

LYON COUNTY PLANNING COMMISSION MEETING MINUTES

October 12, 2021

The October 12, 2021 meeting of the Lyon County Planning Commission was called to order by Commission Chairwoman, Audrey Allan.

1. Roll Call –

Members present: Commissioners Audrey Allan, Tammy Hendrix, Loretta Sell, Shawn Keating and Connie Kuzmicki attended the meeting in the Greg Hunewill Commissioners Chambers. Commissioners Michael Carlson and John Cassinelli attended via Zoom.

Attending staff present: Senior Planners Rob Pyzel and Deputy District Attorney Yuliya Davidzenka, attended via Zoom. Community Development Director, Andrew Haskins; Senior Planner, Louis Cariola; Planning Technician, Kerry Page and Administrative Assistant, Shannon Juntunen attended in person.

2. Pledge of Allegiance – Led by Commissioner Hendrix

3. Public Participation – There was none

4. Review and Adoption of the Agenda-

Commissioner Hendrix motioned to adopt the agenda as presented. Commissioner Sell seconded and the motion passed by a unanimous vote (7 Ayes; 0 Nay; 0 Abstentions)

5. Approval of minutes-

Commissioner Sell motioned to approve the minutes from the September 14, 2021 meeting, as presented. Commissioner Cassinelli seconded and the motion passed by unanimous vote (6 Ayes; 0 Nay; 1 Abstention, Commissioner Keating)

6. Presentation and Reading of Miscellaneous Correspondence – There was none.

7. **Advisory Board Reports** – A letter of transmittal from the Dayton Regional Advisory Board was received forwarding a recommendation of denial for the Silverhorn / Scott Ceresa and Jacqueline Ceresa Trust/ Tentative Subdivision Map.

8. Public Hearing Items:

8.a. For Possible Action – Scott Ceresa and Jacqueline Ceresa Trust /Active Real Estate Partners LLC/Tentative Subdivision Map – Request for a tentative subdivision map to create a 125 lot single family residential development on approximately 54.33 acres within the E-1 (First Estates Residential – 12,000 square foot minimum) zoning district generally located south of the Blue Stone Estates Phase 1 Subdivision, Dayton (APN: 016-311-67) PLZ-2021-082.

Senior Planner, Louis Cariola, presented the staff report summarizing the applicant's request for the Tentative Subdivision Map. He explained there was a previous Tentative Subdivision Map approved in 2005, proposing 134 Single Family Residential lots that expired. . The applicant's request is proposing 125 Single Family Residential lots. It is in compliance with the Master Plan and Zoning designations and meets the minimum lot size requirements. The subject site is within the Lyon County Utilities service area and is located in an AO flood zone requiring an elevation certificate before any building can take place. Six mile canyon drainage is a point of concern. The proposed drainage will divert storm drainage to a detention basin on site. Access to the

subject site from US Highway 50 is currently via Ambrose Lane, which connects Creekside Drive on Brookhaven Drive. Brookhaven drive is proposed to extend west, providing primary access to the development. NDOT will do a final review for required improvements based on the traffic impact study and the applicant will have to comply with all required NDOT conditions before the Final Subdivision Map can be recorded. Staff is recommending approval.

Commissioner Kuzmicki stated that 125 new homes will have a big impact on local schools. If you figure the average household has 2 children that's an additional 250 children. Adding demand for additional classrooms, teachers, buses and bus drivers which is a humongous impact on the school. Commissioner Kuzmicki asked if there were funds set aside to help compensate for this expense.

Planner, Louis Cariola responded while there is the possibility of adding kids to the school system you have to remember kids are aging out/graduating at the same time.

Planner, Rob Pyzel, added the School District is informed of all new potential subdivisions and is given the opportunity to review the application and comment on the project. The School District has indicated, with the exception of Fernley High School, all Lyon County Schools have the capacity to take more kids.

Commissioner Keating stated a school \$1,600.00 tax is collected on all Single Family Residential building permits issued in Lyon County which goes to the School District to help offset those costs. He suggested amending condition 12 to include language that specifies no single family residential building permit will be issued before the final map has been approved and recorded. He recommended removing the language stating no building permits will be issued prior to the final map being approved and recorded because some building permits may be required for the site improvements. Commissioner Keating expressed concerns about emergency access for the homes that will sit on the other side of the drainage ditch. He'd like to hear comments back from the Fire District addressing that.

Commissioner Hendrix expressed concern about the traffic/access off Highway 50 and emergency access to the houses across the drainage ditch.

Commissioner Cassinelli stated the concerns about access and traffic are understandable but you can't have increased traffic control or improvements without increased population / single family residences. You can't have one without the other.

Commissioner Carlson also expressed concerns about the island created by the drainage ditch and access, and the impact to Ambrose being the main access.

Commissioner Allan stated if an applicant meets the required standards, there are no grounds to deny the application. Lyon County/ Dayton is at a tipping point. Traffic is a big concern. People trying to access Highway 50 from residences with a speed of 65, is very dangerous. However, that is an NDOT issue that they will address as needed. Commissioner Allan had questions about NDOT comment number 6. Louis explained that NDOT was trying to relay any extra cost associated with improvements will be passed on to the developer. She also asked about the comment referring to implementing a Parkway concept for that portion of Highway 50, however that was not presented to the Planning Commission. Louis said he read that but he was not sure the operational study was complete and what the final decision was pertaining to the parkway concept.

Chris Baker from Manhard Consulting, addressed the Advisory Board concerns. Chris started with the concern regarding access. He said they met with NDOT in a pre-app meeting with the understanding that the crash data and access off Highway 50 and all the impacts associated with that were going to be the main points of concern with this application. When discussing this with NDOT they had not started their corridor study yet, which sounds like it is about wrapped up at this point. The intent was to be consistent with Lyon County's transportation plan. NDOT indicated the extension of Brookhaven is meant to achieve the frontage road concept. They had not determined where the best point of access to Highway 50 would be.

Currently the Platinum St. extension is shown as the legal access point and is outlined in Lyon County's transportation plan. NDOT has indicated they do not want any additional access points onto Highway 50. At this point it sounds like the proposed access at Platinum, consistent with the Lyon County Transportation plan, would become the access point and then Hughes would go away. Brookhaven frontage road would be extended as part of this development to access those existing properties, or there would be an improvement agreement? as part of NDOT updates to Highway 50, for the Hughes intersection and then the Platinum street extension would go away. So the plan is to only have one access point onto Highway 50. They are also trying to determine where control will go, possibly between the proposed Ambrose Ln and Platinum St. as a potential control site depending on the NDOT recommendation.

Chris went on to say the preliminary hydrology design has been developed to address the storm water flows that come through the site to the Carson River. The County is working to obtain easements across private property. The applicant will cover the cost to extend improvements, which helps offset the cost the County will incur. It does meet fire access standards.

Commissioner Sell asked if there was only going to be one access. Chris Baker responded there will be a secondary access, it will either be off Platinum or Hughes.

Commissioner Keating asked what happens in the event that NDOT does not approve the proposed access. Chris Baker, from Manhard Consulting, replied if NDOT denies the proposed access the applicant will have to come back to the Planning Commission with an alternative option.

Gene Smith, Dayton resident, expressed concern pertaining to water availability, access off of Highway 50 and the need for a turning lane. When Highway 50 was widened the turning lane was taken out impacting access to Ambrose.

Chairwoman, Audrey Allan read public comment into record.

Public participation was requested and there was none.

Commissioner Kuzmicki motioned to forward a recommendation of **denial** for the request of a tentative subdivision map to create a 125 lot single family residential development on approximately 54.33 acres within the E-1 (First Estates Residential – 12,000 square foot minimum) zoning district generally located south of the Blue Stone Estates Phase 1 Subdivision, Dayton (APN: 016-311-67) PLZ-2021-082, based on the following findings:

- A. The property to be subdivided is not zoned for the intended uses and the density and design of the subdivision conforms to the requirements of the zoning regulations contained in this title;

- B. The availability of water is not sufficient in quantity for the reasonably foreseeable needs of the subdivision;
- C. There is inadequate access and availability to public services such as schools, police protection, transportation, recreation and parks;
- D. The project is not in general conformity with the Lyon County Comprehensive Master Plan;
- E. The project will have adverse impacts and does not provide adequate mitigation of adverse impacts, to existing public streets;
- F. The physical characteristics of the land such as floodplain, slope and soil have been considered and provisions to adequately mitigate adverse impacts of development on the environment have not been incorporated;

Commissioner Carlson seconded and the motion failed by a majority vote (2 Ayes; Commissioners Kuznicki and Carlson; 5 Nays, Commissioners Allan, Sell, Hendrix, Keating and Cassinelli; 0 Abstentions)

Commissioner Hendrix **made a second motion** to forward a recommendation of **approval** for the request of a tentative subdivision map to create a 125 lot single family residential development on approximately 54.33 acres within the E-1 (First Estates Residential – 12,000 square foot minimum) zoning district generally located south of the Blue Stone Estates Phase 1 Subdivision, Dayton (APN: 016-311-67) PLZ-2021-082, subject to the recommended findings and subject to the following conditions:

1. Approval of the tentative map shall not constitute acceptance of the final map. **Approval of the tentative map shall lapse unless a final map based thereon is presented to the Board of Commissioners within four (4) years from the date of such approval**, unless a provision for an extension of time has been granted. The Board of County Commissioners, with the recommendation of the Community Development Department, may grant to the developer a single extension of not more than two (2) years within which to record a final map after receiving approval of the tentative map.
2. The applicant shall comply with all Federal, State, County and special purpose district regulations.
3. The developer shall provide the proposed Covenants, Conditions and Restrictions (“CC&Rs”), landscape maintenance association/homeowners association agreements, easements and/or other legal instruments containing sufficient detail to constitute enforceable provisions necessary for operation and maintenance by the developer and his successors, and assignees as well as the individual subdivision lot property owners as the project is subdivided and the individual lots sold for all common areas and storm drainage facilities (easements, channels and basins) as well as any associated landscaping within the common open space lots and storm drainage facilities other than the Six Mile Canyon and other provisions necessary for the subdivision as approved, for review by the Community Development Director, the Utilities Director, the County Engineer and District Attorney’s Office. The approved legal instrument shall be signed and recorded prior to approval of a final map or first in a series of final maps for the project.

4. Lyon County will maintain the Six Mile Canyon drainage improvements, but the developer will be responsible for construction of improvements to the Six Mile Canyon drainage and maintenance of the access road. The access road shall be maintained free of any development that would prevent County access to the Canyon.
5. Prior to issuance of any final map, the applicant shall submit for the County's approval a landscape/treatment development plan for all common areas on the site including the maintenance access road for the Six Mile Canyon drainage.
6. The applicant shall submit and receive approval of a street-naming application prior to submittal of an application for a final map or first in a series of final maps. Should any requested street name(s) be denied, the Community Development Director is authorized to administratively process a request for a replacement street name(s), obtain review and comment from the fire district with jurisdiction, Road Department and any other appropriate agency, and approve a revised street name(s) without the requirement of a public hearing before the Planning Commission.
7. Before requesting a Will-Serve Letter for the final subdivision map, the developer must submit an LCUD application for water and sewer service and meet the requirements outlined in County Code, Title 9. The applicant shall provide written evidence (i.e. 'will-serve' letters) demonstrating that the proposed parcels are able to be served by municipal water and sewer systems with the submission of a final subdivision map or first in a series of final maps for this project.
8. All property taxes must be paid in full through the end of the fiscal year (June 30) and any applicable agricultural deferred taxes shall be paid in full prior to recordation of any final map.
9. The applicant shall comply with the final subdivision map requirements as prescribed by NRS 278 and Title 15 of the Lyon County Code.
10. Required recording fees to be paid at time of recording map.
11. No lot shall be offered for sale or sold until the final subdivision map has been approved and recorded.
12. No single family residential dwelling unit building permits shall be accepted for processing until a final subdivision map has been approved and recorded.
13. The applicant shall make corrections of any engineering or drafting errors and other technical map corrections to the satisfaction of the County Engineer and Community Development Director prior to submitting the final subdivision map for recordation.
14. 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 Community Development Department prior to final subdivision map recordation.
15. The applicant shall provide the final subdivision map to the Lyon County GIS Coordinator in form and format compatible with the County geographical information system (GIS) pursuant to 11.05.09 of the Lyon County Code. 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.

16. The applicant shall comply with County requirements, in accordance with Chapter 15.234 of the Lyon County Code, mandating that a site improvement permit(s) be obtained for any disturbance occurring on the subject site. The site improvement permit applications shall also include documentation of approval of a Stormwater Pollution Prevention Plan (“SWPPP”) permit and a Surface Area Disturbance (“SAD”) permit with the Nevada Department of Environmental Protection (NDEP).
17. The applicant shall secure approval of an occupancy permit for all improvements located within NDOT’s rights-of-way from NDEP before any construction or mass grading may occur. The proposed western access may be limited to an emergency vehicle access only and as such will be gated. Appropriate emergency access gate improvements shall be determined to the satisfaction of the NDOT and Central Lyon County Fire Protection District prior to the issuance of a site improvement permit/final subdivision map for the project.
18. Revegetation of disturbed areas for dust control shall commence as soon as practical, but no later than the following fall season, with security bonding and temporary irrigation (if necessary) provided to ensure proper re-establishment of disturbed areas. Revegetation shall be a uniform perennial vegetative cover with a density of seventy percent (70%) of the native background vegetative cover for unpaved areas and areas not covered by permanent structures.
19. The site improvements required by the terms of Title 15 of the Lyon County Code shall be inspected by the County as the work progresses. Such improvements shall not be started until the inspection fee, required as a prerequisite to the filing of the final map, has been paid.
20. Prior to any construction of improvements, a preconstruction conference shall be held between the contractor/developer and the appropriate County inspection personnel.
21. The applicant shall comply with Lyon County requirements as set forth in the adoption of Title 15 and as set forth in Title 15 of the Lyon County Code including, but not limited to:
 - a. The developer shall obtain all necessary encroachment permits and approvals as well as coordinate and comply with the requirements of the Roads Department;
 - b. The developer shall design the street alignments in compliance with AASHTO standards to the approval of the Road Superintendent;
 - c. The developer shall install all required signage, striping and traffic control improvements in compliance with Nevada Department of Transportation and Lyon County requirements;
 - d. The developer shall attain a Floodplain Development Permit from the County before construction or development begins within any area of special flood hazard established in subsection 15.800.07A of Lyon County Code. The permit shall be for all structures, including manufactured homes and accessory structures whether a building permit is required or not required as defined herein or in chapter 1200 of Lyon County Code, appendix A, and for all development, including fill and other activities, including river bank and stream bank erosion repair activities, as defined in chapter 1200 of Lyon County Code, appendix A.
 - e. The developer shall install street lighting in compliance with the requirements of the Roads Department;

- f. The developer shall submit a detailed geotechnical report with the final map(s) for the project that includes roadway structural sections and the structural section calculations demonstrating that the proposed structural section is adequate to support the weight of the anticipated traffic;
 - g. The developer shall provide a slurry seal onto the streets and roadways in compliance with the current County standards every five (5) years from the date of installation of asphalt concrete paving of the subdivision's streets and roadways until such time as the subdivision is 90% completed and the County accepts the offer for dedication for the rights-of-way for all streets and roadways within the subdivision; and
 - h. The developer shall make a perpetual offer of dedication for the right-of-way for all streets and roadways within the proposed subdivision. The County rejects the offer of dedication at this time and will not accept the offer of dedication until at least 90% of the lots within the respective unit have been developed, the improvements are inspected and approved by the County, and the County accepts the improvements for maintenance.
22. The applicant shall comply with Lyon County's Dayton Valley Drainage Master Plan. The applicant shall demonstrate that the proposed drainage facilities will comply with the Lyon County Drainage Requirements to the satisfaction of the County Engineer and Utilities Department Director prior to recordation of the final subdivision map. Major drainage facilities shall be constructed in the first phase of development and each phase of building development shall have drainage improvements that tie into the major facilities and function without dependency on improvements in future phases of development.
- a. The developer shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director and the Community Development Director that provisions for maintenance and continued operation of the stormwater system have been developed and put in place prior to approval of a final subdivision map or first in a series of final maps for this project.
 - b. The applicant shall provide documentation that easements have been recorded to permit discharge of project-generated stormwater to all off-site properties receiving stormwater discharges prior to recordation of a final subdivision map or first in a series of final maps for this project.
 - c. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Road Superintendent, the County Utilities Department Director, and the Community Development Director that facilities necessary to protect source water from potential stormwater contamination have been designed and will be installed prior to approval of a final subdivision map or first in a series of final maps for this project.
 - d. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Road Superintendent, the County Utilities Department Director, and the Community Development Director that facilities necessary for the treatment of stormwater prior to discharge have been designed and installed prior to approval of a final subdivision map or the first in a series of final maps for this project.
 - e. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Road Superintendent, the County Utilities Department Director and the Community Development Director that provisions for maintenance and continued operation of the

stormwater system have been developed and put in place prior to approval of a final subdivision map or first in a series of final maps for this project.

- f. Debris grates are required at the pipe inlets of the retention/detention basins.
23. The applicant shall complete any and all required development improvements and facilities to the satisfaction of the Community Development Director, County Engineer, the County Road Superintendent, Utilities Director, Building Official, Central Lyon County Fire Protection District or other authorized County personnel, as applicable, or an appropriate security must be provided and approved prior to recordation of a final subdivision map or first in a series of final maps for this project. There may be temporary restrictions to obtaining building permits even with an acceptable security instrument depending on the County's approval of the various systems. All facility construction shall be completed/installed to satisfaction of the Community Development Director, the Building Official, the County Engineer, the County Road Superintendent, the Utilities Department Director, the Facilities Department Director, Central Lyon County Fire Protection District, their respective designees or other authorized County personnel, as applicable prior to the issuance of a Certificate of Occupancy will be allowed in a single family residence for this project or if done in phases, that portion of the project.
 24. The applicant shall comply with all applicable building and fire code requirements.
 25. The water system must meet the requirements of the Lyon County Utilities Department and Central Lyon County Fire Protection District and be constructed in accordance with the following:
 - a. The location of fire hydrants shall be determined by the Central Lyon County Fire Protection District.
 - b. A minimum required fire flow is required for each fire hydrant as directed by the Central Lyon County Fire Protection District.
 - c. Prior to any combustible materials being brought on site the following shall occur:
 - d. All required fire hydrants are to be installed and fully operating.
 26. Distinct and legible "temporary" addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.
 27. The applicant will maintain the property until the development is complete. This maintenance will include the semi-annual mowing of all weeds within the development boundaries and the removal of noxious weeds when they are identified.
 28. The applicant shall post and maintain a rules and regulations sign at the entryways to the property until it is fully developed. The signs shall be intended for the subcontractors performing work and shall include:
 - a. No loud music;
 - b. No alcohol or drugs;
 - c. Dispose of personal trash and site debris;
 - d. Clean up any mud and or dirt that is deposited from the construction parcels onto the streets; and
 - e. No burning of construction or other debris on the property.

29. All debris on construction sites must be contained and removed periodically as required for safety and cleanliness to the satisfaction of the Lyon County Community Development Department.

Commissioner Sell seconded and the motion passed by majority vote (5 Ayes, Commissioners Hendrix, Sell, Keating, Allan and Cassinelli; 1 Nays, Commissioners Carlson; 1 abstention, Commissioner Kuzmicki)

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

Community Development Director, Andrew Haskins, updated the Planning Commission on action by the Board at the September 16, 2021 meeting. The Board approved the Final Subdivision Map for Riverpark Phase 3, Unit 19A. Andrew has been working on the Solid Waste Franchise agreement to be presented at the October 21, 2021 meeting.

At the October 7, 2021 meeting the board approved the Aspen Creek Zoning Map Amendment application. The board did not approve the request to change the Advisory Board meeting dates to the third week in the month.

Commissioner Hendrix asked how the upgrades and improvements on the waste water treatment plant were going.

Community Development Director, Andrew Haskins, said the Utilities Department is moving forward on the project, however, there has been some changes to the project cost due to increase in cost of materials since the initial proposal. The board is working toward approving ARPA funding to cover the cost increase.

15. Public Participation- None.

16. Adjournment

At approximately 10:04 a.m. it was unanimously motioned to adjourn.

Audrey Allan, Chairwoman

Shannon Juntunen, Administrative Assistant