Yerington, Nevada
April 7, 2005

The Honorable Board of Lyon County Commissioners met this day in regular session with the following present: Chairman Bob Milz, Vice-Chair Phyllis Hunewill, Commissioners LeRoy Goodman, Chet Hillyard and Don Tibbals. Also present: County Manager Donna Kristaponis, Comptroller Josh Foli, District Attorney Leon Aberasturi, Clerk and Treasurer Nikki Bryan, Deputy Clerk Pia Thienes and Deputy Clerk Donna MacGill.

1. Review and adoption of agenda

There were no changes to the agenda.

2. Public participation

District Attorney Leon Aberasturi commented on articles in the newspaper regarding narcotics in Lyon County and he would like any calls referred to his office.

3. Approve Proclamation for National Library Week April 10-16

Library Director Diane Brigham read the National Library Week 2005 Proclamation into the record.

Comm Goodman moved to approve National Library Week April 10-16. Comm Hillyard seconded and the motion passed unanimously 5 – 0.

CONSENT AGENDA

4. Discussion and possible approval of changes on Assessor's tax roll due to corrections in assessments and review of tax roll changes

Secured Property factual corrections totaled $79.58 and Unsecured Property deemed uncollectible totaled $1,254.06.

5. Review and possible approval of business license applications

a. Dugdale, Rex B.; ***Action Cleanup & Removal;*** 3419 Cypress Street, Silver Springs, NV; Yard Cleanup & Removal
b. Carlson, Bill E. & Sharon M.; ***B. Carlson Construction, LLC;*** 195 Hudson Aurora Road, Smith, NV; Change of Address and to LLC ONLY!
c. Hill, Gary J.; High Sierra Structures, Inc. dba/ ***Building Entergetix;*** 401 Dayton Valley Road, Dayton, NV; Change of Location ONLY!
d. Azpilcueta, Daiana & Bondy, Randy A.; ***Cal-Neva Transport & Tow, Inc.;*** 1663 Forrest Way, Carson City, NV; Towing Service
e. Forsythe, Margaret R.; ***Carousel Ice Cream;*** 235 Como Lane, Dayton, NV; Change of Last Name ONLY, due to Marriage
f. Houston, Douglas B. & Sandra L.; Fireplace Distributors of Nevada, Inc. dba/ ***D & D Overhead Door;*** 8521 White Fir Street, Reno, NV; Change of Location ONLY!
g. Singh, Amandeep & Singh, Gurbachan; ***Dayton Discount Liquor;*** 801 Overland Loop, Dayton, NV; Removal of Joginger Singh's Name per his Request ONLY!
h. Bloodworth, Charles E.; ***Desert Valley Drywall Service;*** 30 Shirley Lane, Yerington, NV; Carpentry & Drywall Contractor
i. VanGelder, Ian J.; ***East West Machinery;*** 25-B Cowee Drive, Mound House, NV; Mfg & Sale of Industrial Machinery
j. Cummings, Don J.; ***Emark;*** 23356 Gordon Lane, Dayton, NV; Internet Sales of Misc Goods
k. Taylor, Gloria M.; ***GK & Treasures;*** 10116 Hwy 50 East #101, Mound House, NV; Change to Commercial Location ONLY!
l. Hill, Gary J.; ***High Sierra Concrete Co., LLC;*** 401 Dayton Valley Road, Dayton, NV; Change of Location ONLY!

m. Millett, Joseph D. & Shelli E.; ***J. Millett Construction Company;*** 1002 Haystack Drive, Carson City, NV; Residential Construction

n. Crago, Nancy A.; ***Little Woodchopper, The;*** 2835 Ft. Churchill Street, Silver Springs, NV; Removal of Husband's Name ONLY, due to Death

o. Carter Jr., Lewis M.; Trice III, Joseph F.; Kelley, JoAnn G.; Lewis M. Carter Manufacturing Company, Inc. dba/ ***LMC;*** 13 Heppner Drive, Mound House, NV; Assemble, Service & Wholesale Tillage Equipment & Hayrakes

p. Lee, James M. & Williams, Gary L.; ***LW Builders, LLC;*** 67 Pinon Drive, Wellington, NV; Residential Construction

q. Schmitt, Robert; ***Maxim Construction, Inc.;*** 2701 Conestoga, Ste 111, Carson City, NV; General Contractor

r. Shulte, Dan; Kral, Robert; Kargel, Russell etal; ***Modern Stainless & Design, Inc.;*** 23 Airpark Vista Blvd., Dayton, NV; Mfg of Stainless Steel Wine Tanks

s. Thomas, Eileen; ***Next Level, The;*** 1965 Hwy 95A, Fernley, NV; Change of Address ONLY!

t. Handlin, Clinton J. & Jean E.; Rigdon, Wendy C. & Robert A.; ***Perfect Temp Heating and Air Conditioning;*** 4450 Desert Vista Court, Sparks, NV; Heating and Air Conditioning Contractor

u. Bielser, Christopher & William & Offendah, Richard; ASAP Storage dba/ ***Quick Space;*** 820 Marietta Way, Sparks, NV; Rental of Office Trailers & Storage Containers for Use at Construction Sites

v. McNatt, Richard; ***Richard McNatt Construction;*** 950 Koontz, Carson City, NV; Install Vinyl Siding

w. Zuniga-Canales, Sabas J.; ***Sazu Lawn Maintenance;*** 5085 Pueblo Drive, Stagecoach, NV; Lawn & Garden Service

x. Sheahan, Timothy & Jeanette; ***Sheahan Transportation Services, Inc.;*** 38 Heppner Drive #A, Mound House, NV; Trucking Company

y. Moore, William A.; Williams, Alvin; Bragg, Valera R.; Sery, Mike; ***Silver Springs General Store;*** 3305 Hwy 95A, Silver Springs, NV; Addition of Another Partner ONLY!

z. Giuseppe, Floro & Anderson, Mandy; ***STC Netcom;*** 11611 Industry Avenue, Fontana, CA; General Engineering Contractor

aa. Ragan, Steven H.; ***Steve Ragan's Tractor Service;*** 77 Canal Road, Wellington, NV; Tractor Work by the Hour

bb. Holderman, Brent; Williamson, Mike; VonStetina, Dana etal; ***Stewart Title of Carson City, Inc.;*** 5 Pine Cone Road, Dayton, NV; Title & Escrow Office (pending approvals)

cc. Stockman, H. David; ***Stockman's Vending;*** 9 Penrose Drive, Yerington, NV; Unpackaged Candy Vending Machines

dd. Veil, Timothy C.; ***T's Handyman Service;*** 77 Hwy 95A East, Yerington, NV; Handyman Services

ee. Halverson, Marc; ***T-Co Electrical;*** 1994 Eight Iron Court, Fernley, NV; Electrical Contractor

ff. Sprague, Kenneth M. & Jonathan P.; ***Technology Transfer Services;*** 745 Monico Drive, Dayton, NV; Transfer Donated Materials to Non-Profit Organizations

gg. Simpson, James B. & Robert H.; ***R. Wilson & Sons, Inc.;*** 800 W. Goldfield Avenue, Yerington, NV; Auto Parts Sales

6. Approve the final map for High Plains Estates, Phase 1, excluding title to the property indicated as public roads. At some future date the board may, by resolution, accept such dedication and accept and open the streets indicated on this map for public use all per NRS 278.390

7. Approval of the final subdivision map for Toy Shed, Inc. – A Commercial Subdivision

8. Review and accept travel claims as presented by Comptroller

Travel claims totaled $2,977.48 and registrations totaled $5,012.00.

9. Review and accept County claims and financial report as presented by Comptroller

County claims totaled $2,768,357.28 and payroll totaled $781,806.83.

Comm Hunewill moved to approve the consent agenda as presented. Comm Tibbals seconded and the motion passed unanimously 5-0.

****END OF CONSENT AGENDA****

RECESS TO CONVENE AS THE LIQUOR BOARD FOR LYON COUNTY

10. Review and possible approval of liquor license applications

a. Singh, Amandeep; ***Dayton Discount Liquor;*** 801 Overland Loop, Ste. 101, Dayton, NV; Removal of Joginger Singh's Name per his Request

Clerk and Treasurer Nikki Bryan reminded the Board that all they were doing is removing the name and leaving the license in the other name that was previously approved.

Comm Hunewill moved to approve the liquor license. Comm Goodman seconded and the motion passed unanimously 5-0.

11. Review and possible approval of temporary liquor license applications

a. ***Kiwanis Club of Dayton Township;*** Annual Casino Night; Dayton Valley Community Center, Pike Street, Dayton, NV; Temporary Liquor Permits for: **Mar 19**, 2005 ONLY!

b. ***Tri-County Rodeo Events Association*** (added a few more dates to the last request); Ropings and Rodeos; Dayton Events Arena, 500 Schaad Lane, Dayton, NV; Temporary Liquor Permits for: **Apr 9**, 2005 ONLY!; Same; **June** 4, 2005 ONLY!; Same; **July** 2, 2005 ONLY!

Comm Goodman moved to approve the temporary liquor license applications. Comm Tibbals seconded and the motion passed unanimously 5-0.

ADJOURN TO RECONVENE AS THE LYON COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING

9:30 A.M. – Approve conveyance to City of Yerington the Lyon County Information Center Building, located at 227 South Main Street, Yerington, NV

Comm Hunewill moved to convey the Information Center Building to the City of Yerington. Comm Tibbals seconded and the motion passed unanimously 5-0.

12. Approve submittal of the Edward Byrne Memorial Justice Assistance Grant application, which is part of the grant process

Captain Jeff Page presented the request for this grant in the amount of $12,531. Comm Hunewill noted that there were no matching funds for this grant.

Comm Hunewill moved to approve the assistance grant process for Edward Byrne Memorial Justice Assistance Grant application. Comm Goodman seconded and the motion passed unanimously 5-0.

13. Extend billboard moratorium to expire concurrent with adoption of new ordinance

Comm Hunewill moved to approve extending the moratorium to expire concurrent with adoption of new ordinance. Comm Hillyard seconded and the motion passed unanimously 5-0.

14. Propose an ordinance establishing a method of signage regulation to be known as the Sign and Advertising Control Ordinance

Planning Director Steven Hasson spoke extensively about establishing a sign ordinance in this County. It's really difficult to have sign regulations unless there is some consistency or some collectiveness in this county regarding this issue.

County Manager Donna Kristaponis mentioned that the residents along Highway 50 had clearly and consistently stated that they did not want to see billboards in that area because of the sheer beauty of that area. She also let the board know that they did not have to accept this proposal, as it clearly needs a lot of discussion.

Comm Hunewill agreed with Donna Kristaponis. She felt the ordinance did not apply to the entire county.

Comm Goodman also had some concerns.

Comm Hillyard said that the board needed time to review the ordinance to determine any positions specifically applying to Lyon County.

Comm Tibbals thinks the proposal of this ordinance is beyond Lyon County's comprehension. He also mentioned that the State of Nevada has a sign ordinance and you cannot put up a sign or even get a permit for a sign in Lyon County unless you have a license.

Comm Goodman proposed the ordinance.

15. Propose an ordinance establishing guidelines for the construction and placement of wireless communication facilities, including poles, antennas, towers and related accessories, within Lyon County

Planning Director Steven Hasson said that he did not have a problem if the ordinance is not proposed today.

Comm Hunewill moved to continue this item. Comm Goodman seconded and the motion passed unanimously 5-0.

16. Consider extending for two years a memorandum of understanding with the City of Fernley for law enforcement services

Comm Milz pointed out when Fernley became a city what the board went by was an opinion by the Attorney General at the time. The Nevada Revised Statutes say that 'if a community who have not had their own police force then it is up to the county sheriff to maintain the same level of service as when it became a city.'

District Attorney Leon Aberasturi spoke on the 13th clause on this item saying that one cannot commit to future budgets, so one does not know what's going to take place tax wise year after year. He continued to say that this clause is talking about the worst-case scenario happening then one will notify the city so that they are not caught off guard.

County Manager Donna Kristaponis announced that there would be a joint County/City meeting at 1pm on May 3rd.

Comm Goodman moved to approve a two year extension of the memorandum of understanding with the City of Fernley for law enforcement services. Comm Hillyard seconded and the motion passed unanimously 5-0.

17. Presentation of the Dayton Valley Road rehabilitation project and authorize the Lyon County Road Division to advertise for bid project #2004-1004

Lyon County Road Manager Gary Fried presented a synopsis of the breakdown of funds and where they are at as far as engineer's estimate. He also presented a map of Dayton Valley Road explaining the project overview.

COMM HILLYARD ABSENT

Comm Tibbals pointed out that the budget from the engineer does not match up and suggested that Mr. Fried present them with a budget that has true figures.

Comm Hunewill moved to advertise the bid project # 2004-1004. Comm Goodman seconded and the motion passed 4-0. Comm Hillyard was absent.

18. Request to approve a professional services contract with BBC, Inc. to do an impact study analysis for Lyon County

Planning Director Steven Hasson presented a request for an impact study analysis for a firm called BBC Research and Consulting which is a Denver based operation, to evaluate an impact fee study and the cost would be approximately $36,500.

Comm Tibbals commented on the proposal as far as he can see it is everything that BBC can do and will do, but BBC does not say what they are going to do for the county for that amount of money.

Mr. Hasson pointed out that on page 3 it clearly says what BBC would do.

Comm Hunewill has some concerns about this issue and suggested that the board needed some more information regarding this issue.

District Attorney Leon Aberasturi commented on this item by saying that BBC would have to do two things – 1) they have to determine their current level of service and, 2) future level of service and what the impact fee would be.

Comm Milz moved to approve the professional services contract with BBC, Inc. to do an impact study analysis for Lyon County.

Motion died for lack of a second.

19. Authorize new position and approval to hire a Building Inspector

Building Department Director Nick Malarchik is asking for an additional building inspector position.

Lyon County Comptroller Josh Foli presented the dollar amount of $45,029 annually including benefits.

Comm Hunewill moved to approve the new position of a Building Inspector. Comm Tibbals seconded and the motion passed 4-0. Comm Hillyard was absent.

20. Approve purchase of grounds equipment in the amount of $20,531

Comm Tibbals moved to approve purchase of grounds equipment not to exceed the amount of $20,531. Comm Goodman seconded and the motion passed 4-0. Comm Hillyard was absent.

21. Approve purchase and installation of a closed circuit TV security system for the Dayton Library in the amount of $4,767

Comm Hunewill moved to approve the purchase and installation of a closed circuit TV security system for the Dayton Library in the amount of $4,767. Comm Goodman seconded and the motion passed unanimously 4-0. Comm Hillyard is absent.

22. Propose an ordinance imposing a residential construction tax on the privilege of constructing apartment houses and residential dwelling units and developing lots, for mobile homes (Lyon County School District)

Lyon County School District Superintendent Nat Lommori mentioned they had made a presentation to the City of Fernley, Dayton Regional Advisory Council and to the City of Yerington and all of these entities which support their effort in lieu of the imposition of this residential construction tax.

Lyon County School District Comptroller Wade Johnson presented a slide show about the population growth and student enrollment and where it is now and where it will be in the future.

Lyon County School District Superintendent Nat Lommori commented on the fact that Lyon County has three different funding sources and is based primarily on population. He mentioned Clark County School District being the largest school district in Nevada, however, Lyon County School District has surpassed them in their growth per capita. Clark County has a full billion dollar bond issue that they are working on right now and they are building a new school every 35 days. They also have two other funding sources. They have a real estate transfer tax and room tax. Counties under 50,000 have other opportunities to have additional dollars for capital improvements and Lyon County is one of them, that amount is up to $1,600 per dwelling unit which would include mobile home lots and apartment buildings.

Lyon County School District Comptroller Wade Johnson commented that in regards to bond issues they are 17th in the debt per capita, 13th in assessed value and their debt rate still stays the same. Furthermore, he said that it is important to note when one looks at the debt that our citizens are currently shouldering for schools, LCSD is right up at the top, he is not sure that we should keep asking our taxpayers to shoulder that responsibility.

Lyon County School District Superintendent Nat Lommori commented on the poor condition of the amenities of Lyon County Schools. He further said that they had to take the bond money to put towards building classrooms because of the growth to house children and they had to leave out amenities that many expect to have in their schools.

Lyon County School Board Trustee Jerry Petersen found it interesting 26 years and 4 days ago Senate Bill 356, which authorizes this tax, was before the government affairs committee. He proceeded to read their minutes, which basically said that the senators agreed to do something with this tax. And here we are 26 years later and the school district is coming before the same body.

Comm Milz commented and agreed with Jerry Petersen's facts.

Lyon County School District Superintendent Nat Lommori commented on a bond issue that Douglas re-enacted. At that time the dollar amount for impact fees was $1,000 per household and Douglas was charging $750. As they put forward the two other bond issues, they did fail because people said that they already paid their fair share, so this does have a double edge sword. He continued to say that, as time has progressed, there is growing sentiment within this county to have someone else help us pay for this and with a tax cap the growth on assessed valuation and the property tax cap that the legislature just enacted is another sentiment that proves that the current residents say let's have some help from some of the new people to help pay for some of this infrastructure and projects that are needed.

Lyon County Assessor Mike Glass answered a question from one of the commissioners in regards to assessed valuation for the amount of $1,600. He said this amount does not have anything to do with the assessed valuation; it would have to do with a special assessment, more like a transaction fee. He continued to say that they would have to look at sales of the property and might have to use the abstraction method to come up with the land value, but, as far as improvements are concerned it would be typical replacement cost.

Comm Hillyard defined impact fees as he understood it to be. He said that an impact fee is designed to take care of the problems that growth creates. He is not sure if he wants to agree to the amount of $1,600 for the school district because he said that there are other problems within

the county that require finances too. The only time he would agree to the $1,600 is if that dollar amount is shared between other entities with problems within the county as well.

President of the Lyon County School Board James Huckaby wanted to let the board of commissioners know the School Board voted unanimously in favor of the tax.

Fernley City Council member Kurt Chaffin made his concerns known. He let the board know that the City Council Meeting in Fernley voted 5-0 in favor of the tax.

Lyon County developer Dwight Millard was opposed to impact fees. He commented that he is disappointed in not seeing a plan that takes the budget into the future and shows what these funds will do.

Leanne Chaffin, a member of Lyon County School Board and also a realtor, said she is in favor of the fee.

Comm Hunewill commented that she would like to support this tax.

Executive Officer Rick Demar with Builders Association of Western Nevada spoke on impact fees and construction taxes saying in a nutshell that he could not possibly see how the school district would get this tax voted for.

Lyon County School District Superintendent Nat Lommori said that they directly presented information on the City of Fernley, not the entire county. He proceeded to correct Mr. Demar's comments regarding Carson City School District having a $1,000 impact fee and why would Lyon need $1,600. Carson City School District has zero impact fees; the City does but not the school district. He also said that there has to be 1,382 homes built to cover the needs in the Fernley area using $1,600 per household.

Barbara Johnson of the Lyon County School Board mentioned one concern of most of the people of Lyon County that she has come into contact with is that they don't have an impact fee. Most of them have stated that if they don't get it soon, they will no longer support their bonds.

Comm Goodman suggested that there has to be a well thought out plan for the $1,600 impact fee explaining to people in detail where this fee would go.

Comm Hunewill proposed this ordinance.

COMM HILLYARD ABSENT

23. Approve tentative budget and establish tax rates and spending authorizations for Lyon County Departments for fiscal year 2005/2006 (action will be taken)

Executive Director of Northern Nevada Development Authority (NNDA) Ron Weisinger gave a little background about what this Development Authority does. He continued to say that Nevada Commission on Economic Development requires that NNDA do a dollar for dollar match. Mr. Weisinger stated that NNDA could come up with $24,000.00. He asked the board to come up with an additional $11,500.00, together with $12,500.00 that was already given to NNDA previously, therefore the Lyon County contribution would be $24,000.00, NNDA's contribution would be $24,000.00 thereby showing the State of Nevada that there is $48,000.00 locally. Mr. Weisinger also said their $24,000.00 would be raised by membership dues, fund raisers, such as award appreciation dinners, business and technology expos and also growth from membership dollars etc.

Comm Milz is in favor of $24,000.00 for NNDA. He further said in a question form 'do we want economic development within the county or don't we?' – if they want economic development it is going to cost $24,000.00.

Comm Hunewill suggested to Mr.Weisinger that NNDA would keep the board of commissioners informed about what's going on with the process of these projects in the future because she said that in the past the board was completely out of the loop.

Comm Milz commented that the board will not make a decision right now and they would like to make a final decision after they look at the tax rates and would consider this at that time.

Lyon County Comptroller Josh Foli pointed out that with this budget and with general fund balance, they are well within the budget. He also asked the board to approve this tentative budget.

Comm Hunewill commented on having workshops regarding this item.

Comm Hunewill moved to approve the tentative budget based on the taxes of the county operations as follows:

General	.5346
Road Fund	.0777
General Indigent	.0322
Medical Indigent	.0420
Special Indigent	.1000
Co-operative extension fund	.0200
Surplus Bldg Maintenance fund	.0100
China Springs Youth Facility	.0106
Western Nevada Juvenile Center	.0373

Comm Tibbals seconded and the motion passed 3-1. Comm Goodman was opposed. Comm Hillyard absent.

PUBLIC HEARING ON PLANNING APPLICATIONS

24. <u>WERNER, KURT & NANCY/YERINGTON CHURCH OF CHRIST</u> – CHANGE OF LAND – The applicants have filed to change the zoning from RR-3T (Rural Residential - 5 acre minimum with trailer overlay) to C-2 (General Commercial District) on approximately 2.50 total acres; all located at 2 South Willhoyt Lane, Mason Valley. (APN 14-611-09)

<u>Planning Commission Recommendation:</u> Paula Rosaschi made a motion to approve the change of land application as agendized as it is the best and highest use of the land. Ken Gardner seconded and the motion passed unanimously.

<u>Staff Recommendation:</u> Staff is in support of this land use request because it is located along a major highway in proximity to other commercial uses. The applicant has been advised that they will need to comply with NDOT requirements, to include no direct business access to Highway 95A. In the event that there is an existing driveway with direct access, it will need to be closed off. Staff would request that the Planning and Zoning Commission direct the Werner's to work with staff regarding voluntary compliance with certain development conditions relating to paving, parking, driveway entrances, landscaping and signage.

Comm Hunewill moved to approve for the change of land for Werner, Kurt & Nancy/Yerington Church of Christ. Comm Tibbals seconded and the motion passed unanimously 5-0.

25. <u>HARDY, DAVID E. & KAREN L.</u> – MASTER PLAN AMENDMENT – The applicants have filed to amend the master plan from commercial to industrial on approximately 1.29 acres, Parcel C-1, PM #144323; all located at 9 Michael Court, Mound House. (APN 16-221-38)

<u>Planning Commission Recommendation:</u> Ken Gardner made a motion to approve the Master Plan Amendment as it is the highest and best use of the property and it will bring the master plan into compliance with the surrounding zoning. Paula Rosaschi seconded and the motion passed unanimously. A report and resolution will be sent to the Board of Commissioners.

Staff Recommendation: **Staff has no position on the merits of this land use request.**

Comm Tibbals moved to approve the master plan amendment. Comm Hunewill seconded and the motion passed unanimously 5-0.

26. HARDY, DAVID E. & KAREN L. – CHANGE OF LAND – The applicants have filed to change the zoning from M-E (Industrial Estates District) to M-1 (General Industrial District) on approximately .87 acres, Parcel C-2, PM #144323, located at 10128 Highway 50 East, Mound House, and on approximately 1.29 acres, Parcel C-1, PM #144323; located at 9 Michael Court, Mound House. (APN's 16-221-37 and 16-221-38)

Planning Commission Recommendation: **Ken Gardner made a motion to approve the change of land application as agendized as it is the highest and best use for these properties. Paula Rosaschi seconded and the motion passed unanimously.**

Staff Recommendation: **Staff has no position on the merits of this land use request.**

Comm Goodman moved to approve the change of land for Hardy, David E & Karen L. Comm Tibbals seconded and the motion passed unanimously 5-0.

27. LEE, STEPHEN K. & WEI-HSIU, TRS. – MASTER PLAN AMENDMENT – The applicants have filed to amend the master plan by increasing the portion designated as commercial from 29 acres to 49 acres and decreasing the portion designated as low density residential from 138.18 acres to 118.18 acres; all located off of Quince Avenue, Silver Springs. (APN 15-281-17)

Planning Commission Recommendation: **Ray Fierro made a motion to approve the master plan amendment, as it is the highest and best use of the property. Approval is subject to verification from the GIS department that the portion currently designated as commercial is actually 950 feet. If information provided proves to be incorrect, application will be withdrawn. A report and resolution will be sent to the Board of Commissioners. Chuck Davies seconded. The motion died due to the lack of a majority vote. Ken Gardner, Ray Johnson and Paula Rosaschi were opposed. The recommendation to the Board of County Commissioner's will be for denial.**

Staff Recommendation: **Staff is supportive of this master plan request, given that a portion of the subject land has this designation and a slight increase would not appear to pose a land use detriment.**

Planning Director Steve Hasson presented.

Western Engineering Dennis Smith presented the map regarding the master plan amendment. He pointed out through the map that this particular zoning is right for commercial use and that this zoning is compatible with the other surrounding C-1 zones. He continued to say that by bringing the commercial designation it would help the general area from a planning standpoint and from the utility standpoint. He also pointed out that 95A & Fir is one of the busier intersections in the community, so, this is a good location for a commercial operation. He also said that he spoke with some of the property owners and he said that they are excited for this commercial operation, as this will increase their property value.

Member of Lyon County Planning Commission Ray Johnson reminded the board that there was quite a bit of controversy over this property. He also mentioned about the year 1990 when the master plan amendment was created there was no GIS system. What they did was, designated quarters along Hwy 95-A and Hwy 50 to be designated master planned commercial property.

Mark Zuelke, a resident in that area, mentioned his concerns about traffic accidents and sandstorms in that area.

Comm Goodman suggested that maybe there should be a traffic signal there.

Comm Tibbals moved to approve the master plan amendment for Lee, Stephen K & Wei-Hsiu, TRS. Comm Goodman seconded the motion and the motion passed 4-1. Comm Hillyard was opposed.

28. <u>LEE, STEPHEN K. & WEI-HSIU, TRS.</u> – CHANGE OF LAND – The applicants have filed to change the zoning from RR-2 (Rural Residential – 2 acres minimum) to C-1 (Limited Commercial District) on approximately 49 acres, with 118.18 remaining as RR-2 (Rural Residential – 2 acres minimum), of a 167.18 total acre parcel; all located off of Quince Avenue, Silver Springs. (APN 15-281-17)

<u>Planning Commission Recommendation:</u> Ken Gardner made a motion to deny the change of land application, as the master plan amendment did not pass. Ray Johnson seconded and the motion passed unanimously.

<u>Staff Recommendation:</u> Staff is supportive of this zone change request that would designate 49 acres of this parcel commercial, given that a portion of the land's underlying master plan designation is commercial and thus somewhat consistent with the zone change request. This action does not constitute spot zoning.

Planning Director Steven Hasson spoke partly on this issue of change of land

Comm Milz commented that he would personally like to see what the staff works out with these people that will address the questions that have come up and then he would ask to continue it. He also recommended that the staff would come up with a proposal that everyone can agree on.

Western Engineering Dennis Smith represented the Lee's. He said that the change of land application is more of a planning tool and any development on this property will have to meet primarily state requirements for access along Hwy 95-A. They will have to do traffic impact reports.

Planning Director Steven Hasson agrees with Dennis Smith in regards that they should proceed forth and again they will have to comply with a whole host of traffic related issues as they move forward with this development. However, he said that he is not sure about the staff being real receptive to another connection on to 95-A. He made it clear that he and his staff are receptive to the idea of the commercial enterprise, but they are also cautious about adding another entry way on to this road system.

Comm Goodman moved to approve the change of land for Lee, Stephen K & Wei-Hsiu, TRS. Comm Tibbals seconded and the motion passed 4-1. Comm Hillyard was opposed.

COMM HILLYARD ABSENT

29. <u>ALONZO, ARMANDO A.</u> – CHANGE OF LAND – The applicant has filed to change the zoning from C-1 (Limited Commercial District) to C-2 (General Commercial District) on 2 contiguous parcels, each being approximately .80 acres; Lots 82 and 83 of Silver Springs Subdivision #3; all located at 3590 and 3570 South Highway 95A, Silver Springs. (APN's 18-412-20 and 18-412-21)

<u>Planning Commission Recommendation:</u> Ray Fierro made a motion to approve the change of land application as agendized as it is the highest and best use of the property. Ken Gardner seconded and the motion passed unanimously.

<u>Staff Recommendation:</u> Mr. Alonzo was advised that he would not have direct roadway access to State Highway 95A due to access management control problems. Staff is supportive of this rezone application.

Planning Director Steven Hasson presented.

Comm Goodman moved to approve the change of land request for Armando Alonzo. Comm Tibbals seconded and the motion passed unanimously 4-0. Comm Hillyard was absent.

30. <u>STEFFY, MARK & BELLAS, JANET</u> – CHANGE OF LAND – The applicants have filed to change the zoning from RR-5 (Rural Residential - 20 acre minimum) to RR-3 (Rural Residential - 5 acre minimum) on approximately 20 total acres, Parcel C of PM #52260; all located at 11119 Wrong Way, Stagecoach (APN 15-371-21)

<u>Planning Commission Recommendation:</u> Ray Fierro made a motion to deny the change of land application as the surrounding area does not support 5-acre lot size and neighboring property owners are opposed to the change due to access problems. Ken Gardner seconded and the motion passed unanimously.

<u>Staff Recommendation:</u> Given, that the intent of the rezone is to subdivide the property, the applicant's rezone approval should be predicated on their demonstrating a parcel map configuration that provides secondary access to each lot and noting that <u>no roadway</u> can extend through or alongside a newly subdivided property, a distance of more than 400 feet, without there being a secondary access to the property that likewise does not exceed that length. If the applicant's cannot demonstrate the ability to provide each lot two public street accesses, built to county road standards, not exceeding a length of 400 feet without an approved secondary access, they are not likely to receive county subdivision approval.

Planning Director Steven Hasson presented.

COMM HILLYARD PRESENT

Mark Steffy spoke about his portion of the land and that he wanted to provide access right along the property line on Sandy road. He said he would bear the cost of improving that road.

Planning Director Steven Hasson said that the staff is pretty adamant that this be denied. He also responded to the Chairman's question by saying that if Mr. Steffy would provide some kind of further development application that shows something that was conforming to their Title 11, and that he had water rights and then they would be certainly receptive to take a second look at it.

Comm Tibbals moved to continue the change of land request for Steffy, Mark & Bellas, Janet. Comm Hillyard seconded and the motion passed unanimously 5-0.

31. <u>BERECKY, CHARLES A.</u> – MASTER PLAN AMENDMENT – The applicant has filed to change the master plan from Open Space to Low Density Residential on approximately 39.85 total acres, Parcel 27 of PM #91338; all located at 13300 Seneca Road, Stagecoach (APN 15-354-09)

<u>Planning Commission Recommendation:</u> Chuck Davies made a motion to deny the master plan amendment to allow for discussion and community input regarding and updated master plan for the Stagecoach area. George Mortensen seconded and the motion passed unanimously.

<u>Staff Recommendation:</u> Staff is not aware why this land parcel was designated as open space through the Master Planning process as opposed to some other land use designation. The applicant offered little justification of what changed conditions exist to prompt a change in the land use designation at this time. Staff believes that the determination to change the Master Plan open space designation to residential is premature, unless the request can be substantiated. The area is in dire need of a Master Plan update and that this parcel's Master Plan designation should result from the outcome of that process. Lyon County is about to embark on a Master Planning process to include the Stagecoach area. The applicant should involve himself in the planning process.

Planning Director Steven Hasson presented the master plan amendment saying that Mr. Berecky wishes to divide this property into two 10 acre parcels and retain a 20 acre parcel for himself.

Comm Hillyard moved to deny the master plan amendment for Berecky, Charles A. Comm Hunewill seconded and the motion passed unanimously 5-0.

32. <u>STANTON PARK DEVELOPMENT, INC.</u> – CHANGE OF LAND – The applicants have filed to change the zoning from C-1 (Limited Commercial District) to C-2 (General Commercial District) on approximately 5.60 total acres, Parcel 2A of PM #303807; all located off of Highway 50, in the Mark Twain area. (APN 16-025-25)

<u>Planning Commission Recommendation:</u> Ray Fierro made a motion to deny the change of land application, as it is not consistent with the highest and best use of the property because the property abuts a residential development. Ken Gardner seconded and the motion passed unanimously.

<u>Staff Recommendation:</u> Staff is supportive of this rezone application.

Planning Director Steven Hasson presented. Staff recommended approval even though it shows that it adjoined C-2.

Dwight Millard pointed out the reason for the zone change was to build storage on one side.

Comm Tibbals moved to approve the change of land for Stanton Park Development, Inc. Comm Goodman seconded and the motion passed unanimously 5-0.

33. <u>DAYTON VALLEY FLORAL & NURSERY, LLC/WALKER, MIKE/CUMMINGS, CHERYL/WALKER CUMMINGS LTD.</u> – SPECIAL USE PERMIT – The applicants have filed for a special use permit to operate a community events center on approximately 3.00 total acres, adjusted Parcel 1A of BLA #327454; all located at 209 Dayton Valley Road, Dayton. (APN 6-091-20)

<u>Planning Commission Recommendation:</u> Chuck Davies made a motion to approve the special use permit subject to items 1 – 15 of the list of conditions recommended by staff. Ken Gardner seconded and the motion passed unanimously.

<u>Staff Recommendation:</u> Staff believes that the placement of a "flea market" and "outdoor theater" at this location in a C-2 Zone is compatible with the surrounding environment and consistent with the types of land use allowable in this zone through special use permit activity.

Planning Director Steven Hasson presented.

Cheryl Cummings of Dayton Valley Floral & Nursery spoke about one of the conditions in regards to offsite parking being the biggest concern. She also let the board know that she is in the process of building a commercial center at the corner of Como and Dayton Valley Road and once that goes in they will have an entrance from that commercial center to the nursery and parking will be available.

Comm Milz moved to approve the special use permit for Dayton Valley Floral & Nursery, LLC/Walker, Mike/Cummings, Cheryl/Walker Cummings Ltd, subject to: 1) the Fire Marshal is to review and approve the number of individuals that could congregate in the pavilion at one time for various events, with or without alcohol. All necessary fire safety apparatus and signage shall be installed prior to the commencement of "flea market" and "outdoor theater" related activity, 2) the applicant shall submit a parking plan for staff review and approval that provides off street parking for all special use related activities, as the applicant cannot rely upon on public rights of way for parking purpose. The parking plan can be for land located on the adjoining 9 acres (in the applicant's possession) but it has to be dedicated solely for this land use and that use has to be recorded. Additionally, the applicant shall provide a site plan that demonstrates how patrons will access this future parking area and the pathway that will take them from it to the pavilion and gazebo. The pathway shall be illuminated, a minimum five feet (5') wide, and paved of materials that afford ADA accessibility, 3) the applicant shall provide one (1) onsite or satellite parking space for each 200 feet of Pavilion gross floor area. The pavilion measures 50'x70' or 3500 square feet and thus the applicant will need to provide 17 parking spaces. Each parking space will need to be 81/2'x18' for straight in parking with a supporting aisle width of 24' between parking rows. All parking areas, driveways and entry areas shall be surfaced with a

minimum of the same type of material and in the same manner as the adjoining public street used to access the parking area. As an alternative, the applicant can rely on off-site parking via a temporary shuttle service that moves the patrons from a staging area to the pavilion activity center as a temporary transportation strategy until the adjoining parking area is constructed, but not for a period to exceed one year. In the event the applicant chooses this option they must provide a narrative of how this shuttle service will operate, as well as provide a letter from the property owner(s) granting permission to use the areas relied upon for the offsite shuttle staging purpose, 4) in the event that the applicant seeks off-site parking to reconcile their need for 17 parking spaces: The applicant shall provide a letter from the accommodating parking lot owner attesting that they have lent their permission for use of their parking area for this community events center into perpetuity and also qualifying that they (the offsite owner) can provide this supplementary parking and also meet their own parking needs. Any offsite parking, needs to be located within a reasonable waking distance (300) feet and situated on the southwest side of Dayton Valley Road as this road way is not well illuminated at this intersection and car speed along it at 40 MPH +. The applicant shall not rely upon any public parking area for offsite parking need, 5) the present driveway location into the nursery operation, off of Ricci Road is a few feet from the intersection. A driveway distance separation of less than 50 feet on a local road off a major collector roadway does not provide sufficient response time for vehicle operators to encounter and respond to one another. This driveway entrance/exit will likely become a source of accidents. Accordingly, the driveway into the nursery, off of Ricci Road needs to be permanently closed, 6) if the curb, gutter or sidewalk fronting along this property is in disrepair the applicant shall repair it as a condition of approval, 7) the applicant shall be limited to displaying one commercial sign on Dayton Valley Road and another on Ricci road, each sign not to exceed 32 square feet in size. No sign shall be placed on public property adjoining the 3 acre site, 8) the applicant hours of operation are limited to: 7:00 p.m. Monday through Friday, 10:00 p.m. Saturday and 8:00 p.m. Sunday. The hours of operation may be further modified in the event that there are registered complaints from nearby property owners, 9) the applicant shall adhere to the provisions of the landscape ordinance as they apply to the C-2 zone, 10) the applicant shall install landscape in the existing landscape buffer area associated with the parking lot fronting on Dayton Valley Road, 11) the applicant shall fully comply with all conditions placed on the special use permit, 12) no change in the terms and conditions of the special use permit, as approved, shall be undertaken without first submitting the changes to Lyon County and having them modified through a public hearing process, 13) if a building permit is required it shall be obtained prior to any "flea market" and "outdoor theater" activity commencing onsite, 14) all of the requirements placed on the special use permit (or building permit) by the Building Official, Planning Director, Fire Marshall, County Engineer and other agencies of jurisdiction shall be met prior to the applicant initiating the "flea market" and "outdoor theater" activity, 15) the substantial failure to comply with any conditions imposed on the issuance of a special use permit or the operation of a special use in a manner that endangers the health, safety or welfare of Lyon County or any of its residents or the violation of ordinances, regulations or laws in the special use or the non use of the permit for over a year may result in the institution of revocation proceedings, 16) a 6 month review per the Dayton Regional Advisory Council and, 17) requirements of the Nevada Department of Transportation. Comm Goodman seconded and the motion passed unanimously 5-0.

COMM HILLYARD ABSENT

34. <u>CARSON TAHOE HOSPITAL/SMIT, DONALD W./PROJECT ONE</u> – SPECIAL USE PERMIT – The applicants have filed for a special use permit to construct and operate the proposed Carson-Dayton 6-bed hospital on approximately 5.00 acres, Parcel 2 of PM #155816; all located at 2450 Highway 50, Dayton. (APN 16-403-11)

<u>Planning Commission Recommendation:</u> Chuck Davies made a motion to approve the special use permit subject to items 1 – 30 of the amended list of conditions recommended by staff. Ken Gardner seconded and the motion passed unanimously.

<u>Staff Recommendation:</u> Staff recommends approval with conditions.

Planning Director Steven Hasson explained the conditions of the special use permit.

Ed Epperson, CEO of Carson Tahoe Hospital, said that he agreed with all the conditions.

Comm Goodman moved to approve the special use permit for Carson Tahoe Hospital/Smit, Donald W/Project One subject to 33 conditions: 1) comply with all Federal, State and County rules and regulations as they apply to this SUP, 2) the Special use permit is limited to parcel 16-403-11 and its present dimensions, 3) if the parcel is expanded it will be subject to the subdivision process, 4) the applicant shall dedicate land for a public roadway and build it to the County's collector standard. This roadway shall be built on the north side of the property the length of its frontage. The roadway will include vertical curb, gutter and five-foot wide attached or detached sidewalks, 5) the distant separation between the collector roadway and any other driveway entrance fronting on Fortune Drive, relied upon for accessing the property, shall be a minimum distance of 125', 6) driveway entrance separation shall be a minimum 150 feet for full driveway access and 110 feet for right in/right out, as measured from the intersection of Fortune Drive with the unnamed collector roadway. Driveway entrances shall be a minimum 30 feet wide, 7) the applicant realizes that the placement of an intensive land use next to a residential subdivision poses land use conflict and particularly with respect to issues such as noise, fumes and illumination glare. Accordingly, the applicant will provide for a 25 foot landscaped buffer separation between the backside of the Sutro Estates Subdivision and the backside of the collector curb. The sidewalk may be attached or detached through the 25' landscape buffer area. The landscape buffer area will be subject to design review, 8) the applicant shall provide for transportation circulation connectivity with the adjoining parcel to the east (parcel 10), 9) the hospital illumination shall be designed so that it does not shine into the adjoining residential property to the north, 10) the applicant shall not directly access onto Highway 50, 11) the applicant shall dedicate and construct their proportionate share of any transportation improvements required at Fortune Drive and Highway 50 as determined through a traffic study or Master Planning process. Transportation improvements may be conditioned by NDOT, Lyon County and the Fire District, 12) the Fire Marshal is to review the operation to insure that the storage and handling of hazardous or flammable materials conforms to all safety standards. The applicant will provide a written statement from the fire department attesting that they (the fire district) have reviewed the operation for compliance with fire safety policies and practices, 13) the applicant shall submit a parking plan for staff review and approval that provides paved off-street parking for both the Dayton Professional Building and the six bed Carson-Tahoe Hospital sufficient in size and design to accommodate parking spaces for 46,000 square feet of hospital space. Additionally, the applicant shall provide a site plan that demonstrates how patrons and employees will access and circulate through the medical enterprise from the roadways. If emergency vehicles rely upon a separate transportation circulation, that needs to be visually portrayed, 14) if the curb, gutter or sidewalk fronting the property (on Fortune Drive) is in disrepair the applicant shall repair it as a condition of approval, 15) the height, placement, construction and materials associated with fencing is subject to staff review, 16) the applicant shall be limited to the display of one free-standing commercial sign on each of the three street frontages. Free standing signage is not to exceed 32 square feet or a height greater than 8 feet to the top of the signage. No sign shall be placed on public property adjoining the land parcel. The County will have to approve any illuminated signage at this location, 17) the improvement shall be subject to the County's landscape ordinance as it applies within the commercial zone, 18) the applicant shall provide a full description of all phases of the contemplated operation, including the types of machinery and equipment, which will or might be used to conduct the operation, 19) the applicant shall provide a drainage plan and calculations that demonstrate how drainage will be reconciled on site, 20) the applicant shall identify all easements and drainage systems that are located on the property, 21) the facility is to comply with all applicable accessibility requirements of the American's with Disabilities Act, 22) the applicant shall establish a noise attenuation strategy for staff review, relative to the placement of any machinery or equipment that may generate noise offsite that would interfere with the residential development to the north, 23) the applicant shall pay all permit and inspection fees, 24) the applicant shall comply with all applicable building code permit requirements, 25) the business shall be connected to public sewer and water. The applicant needs to secure "will serve letters" for sewer and water utility service from Lyon County, 26) the medical facility shall not be occupied until all of the conditions of approval are met and a certificate of occupancy is granted. A County business license is also required, 27) the applicant shall fully comply with all conditions placed on the special use permit, 28) no change in the terms and conditions of the special use permit, as approved, shall be undertaken without first submitting the changes to Lyon County and having them modified through a public hearing process, 29) all of the requirements placed on the special use permit (or building permit) by the Building Official, Planning Director, Fire Marshall, County Engineer and other agencies of jurisdiction shall be met prior to the applicant initiating the hospital operation, 30) the substantial failure to comply with any conditions imposed on the

issuance of a special use permit or the operation of a special use in a manner that endangers the health, safety or welfare of Lyon County or any of its residents or the violation of ordinances, regulations or laws in the special use or the non use of the permit for over a year may result in the institution of revocation proceedings, 31) requirements of the Nevada Department of Transportation, 32) annual review and 33) all requirements of Lumos & Associates in a letter dated March 7, 2005. Comm Tibbals seconded and motion passed unanimously 4-0. Comm Hillyard was absent.

35. <u>NEVADA CIRCUITS/KAZARIAN, SARKIS J. & KARIN J., LLC</u> – SPECIAL USE PERMIT – The applicants have filed for a special use permit to manufacture printed circuit boards on approximately 1.00 total acre, Parcel 1-1-Z-B of PM #85428; all located at 21 Cash Drive, Mound House. (APN 16-185-14)

<u>Planning Commission Recommendation:</u> Chuck Davies made a motion to approve the special use permit subject to items 1 – 18 amended, of the attached list of conditions recommended by staff. Paula Rosaschi seconded and the motion passed unanimously.

<u>Staff Recommendation:</u> Staff recommends approval with conditions.

Sarkis Kazarian of Nevada Circuits gave information to the board letting them know that he has been working with Nevada EPA as well as the State Fire Marshall to ensure that there would be no problems moving forward with this project.

Comm Hunewill moved to approve Nevada Circuits special use permit subject to conditions: 1) Comply with all Federal, State and County rules and regulations as they apply to this SUP, 2) the Fire Marshal is to review the operation to insure that the storage and handling of hazardous or flammable materials conforms to all safety standards. The applicant will provide a written statement from the fire department attesting that they have reviewed the operation, 3) the applicant shall submit a parking plan for staff review and approval that provides paved off-street parking for the business enterprise, sufficient in size to accommodate 15 parking spaces. Additionally, the applicant shall provide a site plan that demonstrates how patrons and employees access and circulate through the business from the roadway, 4) if the curb, gutter or sidewalk fronting the property is in disrepair the applicant shall repair it as a condition of approval, 5) the applicant shall be limited to the display of one free-standing commercial sign on Cash Drive. The sign is not to exceed 32 square feet in size. No sign shall be placed on public property adjoining the one (1) acre site, 6) should the business enterprise expand its operation physically it shall be subject to the County's landscape ordinance as it applies within the industrial zone, 7) the applicant shall remove the 2,000 gallons of hazardous material, consistent with appropriate disposal methods. The applicant shall provide the Lyon County Planning Director with a letter advising how the material was disposed, 8) the applicant shall provide the County a letter from the Nevada Division of Environmental Protection confirming that the operation is free from health hazard or actions that need to be taken to make it safe, 9) the applicant shall provide a full description of all phases of the contemplated operation, including the types of machinery and equipment, which will or might be used to conduct the operation.
10) facilities are to comply with all applicable accessibility requirements of the American's with Disabilities Act, 11) the applicant shall pay all permit and inspection fees, 12) comply with all applicable fire and building code permit requirements, 13) the business shall be connected to public sewer if it is not connected and provided this public service is available within proximity to the business site. If the applicant needs public utility service, they will need to secure "will serve letters" for sewer and water utility service from Lyon County. If public sewer is not available to the site and the septic system is not sufficient in size or scope to accommodate the businesses' effluent, then the applicant shall install a new approved septic system, 14) the manufacture operation shall not be occupied until all of the conditions of approval are met and a certificate of occupancy is granted, 15) the applicant shall fully comply with all conditions placed on the special use permit, 16) no change in the terms and conditions of the special use permit, as approved, shall be undertaken without first submitting the changes to Lyon County and having them modified through a public hearing process, 17) all of the requirements placed on the special use permit (or building permit) by the Building Official, Planning Director, Fire Marshall, County Engineer and other agencies of jurisdiction shall be met prior to the applicant initiating the manufacturing of printed circuit boards, 18) the substantial failure to comply with any conditions imposed on the issuance of a special use permit or the operation of a special use in a manner that endangers the health, safety or welfare of Lyon County or any of its residents or

the violation of ordinances, regulations or laws in the special use or the non use of the permit for over a year may result in the institution of revocation proceedings, 19) a wastewater monitoring system be installed that meets Lyon County approval, and 20) annual review. Comm Goodman seconded and the motion passed 4-0. Comm Hillyard was absent.

36. <u>RAINEY, MARK AND JOELLE/M & J, INC./TENNANT, WINSTON M. & LAURA F., TRS.</u> – SPECIAL USE PERMIT – The applicants have filed for a special use permit to operate a child care facility on approximately 1.00 acre, Parcel 1-1-F of PM #51035; all located at 20 Affonso Drive, Mound House. (APN 16-195-13)

<u>Planning Commission Recommendation:</u> Ray Fierro made a motion to approve the special use permit subject to items 1 – 21, as amended, of the attached list of conditions recommended by staff and 22) annual review. Ray Johnson seconded and the motion passed unanimously.

<u>Staff Recommendation:</u> Staff recommends approval with conditions.

COMM HILLYARD PRESENT

Planning Director Steven Hasson explained the applicant wants to place a child daycare center operation in an industrial zone within the Mound House area.

Comm Goodman made a motion to approve the special use permit for Mark and Joelle Rainey/M&J, Inc./Winston M. & Laura F. Tennant, TRS subject to the following conditions: 1) comply with all Federal, State and County rules and regulations as they apply to this SUP, 2) provide this Agency a copy of the lease or sale agreement, 3) the child care center is not transferable from one owner /operator to another or from one location to another, 4) obtain all applicable State licenses prior to conducting the business operation, 5) provide an area sufficient for drop off/pick up of children. Street drop off /pick up is not allowed due to poor sight distance, 6) provide off-street parking of one (1) space for each employee, 7) provide off-street parking of one (1) space for every eight (8) children, 8) landscaping, additional setbacks, walls or fences may be considered by the Planning and Zoning Commission as part of the special use permit, 9) no outdoor activities for children shall be allowed before 7:30 A.M. or ½ hour after sunset, 10) minimum of thirty five (35) square feet of net indoor floor area per child, 11) minimum of thirty seven and one half (37.5) square feet of on-site outside play area per child. Outdoor activity areas for children shall occur within an area enclosed by a six foot (6') high solid fence. Six foot high chain link fencing with sight-obscuring slats was determined to be sufficient, 12) no play equipment or play structure shall be allowed in the front yard or within ten feet (10') of a side or rear lot line, 13) facilities are to comply with all applicable accessibility requirements of the American's with Disabilities Act, 14) the owner/applicant shall pay all permit and inspection fees, 15) the daycare operation is limited to one free standing commercial sign, located out of the public right of way, no greater than 32 square feet in size, 16) the office "B" cannot be used for residential purpose, 17) the office "B" can only be used for businesses purpose other than related to the day care operation, 18) the list of nearby commercial and industrial operations will be assessed by the fire district for their compatibility with small children. The fire chief may require extra safety measures prior to the placement of children in this facility, 19) comply with all applicable fire and building code permit requirements, 20) the business shall be connected to public water and sewer if it is not so connected and provided these public services are in proximity to this business site. In the applicant needs public utility service, they will need to secure "will serve letters" for sewer and water utility service from Lyon County. **Note: the file indicates that the septic system is sized to accommodate a 3 bedroom residence and was installed in 1981. If there is no public sewer to the property, the applicant shall install a new septic system designed to accommodate the additional effluent loading and in accordance with State Health requirements,** 21) the day care operation shall not be occupied until all of the conditions of approval are met and a certificate of occupancy is granted for an E-3 occupancy, 22) annual review. Comm Hunewill seconded and the motion passed unanimously 5-0.

37. <u>DECOMMISSIONING SERVICES, LLC</u> – SPECIAL USE PERMIT – The applicants have filed for a special use permit for a mining and material stockpiling operation on an

approximately 51.05 acre parcel; located at 350 Industrial Parkway, Mound House. (APN 16-111-07)

Planning Commission Recommendation: Ray Fierro made a motion to approve the special use permit subject to items 1 – 22 of the attached list of conditions provided by and amended by staff. Chuck Davies seconded and the motion passed unanimously.

Staff Recommendation: Staff recommends approval with conditions.

Planning Director Steven Hasson expressed how impressed he was with the applicants. These applicants met all of the conditions presented to them.

Comm Tibbals moved to approve the special use permit for Decommissioning Services, LLC subject to:

1) The applicant shall provide the following :

a) full description of all phases of the contemplated operation, including the types of machinery and equipment, which will or might be used to conduct the operation, an estimate of the hours of operation, number of employees and the volume of Diorite to be mined and transported,

b) legal description of the proposed site with a map showing its location with indications of access or haul roads, whether existing or proposed, and of the public highways adjacent to the site of the operation which will be used in connection with any of the activities related to the operation. The map shall also show the planned location storage sights or major ground disturbances or water storage areas or ponds or equipment storage areas or structures and facilities of all major factors of the operation. A map showing the planned location and size of the area of operation in a format acceptable to the planning staff,

c) topographic map of the area including that extending beyond site to the nearest public street or highway and/or to a minimum distance of three hundred feet (300') on all sides with sufficient scale and contour to adequately describe the area, d) a narrative outlining the effect(s) of the proposed operation on natural beauty, character, tax base, economy, adopted general plan, land value and land uses in the area,

d) narrative outlining the dust impacts that may result from the operation and the methods that will be employed as dust control measures,

e) a narrative outlining impacts that may result from the operation and the methods that will be employed as dust control measures,

f) a narrative outlining the erosional impact(s) that may result from the operation and the methods that will be employed to mitigate these impacts,

g) a narrative outlining the possible impacts to surface and subsurface water quality and the methods and strategies that will be employed as control measures to protect water quality, h) a narrative outlining the drainage impacts that may result from the operation and the methods that will be employed to mitigate drainage impacts,

i) a narrative describing the strategy that will be employed for protecting the public from excavations, tunnels or shafts either during any interim closure of a surface mining operation or upon permanent termination of such activities,

j) a narrative describing the protective and/or mitigation measures for protecting the property values of the adjoining properties,

k) a narrative outlining the methods of disposal of mine wastes or storage of ore or potential ore reserves (if applicable),

2) the SUP shall be subject to annual review,

3) no operation shall be permitted on the site, which is materially different in location, size, type, scope or otherwise from that described in the application for a special use permit, unless the operator has first sought and obtained an amended special use permit. Failure to obtain an amended special use permit, as provided herein, shall, after notice and hearing, result in the revocation of the original special use permit, unless the Commission finds that the failure was substantially justified,

4) no permanent structures shall be constructed on the 51 acre site,

5) applicant and their successors shall be subject to the following reclamation requirements and process:

a) owner/operator shall submit a reclamation plan to include:

A written agreement with the County whereby the applicant contracts to reclaim the premises to a prescribed condition within a prescribed time after exhaustion of the mineral deposit,

A physical reclamation plan showing the proposed contours after reclamation and the methods by which such reclamation is to be accomplished,

A mitigation plan of the measures to be taken to mitigate dust, erosion, surface and subsurface water, drainage impacts,

An agreement, in writing, that applicant agrees to recognize that the County may take civil action to require performance of this subsection

b) Reclamation Process:

Reclamation shall proceed at such time as the mining and related activities have been completed with no reasonable prospect of further activity. If the mining operation is in disuse for a period of six months it shall be considered to be abandoned for purposes of this special use permit and subject to reclamation. Determination of the date of abandonment shall be made by the Planning Director and/or the Building Official based upon documentation and/or affidavits from the owner/operator/neighbors regarding the issue of usage.

The owner or operator may, at his/her option, submit a plan for progressive reclamation as the operation is being conducted, subject to approval of the Board of County Commissioners.

At any stage during the reclamation and after public notice, the plan may be modified by mutual agreement between the County and the owner or operator.

6) the applicant shall comply with all State and County rules and regulations as they apply to this SUP,

7) gradings and excavations shall be accomplished in such a fashion as to maintain natural drainage of the site to lessen the undesirable retention of water,

8) comply with all State of Nevada Department of Transportation requirements relating to ingress and egress permits, access management system and standards, right of way occupancy permits and other transportation related issues/concerns,

9) the Special Use is not transferable nor may another extractive industry work under this permit (other than Frehner Construction Company),

10) no commercial signage is allowed as the property is zoned residential,

11) The applicant shall submit fencing plan for staff review and approval (if applicable),

12) All of these conditions as they may be further modified by the Planning and Zoning Commission shall be met prior to the Applicant engaging in any mining related activity on the property. In the event that Applicant does not comply with these conditions, before the fact, the Special Use Permit.

Comm Goodman seconded and the motion passed unanimously 5-0.

38. <u>FERNLEY HILLS ENTERPRISES, LLC</u> – DIVISION INTO LARGE PARCELS MAP WAIVER APPEAL – The applicants have filed an appeal to the Lyon County Board of Commissioners concerning the conditions of approval, set forth by the Planning Commission to waive the tentative map requirements for a division into large parcels map on approximately 640.00 total acres, Section 21, T.20N., R.24E., M.D.M.; all located in the Fernley area (APN 21-161-08)

<u>Planning Commission Recommendation:</u> Ray Fierro made a motion to approve the division into large parcels map waiver. The motion died for lack of a second. Chuck Davies made a motion to deny the division into large parcels map waiver. Paula Rosaschi seconded. Chuck Roberts, Ray Fierro and Ken Gardner opposed therefore the motion will be forwarded to the Board of Commissioners as a denial.

<u>Staff Recommendation:</u> Staff does not support the request.

Planning Director Steven Hasson said that the applicants would like to divide their land into large tracts of land for further marketing purpose. He further said that the Planning Commission denied the approval for the tentative map waiver because the applicants failed to show why they wanted approval for the waiver.

Rick Christian of Denson Surveying mentioned a point in his letter stating that there is no actual change in the use or the needs of the property involved at that point and time.

Comm Goodman made a motion to approve the tentative map waiver for Fernley Hills Enterprises, LLC. Comm Hillyard seconded and the motion passed unanimously 5-0.

39. <u>FERNLEY HILLS ENTERPRISES, LLC</u> - DIVISION INTO LARGE PARCELS MAP – The applicants have filed for a final division into large parcels map on approximately 640 total acres, Section 21, T.20N., R.24E., M.D.M.; all located in the Fernley area (APN 21-161-08)

<u>Planning Commission Recommendation:</u> Chuck Davies made a motion to deny the Division into Large Parcels Map, as the waiver of the tentative map requirements did not pass. Paula Rosaschi seconded and the motion passed unanimously.

<u>Staff Recommendation:</u> Provisions of the tentative map review processes that are overlooked by a waiver of the tentative map is the requirement to demonstrate that each lot has accessibility by or easement traversable by vehicles suited to the area. Because that requirement has not been addressed, the final map does not identify how two of the four lots are to be accessed. Accordingly, the applicant should be redirected to file a tentative map and the final map should be denied.

Planning Director Steven Hasson pointed out that Chapter 6 Title 11 requires applicant to file a tentative map as the first step in the large lot division process.

Comm Goodman moved to approve the final division of the large parcel map for Fernley Hills Enterprises, LLC., subject to the following conditions: 1) comply with all federal, state and county regulations, 2) correct any engineering or drafting errors, 3) any existing improvements such as buildings, wells or septic systems, etc., are to comply with current county setback requirements from property lines, 4) actual costs for County Engineer plan and map checking and County Inspector site improvement inspection fees must be paid, 5) property taxes must be paid through end of fiscal year (June 30,2005)and 6) required recording fees to be paid at time of map recordation.

Comm Hillyard seconded and the motion passed unanimously 5-0

RECESS TO CONVENE AS CENTRAL LYON COUNTY VECTOR CONTROL DISTRICT BOARD

40. Public Participation

There was no public participation.

41. Approve tentative budget and establish tax rates and spending authorizations for the Central Lyon County Vector Control District for fiscal year 2005/2006

Lyon County Comptroller Josh Foli said there was no tax increase for this district. The tax rate is .0479.

Comm Goodman moved to approve the tentative budget with the tax rate of .0479. Comm Tibbals seconded and the motion passed unanimously 4-0. Comm Hillyard was absent.

42. Review and accept claims and financial report as presented by Comptroller

Lyon County Comptroller Josh Foli presented the cash balance as of March 31, of $267,752.41, Pay bills were $7,143.22 with no payroll.

Comm Hunewill moved to accept claims and financial report. Comm Goodman seconded and the motion passed unanimously 4-0. Comm Hillyard was absent.

ADJOURN TO CONVENE AS MASON VALLEY MOSQUITO ABATEMENT DISTRICT BOARD

43. Public Participation

There was no public participation.

44. Approve tentative budget and establish tax rates and spending authorizations for the Mason Valley Mosquito Abatement District for fiscal year 2005/2006

Lyon County Comptroller Josh Foli pointed out that he put the budget together with a 3-cent increase in the tax rate due to concern with west nile virus and the District having spent a substantial amount of its assets this year. He further clarified to the board that the increase of tax rate mandates that the property taxes would have to stay underneath the 3%.

Comm Hunewill moved to approve the tentative budget with the rate of .1138. Comm Goodman seconded and the motion passed unanimously 4-0. Comm Hillyard was absent.

45. Review and accept claims and financial report as presented by Comptroller

Lyon County Comptroller Josh Foli presented the cash balances as of March 31, of $59,380.89, Pay bills were $125.66 and payroll was $1,871.81.

Comm Hunewill moved to accept claims and financial report. Comm Goodman seconded and the motion passed unanimously 4-0. Comm Hillyard was absent.

ADJOURN TO CONVENE AS WALKER RIVER WEED CONTROL DISTRICT

46. Public Participation

There is no public participation.

47. Approve tentative budget and establish tax rates and spending authorizations for the Walker River Weed Control District for fiscal year 2005/2006

Comm Hunewill moved to approve tentative tax rate at .0847 for the Walker River Weed Control District. Comm Tibbals seconded and the motion passed unanimously 4-0. Comm Hillyard was absent.

48. Review and accept claims and financial report as presented by Comptroller

Lyon County Comptroller Josh Foli presented the cash balances as of March 31, of $57,273.36, Pay bills of $115.87 with no payroll.

Comm Hunewill moved to accept claims and financial report. Comm Goodman seconded and the motion passed unanimously 4-0. Comm Hillyard was absent.

ADJOURN TO CONVENE AS WILLOWCREEK GENERAL IMPROVEMENT DISTRICT BOARD

49. Public Participation

There was no public participation.

50. Approve tentative budget and establish tax rates and spending authorizations for the Willowcreek General Improvement District for fiscal year 2005/2006

Lyon County Comptroller Josh Foli presented a tentative budget with a tax rate of .0156.

Comm Hunewill moved to approve the tax rate of .0156. Comm Goodman seconded and the motion passed unanimously 4-0. Comm Hillyard was absent.

Comm Hunewill moved to approve the tentative budget. Comm Goodman seconded and the motion passed unanimously 4-0. Comm Hillyard was absent.

51. Discussion & possible action related to a recommendation by the Utilities Director to the Willow Creek GID Board to approve a Scope of Work presented by Farr West Engineering for the development of a Preliminary Engineering Report & completion of a USDA Environmental Report related to the wastewater treatment and collection system for a not to exceed amount of $16,600. No additional Will Serves shall be issued until an expansion plan has been approved by the State

Lyon County Utilities Director Mike Workman discussed extensively the situation at Willowcreek. He said a year ago they determined they had at least two and a half or three years before they needed to start engineering. In the last nine years they averaged four and half new connections per year. In March 2005 they received 18 connections alone. The problem they have now is even though they are at only 7,100 gallons which is quite away from the 17,000 gallons, or 85% flow; the number of will serve commitments which they have already issued, if those will serves were to come in today or in the next few months, they would go slightly past their 85% flow. Currently they have 98 customers connected, 22 prepaid connections, and 12 connections pending. There are 320 lots. He also said that he could not begin to guess what the financial impact was going to be or the capital requirements will be. He is asking for grant funding for a preliminary engineering report.

Dane Dunham had a couple of complaints. The first being, this particular issue has been moved ahead in the agenda. The next issue was that he did not get notified about this meeting.

Jane Montalbano said that she was forced to purchase a Will Serve on her new lot and was told that she must submit plans within 30 days. She is asking for some consideration that she and others not be forced into purchasing building permits within the next 30 days.

Robert McMinn came to Yerington a year ago and a group of them bought 40 lots and they were told at that time there would not be any problem with sewer hookups or water. They were told about the problems a few weeks ago and were told that there are 12 permits. Robert came back and was told that all 12 permits were gone. They are sitting on 35 lots paying interest on them.

Nick Malarchik from the Building Department spoke regarding the time frame for the building permits being too short.

Utilities Director Mike Workman said he would like 12 months as the time frame.

Comm Milz suggested that there will be a public hearing two weeks from today for the amount $16,600.

COMM HILLYARD PRESENT

Comm Hunewill moved to approve the proposal submitted by Farr West Engineering and authorize the chairman to sign not to exceed $16,600 as presented and also require USDA environmental report. Comm Tibbals seconded and the motion passed unanimously 5-0.

52. Review and accept claims and financial report as presented by Comptroller

Comptroller Josh Foli presented the cash balance of the Willowcreek District as of March 31, of $341,989.04, Pay bills were $6,545.49 and there was no payroll.

Comm Hunewill moved to accept the financial report. Comm Goodman seconded and the motion passed unanimously 5-0.

ADJOURN TO RECONVENE AS THE LYON COUNTY BOARD OF COMMISSIONERS

53. Legislative update

County Manager Donna Kristaponis commented about the meetings that are going to be held in the following weeks.

54. Commissioner comments

Comm Hunewill asked about a meeting with the county and city so that County Manager Donna Kristaponis can give the board an idea as to who will be participating in that meeting.

55. County Manager comments

County Manager Donna Kristaponis mentioned there would be a High School Show that features kids from Fernley, Dayton and Silver Stage. The High School Students are having a symposium here at the Jeanne Dini Cultural Center tomorrow to talk about art.

56. Elected Official's report

There were no Elected Official's Reports.

57. Appointed Official's report

Utilities Director Mike Workman commented on the water conservation plan which is a required plan by State Health Department and Division of Water Resources. He said he would come back with a plan at a later date.

58. Advisory Board reports

There were no Advisory Board Reports.

COMM HILLYARD ABSENT

59. Approve Minutes

Comm Hunewill moved to approve the minutes of March 3, 2005. Comm Goodman seconded and the motion passed unanimously 4-0. Comm Hillyard was absent.

Comm Hunewill moved to approve the minutes of March 17 & March 18, 2005. Comm Tibbals seconded and the motion passed 3-1. Comm Goodman abstained.

The meeting was adjourned.

BOARD OF LYON COUNTY COMMISSIONERS

_____

ROBERT MILZ – Chairman

ATTEST:

_____

NIKKI BRYAN – Lyon County Clerk/Treasurer