

LYON COUNTY PLANNING COMMISSION MEETING MINUTES
April 9, 2019

The April meeting of the Lyon County Planning Commission was called to order by Chairwoman Betty Retzer.

1. **Roll Call** – A quorum was established.
Members present: Betty Retzer, Leonard Lake, Tammy Hendrix, John Cassinelli, Mike Hardcastle, Harold Ritter and Audrey Allan. Attending staff present: Rob Pyzel, Planner, Tammy Kinsley, Planner, Shannon Juntunen, Administrative Assistant, Kerry Page, Planning Technician, Olga Walther, Deputy District Attorney, and County Manager, Jeff Page.
2. **Pledge of Allegiance** - Led by Harold Ritter
3. **Public Participation**- None
4. **Review and Adoption of Agenda** –
Commissioner Allan motioned to adopt the agenda as presented. Leonard Lake seconded, motion carries unanimously (7 ayes; 0 nay; 0 abstentions).
5. **Approval of minutes** – Commissioner Hardcastle motioned to approve minutes of the March 12, 2019 meeting as amended. John Cassinelli seconded, motion carries unanimously (7 ayes, 0 nay, 0 abstentions).
6. **Presentation and Reading of Miscellaneous Correspondence**-
None
7. **Advisory Board Reports**-
None
8. **Public Hearing Items**-
8.a. **(For Possible Action) 50 FORTUNE, LLC/ BEST DEVELOPMENT GROUP – TENTATIVE COMMERCIAL PARCEL MAP** - Request for a Tentative Parcel Map to divide a 6.98 total acre parcel into four (4) parcels for commercial development;

Planner, Tammy Kinsley, presented the staff report. Staff is in favor of the proposed parcel map, it is in compliance with the 2010 Comprehensive Master Plan and land use designation.

There were no questions from the Commissioners for staff or the applicant.

Applicant, Bill Miles, complimented staff and had nothing to add.

Commissioner Allan said she was happy to see the property being developed.

Karen Hardy, Dayton resident, addressed drainage/ flooding concerns, Cardelli ditch maintenance and who will be responsible for the maintenance. Stating ranchers should not be 100 % liable.

Planner, Rob Pyzel, stated the county is working with the owners and operators of the Cardelli ditch to create a maintenance agreement. Also, the property owners from the South side of US 50 to the Cardelli ditch are trying to find ways to get storm water produced from the North side across the ditch and in to the Carson River.

County Manger, Jeff Page, stated the county currently covers 60% of the maintenance costs for the ditch; a box culvert in place, storm drainage guidelines and flood plan should improve the flooding issue.

Applicant, Bill Miles, added he will be required to detain storm/flood water before it goes into the culvert, however, the flooding issues are due to lack of regional detention basin and previous design flaws. The county is currently working with surrounding property owners to create a regional detention basin.

Commissioner Lake motioned to **approve** the request of a tentative commercial parcel map for (APN 016-403-40), based on the recommended findings and 16 conditions. Mike Hardcastle seconded, the motion carries unanimously (7 ayes; 0 nay; 0 abstentions):

1. The applicant shall comply with all Federal, State, County and special purpose district regulations.
2. The applicant shall make corrections of any engineering or drafting errors and other technical map corrections to the satisfaction of the County Engineer and Planning Director prior to submitting the map for recordation.
3. The applicant shall pay the actual costs for County Engineer plan and map checking and County Inspector site improvement inspection fees, in accordance with the adopted County fee resolution in effect at the time, and provide proof of payment to the Planning Department prior to map recordation.
4. The applicant shall comply with Lyon County's 1996 drainage guidelines, as revised September 2018.
5. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 of the Lyon County Code.
6. The applicant shall comply with all applicable fire code requirements to the satisfaction of the Central Lyon County Fire Protection District.
7. 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.
8. The applicant shall provide documentation of the dedication or relinquishment of water rights necessary to insure an adequate water supply for commercial use of the newly created parcels prior to recordation of the final parcel map.
9. The applicant shall provide written evidence (i.e. 'will-serve' letters) demonstrating that the proposed parcels are able to be served by municipal sewer system prior to recordation of a final parcel map.
10. The final parcel map will comply with the current County public utility easement standards on all commercial parcels prior to recordation.
11. 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.

- 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.
12. The applicant shall pay in full all property taxes through the end of the fiscal year (June 30) and any applicable agricultural deferred taxes prior to recordation of the final parcel map.
 13. The applicant shall pay required recording fees at time of final parcel map recordation.
 14. Any further division may be subject to the imposition of subdivision improvement standards as may be legally imposed at the time. The applicant shall place a note to this effect on the final parcel map prior to recordation.
 15. Approval of the tentative parcel map shall not constitute acceptance of the Final parcel map. Approval of the tentative parcel map shall lapse unless a final parcel map based thereon is submitted within two (2) years from the date of such approval. No extension may be granted after receiving approval of the tentative parcel map.
 16. The applicant shall provide the parcel map to the Lyon County GIS Coordinator in form and format compatible with the County geographical information system (GIS). The scale of the site plan, improvements, monuments and other items shall be in model space correctly oriented to the coordinate system as established by the GIS Coordinator. Cover sheet and standard details need not be included.

Commissioner Allan motioned to hear Items 8.b. and 8.c. together and vote on them separately. Tammy Hendrix seconded, the motion carries unanimously (7 ayes; 0 nay; 0 abstentions).

- 8.b. **(For Possible Action) TRADITIONS VILLAGE 2 / STANLEY LUCAS – ZONE CHANGE** – Request to change the zoning from SR-12000 (Suburban Residential-12,000 sq. ft. min.); NR (Neighborhood Residential-4,500 sq. ft. min.); MFR (Multi Family Residential); & CC (Community Commercial) to an alternate configuration of SR-12000 (Suburban Residential-12,000 sq. ft. min.); SR-9000 (Suburban Residential-9,000 sq. ft. min.); MFR (Multi-Family Residential); CMU-S (Commercial Mixed Use-Suburban); and CC (Community Commercial), all on three (3) parcels totaling 210.93 acres; located west of the Traditions Parkway/Highway 50 intersection, Dayton, NV (APNs 16-406-08; 016-406-06; 016-401-93) PLZ-19-0013
- 8.c. **(For Possible Action) TRADITIONS VILLAGE 2 / STANLEY LUCAS – MERGER AND RESUBDIVISION TO A TENTATIVE SUBDIVISION MAP** - Request to combine three (3) existing parcels totaling 210.93 acres and subdivide a 101.02 acre portion into a 195 lot residential subdivision including four (4) remainder lots for future multi-family housing, commercial and common area development; located west of the Traditions Parkway/Highway 50 intersection, Dayton, NV (a portion of APNs 16-406-08 & 016-406-06 and all of 016-401-93) PLZ-19-0014

Planner, Tammy Kinsley, presented the staff report. Staff is in favor of both the requested zone change as well as merger and resubdivision to a tentative subdivision map based on the findings.

Commissioner Cassinelli had questions regarding Sutro tunnel road continuing. Mr. Pyzel responded that the road would not continue. There is pretty large storm drainage channel within that right of way that carries storm water from the North toward Hwy 50. Commissioner Cassinelli also asked about access to the Sutro Tunnel property. Planner, Rob Pyzel, explained there will be access through the existing subdivisions to the west of the project site as well through Traditions one.

Audrey Allan asked if condition # 2 was intended to be listed that way since the application was not submitted as a Planned Unit Development. Planner, Tammy Kinsley, said it was not and suggesting striking the first sentence.

Tammy Hendrix asked what the green areas indicated on the map were. Planner, Tammy Kinsley, responded the green areas will be designated common area and detention pond area.

Applicants' representative, Chris Baker, summarized project overview. Phase 2 is to re-entitle the previously disturbed portions of the Traditions project that were not realized prior to the down turn. Applicant reduced density by having minimum lot sizes of 9,000 sq. ft. up to 25,000 sq. ft. lots. Zone change is really just to clean up and bring the property into conformance with the master plan.

Discussion continued with Commissioner Hardcastle asking if the applicant had read and understands all conditions of approval. Applicants' representative responded they had and do. Betty Retzer asked about fencing, NDOT requirements and the infrastructure of Village 1 being tested.

Dayton residents, George Morse and Karen Hardy, expressed concerns about retention/drainage issues. George Morse pointed out the current retention basins and dirt work did not work for a major event in the past. Applicants' representative, Chris Baker, explained the reason there were issues with flooding previously because the previous design of the facilities was not completed. Upon redesign and completion, it should alleviate the issue.

Commissioner Hardcastle motioned to **recommend approval** of the request for a zone change for APNs 16-406-06; 016-406-08; and 016-401-93, based on the recommended findings. Harold Ritter seconded, the motion carries unanimously (7 ayes; 0 nay; 0 abstentions):

- A. That the proposed amendment is consistent with the policies embodied in the adopted master plan and the underlying land use designation contained in the land use plan;
- B. That the proposed amendment will not be inconsistent with the adequate public facilities policies contained in this title;
- C. That the proposed amendment is compatible with the actual or master planned adjacent uses.

Commissioner Hardcastle motioned to **recommend approval** of the request of a merger and resubdivision to a tentative subdivision map for APNs 16-406-06, 016-406-08 and 016-401-93, amending condition A.2, based on the recommended findings and conditions. Leonard Lake seconded, the motion carries unanimously (7 ayes; 0 nay; 0 abstentions)

Planner, Rob Pyzel, states that condition A.2 cannot be amended, due to Title 15.

A second motion to rescind the previous motion was made by Commissioner Lake, Tammy Hendrix seconded, motion carries unanimously (7 ayes; 0 nay; 0 abstentions).

Third motion was made by Mike Hardcastle to **recommend approval** of the request of a merger and resubdivision to a tentative subdivision map for APNs 16-406-06, 016-406-08 and 016-401-93, based on the recommended findings and following conditions. Leonard Lake seconded, motion carries unanimously (7 ayes; 0 nay; 0 abstentions)

- A. The commission, in making its recommendation, and the board, in rendering a decision on the tentative subdivision map, shall base their decision on the requirements of NRS and make affirmative findings on the following factors, taking into account the recommendations of reviewing agencies:
1. The property to be subdivided is zoned for the intended uses and the density and design of the subdivision conforms to the requirements of the zoning regulations contained in this code;
 2. If located within a planned unit development, the tentative subdivision map conforms to the density requirements, lot dimension standards and other design standards regulations approved for the planned unit development;
 3. The tentative subdivision map conforms to public facilities and improvement standards contained in the development code;
 4. The tentative subdivision map conforms to the improvement and design standards contained in the development code and adopted design criteria and improvement standards;
 5. If applicable, that a phasing plan has been submitted and is deemed acceptable;
 6. There are no delinquent taxes or assessments on the land to be subdivided, as certified by the county treasurer;
 7. The project complies with all environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
 8. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;
 9. There is adequate access and availability to public services such as schools, police protection, transportation, recreation and parks;
 10. The project is in general conformity with the Lyon County Comprehensive Master Plan, the local community plan, if adopted, and the master plan of streets and highways;
 11. The project will have no adverse impacts, or provides adequate mitigation of adverse impacts, to existing public streets;
 12. The physical characteristics of the land such as floodplain, slope and soil have been considered and provisions to adequately mitigate adverse impacts of development on the environment have been incorporated;
 13. The project demonstrates availability and accessibility of fire protection services, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.

Based on the aforementioned findings, the Lyon County Planning Commission recommends approval of the request for a Merger and Resubdivision to a Tentative Subdivision Map for Traditions Village 2 Subdivision in Dayton, NV as identified on Assessor Parcel Maps 016-406-06, 016-406-08 and 016-401-93 (PLZ-19-0014) subject to the following 28 Conditions of Approval:

1. Approval of the tentative map shall not constitute acceptance of the final map. Approval of the tentative map shall lapse unless a final map based thereon is presented to the Board of Commissioners **within four (4) years from the date of such approval**, unless a provision for an extension of time has been granted. The Board of County Commissioners, with the recommendation of the Community Development Department, may grant to the developer a single extension of not more than two (2) years within which to record a final map after receiving approval of the tentative map.
2. The applicant shall comply with all Federal, State, County and special purpose district regulations.
3. The developer shall provide the proposed Covenants, Conditions and Restrictions ("CC&Rs"), landscape maintenance association/homeowners association agreements, easements and/or other legal instruments containing sufficient detail to constitute enforceable provisions necessary for operation and maintenance by the developer and his successors, and assignees as well as the individual subdivision lot property owners as the project is subdivided and the individual lots sold for all common areas and storm drainage facilities (easements, channels and basins) as well as any associated landscaping within the common open space lots and storm drainage facilities and other provisions necessary for the subdivision as approved, for review by the Community Development Director, the Utilities Director, the County Engineer and District Attorney's Office. The approved legal instrument shall be signed and recorded prior to approval of a final map or first in a series of final maps for the project.
4. The applicant shall submit and receive approval of a street-naming application prior to submittal of an application for a final map or first in a series of final maps. Should any requested street name(s) be denied, the Community Development Director is authorized to administratively process a request for a replacement street name(s), obtain review and comment from the fire district with jurisdiction, Road Department and any other appropriate agency, and approve a revised street name(s) without the requirement of a public hearing before the Planning Commission.
5. A phasing plan must be submitted prior to the recordation of the first final map if the development is to be phased.
6. All property taxes must be paid in full through the end of the fiscal year (June 30) and any applicable agricultural deferred taxes shall be paid in full prior to recordation of any final map.
7. The applicant shall comply with the final subdivision map requirements as prescribed by NRS 278 and Title 15 of the Lyon County Code.
8. Required recording fees to be paid at time of recording map.
9. No lot shall be offered for sale or sold until the final subdivision map has been approved and recorded.
10. No building permits shall be accepted for processing until a final subdivision map has been approved and recorded.
11. The applicant shall make corrections of any engineering or drafting errors and other technical map corrections to the satisfaction of the County Engineer and Community Development Director prior to submitting the final subdivision map for recordation.

12. The applicant shall pay the actual costs for County Engineer plan and map checking and County Inspector site improvement inspection fees, in accordance with the adopted County fee resolution in effect at the time, and provide proof of payment to the Community Development Department prior to final subdivision map recordation.
13. The applicant shall provide written evidence (i.e. 'will-serve' letters) demonstrating that the proposed parcels are able to be served by municipal water and sewer systems, natural gas, electricity, cable television, and telecommunications prior to recordation of a final subdivision map or first in a series of final maps for this project.
14. The applicant shall provide the final subdivision map to the Lyon County GIS Coordinator in form and format compatible with the County geographical information system (GIS). 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.
15. The applicant shall comply with County requirements, in accordance with Title 15.234 of the Lyon County Code, mandating that a site improvement permit(s) be obtained for any site development work prior to any disturbance occurring on the subject site. The grading permit application shall also include documentation of approval of a Stormwater Pollution Prevention Plan ("SWPPP") with the Nevada Department of Environmental Protection (NDEP).
16. The applicant shall obtain any required Air Quality Permit(s) from the (NDEP) and apply appropriate dust abatement processes as part of the development construction prior to any disturbance on the site.
17. The improvements required by the terms of Title 15 of the Lyon County Code shall be inspected by the County as the work progresses. Such improvements shall not be started until the inspection fee, required as a prerequisite to the filing of the final map, has been paid.
18. Prior to any construction of improvements, a preconstruction conference shall be held between the contractor/developer and the appropriate County inspection personnel.
19. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 of the Lyon County Code, including, but not limited to:
 - a. The developer shall construct Traditions Parkway and Nevada Station Parkway from Highway 50 to the project site as part of the final map or first in a series of final maps for the project. Initial improvements shall at a minimum consist of two travel lanes in each direction within the two street rights-of-way to the approval of the County Engineer, the Road Superintendent the Central Lyon County Fire Protection District ("CLCFPD") Fire Chief. If the project is developed in phases, then as the successive final maps are submitted, the Traditions Parkway and Nevada Station Parkway shall be expanded to accommodate the additional traffic from construction workers and residents of the project to the approval of the County Engineer, Road Superintendent and CLCFPD Fire Chief.
 - b. Access onto Nevada Station Parkway shall be barricaded to prevent public use until the Road Superintendent determines the improvements to proposed Rock Creek Parkway, Nevada Station Parkway and Traditions Parkway are sufficiently complete to allow access to the public through to the Traditions Village 1 Subdivision to the west of Traditions Village 2.

- c. The developer shall obtain all necessary encroachment permits and approvals, as well as coordinate and comply with the requirements of the Roads Department;
 - d. The developer shall design the street alignments in compliance with AASHTO standards to the approval of the Road Superintendent;
 - e. The developer shall install all required signage, striping and traffic control improvements in compliance with Nevada Department of Transportation and Lyon County requirements;
 - f. Street name signage shall be installed.
 - g. The developer shall install street lighting in compliance with the requirements of the Roads Department;
 - h. The developer shall submit a detailed geotechnical report with the final map(s) for the project that includes roadway structural sections and the structural section calculations demonstrating that the proposed structural section is adequate to support the weight of the anticipated traffic;
 - i. The developer shall provide a slurry seal onto the streets and roadways in compliance with the current County standards every five (5) years from the date of installation of asphalt concrete paving of the subdivision's streets and roadways until such time as the subdivision is 90% completed and the County accepts the offer for dedication for the rights-of-way for all streets and roadways within the subdivision; and
 - j. The developer shall make a perpetual offer of dedication for the right-of-way for all streets and roadways within the proposed subdivision. The County rejects the offer of dedication at this time and will not accept the offer of dedication until at least 90% of the lots within the respective unit have been developed, the improvements are inspected and approved by the County, and the County accepts the improvements for maintenance.
 - k. The developer shall install Type 3 barriers and cattle guards at the terminus of all streets that terminate at the boundaries of the subject site and vacant undeveloped lands to the satisfaction of the Road Superintendent;
20. The applicant shall comply with Lyon County's 1996 drainage guidelines (as revised 2018). The applicant shall demonstrate that the proposed drainage facilities will comply with the Lyon County Drainage Requirements to the satisfaction of the County Engineer and Utilities Department Director prior to recordation of the final subdivision map. Major drainage facilities shall be constructed in the first phase of development and each phase of building development shall have drainage improvements that tie into the major facilities and function without dependency on improvements in future phases of development.
- a. The developer shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director and the Community Development Director that provisions for maintenance and continued operation of the stormwater system have been developed and put in place prior to approval of a final subdivision map or first in a series of final maps for this project.
 - b. The applicant shall provide documentation that easements have been recorded to permit discharge of project generated stormwater to all off-site properties receiving stormwater discharges prior to recordation of a final subdivision map or first in a series of final maps for this project.
 - c. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director, and the Community Development Director that facilities necessary to protect source water from potential stormwater contamination have been

- designed and will be installed prior to approval of a final subdivision map or first in a series of final maps for this project.
- d. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director, and the Community Development Director that facilities necessary for the treatment of stormwater prior to discharge have been designed and installed prior to approval of a final subdivision map or the first in a series of final maps for this project.
 - e. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director and the Community Development Director that provisions for maintenance and continued operation of the stormwater system have been developed and put in place prior to approval of a final subdivision map or first in a series of final maps for this project.
 - f. Debris grates are required at the pipe inlets of the retention/detention basins.
21. The applicant shall complete any and all required development improvements and facilities to the satisfaction of the Community Development Director, County Engineer, Road Director, Utilities Director, Building Official, CLCFPD or other authorized County personnel, as applicable, or an appropriate security must be provided and approved prior to recordation of a final subdivision map or first in a series of final maps for this project. There may be temporary restrictions to obtaining building permits even with an acceptable security instrument depending on the County's approval of the various systems. All facility construction shall be completed and inspected to the Building Official's satisfaction prior to the issuance of a Certificate of Occupancy will be allowed in any single family residence for this project.
 22. The applicant shall comply with all applicable building and fire code requirements.
 23. The water system must meet the requirements of the Lyon County Utilities Department and CLCFPD and be constructed in accordance with the following:
 - a. The location of fire hydrants shall be determined by the CLCFPD Fire Chief or their designee.
 - b. A minimum required fire flow is required for each fire hydrant as directed by the CLCFPD Fire Chief or their designee.
 - c. Prior to any combustible materials being brought on site the following shall occur:
 - d. All required fire hydrants are to be installed and fully operating.
 24. The applicant shall meet the requirements of NDOT as per the comments received April 1, 2019.
 25. Distinct and legible "temporary" addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.
 26. The applicant will maintain the property until the development is complete. This maintenance will include the semi-annual mowing of all weeds within the development boundaries and the removal of noxious weeds when they are identified.
 27. The applicant shall post and maintain a rules and regulations sign at the entryways to the property until it is fully developed. The signs shall be intended for the subcontractors performing work and shall include:
 - a. No loud music;
 - b. No alcohol or drugs;

- c. Dispose of personal trash and site debris;
 - d. Clean up any mud and or dirt that is deposited from the construction parcels onto the streets; and
 - e. No burning of construction or other debris on the property.
28. All debris on construction sites must be contained and removed periodically as required for safety and cleanliness to the satisfaction of the Lyon County Community Development Department.

8.d. (For Possible Action) TIGER PRESERVATION CENTER OF NEVADA / RINGO, ROBERT & BONNIE – CONDITIONAL USE PERMIT - Request for a Conditional Use Permit to operate a rescue facility for the rehabilitation of exotic and indigenous animal species; located at 150 Bowman Lane, Yerington, NV (APN 014-181-25) PLZ-19-0016

Planner Rob Pyzel, presented the staff report. Mr. Pyzel stated staff was previously recommending approval of the application however due to additional information received by staff they are recommending denial of the request for a Conditional Use Permit to operate a rescue facility for the rehabilitation of exotic and indigenous animal species.

Commissioner Allan voiced concerns regarding what happens to the animals after they are rehabilitated and the possibility of breeding. Commissioner Hardcastle also expressed concerns about breeding and sale of the animals. Johan Cassinelli asked about provisions for inspections by the county, and if so what department would be handling them. Mr. Pyzel stated USDA, Nevada Department of Wildlife and Lyon County Animal Control will do regular inspections and have guidelines they must abide by.

County Manager, Jeff Page, spoke about a number of concerns: location of proposed facility being so close to residents and agriculture, lack of feedback from Department of Wildlife and Mason Valley Fire. In the event of a wildfire, are they prepared to deal with evacuation of these types of animals, emergency or possible escape. Mr. Page also referenced the negative interaction the county had with a previous Tiger facility which ended up in court and most of the animals being moved as a result of that. He recommended denial or tabling the request until further information and process has been addressed.

Mr. Pyzel stated staff had been in contact with Josephine County, Oregon, in regards to the applicants' current operation. With that, staff received information regarding ongoing legal action regarding the applicants fundraising actions. There is an ongoing Department of Justice Civil Enforcement Department Action on going. Staff is recommending denial in an effort to avoid being put in the same position as Josephine County.

Discussion continued with Betty Retzer voicing concerns about breeding/cross breeding, why the applicants chose to relocate, reasoning behind operating in so many states over the years, indigenous animals, what that means, and lack of details regarding their emergency plan. Commissioner Retzer also pointed out that in the design criteria calls for special reinforcement on top of the fencing, yet did not see any such thing in the pictures provided. Commissioner Ritter also had concerns about what happens to the animals once they are rehabilitated, are they sold? Audrey Allan asked about current USDA inspection reports and how to obtain them. Commissioner Allan also asked the representative how long they had been in Oregon.

Applicant, Bonney Ringo, began by stating they had been operating in Oregon since 1995, the information provided by Josephine County indicating legal actions against the applicants was not against them personally but their fundraising group. Their main focus is rehabilitation, they do not breed or sell the animals. In 20 + years, they have not had any injuries or animals escape. Their enclosures are superior to that of the existing Tiger preserve in Lyon County and meet all requirements set forth by the USDA. Mrs. Ringo also gave Commissioner Allan the I.D. number to look up current USDA inspection reports and responded they had been in Oregon since 1995. Applicant expressed frustration regarding lack of information provided by the county regarding conditions and process of obtaining a Conditional Use Permit. She also went on to say the county's requirements for enclosures and fencing are inadequate, that if laws are put into place they should be enforced whether the facility was preexisting or not.

Commissioner Allan asked the applicant if they have current USDA inspection reports and if they had been submitted to staff. The applicant responded there are current USDA reports but they were not requested by staff. Mrs. Ringo gave the Commission their USDA number to reference (92-C-0078).

County Manager, Jeff Page, addressed the applicants' concerns regarding the existing Tiger preserve. Stating it was established prior to code and ordinance being adopted regulating such establishments and is not retroactive. They have regular USDA inspections, have been issued citations and dealt with in court. Most of the cats have been moved to Southern Nevada.

Local resident and rancher, Bryson Masini, voiced concerns regarding these animals being so close to their feed lot, the impact on natural resources, fish and wildlife, livestock and young children and public safety in the event one of them getting loose.

Local resident and rancher, John Snider expressed safety concerns with having this type of operation so close to sheep, cattle, employees and residents in the area.

Jennifer Scott, local real-estate agent, spoke to the Commission expressing what a difficult time the applicants have had through the entire process. She stated the applicant had been given inaccurate information regarding process, procedure, expectations and possible outcome. She went on to say the county should have done a better job of providing complete, accurate information.

Judy Hellwinkle, local resident, expressed concern about the type of use the Conditional Use Permit is requesting. She pointed out this area is designated Agriculture by the Master Plan and zoned Rural Residential, the requested use goes against both. Major concerns regarding proximity to livestock, agriculture and residential areas, lack of detail depicting maximum number of animals to be on site, emergency evacuation plans and enclosure construction.

Dan Deleporto, local resident, expressed concern about animals escaping and the threat to nearby livestock and residents. Not in support of this facility. Mr. Deleporto also wanted to know why he was not notified as his neighbors were. He stated he lives approximately 2 miles from the proposed facility site.

David Sceirine, local resident and rancher, expressed concerns about easement access along the proposed property used by rancher/farmers and how this may affect the way the animals are kept and easements are utilized.

Ed Moreda, local resident, said he was worried about animals getting out. These big animals are predators and having livestock, ditch riders/ irrigators and local residents nearby is dangerous. Not in support of this facility.

Ed Stockton, local resident, expressed concerns about animals escaping and the danger that could put the ditch riders/irrigators, local residents and livestock in. This area is not suited for what the applicant is requesting to do.

Lance Moffitt, local resident, said his main concern is what the applicant plans to do in the event of a wildfire. How will they evacuate the animals, no access for fire department or other big trucks?

Planner, Rob Pyzel, responded to Mr. Deleportos concern about not receiving notice of the application and meeting. Explaining by statute the county only needs to notify all property owners within 300 ft. of the proposed sight. If you did not receive a public notice, it was because you didn't fall within the specified area.

Commissioner Hardcastle motioned to **recommend denial** of the request for a Conditional Use Permit to operate a rescue facility for the rehabilitation of exotic and indigenous animal species; located at 150 Bowman Lane, Yerington, NV (APN 014-181-25) PLZ-19-0016, based on the recommended findings. Audrey Allan seconded, motion carries unanimously (7 ayes; 0 nay; 0 abstentions):

- A. Will be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is incompatible with and detrimental to the character and integrity of adjacent development and neighborhoods, nor has the applicant proposed mitigation of adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity related to the proposed project.
- B. Will be detrimental to the public health, safety, convenience and welfare; and
- C. Will result in material damage or prejudice to other property in the vicinity.

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

9. Public Participation

None

10. Action Items –

10.a. Discussion and possible action regarding the annual review of the Lyon County Public Lands Policy with comments and recommendations to be forwarded to the Board of Commissioners

Commissioner Retzer asked if Staff received feedback from the Commissioners on Public Lands Policy. Planner, Rob Pyzel, said he had not. County Manager, Jeff Page stated the Board of Commissioners are working on a tentative budget to approve funding to have RCI review the Public Lands Policy and make recommendations back to the various advisory boards, the Planning Commission and eventually Board of Commissioners, to bring it up to date and in

compliance with county, state and federal regulations. Planning Commission shouldn't expect to hear anything back until July.

11. Board Member Comments

None

12. Future Agenda Items

None

13. Public Participation

None

ADJOURN TO RECONVENE AS THE LYON COUNTY PLANNING COMMISSION

14. Staff Comments and Commissioner Comments-

Planner, Tammy Kinsley, updated Planning Commission on the Dayton Pioneer, LLC Master Plan Amendment and Zone change application heard at the April 4, 2019 Board of Commissioners meeting. Both applications were approved. County Manager, Jeff Page, said the Board of County Commissioners approved a tentative budget to fund the review and revision of the 2010 Master Plan as well as fund a study and plan to address natural resources and open land in Lyon County. Trying to keep it separate from the Master Plan to make it easier for applicants to do master plan amendments. RCI will more than likely be contracted to review both the Public Lands Policy as well as the Open Space Policy. The Master Plan review will consist of 10 public meeting throughout the county, 3 workshops with the community, 2 Planning Commission Meetings and 2 Board of Commissioners' meetings. With the major focus being on density issues, infrastructure and utilities. Hoping to have it done by the summer of 2020. Tammy Hendrix asked about the sewer situation in Dayton. Jeff Page, County Manager, said the county is in the process of negotiations with a property owner to install a rapid infiltration basin system in to pump the effluent off. Currently, the county pumps off about a million gallons a day and are at capacity. South Plant waste water treatment plant is being tested. If the county cannot secure property for effluent of South Plant, no further development is possible in Dayton. Looking for revenue to update and improve system and expand Dayton utilities. If all goes well, additional sewage capacity should be available in 3-5 years.

Audrey Allan commented she was happy to see that Traditions was planning to have a park integrated in to their design and spoke to the importance of having places for children to play without the county being responsible for maintenance. She also asked staff when the Commission would be getting a hard copy of Title 15. Planner, Rob Pyzel, stated staff was working on it. Betty Retzer asked staff if Dave Burketta could come do a presentation regarding utilities. Planner, Rob Pyzel, said he'd get in touch with Dave.

15. Public Participation-

None

Adjournment

At approximately 10:57 a.m. it was unanimously motioned that the meeting be adjourned.

Betty Retzer, Chairperson

Shannon Juntunen, Administrative Assistant