

LYON COUNTY PLANNING COMMISSION MEETING MINUTES

July 9, 2019

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

5. Approval of minutes

Commissioner Allan motioned to review the minutes of the July 9, 2019 meeting at the next regularly scheduled meeting. Mike Hardcastle 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

Commissioner Hardcastle motioned to hear public hearing item 8.b. after item 8.c. Audrey Allan seconded, motion carries unanimously (7 ayes, 0 nay and 0 abstentions).

8.a. (For Possible Action) SEWARD HOMES, INC – DIVISION OF LAND INTO LARGE PARCELS TENTATIVE MAP – Request for a Tentative Division of Land into Large Parcels map to divide approximately 224.73 total acres into 4 parcels, the smallest being approximately 40.00 acres in size; located at 100 Desert Creek Rd, Smith Valley, NV (APN 10-761-69) PLZ-19-0031

Planner, Tammy Kinsley, presented staff report. Staff is recommending approval.

Tammy Hendrix asked if there would be a need for construction of a bridge across Desert Creek Road to access the property. Planner, Tammy Kinsley, responded after speaking with roads department, it doesn't look like a bridge will be necessary. Where the applicant is encroaching will not cross the stream.

Commissioner Allan commented on the number of conditions, their importance and how happy she was to see the water courses, flooding and drainage being looked at so closely. Harold asked which parcel currently has the house on it. Mrs. Kinsley stated the house is on the larger, southernmost parcel.

Commissioner Ritter asked if there is currently power to what will be the additional parcels. Applicants' representative, Rick Christian, Denson Surveying, responded that there is power to the main parcel and house which runs along the east side of Desert Creek Rd.

Mike Hardcastle asked Mr. Christian if they had reviewed and agree to all conditions. Mr. Christian stated they had and are already working to address some of the conditions.

Mike Hardcastle motioned to **recommend approval** of the request for a Tentative Division of Land into Large Parcels map to divide approximately 224.73 total acres into 4 parcels, based on the recommended findings and subject to the following 27 conditions. Commissioner Allan 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. 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 final map shall identify the following:
 - a. All roads or easements that exist or as they may be proposed by the person who plans to divide the land;
 - b. Any easements for public utilities that exist or are proposed;
 - c. Any existing or proposed easements for irrigation or drainage;
 - d. Indicate all flood zone designations and delineate the extent of the Special Flood Hazard Area(s) on the final map, from the best available information at the time of preparing the final map.
 - e. Provide in the notes section of the map the flood zone designations and FEMA FIRM information with date of the FIRM.
 - f. Any normally continuously flowing watercourses, specifically the Desert Creek Stream (a jurisdictional water) located on Parcels A, B, C, & D; and any easements and rights-of-way or other property interests necessary to implement and maintain any water conveyance and delivery system required by any rule or regulation of the Army Corps of Engineers (who regulates these waters under section 404 of the Clean Water Act); and

- g. Any existing road or easement that the owner does not intend to dedicate.
5. The corners of each lot are set by a professional land surveyor.
6. The form and content of the final map shall be in accordance with Title 15.605.07
7. The applicant shall obtain all necessary approvals and encroachment permits, and coordinate and comply with any requirements placed on this division of land into large parcels map by the Lyon County Roads Department.
8. The applicant shall comply with Lyon County's 1996 drainage guidelines, as revised September 2018.
9. The following items are required of all development and are provided for informational purposes:
 - a. All septic systems must be inspected and approved by the State Health Department or appropriate agency.
 - b. All wells shall be constructed as per the State of Nevada Division of Water Resources rules and regulations and inspected by the appropriate agency.
 - c. All construction shall comply with all applicable building and fire code requirements. Building permits shall be issued in compliance with Title 15 of the Lyon County Code.
 - d. Structures placed on these parcels shall adhere to the County's site and setback standards for the RR-5 zoning district as it applies to each parcel. Specifically:
 - i. Front Setback is 30 feet from the property line to any structure's footing or stemwall;
 - ii. Side Street Setback is 30 feet from the property line to any structure's footing or stemwall;
 - iii. Rear Setback is 20 feet from the property line to any structure's footing or stemwall; and
 - iv. Side Setback is 10 feet from the property line to any structure's footing or stemwall
10. All structures placed within, and any construction or improvements within the Special Flood Hazard Area (SFHA) designated as "A" on the FEMA Flood Insurance Rate Map (FIRM) 32019C1100 E dated 1/16/2009, shall be constructed and adhere to Title 15 Chapters 800 - 811 Lyon County Floodplain Management and Facilities Standards.
11. For any Construction within a 100-Year Floodplain and Floodway: Embankments and other structures shall not be placed within a 100-year floodplain, as determined by the most recent hydrologic study acceptable to the County Engineer, or of a major drainage facility without prior approval by the County Engineer. Construction in the Floodway shall not be allowed.
12. A drainage report will be required to be submitted to the County Engineer with a building permit application for any construction or development improvements located within the SFHA zone "A".

13. Development of property shall not adversely affect any natural major drainage facility or natural water course. Natural facilities shall remain in as near a natural state as is practicable, with any modifications proposed, including any erosion mitigating measures, shall be addressed in the drainage report and on the drainage plan. When flows, velocities, headwalls or side slopes, as identified in the drainage report, indicate a hazard to life or limb, fencing shall be provided.
14. Easements shall be provided over all natural drainage courses, which are to remain in the developed area.
15. Easements for access to and maintenance of the 100-year storm flood path associated with a major drainage facility or natural water course are to be provided on the proposed Parcels A, B, C, & D.
16. The 50' wide irrigation easement indicated on the proposed tentative map shall be revised to state "50' wide irrigation, access and maintenance easement for both sides of the "Ordinary High Water Mark" of Desert Creek stream" on the proposed Parcels A, B, C, & D.
17. No structures or constructed improvements shall be placed within the proposed "50' wide irrigation, access and maintenance easement" for both sides of the "Ordinary High Water Mark" of Desert Creek stream, as indicated on the tentative map, by separate document, and as regulated by the USACE Section 404 of the Clean Water Act" for the proposed Parcels A, B, C, and D.
18. Distinct and legible "temporary" addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.
19. The property owner shall obtain an "Encroachment permit" and approval from the Lyon County Roads Department for any driveway improvements and construction on Desert Creek Road for the newly created parcels prior to or concurrently with a building permit for any future construction on Parcels A,B,C, & D.
20. The property owner shall be made aware that any future access or improvements from the proposed parcel B and parcel C to Desert Creek Road will require an encroachment permit and approval from the USFS for improvements conducted on the USFS parcel adjacent to the proposed parcels B and C.
21. No lot shall be offered for sale or sold until the final map has been approved and recorded.
22. 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.
23. All property taxes must be paid in full through the end of the fiscal year (June 30) prior to recordation of any final map.
24. All agricultural deferred taxes must be paid, prior to recordation of any final map, at the discretion of the Lyon County Assessor.

25. Approval of the division of land into large parcels tentative map shall not constitute acceptance of the division of land into large parcels Final map. Approval of the division of land into large parcels tentative map shall lapse unless a division of land into large parcels final map based thereon is submitted within one (1) year from the date of approval of the tentative map by the Board or the date that the requirement of its filing was extended pursuant to subsection B of this section 15.605. If a final map of division into large parcels is not recorded within the time frames listed above, all proceedings concerning the map of division into large parcels are terminated.
26. Required recording fees to be paid at time of recording the final map.
27. The applicant shall provide the division of land into large parcels 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) LD Lots LLC/Silverado Homes Nevada Inc. – Development Agreement – Request to amend an existing development agreement (Second Amended and Restated Agreement Regarding the Implementation of the Herrmann Ranch Development Agreement) to permit an extension of time within which to file a final subdivision map; located on the north and south sides of Dayton Valley Road, Dayton ,NV (PLZ-19-0029)

Planner, Rob Pyzel, presented the staff report. Staff is recommending approval. Chairwoman, Betty Retzer, asked staff if the request for a six month extension is normal and if it would be enough time for the applicant to review conditions, what improvements have and have not been addressed and record the final map. Mr. Pyzel explained the applicant requested the amendment due to the original agreement getting ready to expire with final maps coming in for Point Legado Subdivision, the concern being they wouldn't record before the expiration of the original agreement. This should give them enough time to review the conditions and what improvements still need to be met moving forward.

Tammy Hendrix, asked Mr. Pyzel which developers, if any, have been asked to contribute to the construction cost of another bridge and if it is possible to add this as a condition to the agreement. Mr. Pyzel went on to say the county is working with developers and local homeowners to decide the best way to offset the cost constructing another bridge. Looking at creating a Benefit Assessment District. Harold Ritter and Audrey Allan both expressed concerns with access. Commissioner Allan also expressed concerns with sewer capacity to serve new construction. She also asked if Mr. Pyzel thought six months was enough time for the applicant to address all concerns, required improvements and conditions. Mr. Pyzel stated he thought it was.

Mike Hardcastle asked if the county will continue to issue "will serve" letters without the issues associated with Well 21 being resolved. The improvements were scheduled to be completed as of May 2019, does staff know if the improvements have been completed. Planner, Rob Pyzel, responded he will have to verify that with the Utilities Director.

John Cassinelli mentioned he would like the applicant to address the issues with the Atlas reservoir. Mr. Pyzel explained the County is currently working with Atlas Development on the detention pond to try to expand the capacity and try to rework it so that it works better than it currently does.

Betty Retzer asked if South Plant is up and running, or if the effluent is being shipped to Rolling A. Mr. Pyzel said it has been stressed tested and it is processing. Building permits are being allowed to be issued because there is some capacity. At the same time, the County is still moving forward with the plant design for sewage treatment capacity and securing property for the rapid infiltration basin for the effluent disposal.

Ron Kennedy, Stagecoach resident, expressed concern regarding access for houses on the south side of the river in the event there was an emergency. How and when will they address this or is the county just going to let people continue to build?

Commissioner Lake motioned to **recommend approval** of the request to amend an existing development agreement to permit an extension of time within which to file a final subdivision map, based on the recommended findings. John Cassinelli seconded, motion carries unanimously (7 ayes; 0 nay; 0; abstentions):

1. The development agreement shall be revised as required by the Lyon County District Attorney's Office and Community Development Director prior to final signatures and recordation of the Development Agreement.
2. The term of this Development Agreement shall expire within six (6) months (February 1, 2020).
3. Prior to February 1, 2020, the applicant shall provide documentation from mutually agreed-upon outside consultants as to the status of the original tentative subdivision map Conditions of Approval for both the Point Legado and The Lakes at Dayton Valley subdivisions.

8.b (For Possible Action) REVIEW AND DISCUSSION TO REVISE LYON COUNTY CODE BY AMENDING TITLE 15 - An Ordinance amending Lyon County Code, Title 15, making corrections and revisions to the Zoning Regulations Chapters 15.200 – 15.403, Land Division Regulations Chapters 15.600 – 15.607, and the Floodplain Management and Facilities Standards Chapters 15.800 – 15.811 ; and other matters properly related thereto

Planner, Rob Pyzel, summarized the proposed amendments to Title 15 due to length of time to create the document and number of editors. Mr. Pyzel, went on to highlight the sections to be amended and the proposed amendments.

Sections to be edited:

15.17: Fee Refund, **15.12.04:** Corrected reference, **15.202:** Extension/expansion of nonconforming uses, **15.234:** Clarification regarding site improvement permits, **15.300:** Description of Future Planning Areas, **15.300-1:** Clean Up, **15.310/15.311/15.312,**
15.320 1/15.320-2/ 15.320.4: Clarifications; Corrected references; clean-ups and commercial coaches additions, **15.330:** Max building height clarifications, **15.335,**
15.336, 15.348, 15.351: Manufactured home section clarifications/ hardship exception, **15.360:** Building sq. ft. correction, **15.402:** Landscape Standards, **15.600-15.607:** Land

Division Regulations, **Appendix A- Glossary:** clarifications, additions for **15.800:** Floodplain Management and Additions of definitions for barnyard animals, commercial coach and gaming.

Harold Ritter asked Mr. Pyzel if, when he said they had clarified building height, he meant they changed the allowable building height. Rob Pyzel responded that yes they had changed the maximum building height from 45' to 35' as many of the fire districts in Lyon County don't have equipment that can reach that height.

Commissioner Allan stated the proposed amendments looked good. Mike Hardcastle said it looks as though everyone currently using Title 15 have really looked over, and taken the time to highlight needed changes.

Tammy Kinsley, Planner, presented overview and process of the Lyon County Floodplain Management Program. She expressed the importance of staff being more educated in the process, how to read and understand elevation certificates, as the Building Department will be a repository for all elevation certificates. Audrey Allan asked if floodplain certificates are part of the Planning process and if there is a process in place in the event Mrs. Kinsley were to leave. Mrs. Kinsley, responded floodplain certificates are required for properties in a special flood hazard area and are part of the building process. Mrs. Kinsley went on to say she is working to update forms, policy and implement process.

Chairwoman, Betty Retzer, asked Mrs. Kinsley if people can purchase flood insurance even if they are not in a special flood hazard area. Tammy responded, residents can purchase voluntary flood insurance even without being in a special flood hazard area. Harold Ritter asked what happens in the event there is conflict between State and Federal jurisdiction regarding policy and action. Mr. Pyzel stated, in his experience, the State or local agency will back down and Federal agency will take the lead.

Ed James, with Carson Water Subconservancy District (CWSD), spoke of the importance of amending and updating codes, ordinances and procedure regarding floodplain and hazard mitigation. Every time a flood occurs it changes the way the water flows. Ed went on to compliment staff on their diligent work on this issue

Ron Kennedy, Stagecoach resident, had questions about cul-de-sac design criteria in Lyon County. He also complimented Mrs. Kinsley on her presentation.

Audrey Allan motioned to **recommend approval** of an Ordinance amending Lyon County Code, Title 15. Mike Hardcastle seconded, the motion carries 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. Planner, Rob Pyzel, updated the Commission on planning applications heard by the Board of County Commissioners at the June 20, 2019 meeting. Application for Ozark Materials to use methanol was approved.

The second item was a County Manager item proposed to amend Title 15, removing NR zoning thereby eliminating 4,500 sq. ft. lots, was not approved. Staff and the County Manager were in favor of this as it would have removed the ability to have single family detached homes less than 9, 000 sq. ft., and a multi-family housing option, in turn limiting affordable housing options. Discussion followed regarding lots size, location, property values, benefits of smaller lots, transition from more dense to less dense and the need for affordable housing options.

14.b. For Discussion: North Dayton Valley Area Drainage Master Plan Meeting schedule.

Rob Pyzel went over public meeting schedule and asked if any Commissioners plan to attend. He stated if more than three Commissioners are planning to attend he needs to know as it would create a quorum and the county may have to notify the public.

Public Participation-

None

Adjournment

At approximately 11:03 a.m. it was unanimously motioned, the meeting be adjourned.

Betty Retzer, Chairperson

Shannon Juntunen, Administrative Assistant