

LYON COUNTY PLANNING COMMISSION MEETING MINUTES

June 9, 2020

The June 9, 2020 meeting of the Lyon County Planning Commission was called to order by Chairwoman Betty Retzer at 9:00 a.m.

1. Roll Call –

Members Present; Commissioners Hardcastle and Hendrix were in attendance in Yerington at 27 South Main St. Commissioner Lake was present in Dayton at 34 Lakes Blvd. Commissioners Allan, Retzer, Cassinelli and Ritter were present via zoom meeting.

Attending staff present: Rob Pyzel, Planner, in Dayton at 34 Lakes Blvd. Tammy Kinsley, Planner, via zoom. Jeff Page, County Manager and Shannon Juntunen, Administrative Assistant, Kerry Page, Planning Technician, were in Yerington at 27 South Main St.

2. Pledge of Allegiance – Led by Commissioner Hendrix

3. Public Participation- None

4. Review and Adoption of Agenda-

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

5. Approval of minutes

Chairwoman Retzer pointed out at the May 12, 2020 two (Commissioners Lake and Hendrix) of the three Commissioners that were absent at the April 14, 2020 meeting voted to continue approval of the April 14, 2020 meeting minutes when they should have abstained. Staff stated Commissioner Retzer was correct and when voting on approving the April, 14 2020 meeting minutes the three commissioners that were present should abstain.

Commissioner Cassinelli made a motion to **approve** the minutes from the April 14, Planning Commission meeting as amended. Commissioner Allan **seconded**, motion carries by **majority** vote (4 ayes, Commissioners Retzer, Allan, Cassinelli and Ritter; 0 nay; 3 abstention, Commissioners Hardcastle, Hendrix and Lake)

Commissioner Allan made a motion to **approve** the minutes from the May 12, 2020 Planning Commission meeting. Commissioner Cassinelli seconded, motion passes 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: STUDY HONEY HOLDINGS, LLC – TENTATIVE PARCEL MAP – Request for a Parcel Map to divide a 108.49 acre parcel, into four (4) parcels, the smallest being approx. 43,560 sq. ft. (1-acre); located off of Nadel Lane, Yerington, NV (APN 14-541-34) PLZ-20-0009.

Planner, Tammy Kinsley, presented the staff report reviewing the applicants request and gave a brief history. All four parcels would be in conformance with the minimum lots size requirements for the existing zoning district, are within the City of Yerington's water service district and will be served by individual septic's. Staff is recommending approval based on the findings and 21 conditions of

approval. Mrs. Kinsley said there was public comment received from David Ray and summarized his request to continue this agenda item.

Commissioner Allan commented that she felt Mr. Ray's request to continue the agenda item due to concerns that the public wasn't able to attend or give input regarding the Commercially Zoned portion of this parcel and the future development wasn't not what the Planning Commission was deliberating on today. The applicants request is for a parcel map/land division not developing the commercially zoned area.

Chairwoman Retzer asked Planner, Tammy Kinsley if the applicant will be able to build in the area that is located in a special flood hazard area. Mrs. Kinsley stated the applicant is permitted to build in that Special Flood Hazard as long as they conform to the FEMA and Title 15 standards regarding development in these areas. Commissioner Retzer asked if the applicant will still need to meet the conditions regarding the Elevations Certificate if they choose to not build in the Special Flood Hazard area. Mrs. Kinsley said no.

Commissioner Retzer asked Mrs. Kinsley to explain the split zoning conditions. Mrs. Kinsley explained the history and why Staff was recommending the action stated in the staff report on that portion of the parcel.

Applicants Representative, Rick Christian gave a brief overview of the history of the parcel and how the C-2 zoning came to be. He also explained the FEMA and County standard in regard to building in a Special Flood Hazard.

Commissioner Allan asked Mr. Christian why chose to word his justification the way he did, "We do not believe that doing these parcel maps is in any way trying to circumvent subdivision standards". Mr. Christian responded there wasn't any particular reason.

Commissioner Hardcastle expressed concern regarding the public comment letter from Mr. Dave Ray and his concern that due to the Commissioners quarters not being open to the public and Advisory Board meetings not being held, the public was not properly informed or able to comment of this application adequately.

Commissioner Hendrix commented the concerns Mr. Ray expressed about this application were not what they were reviewing and taking action on at this time. Today's action is simply addressing the parcel map, not development of any kind. If the applicant were to come forth in the future regarding developing the C-2 portion of the property it would be appropriate at that time to have public comment and input from the local Advisory Board regarding concerns.

Commissioner Hardcastle **made a motion to approve** the request for a Parcel Map to divide a 108.49 acre parcel, into four (4) parcels, the smallest being approx. 43,560 sq. ft. (1-acre); located off of Nadel Lane, Yerington, NV (APN 14-541-34) Commissioner Allan seconded, **motion carries unanimously** (7 ayes; 0 nay; 0 abstentions)

8.b. For Possible Action (CORRECTIVE ACTION): Intent to take corrective action for potential open meeting law violation that occurred at the May 12, 2020 Planning Commission meeting. The Conditional Use Permit for SCI (Summit Construction Inc.) was continued from the April 14, 2020 Planning Commission to the May 12, 2020 Planning Commission meeting. The item was not properly placed on the May 12, 2020 Planning Commission meeting agenda.

Mr. Pyzel explained what happened at the May 12, 2020 Planning Commission meeting which prompted agenda item 8.b. (Corrective Action)

At the April 14, 2020 Planning Commission meeting, with the applicant's concurrence, their application for a Conditions Use Permit was continued to the regularly scheduled May 12, 2020 meeting. On April 20 the applicant met with County Staff to go over each approval condition and ways to mitigate them allowing the applicant to move forward while meeting the approval conditions in a more cost efficient way. At this meeting the applicant stated they would provide a revised site plan and revised description of the project. A May 1, 2020 deadline was set for the revised materials.

However, On April 28, 2020 the applicant informed Mrs. Kinsley they could not meet the May 1, 2020 deadline and requested that the application be continued to the June 9, 2020 meeting. There was an oversight by staff and the item was not agenzized for possible action to continue the application to the June 9, 2020 meeting. Chairwoman Retzer brought it to Staffs attention that this item was not on the agenda and asked what needed to be done to be able to continue this item. Mr. Pyzel apologized for the oversight and asked each of the Commissioners if they understood the applicants request and were in agreement to granting the continuance. Each Commissioner stated they understood the request and were in support of continuing the agenda item to the June 9, 2020 meeting. Commissioner Hardcastle made a motion to **approve the corrective action** for potential open meeting law violation that occurred at the May 12, 2020 Planning Commission meeting. Commissioner Cassinelli seconded, the motion carries by majority vote (6 ayes; 1 nay, Commissioner Allan; 0 abstentions)

8.c. For Possible Action: SCI (Summit Construction Inc.) - Conditional Use Permit (continued from the May 12, 2020 Planning Commission meeting) - Request for a Conditional Use Permit to allow for a landscape material yard for sales to the general public in the LI-S (Light Industrial - Suburban) zoning district; located at 7013 E. Hwy 50, Dayton (019-192-05) PLZ-20-0004.

Planner, Tammy Kinsley presented the staff report and went over the history of the application and reason for the continuance. Staff met with the applicant on April 20, 2020 to go over all conditions of approval to go over the applicants concerns, which conditions they could meet and what they wanted to provide to Staff. The applicant provided a revised site map and revised description to address some of the conditions of approval such as parking and onsite restroom facilities. At this time the applicant will be conducting business via phone and off site delivery, the applicant does not plan on having any employees or onsite retail sales. Staff is recommending approval based on the findings and the 21 conditions listed in the staff report

Mrs. Kinsley said that if the applicant decides to have onsite retail sales in the future they will need to work with Lyon County Utilities to provide water and sewer connections.

Commissioner Allan asked if the applicant was satisfied with the amended conditions and if the applicant was planning to have onsite sales later on? Mrs. Kinsley replied that is what the applicant said to staff and that is what it says in the revised project description.

Commissioner Retzer also asked the applicant if he was satisfied with the amended conditions. Mr. Viksna replied that he was.

Commissioner Hardcastle motioned to forward a **recommendation of approval** for the request for a Conditional Use Permit to allow for a landscape material yard for sales to the general public in the LI-S (Light Industrial - Suburban) zoning district. Commissioner Cassinelli seconded, motion passes unanimously (7 ayes; 0 nay; 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 Comments-

14.a. Staff update on recent County Commissioners actions

Mr. Pyzel updated the Planning Commission on the Northern Nevada Industrial Center application. At the June 4, 2020 Board of County Commissioners meeting the Commissioners voted to approve the application for the Final PUD.

Mr. Pyzel said staff is working with NDEP-Air Pollution Control Division, Carson City Planning Commission and Board of Supervisors to address the odor and emission complaints against Tahoe Western Asphalt Company. The Carson City Board of Supervisors is not supporting the proposed modifications to conditions of approval for the Special Use Permit brought forth by the Tahoe Western Asphalt Company. They have been instructed to install additional equipment to help remedy the odor and emissions issue. They have 90 days to comply with all conditions otherwise the Carson City Board of Supervisors will revoke the Special Use Permit.

Commissioner Allan asked Mr. Pyzel what the time frame for Tahoe Western Asphalt Company to comply with conditions and go back for review?

Mr. Pyzel said Tahoe Western Asphalt Company has 90 to complete the instillation of equipment and come into compliance, then there will be a 30 day public comment period before it goes back for review.

Mr. Pyzel said Staff will be meeting with a consultant and NDOT to perform a safety/operational study along the US HWY 50 Corridor between Pine Cone, all the way out to Brice and Chaz. Looking at traffic reports looking at the operations of the intersections that come into US 50 from the developed parts of Dayton and future developed areas. Commissioner Retzer asked if they were looking at not only the planned development areas but as well as fencing off sections of the road. Mr. Pyzel responded that was a separate study that was done earlier this year.

Commissioner Allan asked what the time frame was for the Tahoe Western Asphalt Company to comply. Mr. Pyzel said the applicant basically has until Aug. 17th to complete their permitting process and NDEP has a 90 day review period and then there will be a 30 day public comment period.

Commissioner Allan also asked Mr. Pyzel if he thought NDOT will install more lights in the area between right downtown. Mr. Pyzel stated NDOT is trying to get away from signalization at these intersections. They are looking more at frontage roads and high speed

Commissioner Cassinelli asked if there was going to be an extension to the update of the 2020 Mater Plan and where staff is at with the Title 15 amendments, specifically with the Accessory structure size restrictions. Mr. Pyzel said there will be a delay in the update of the 2020 Mater Plan due to Mrs. Kinsley being pulled off it to help with EOC COVID-19. He went on to say he is hoping the Title 15 amendments will be completed and to the Planning Commission by September.

Planner, Tammy Kinsley, said she will reach out to the Consultants this week to set up a meeting to review where they're at and once she has an update she will update the Planning Commission on where they're at and process moving forward.

Chairwoman Retzer thanked everyone for their cooperation in making things work through all the changes and restrictions with the COVID-19.

Commissioner Allan asked if staff had any idea of when the Planning Commission may go back to doing business as usual. Mr. Pyzel stated he was not sure what the projected timeline for that is but even when meetings resume in Yerington the County does plan to continue holding the meetings via Zoom as well so that public and department heads can attend without taking hours out of their day to drive to Yerington. Commissioner Allan asked Mr. Pyzel to talk to County Manager, Jeff Page to direct the Planning Commission on post COVID process and timeline.

15. Public Participation

None

16. Adjournment

At approximately 10:18 a.m. it was unanimously motioned, the meeting was adjourned.

Betty Retzer, Chairwoman

Shannon Juntunen, Administrative Assistant