

## LYON COUNTY PLANNING COMMISSION MEETING MINUTES

September 8, 2020

The September 8, 2020 meeting of the Lyon County Planning Commission was called to order by Chairwoman Betty Retzer at 9:02 a.m.

### 1. Roll Call –

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

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

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

### 3. Public Participation- None

### 4. Review and Adoption of Agenda-

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

### 5. Approval of minutes-

Commissioner Allan made a motion to **approve** the minutes of the August 11, 2020 meeting as amended. Commissioner Hardcastle **seconded**, motion carries unanimously (6 aye; 0 nay; 1 abstention, Commissioner Cassinelli)

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

### 7. Advisory Board Reports- None

### 8. Public Hearing Items-

#### 8.a. For Possible Action: Robert B. & Barbara G. Lane - ZONING MAP AMENDMENT

- Request to change the current zoning from C-2 (General Commercial) to RR-1 (Rural Residential - 1 acre minimum) for a 1.51 acre parcel located at 7101 E. Hwy 50 in Dayton, NV (APN: 019-211-08) PLZ-20-0016.

Planner, Rob Pyzel, presented the staff report. The applicants request is in conformance with the 2010 Master Plan designation of Low Density Residential and would allow the parcel to continue the use of the single family dwelling. Staff is recommending approval.

Commissioner Allan asked staff for clarification on the land use, is the parcel suburban or rural?

Mr. Pyzel responded that it was designated suburban.

Commissioner Hardcastle commented this appeared to basically be a housecleaning item.

Bringing the zoning into conformance with the surrounding parcels and Master Plan designation.

Mr. Pyzel said the County would rezone this parcel when they initiate the county wide rezoning project, however, the property owner does not want to wait.

Applicant, Mr. Lane, explained the property has been utilized as residential since 1980 and they would like to change the zoning to RR-1 so they can move forward with funding.

Commissioner Hardcastle made a motion to recommend **approval** of the request to change the current zoning from C-2 (General Commercial) to RR-1 (Rural Residential - 1 acre minimum) for a 1.51 acre parcel Commissioner Lake seconded, the motion carries **unanimously** (7 ayes; 0 nay; 0 abstentions)

**8.b. For Possible Action: J. Brent & Elizabeth K. Rose - Major Variance** - Request for a Major Variance to allow for the installation of electrical service for a domestic water well pump on a parcel without an approved/existing primary residence or an active agricultural use on an approximately 6.30 acre parcel in the RR-3T (Third Rural Residential - 5 acre minimum) zoning district; located at 5340 Anita WY., Silver Springs (APN 018-452-12) PLZ-20-0017.

Planner, Rob Pyzel, presented the staff report. Mr. Pyzel gave a brief history on the parcel explaining the applicant is requesting the variance to allow the electric service to be reinstated without a primary residence. Although there has been a residence on the property previously, due to its dilapidated state, it was removed in 2012. In March there was a power outage and when NV Energy went to repair the problem they found the service needed to be upgraded, so it was temporarily shut off. Once the repair/upgrade was done the applicant could not get service turned back on because the County will not approve electric service without a primary residence.

Commissioner Allan noted, based on the “letter of the law” they didn’t have grounds to approve the variance. However the applicant is not asking for new service but to reinstate old service. She went on to say she understands the applicant’s request to reinstate electric service to get their well running to water the trees. Commissioner Allan said it takes a lot of time and money to grow trees.

Commissioner Hardcastle asked staff what impact this might have on the surrounding parcels and if the Commission approves this, is it going to set a precedence. Mr. Pyzel responded that it very well could and that is why they included some very specific language in the approval conditions.

Commissioner Cassinelli asked staff if the original Manufactured home and accessory uses were permitted. Planner, Rob Pyzel, responded yes.

Commissioner Cassinelli went on to ask if the Manufactured Home that was removed in 2012 was removed for safety reasons. Mr. Pyzel responded that was his understanding but the applicant could better explain.

Commissioner Ritter noted it was a catch 22. Don’t want to set a precedence but hard to deny a request like this where the property owner is trying to maintain the property.

Commissioner Retzer asked staff if the well should have been removed when the Manufactured Home was and if the power should have been shut off at that time. What are the rules for accessory uses when the manufactured home has been removed?

Mr. Pyzel said technically the well should have been capped and the power pole should have been removed when the residence was removed.

Commissioner Retzer stated, that seems like a lot of expense for the property owner. Wouldn’t it make more sense to just turn the power to the parcel off versus removing the pole and capping

the well? She also asked when irrigation to the trees stopped. Mr. Pyzel stated the power was turned off in March.

Commissioner Hendrix asked staff if having a well and septic with no primary residence was legal under Title 10. Mr. Pyzel said it was not.

Applicant, Elizabeth Rose, went over the history of the parcel. Explaining it had been in her family for 50 years. Her Parents lived there and worked really hard over many years to improve the property and her goal is to preserve its current status.

Commissioner Cassinelli said prior to NV Energy shutting off the service in March you were paying a service fee, are you still?

The applicant replied yes, just a service fee at this time because they are not using power since it has not been turned back on yet.

Commissioner Allan made a motion to **approve** the request for a Major Variance to allow for the installation of electrical service for a domestic water well pump on a parcel without an approved/existing primary residence or an active agricultural use on an approximately 6.30 acre parcel. The motion passes by **majority vote** (5 ayes; Commissioners Allan, Retzer, Ritter, Hendrix and Cassinelli; 2 nay, Commissioners Hardcastle and Lake; 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 Planning items heard by the Board of County Commissioners at the September 3, 2020 meeting. The Board did approve the Conditional Use Permit for a telecommunication facility in Mason Valley. The appeal of the denial for HSKS LLC, request for a variance to modify building setbacks to accommodate a manufactured home on a narrow lot, was heard. However, it was a tie vote and continued to the October 1, 2020 meeting.

Commissioner Retzer reminded board members, whose terms are going to be up, to reapply by November.

**15. Public Participation**

None

**16. Adjournment**

At approximately 10:33 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