

## LYON COUNTY PLANNING COMMISSION MEETING MINUTES

**July 14, 2020**

The July 14, 2020 meeting of the Lyon County Planning Commission was called to order by Chairwoman Betty Retzer at 9:05 a.m.

Due to technical difficulties, the first several minutes of the meetings audio recording was not working. The first regular agenda item in these minutes was typed from written notes.

### **1. Roll Call –**

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

**Attending staff present:** Planners; Rob Pyzel and Tammy Kinsley attended via zoom. Shannon Juntunen, Administrative Assistant, Kerry Page, Planning Technician, were in Yerington at 27 South Main St.

### **2. Pledge of Allegiance –** Led by Commissioner Hardcastle

### **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 (6 ayes; 0 nay; 1 absent, Commissioner Cassinelli).

### **5. Approval of minutes-**

Commissioner Allan made a motion to **approve** the minutes of the June 6, 2020 meeting as amended. Commissioner Lake **seconded**, motion carries unanimously (6 aye; 0 nay; 1 Absent, Commissioner Cassinelli)

### **6. Presentation and Reading of Miscellaneous Correspondence-** None

### **7. Advisory Board Reports-** None

### **8. Public Hearing Items-**

**8.a. For Possible Action: HSKS LLC Series 167/Kevin Ward (Star Homes) - Major Variance -** Request for a Major Variance to allow for a reduction of the side street building setback from thirty feet (30') to ten feet (10') on a 7,500 square foot lot in the RR-2T (Second Rural Residential - 2 acre minimum) zoning district; located at 1190 Ft. Churchill Rd., Silver Springs (APN 018-153-16) PLZ-20-0011.

Planner, Rob Pyzel presented the staff report. Mr. Pyzel summarized the applicant's request for a major variance to reduce the side setbacks in order to accommodate the standard width of a manufactured home. Mr. Pyzel stated due to lot size it would be extremely difficult for the applicant to abide by the Rural Residential-2 acre minimum side setback. Staff is recommending approval.

Commissioner Allan asked staff what the purpose of having a 30' side setback? Was it for safety issues such as traffic or fire? Mr. Pyzel stated the 30' setbacks are simply to create off street parking, as well as a sound buffer. Commissioner Allan asked staff if this would be a nonconforming use and if so she was under the impression the County discouraged nonconforming uses. Mr. Pyzel stated it was not a nonconforming use it would be a legal nonconforming lot which is allowed under Title 15. When an existing nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimum lot area applicable to the zoning district, the lot may be used as proposed.

Commissioner Hendrix expressed safety concerns about having such a minimal side street setback. As well as setting a precedent for other lots to do the same. Mr. Pyzel stated he felt as though the 10' side set back was sufficient as far as safety concerns and it was not setting a precedent because every application is processed individually.

Commissioner Hardcastle referenced page 3 of 9 of the staff report, stating it looked as though the footprint of the new manufactured home backs right up to another building. Mr. Pyzel stated it was simply an optical illusion due to the way the imaging program they use. The manufactured home does meet the minimum requirements for distance between structures.

Commissioner Retzer asked staff why the manufactured home was already on the property. Staff responded that it would be a question for the applicant or their representative.

Nathan Robison, President of Robison Engineering Company and the applicant's representative, summarized the applicant's request. Due to the narrow width of the parcel it is nearly impossible to place a standard size manufactured home on the property while meeting the Rural Residential 2 acre minimum setback requirement. Mr. Robison addressed Commissioner Hendrix's safety concerns with the side setback and went on to say that if the manufactured home was purchased before the applicant was aware of the setback issue they may have needed a place to store it. Since the manufactured home is not affixed to anything, it is the same as personal property, like a car and the applicant was well within his rights to do so. In the event the variance is not approved the applicant can repurpose the manufactured home on another parcel.

Commissioner Retzer asked if the manufactured home is habitable the way it is placed on the property now. Mr. Pyzel responded it is not habitable until it goes through the building permit application process with both the County and State.

Commissioner Lake commented that the applicant may not have had a choice in regards to the manufactured home being placed on the property before the variance was granted. With most manufactured home dealers once it is ready they have to be picked up immediately.

Commissioner Retzer made a motion to **approve** the request for a Major Variance to allow for a reduction of the side street building setback from thirty feet (30') to ten feet (10') on a 7,500 square foot lot.

Commissioner Lake seconded. Motion failed due to **a tie vote and is a technical denial** (3 ayes, Commissioners Retzer, Lake and Ritter; 3 nay, Commissioners Allan, Hendrix and Hardcastle; 1 absent, Commissioner Cassinelli)

Mr. Robison was notified that the applicant can appeal the decision of the Planning Commission, per 15.06 of the Lyon County Code.

**8.b. For Possible Action: Lyon County School District/Darrell Bluhm (LCSD Facilities) - Conditional Use Permit** - Request for a Conditional Use Permit to allow a commercial coach for administrative offices on a 4.29 acre parcel in the RR-3T (Third Rural Residential - 5-acre lot minimum) zoning district; located at 3655 Ramsey-Weeks Cut-Off, Silver Springs (APN 018-356-02) PLZ-20-0012

Mr. Pyzel presented the staff report and summarized the applicant's request. Staff is recommending approval. The proposed location is not in a special flood hazard, is consistent with the master plan land use designation and is an allowable use with a Conditional Use Permit. The Roads department did not require any improvements and the parking spaces on site are sufficient for the square footage of the commercial coach.

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

Darrell Bluhm, applicant's representative, explained the request for a Conditional Use Permit to utilize a commercial coach for administrative office space. Mr. Bluhm explained this would allow staff throughout the County to be more centrally located.

Commissioner Hardcastle made a motion to **approve** the request for a Conditional Use Permit to allow a commercial coach for administrative offices. Commissioner Allan seconded, the motion carries **unanimously** (6 ayes; 0 nay; 1 absent, Commissioner Cassinelli)

## **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 South Dayton Valley Drainage Master Plan. There will be a Community meeting held July 29<sup>th</sup> from 5:30-7:30 via Zoom with a test run July 22. The information is on the website and public notices will go out soon with a link to the information.

Commissioner Allan asked Staff if the Board of County Commissioners approved the last Planning item at the July 9, 2020 meeting. Planner, Tammy Kinsley, replied the Board of County Commissioners did approve the Viksna application request for a Conditional Use Permit to operate an outdoor landscape materials yard.

Mrs. Kinsley also updated the Planning Commission on the 2020 Master Plan. Mrs. Kinsley met with Manhard June 23<sup>rd</sup> via Zoom, to go over revisions and consult on the next round of Community meetings. Mrs. Kinsley is projecting it will be completed by December 2020. Once the document is completed another round of Community Meetings will be held to collect feedback. It will go back to the Planning Commission and the Board of County Commissioners for final review and adoption.

She also informed the Commission of a LOMR (Letter of Map Revision) initiated by FEMA on Ricci Road/ Eldorado Canyon area. The base flood elevation is now lower than the original base flood elevation. The information is on file and available to the public.

Planner, Rob Pyzel, updated the Planning Commission on the Tahoe Western Asphalt Company. The Carson Board of Supervisors did not approve their request to expand their Special Use permit allowing them to expand their hours of operation. All three jurisdictions, Carson Board of Supervisors, NDEP Air Quality Control and Lyon County, have been working really well together to find a solution. NDEP is requiring them to install new equipment to help with the odor and emission issue. The Western Asphalt Company has until August 17<sup>th</sup> to complete the improvements. The Board of Supervisors requested an update at their August 20<sup>th</sup> meeting.

## **15. Public Participation**

**None**

## **16. Adjournment**

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

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Betty Retzer, Chairwoman

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Shannon Juntunen, Administrative Assistant