

LYON COUNTY PLANNING COMMISSION MEETING MINUTES

May 14, 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, and Olga Walther, Deputy District Attorney

2. Pledge of Allegiance - Led by John Cassinelli

3. Public Participation- None

4. Review and Adoption of Agenda –

Commissioner Cassinelli motioned to adopt the agenda as presented. Audrey Allan seconded, motion carries unanimously (7 ayes; 0 nay; 0 abstentions).

5. Approval of minutes –

Commissioner Lake motioned to approve minutes of the April 9, 2019 meeting as amended. Tammy Hendrix 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) BITLER, KENNETH & PEGGY L., TRS. – CONDITIONAL USE PERMIT - Request for a Conditional Use Permit to allow a new, manufactured home on a 320 total acre parcel, for Farm Labor Housing; located at 75 Sciarani Lane, Yerington, NV (APN 014-501-08) PLZ-19-0024

Planner, Rob Pyzel, presented the staff report. Staff is in favor of the proposed Conditional Use Permit.

Commissioner Allan had a question regarding condition # 3, “the housing unit may include cooking facilities?” Planner, Rob Pyzel explained by federal standard it may or may not include cooking facilities depending on how the applicant wants to use it.

Betty Retzer asked Planner, Rob Pyzel to explain what “joint planning with the City” means? Mr. Pyzel stated it was referring to a long term look at how the City expects growth to evolve, how that affects the master plan and the City’s annexation program.

There were no other questions or comments for Staff or Applicant.

Mike Hardcastle motioned to **recommend approval** of the request for a Conditional Use Permit for Farm Labor Housing on APN 014-501-08, based on the recommended findings and subject to the following 8 conditions. Commissioner Lake seconded, motion carries unanimously (7 ayes; 0 nay; 0; abstentions):

1. 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.
2. The applicant shall comply with all state, federal and local government regulations to the satisfaction of the appropriate agencies.
3. For as long as the parcel is designated by the Assessor as agricultural, the landowners may provide the manufactured home for use as farm labor housing for the landowner. The housing unit may include cooking facilities and must comply with United States Department of Labor standards per Title 20, Chapter V of the Code of Federal Regulations. The applicant shall provide evidence to the satisfaction of the Planning Department that the housing complies with United States Department of Labor Standards per Title 20, Chapter V of the Code of Federal Regulations prior to the issuance of a manufactured home setup permit.
4. The well and water system intended to accommodate agricultural labor potable water needs shall be approved by the Nevada State Division of Water Resources and/or the Nevada Division of Environmental Protection. The applicant shall provide the County with evidence that the State has approved the well for potable water service for the number of farm laborers who will rely upon it for drinking, bathing and cooking purposes, including sufficient water rights that can be dedicated to this use, if applicable prior to issuance of a manufactured home setup permit.
5. The applicant shall provide satisfactory evidence of approval by the Nevada Division of Environmental Protection of individual sewage disposal system for the manufactured home prior to issuance of a manufactured home setup permit.
6. The applicant shall comply with all applicable fire, building, and zoning code requirements.
7. All outdoor lighting shall employ cut-off shields that direct the light from the source down and not create glare or allow light to spill onto adjoining properties.
8. 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.**

8.b. **(For Possible Action) RESIDENT AGENT SERVICES, INC. – TENTATIVE PARCEL MAP** - Request for a Tentative Parcel Map to divide a 2.37 total acre parcel into two (2) parcels for residential development; located at 8420 Rusty B Circle, Stagecoach, NV (APN 015-421-28) PLZ-19-0017

Planner, Tammy Kinsley, presented the staff report. Staff is in favor of the request for a Tentative Parcel Map.

Tammy Hendrix questioned how a second septic was installed on the property if code does not allow two primary residences on this parcel? Applicant, Russell Best, explained he had intended to develop the property years ago. At the time code allowed more than one primary residence based on the zoning. When the market crashed, he was not able to continue. Since then, Title 15 has gone into effect changing the land use and development regulations. In order to develop the property with two homes, he has to subdivide.

Applicant, Russell Best, went on to say he was also faced with other issues regarding development standard in reference to street frontage width minimum. Planner, Tammy Kinsley, explained the applicant could apply for a major variance to modify those requirements based on property size and location. Planner, Rob Pyzel, explained when Title 15 is amended, it will address the issue with lot street frontage width requirements. The applicant wouldn't have to pay for a major variance if he waits for adoption of the ordinance amendment prior to placing the home on the lot.

Audrey Allan asked why the applicant may be required to install another septic. Planner, Tammy Kinsley explained that since the septic system was installed in 1993, the GID department requested the system be tested to ensure it is a proper working system. If need be, the applicant will be required to fix or replace the system.

Betty Retzer asked the applicant if he read all the conditions. He responded he had.

Commissioner Cassinelli asked the applicant if a percolation test had been done and when? Applicant, Russell Best, responded he was sure it had been done but couldn't say when.

Applicants' representative, Rick Christian, asked staff that condition two (2) be modified so that if amendments to Title 15 go through, this condition will be removed. He also asked about possible time frame for making and accepting amendments to Title 15. Planner, Rob Pyzel, said he was hoping it would go before the Planning Commission in July and the Board of County Commissioners in August, all depending on work load. If the minor amendments are done, condition two is self-extinguishing.

Betty Retzer asked what the Planning Commission's options are for action on this application. Planner, Rob Pyzel said the Planning Commission could recommend approval, denial or amend the approval conditions.

Tammy Hendrix asked staff if the Planning Commission was able to waive or suspend the fee of the major variance. Planner, Rob Pyzel, stated that staff could not waive the fee but that it would have to go before the Board of County Commissioners.

Commissioner Cassinelli motioned to **recommend approval** of the request for a Tentative Parcel Map for APN 015-421-28, based on the recommended findings and subject to the following 17 conditions. Harold Ritter seconded, 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. Prior to submitting for a Final Parcel Map application, the applicant shall submit a Variance (Major) application to the Planning Division to request the 31.93' Lot Street Frontage Width for the proposed parcel D1 and parcel D2, as indicated on the Tentative Parcel Map, dated February 21, 2019.
3. 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.
4. The applicant shall indicate the existing carport located at the rear of the parcel (northeast corner) and indicate the proper side setback of 20-feet from the side property line to the stemwall /footing of the existing carport on the Final Parcel Map prior to recordation.
5. 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.
6. The applicant shall comply with Lyon County's 1996 drainage guidelines, as revised September 2018.
7. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 of the Lyon County Code.
8. The applicant shall comply with all applicable fire code requirements to the satisfaction of the Central Lyon Fire Protection District.
9. 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.
10. The applicant shall provide documentation of the dedication or relinquishment of water rights necessary to insure an adequate water supply for residential use of the newly created parcel prior to recordation of the final parcel map.
11. The final parcel map will comply with the current County 7.5-foot and 5-foot public utility easement standards on all parcels prior to recordation.
12. 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 grading 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.
13. 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.
 14. The applicant shall pay the required recording fees at time of final parcel map recordation.
 15. 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.
 16. 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.
 17. 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 coordinate system as established by the GIS Coordinator. Cover sheet and standard details need not be included.

8.c. (For Possible Action) HARVEY, KENNETH – TENTATIVE PARCEL MAP -
 Request for a Tentative Parcel Map to divide a 39.09 total acre parcel into two (2) parcels, the smallest being 1.54 acres; located at 2305 Spruce Ave, Silver Springs, NV (APN 015-211-02) PLZ-19-0020

Planner, Tammy Kinsley, presented the staff report. Staff is in favor of the request for a Tentative Parcel Map.

Commissioner Hardcastle pointed out that the number of conditions should be 15 not 17. Betty Retzer asked the applicant if he had read and agreed to all conditions of approval. Mr. Harvey said he had and does. He went on to say he would like to sell the parcel without the house. Betty Retzer asked staff if the larger parcel was subdivided in the future would the applicant have to go through the Planning Commission and Board of County Commissioners. Planner, Tammy Kinsley, said they would.

Leonard Lake motioned to **recommend approval** of the request for a Tentative Parcel Map on APN 015-211-02; based on the recommended findings and 15 conditions of approval. Audrey Allan 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 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 residential use of the newly created parcel prior to recordation of the final parcel map.
9. The final parcel map will comply with the current County 7.5-foot and 5-foot public utility easement standards on all parcels prior to recordation.
10. 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 grading 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.

11. 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.
12. The applicant shall pay the required recording fees at time of final parcel map recordation.
13. 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.
14. 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.
15. 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 coordinate system as established by the GIS Coordinator. Cover sheet and standard details need not be included.

8.d. (For Possible Action) GOLD COUNTRY ESTATES, UNIT 3/ LA CAUSA

DEVELOPMENT OF NV LLC – ZONE CHANGE – Request to change the zoning from MFR (Multi Family Residential) to RMU (Residential Mixed-Use) on a 23.23 acre parcel; located off of Dayton Village Parkway and Northgate Drive, Dayton, NV (APN 016-403-15) PLZ-19-0018

Planner, Rob Pyzel, presented the staff report. Staff recommends approval of the request for a zone change. Leonard Lake asked staff what “cottage development” meant. Planner, Rob Pyzel, explained they are individual houses that sit on a shared lot, with an open front common area.

Tammy Hendrix asked if all types of housing in an RMU zoning district have to come through the Planning Commission as well as Board of County Commissioners. Rob Pyzel stated apartments can be approved as an administrative review. Town homes, condos, and single family dwellings do. Tammy Hendrix also expressed concerns of conditions of approval if there is not adequate sewage service. County is working with Farr West on capacity expansion design anticipating that in 3-4 years, those designs will be done and construction will have been done. The Nevada Department of Environmental Protection has approved the Utilities Department to fire up South Plant. Tammy Hendrix asked how hard it would be and how soon new construction could connect to South Plant? Planner, Rob Pyzel, said most of the waste water from Mound House and Dayton currently goes to South Plant and then is shipped to Rolling A.

Audrey Allan expressed concerns about sewer and traffic. John Cassinelli asked if approving this project will hit the trigger point for a traffic light to be added. Planner, Rob Pyzel, stated he believes it will, especially in conjunction with the Heritage Ranch project.

Betty Retzer spoke about concerns with traffic and provisions to keep the horses safe.

Applicants’ representative, Angelia Fuss, summarized applicants’ request.

Commissioner Hardcastle motioned to **recommend approval** of the request for a zone change on APN 16-403-15; based on the following recommended findings. John Cassinelli seconded, the motion carries unanimously (7 ayes; 0 nay; 0; abstentions):

- A. The zone change is in substantial compliance with and promotes the Master Plan goals, objectives and actions.
- B. The proposed zoning would promote development that is commensurate with the character and current use of the surrounding land and will not have detrimental impacts to other properties in the vicinity.
- C. The proposed zoning is timely and would contribute to the orderly and efficient arrangement of transportation and other public facilities and services.
- D. The proposed zoning would not negatively impact existing or planned public services or facilities and would not adversely impact the public health, safety and welfare.

8.e. (For Possible Action) DETRICK, KEN – ZONE CHANGE – Request to change the zoning from NC (Neighborhood Commercial) and RR-5 (Rural Residential-5 acre minimum) to EMU (Employment Mixed-Use) on a 25.73 acre parcel; located at 3200 Opal Avenue, Silver Springs, NV (APN 15-181-01) PLZ-19-0019

Planner, Rob Pyzel, presented the staff report. Staff recommends approval of the request for a Zone Change. Tammy Hendrix asked about a home going in without PC/BOCC approval. Planner, Rob Pyzel, explained under current zoning the applicant has certain rights, what they are proposing is appropriate for the area. Uses going forward would require a Conditional Use Permit and would be under review.

Betty Retzer asked what the Title 10 zoning equivalent would be to the current zoning. She also asked for clarification on total acreage. Planner, Rob Pyzel, said the correct acreage is 25.73. In addition, Commissioner Retzer said she felt the proposed use was an odd combination.

Mr. Pyzel went on to say this project would look more like an “Alamo” truck stop, with scales, fuel sales, hotels, movie theaters, and personal services. This is a good location for this use. At the intersection of two major highways; can serve the employment land use designations that we hope will eventually develop here, N.N.I.C, T.R.I.C, Silver Springs and the Airport. Betty Retzer also asked about frontage road access. Rob Pyzel said there will have to be access, NDOT can’t cut off access. Tammy Hendrix asked if there is an alternative zoning that would allow a truck stop without the high density housing. Planner, Rob Pyzel, stated from a planning perspective this is a very good use for this area.

John Cassinelli asked if the applicant was aware there would be FAA height restrictions due to the proximity to the airport.

Vince Griffin, applicant’s representative, summarized the project and went on to explain the truck stop would need to be buffered and all other uses must comply. He went on to commend Planning Staff on what an excellent job they do.

Commissioner Hardcastle motioned to **recommend approval** of the request for a zone change on APN 15-181-01; based on the recommended findings. Audrey Allan seconded, the motion carries unanimously (7 ayes; 0 nay; 0; abstentions):

- A. The zone change is in substantial compliance with and promotes the Master Plan goals, objectives and actions.
- B. The proposed zoning would promote development that is commensurate with the character and current use of the surrounding land and will not have detrimental impacts to other properties in the vicinity.
- C. The proposed zoning is timely and would contribute to the orderly and efficient arrangement of transportation and other public facilities and services.
- D. The proposed zoning would not negatively impact existing or planned public services or facilities and would not adversely impact the public health, safety and welfare.

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 Comments-

Planner, Rob Pyzel, updated Planning Commission on the Board of County Commissioner actions from the May 2, 2019 meeting. Both requests for Traditions Village 2 Zone change and merger and resubdivision to a tentative map were approved. The Ringo application for a Conditional Use Permit was denied.

John Cassinelli asked if there was a way to expedite amendments to Title 15 regarding the street frontage width minimum for corner lots. Mr. Pyzel said staff will do their best to get the necessary amendments done as quickly as possible.

15. Public Participation-

None

Adjournment

At approximately 11:00 a.m. it was unanimously motioned the meeting be adjourned.

Betty Retzer, Chairperson

Shannon Juntunen, Administrative Assistant