the river and not a part of the walled development. Mr. Morani acknowledged that they are okay with the fencing requirement. Shawn Keating feels that the applicant is asking the Planning Commission to make a decision, on record, about the design review, rather than letting staff do their job and working through certain issues at that point in the game, then possibly having to require them to apply for a variance. Mr. Keating suggested tabling this application until we get to that part of the process, being the Administrative Design Review. Mr. Snelgrove said he and the applicant would prefer to move forward with an approval subject to the stated conditions.

Louis Cariola stated that in July of 2022, the Board of County Commissioners, altered the county code regulating the performance standards for self-storage facilities. Staff had proposed a less rigid option for this code amendment however, the commissioners decided to include the requirement for a solid block wall in certain zoning districts. Mr. Cariola feels it is not appropriate to request a variance within a the Conditional Use Permit process based on LCC 15.230.02.A. Item B of the same code reference states that
the applicant is not precluded from applying for a variance concurrently. He applauded the applicant for his willingness to comply with the requirements. Discussion followed.

There were no further questions or public participation.

Loretta Sell motioned to forward a **recommendation for approval** to the Board of County Commissioners of the request by Blackcomb Property Group, LLC for a Conditional Use Permit to allow a Self-Storage/RV Storage Facility in the CC (Community Commercial) zoning district, located at 222 Dayton Valley Road, Dayton (APN 006-091-10), based on the recommended findings and subject to the following 25 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 Lyon County and the State of Nevada.

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

6. 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 Lyon County Road Department, or documentation that no new encroachment permit and/or improvement are required.

7. 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 Central Lyon County Fire Protection District.
   a. The Applicant shall coordinate with Lyon County Road Department and fund the creation of a left turn pocket on Dayton Valley Road to provide vehicular access to the subject property.
   b. The Applicant shall modify the site layout to comply with Central Lyon County Fire Protection District and Lyon County Code travel lane requirements, if deemed necessary and to the satisfaction of the Central Lyon County Fire Protection District and the Lyon County Planning Department.

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

9. 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.

10. The full perimeter of the facility shall be screened by a solid masonry wall, at a minimum height of six feet (6’), to ensure that equipment or materials stored on the site will not be visible from the street or adjacent parcels. The height, placement, construction, and materials associated with the perimeter screening are subject to Planning Department staff review. Layout and construction method shall be included on the building permit site plans.
11. The trees in the landscape buffer along the site’s Dayton Valley Road frontage shall be evergreen trees, to provide year-round screening.

12. The Applicant shall address security, cleaning, and maintenance needs in a timely fashion. An employee shall visit the site in-person at least twice a week to clean and maintain the property.

13. Customer access shall be limited to the hours of six o’clock (6:00) A.M. to ten o’clock (10:00) P.M. with extended hours allowed only at the discretion of the Community Development Director.

14. The project design must adhere to the Floodplain Development Standards of Chapter 800 of Title 15 for any development within Special Flood Hazard Areas.

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

16. Signage denoting that hazardous materials shall not be stored on site shall be placed at the entry gate and throughout the facility.

17. The applicant shall comply with the parking area design, layout, and landscaping requirements set forth in 15.401.04 of the Lyon County Code.

18. Off-street parking areas shall be used solely for automobile and recreational vehicle parking with no sales, storage of inoperable, unlicensed vehicles, repair work, dismantling or servicing work of any kind.

19. All vehicle stacking before the entry gate shall occur on-site, not on Dayton Valley Road. If vehicle stacking is observed to exceed the capacity of the on-site driveway, the Applicant shall be required to address the issue by one or more of the following methods, at the discretion and to the satisfaction of the Community Development Director and the Lyon County Road Department: staggering customer access times; relocating the entry gate and keypad; or other site or entryway modifications.

20. The facility shall be limited to a maximum 104 Recreational Vehicle/Boat spaces.

21. The applicant shall identify all easements and drainage systems that are located on the property. The applicant shall preserve all Baronie Drainage Ditch easements and accesses.

22. The applicant shall install a 15-feet wide trail along the rear of the property, east of the Carson River. The trail shall be surfaced with gravel, decomposed granite, or a similar material, to the satisfaction of the Planning Department. The Applicant shall show the trail on the plans submitted with the Building Permit application for this project.

23. The Applicant or suitable maintenance entity shall be responsible for maintenance of all roads, walks and drainage facilities within the development, as well as project-related storm water facilities, whether onsite or offsite, to the satisfaction of the Planning Department. Lyon County shall have no financial responsibility for maintenance of these facilities.

24. Water Rights - In addition to compliance with all other standards for granting applications for connections, the Applicant may be required to assign to the LCUD (Lyon County Utilities District) water rights acceptable to LCUD in sufficient quantity to support the project, if so determined by LCUD. Quantity requirements per Lyon County Bill No. 07-06, Ordinance 512, are provided in Title 9.03.05(S) of the Lyon County Code. Water rights must be dedicated to Lyon County and be in good standing, approved for point of diversion, place, and type of use by the Nevada State Division of Water Resources State Engineer. All applications, fees, and change of ownership documents, required by the State Engineer are the responsibility of the applicant.

25. 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 unless an extension is obtained in accordance with the provisions of 15.13.02 of the Lyon County Code.

Michael Carlson seconded and the motion **passed unanimously** by a vote of those members present (5 Ayes; 0 Nay; 2 Absent – Commissioners Clausen and Kuzmicki)

**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’s actions –Senior Planner, Louis Cariola, told the Planning Commission, that the next agenda will contain items to both fill the 2 vacancies on the commission and to appoint a Vice Chair and Secretary.

16. Public Participation- There was none
17. Adjournment

At approximately 10:13 a.m. it was unanimously motioned to adjourn.

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Audrey Allan, Vice-Chairwoman

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Kerry Page, Planning Technician