

# LYON COUNTY PLANNING COMMISSION MEETING MINUTES

May 11, 2021

The May 11, 2021 meeting of the Lyon County Planning Commission was called to order by Chairwoman, Audrey Allan at 9:00 a.m.

## 1. Roll Call –

Members present: Commissioners Allan, Hendrix and Sell attended in Yerington at 27 South Main St. Commissioners Cassinelli, Keating and Carlson attended by zoom.

**Attending staff present:** Senior Planner; Rob Pyzel, Yuliya Davidzenka, Deputy District Attorney attended via zoom. Jeff Page, County Manager, Louis Cariola, Senior Planner, Shannon Juntunen, Administrative Assistant and Kerry Page, Planning Technician, attended in Yerington at 27 South Main St.

## 2. Pledge of Allegiance – Led by Commissioner Hendrix

## 3. Public Participation- Jeff Page, County Manager introduced Louis Cariola, the new Senior Planner for the Lyon County Planning Department.

## 4. Review and Adoption of the Agenda

Commissioner Sell motioned to adopt the agenda as presented.

Commissioner Hendrix **seconded**, motion passes (6 Ayes; 0 Nay; 0 Abstentions)

## 5. Approval of minutes

Commissioner Sell motioned to approve the minutes from the **April 11, 2021**

Commissioner Hendrix, seconded the motion passes (6 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 – Thunder-Carry, LLC – Conditional Use Permit** – Request to allow a recreational marijuana retail sales facility within an existing building on a 0.92 acre parcel zoned CC (Community Commercial) located at 10115 US 50, Mound House, NV (APN: 016-242-16) (PLZ-2021-035).

Planner, Rob Pyzel presented the staff report. The applicant's request for a Conditional Use Permit to allow for a recreational marijuana retail sales facility is in conformance with the Master Plan and an allowable use within the Community Commercial Zoning designation. Staff is recommending approval.

Commissioner Keating asked if there would be any extracting or cultivating performed at the proposed facility or if it was strictly going to be retail sales. Planner, Rob Pyzel, responded the applicant is proposing strictly retail sales at this time.

Commissioner Cassinelli asked where the main access will be, off Kit Kat or Highway 50. Rob responded that either could be utilized. NDOT was sent the applicant information and did not forward any comments or concerns. However, the applicant will have to apply for an encroachment permit with NDOT, any concern or conditions they feel need to be met will be addressed at that point.

The Planning Commission did not have any questions for the applicant.

**Commissioner Sell** moved to forward a recommendation of **approval** to the Lyon County Board of Commissioners to allow a recreational marijuana retail sales facility within an existing building on a

0.92 acre parcel zoned CC (Community Commercial) located at 10115 US 50, Mound House, NV (APN: 016-242-16) (PLZ-2021-035). Based on the following conditions of approval:

1. The commercial retail sales marijuana facility shall be constructed in accordance with the conceptual site plan and construction drawings as submitted and reviewed as a part of this application. Any further expansion of the business enterprise will require modification of this conditional use permit or an additional conditional use permit, and/or other approvals.
2. No change in the terms and conditions of the conditional use permit, 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.
3. Any modification, expansion, intensification or material change in use or operation shall require an application for, and public hearings on an amendment to the Conditional Use Permit use pursuant to Lyon County Code.
4. The applicant shall comply with all state, federal and local government regulations to the satisfaction of the appropriate agencies for the proposed commercial retail sales marijuana facility.
5. The applicant shall comply with all applicable Fire, building, zoning and improvement code requirements and obtain any necessary public inspections.
6. All construction documents and separate applications must be submitted to Lyon County Utilities, Central Lyon Fire Protection District and Lyon County Building for review and approval to obtain a Building Permit.
7. All contractors doing any construction, modifications, or remodel must be licensed in the State of Nevada.
8. The applicant shall maintain a Lyon County business license for the use while occupying the site.
9. No other business except that covered under this conditional use permit will be allowed on the property without prior consultation with Lyon County Community Development staff.
10. The applicant shall comply with the requirements of the Nevada Department of Transportation (“NDOT”) for ingress/egress improvements to US HWY 50 for access to the subject site. NDOT requires the use of only legal, permitted accesses onto State roadways, this includes establishing a new NDOT occupancy permit for an existing driveway whenever there is a change in ownership or use of the property. As a result, the project should be required to obtain an occupancy permit from NDOT to determine the impact of the proposed project to the State Highway System and any required mitigation. This process may include a submittal of a traffic impact study.
11. All work proposed within or adjacent to the US 50 right-of-way must comply with NDOT’s Standard Plans Terms and Conditions Relating to Right-of-way Occupancy Permits, and Drainage Manual (current version at the time of application). Please contact the NDOT District II Permits Office at (775) 834-8330 for information about obtaining NDOT Occupancy Permits.
12. If the applicant is proposing to utilize Kit Kat Drive to access the back side of the building, the applicant will be required to secure an encroachment permit and construct a paved/concrete approach onto Kit Kat Drive from the Lyon County Road & Fleet Department.
13. The applicant shall submit for review and approval by the Lyon County Sheriff’s Department a safety plan (as required by Nevada Revised Statutes). The applicant shall present documentation to the Lyon County Community Development Department that the safety plan has been submitted, reviewed and approved by the Lyon County Sheriff or their designee prior to issuance of a Certificate of Occupancy and Lyon County Business License.
14. The applicant shall provide satisfactory evidence of approval by the Nevada Division of Environmental Protection of individual sewage disposal system for the recreational marijuana retail sales facility prior to issuance of a building permit through the Lyon County Building

Department.

15. Any outside storage shall be suitably screened from the surrounding area by walls, plantings or other barriers to the satisfaction of the Community Development Director or their designee.
16. Provisions for landscaping and irrigation shall be included in the tenant improvement building permit for the remodel of the existing building. The approved landscaping and irrigation shall be installed per the approved plans. It is the responsibility of the property owner to carry out this program and to provide such maintenance and care as is required to obtain the effect intended by the approved plan.
17. Exterior site and building lighting shall be replaced/installed as to eliminate any nuisance to adjoining properties or to traffic on the public streets. No unshaded light sources shall be permitted.
18. Any exterior signage, permanently affixed to the exterior of the building will require a separate building permit, through the Lyon County Building Department.
19. The applicant shall comply with the Lyon County drainage guidelines (2018 edition) to the satisfaction of the County Engineer. The property owner shall be responsible for maintenance of all roads, walks, parking areas and drainage facilities within the parcel, as well as the storm water detention facilities, if applicable, whether it is onsite or offsite.
20. 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 will result in the expiration of the conditional use permit approval.**

**Commissioner Hendrix Seconded, motion carries (6 Ayes; 0 Nay; 0 Abstentions)**

**8.b. For Possible Action – Judy A. Lisy – Zoning Map Amendment** - Request to allow a change of current zoning district from C-2 (General Commercial) to SR-2 (Suburban Residential – 2 acre minimum) on an approximately 2.75 acre parcel located at 421 V&T Way, Dayton, NV (APN: 019-262-05) (PLZ-2021-048).

Planner Rob Pyzel summarized the staff report. Mr. Pyzel went over the zoning of surrounding parcels, applicable uses and the applicant's request. The applicant's request is in conformance with and supports the goals and policies of the Master Plan. Staff is recommending approval.

The Planning Commission did not have any questions for Staff or the applicant.

Commissioner Hendrix did note a typo regarding the proposed zoning. The proposed zoning designation should be SR-2 (Suburban Residential- 2 acre min.) it is SR-1 (Suburban Residential- 1 acre min.) on the agenda.

Commissioner Hendrix motioned to forward a **recommendation of approval** to the Lyon County Board of Commissioners to allow a change of current zoning district from C-2 (General Commercial) to SR-2 (Suburban Residential – 2 acre minimum) on an approximately 2.75 acre parcel located at 421 V&T Way, Dayton, NV (APN: 019-262-05) (PLZ-2021-048). Based on the aforementioned 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.

**Commissioner Cassinelli seconded, motion carries (6 Ayes; 0 Nay; 0 Abstentions)**

**8.c. For Possible Action – Patricia Blake – Zoning Map Amendment** – Request to allow a change of the current zoning district of C-2 (General Commercial) and RR-1 ( Rural Residential- 1 acre min.) to SR-1 (Suburban Residential – 1 acre minimum) on approximately 8.03 acres of an approximately 24.02 acre subject site generally located approximately 0.5 mile south of the SR 339/Goldfield Avenue-US 95A intersection at 56 SR 339, Yerington, NV (APN: 014-421-14) (PLZ-2021-049).

Planner, Rob Pyzel summarized the staff report or the applicant’s request to change the current zoning from C-2 (General Commercial and RR-1 (Rural Residential- 1 acre Min.) to SR-1 Suburban Residential- 1 acre min.) on 8.03 acres. The subject parcel is located within a Suburban District and conforms with the Master Plan. If the applicant’s request for a zone change is approved they would like to move forward with a parcel map allowing them to create another parcel and build a new single family residence. Given the surrounding parcels zoning Staff feels the applicant’s request of SR-1 (Suburban Residential – 1 acre min.) is an appropriate fit. The municipal water line is close enough to connect to however, there is no sewer service available. The parcel is sufficient size to install a septic. The applicant’s request does meet all findings, staff is recommending approval.

Commissioner Keating asked about legal access if an additional parcel was created. Planner, Rob Pyzel stated the current access is off Highway 339. If there was an additional parcel created for a Single Family Resident NDOT will receive the information and will have an opportunity to reply with comments, concerns and or conditions.

Commissioner Allan had questions regarding the parcel being deemed Suburban Character. The Master Plan says a Suburban District will be served by municipal water and sewer and this parcel is not able to be served by both.

Planner, Rob Pyzel stated when looking at an application like this it is that 30,000 foot view. Although it is not suburban in character now looking at the area moving forward, it will certainly meet those standards.

Commissioner Allan asked if it states it will be severed by municipal services, can the Planning Commission make exceptions. Mr. Pyzel responded zoning is there to further implement the goals and policies of the Master Plan, the Master Plan is a big picture, long term, guiding document, not set requirements per say. Those services will be available moving forward.

The applicant’s representative, John Fielding, wanted to clarify the river adjacent to the parcel is the Walker River not the Carson River. Mr. Fielding also wanted to confirm that the suburban character will not prevent the applicant from installing a septic in the future.

Commissioner Keating motioned to forward a **recommendation of approval** to the Lyon County Board of Commissioners to allow a change of the current zoning district of C-2 (General Commercial) and RR-1 ( Rural Residential- 1 acre min.) to SR-1 (Suburban Residential – 1 acre minimum) on approximately 8.03 acres of an approximately 24.02 acre subject site generally located approximately 0.5 mile south of the SR 339/Goldfield Avenue-US 95A intersection at 56 SR 339, Yerington, NV (APN: 014-421-14) (PLZ-2021-049). Based on the aforementioned findings:

- A. The proposed Zoning Map 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 Zoning Map Amendment is consistent with the adequate public facilities policies contained in this title;
- C. The proposed Zoning Map Amendment is compatible with the actual or master planned adjacent uses.

**Commissioner Sell seconded, motion carries (5 Ayes; 1 Nay, Commissioner Allan;  
0 Abstentions)**

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

**9. Public Participation-**None

**10. Action Items-** None

**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 Comments1**

**14.a. Staff update on recent County Commissioners actions**

Mr. Pyzel updated the Planning Commission on planning items heard by the Board of Commissioners at the May 9, 2021 meeting. The Board approved the Arryn Zoning Map Amendment, (PLZ-2021-042) application and denied the Oji Zoning Map Amendment (PLZ-2021-049) application.

The Board also appointed a new Commissioner, Constantine Kuzmicki to replace Commissioner, Shane Blackwood.

Mr. Pyzel also let the Commission know that Tuesday, May 11, 2021 at 5:30 p.m. NDOT will be doing a presentation of their operational study which occurred in Dayton from Pinecone to Brice. They will be taking public comments and after that there is a 60 day comment period. The results are posted on the NDOT website.

**15. Public Participation-** David Ray, Chairman of the Mason Valley Advisory Board updated the Commission on their board's action. They did not have a May meeting but will be having a June meeting. He also wanted to make a comment about item 8.c. however he did not speak up at the time of public participation.

**16. Adjournment**

At approximately 9:56 a.m. it was unanimously motioned to adjourn.

Audrey Allan, Chairwoman

Shannon Juntunen, Administrative Assistant