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

COMM HILLYARD ABSENT

1. Review and adoption of agenda

Comm Hunewill moved to adopt the agenda as presented. Comm Goodman seconded and the motion passed 4 – 0. Comm Hillyard absent

2. Public participation

There was no public participation.

CONSENT AGENDA

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

There were no tax roll changes.

4. Review and possible approval of business license applications

a. Berry, Mike; Johnson, Steve S; Hinckley, Art; ***Berry-Hinckley Industries;*** 425 Maestro Drive, #200, Reno, NV; Change of Location ONLY!
b. Bladow, Michael O;***Bladow Properties, LLC;*** 4655 Longley Lane #105, Reno, NV; Construction of "Jack in the Box" Restaurants
c. Borg, Brian J.; ***Brian J. Borg – Firearms;*** 924 Nicole Street, Dayton, NV; Gun Sales and Training
d. Bircheff, Jon; ***Carson Plains RV Storage;*** 70 S. Rainbow Drive, Dayton, NV; Outdoor Storage of RV's and Boats and Office
e. Lipke, Clement; ***Clem Lipke Construction;*** 1195 Dean Lane, Fallon, NV; General Residential Construction
f. Stanley, Michael & Dawn & Brown, William J.; ***Enviro Pro Pest Management Services;*** 19 W. Brooks Avenue, N. Las Vegas, NV; Full Service Pest & Termite Control
g. Whipple, Ernest W.; ***Ernest Advertising Consultants;*** 1480 Breccia, Wellington, NV; Advertising Placement, Consulting & Representation
h. Vawter, Eric J. & Diede, Joshua A.; ***Fast Track Plumbing & Heating;*** 1 Andes Lane, Yerington, NV; Plumbing & Heating Contractor
i. Salzbrener, William D. & Brown, Earnest L.; ***Intermountain Electric, Inc.;*** 5425 Louie Lane, Reno, NV; Electrical Contractor
j. Cabral, Kim M. & Joseph P. Jr.; ***Joe Cabral Construction;*** 617 Jackson Way, Carson City, NV; Concrete Construction
k. ***Miller, Charles W.***; 162 Six Mile Canyon Road, Dayton, NV; Handyman Services
l. Parsons, Craig & Sanders, David; ***Mountain View Electric, Inc.;*** 1216 Fleetwood Avenue, Carson City, NV; Electrical Contractor
m. Dunnet, Dale D.; ***Multi-Point Inspection;*** 1280 Hematite Court, Wellington, NV; Real Estate Home Inspector
n. LaMonica, Joseph J. & Ormiston, Albert C.; ***Northern Nevada Millworks, LLC;*** 92 Industrial Pkwy #B, Mound House, NV; Manufacture & Distribution of Cabinets
o. Morelli, James E.; ***Steel Panel and Truss, Inc.;*** 38 Diamondback Way, Mound House, NV; Change in Location and Change of Officers ONLY!

p. ***Stout, Gary***; 1001 5th Street, Silver Springs, NV; Welding and Repairs
q. King, Robert & Hinckley, Art; ***Winners Gaming, Inc.;*** 425 Maestro Drive #100, Reno, NV; Change of Address ONLY!

5. Appoint County auditor for fiscal years ending June 30, 2005 through June 30, 2008

6. Approve the emergency food and shelter grant annual renewal

7. Review and accept travel claims as presented by Comptroller

Travel claims totaled $899.45 and registrations totaled $1,710.00.

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

County claims totaled $2,945,108.08 and payroll totaled $838,761.85.

Comm Goodman asked that Item #5 be discussed separately.

Comm Hunewill moved to approve the consent agenda excluding Item #5. Comm Goodman seconded and the motion passed 4 – 0. Comm Hillyard absent

Item #5 - Comm Goodman questioned the fiscal year ending dates for appointing an auditor. The dates should be June 30, 2005 through June 30, 2007.

Comm Goodman moved to appoint Rife, Sciarani and Thee, LLP, as County auditor for fiscal years ending June 30, 2005 through June 30, 2007. Comm Tibbals seconded and the motion passed 4 – 0. Comm Hillyard absent

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

9. Discussion to approve request for Sheriff's office to continue with the 12-hour shift cycle for the dispatch personnel

County Manager Donna Kristaponis explained that when this was presented to the Commissioners at an earlier date, the overtime had actually gone up with the passage of the 12-hour shift cycle. The County Manager recommended a six-month pilot project and they are seeing the savings that was anticipated. She recommends taking it off of the pilot bases and making it a regular part of the County personnel policy.

Captain Jeff Page said the chart that was presented to the Commissioners shows that the sheriff's department reduced the overtime about 900 hours from 2003 and 2004 and a reduction of approximately 400 hours in sick leave time due to the 12-hour shifts. He said the majority of the dispatchers prefer the 12-hour shifts.

Comm Goodman moved to approve the request for the Sheriff's office to continue with the 12-hour shift cycle for dispatch. Comm Hunewill seconded and the motion passed 4 – 0. Comm Hillyard absent

10. Approve a resolution to create a new fund for Animal Control donations

County Manager Donna Kristaponis said that when gifts of funds are received for the animal shelter, they are co-mingled in the general fund account. She would like to set up a special account so they are not co-mingled in the future.

Comm Hunewill would also like to see separate funds for other donations that are coming in to the County.

Comm Goodman moved to approve the resolution to create a new fund for Animal Control donations. Comm Hunewill seconded and the motion passed 4 – 0. Comm Hillyard absent

11. Approve a waiver to Lyon County Code Title 10, Chapter 9, Section 1, Subsection B, and Title 10, Chapter 16, Section 1, Subsection B, to allow a permit to be issued on a mobile home more than 15 years old, to be located at 1350 Donner Trail, Silver Springs, NV (APN 18-173-01)

Community Development Director Nick Malarchik explained this is a 1977 mobile home and had changed ownership due to foreclosure. It is currently owned by Mastercraft Homes and Development. He said the home appears that it could be a safe and sound residence from the outside. There are three and one-half abandoned cars on the property and the lot does need to be cleaned up. He said there are problems with the electrical panel but that would need to be brought up to safety standards before the power could be turned on.

COMM HLLYARD PRESENT

Comm Milz said this property was purchased for $60,000. He said that one of the provisions of approving the waiver is necessary to relieve exceptional and undue hardships upon the owner as related to the property. This does not include financial hardships. He was asking for an explanation of the hardship. It appeared to him it was for financial gain.

Comm Goodman agreed with Comm Milz and felt it would be in the best interest of the County to remove this coach. The value is in the property, not in the mobile home.

Comm Goodman moved to deny the waiver to Lyon County Code Title 10, Chapter 9, Section 1, Subsection B, and Title 10, Chapter 16, Section 1, Subsection B, to allow a permit to be issued on a mobile home more than 15 years old, to be located at 1350 Donner Trail, Silver Springs, NV (APN 18-173-01). Comm Tibbals seconded and the motion passed unanimously 5 – 0.

12. Approve Wastewater Facilities Master Plan prepared by Brown and Caldwell, with the cooperation and involvement of NDEP, local engineering and development community and other interested citizens, in the Dayton/Mound House Utility areas

Utilities Director Mike Workman explained that the plan presented reflects the recommended changes resulting from meetings with Brown & Caldwell, NDEP, the development community and citizens from the Dayton area.

Comm Tibbals had questions regarding Lyon County furnishing effluent to the golf course. He was concerned as to where Lyon County's liability stopped.

Mike Workman said that since Lyon County is the permit holder, they would have responsibility up to the application point of the effluent. He briefly explained the effluent management plan and the monitoring process.

District Attorney Leon Aberasturi said the County's responsibility would not end at the property line. State regulation requires the County to be involved in the planning and the overseeing of the program therefore, there would be liability.

Comm Hunewill had questions regarding fees for the effluent water.

Mike Workman explained that eventually there would be connection fees and a fee for the water.

Comm Goodman moved to approve the Wastewater Facilities Master Plan prepared by Brown and Caldwell, with the cooperation and involvement of NDEP, local engineering and development community and other interested citizens, in the Dayton/Mound House Utility areas. Comm Hunewill seconded and the motion passed unanimously 5 – 0.

13. Discussion and possible action on an ordinance designated by the short title "2005 sewer bond ordinance"; providing for the issuance of its General Obligation (limited tax) Sewer Bonds (additionally secured by pledged revenues), series 2005; in the maximum principal amount of $17,000,000; providing for the levy and collection of annual general (ad valorem) taxes for the County's utility system of which the financed project is a part; providing for adoption as if an emergency exists; payment of the bonds; additionally securing their payment by a pledge of revenues derived from and providing other matters relating thereto

Comptroller Josh Foli explained that this is part of the Wastewater Master Plan needed for funding to be able to build the facilities to have them ready for the developers. The County is authorizing a maximum amount but it will be based on actual costs drawn down through the State. The plan is to issue the actual bonds in late March or early April. He said this is a general obligation/revenue bond, which means if the revenues are not there the general obligation falls back on the taxpayers. It is not anticipated that will be the case. The interest savings that the County would incur are approximately $2,000,000. The interest rate on straight revenue bonds is substantially higher. This is the same method used in the past to finance the bonds for Dayton Utilities and the legal council on the bond issuance felt it should be done the same way. He also explained that the ordinance states the Board of Commissioners will adopt applicable rates to pay the debt.

Comm Tibbals moved to approve the ordinance designated by the short title "2005 sewer bond ordinance"; providing for the issuance of its General Obligation (limited tax) Sewer Bonds (additionally secured by pledged revenues), series 2005; in the maximum principal amount of $17,000,000; providing for the levy and collection of annual general (ad valorem) taxes for the County's utility system of which the financed project is a part; providing for adoption as if an emergency exists; payment of the bonds; additionally securing their payment by a pledge of revenues derived from and providing other matters relating thereto. Comm Hunewill seconded and the motion passed unanimously 5 – 0.

PUBLIC HEARING ON PLANNING APPLICATIONS

14. <u>MADDEN, LEAMON JOHN & SUE ANN</u> – CHANGE OF LAND – The applicants have filed to change the zoning from RR-5T (Rural Residential – 20 acre minimum with trailer overlay) to RR-1T (rural residential – 1 acre minimum with trailer overlay) on approximately 5.00 acres, all located within a portion of the NE 1/4 of the NE 1/4 of Section 4, T.17N., R.23E., M.D.M.; 5215 Boyer Lane, Stagecoach. (APN 15-381-11)

<u>Planning Commission Recommendation:</u> Chuck Roberts made a motion to deny the change of land application as it does not conform to the surrounding zoning and the applicant does have other options available to meet the needs of his hardship. Ray Johnson seconded and the motion passed unanimously.

<u>Staff Recommendation:</u> Community Development cannot support this change to a higher density. The surrounding lands are zoned for 5 acre and 20 acre parcels.

Administrative Assistant Maureen Williss read the recommendation of the planning commission into the record.

Leamon Madden said he would settle for putting one more mobile home on the property that he could live in and rent the existing mobile home.

Community Development Director Nick Malarchik said this is a five-acre parcel that was created before zoning districts were overlaid. The current zoning is 20-acre minimum. He said the applicant purchased the property last year with a manufactured home that was set up in 1989 and converted to real property in 1994. All of the surrounding parcels are currently zoned either five-acre minimum or 20-acre minimum. Staff and the planning commission felt it would be inappropriate to down zone one parcel to one-acre minimum and not be consistent with the surrounding zoning.

Comm Hillyard moved to deny the change of land for Leamon John and Sue Ann Madden, APN 15-381-11. Comm Goodman seconded and the motion passed unanimously 5 – 0.

15. NEVADA LAND & RESOURCE COMPANY/GOLD CANYON DEVELOPMENT, LLC – MASTER PLAN AMENDMENT – The applicants have filed to amend the master plan from open space to industrial on approximately 120 +- acres all located within a portion of Section 1, T.17N., R.22E., M.D.M.; located north of Highway 50 in the Stagecoach area. (APN 15-311-07)

Planning Commission Recommendation: Ray Johnson made a motion to deny the master plan amendment at the applicant's request. Chuck Roberts seconded and the motion passed unanimously.

Staff Recommendation: These four applications were continued from the November 9th meeting to give the applicant the opportunity to seek the support of the community. As of 12/29/04 we have received no additional information from the applicant. Requests would change about 550 acres of vacant land from an "open space" land use designation to an industrial use. Applicant plans to construct a business park, which would be located in both Lyon & Storey Counties. Infrastructure required for this project would have a significant impact on the community. Community Development does not support approval of these changes at this time.

Administrative Assistant Maureen Williss read the recommendations of the planning commission for the Master Plan Amendments and the Change of Land Requests for Nevada Land & Resource Company/Gold Canyon Development, LLC, into the record.

Dennis Smith of Western Engineering, representing the applicant, explained that after their meeting with the Stagecoach Advisory Board and residents in the area, the applicant felt their application was not consistent with the wishes of the community and requested that the application be pulled. Mr. Smith asked that the applications be denied so they can come back with a more appropriate application.

Comm Hillyard moved to deny the Master Plan Amendment for Nevada Land & Resource Company/Gold Canyon Development, LLC, APN 15-311-07, at the applicants' request. Comm Goodman seconded and the motion passed unanimously 5 – 0.

16. NEVADA LAND & RESOURCE COMPANY/GOLD CANYON DEVELOPMENT, LLC –CHANGE OF LAND – The applicants have filed to change the zoning from RR-5 (rural residential – 20 acres minimum) to M-E (Industrial Estates District – 8,000 square feet minimum) on approximately 120+- acres all located within a portion of Section 1, T.17N., R.22E., M.D.M.; located north of Highway 50 in the Stagecoach area. (APN 15-311-07)

Planning Commission Recommendation: Ray Johnson made a motion to deny the change of land application at the applicant's request. Chuck Roberts seconded and the motion passed unanimously.

Staff Recommendation: See above.

Comm Hillyard moved to deny the Change of Land for Nevada Land & Resource Company/Gold Canyon Development, LLC, APN 15-311-07, at the applicants' request. Comm Goodman seconded and the motion passed unanimously 5 – 0.

17. NEVADA LAND & RESOURCE COMPANY/GOLD CANYON DEVELOPMENT, LLC – MASTER PLAN AMENDMENT – The applicants have filed to amend the master plan from open space to industrial on approximately 430.65 +- acres all located within a portion of Section 31, T.18N., R.23E., M.D.M.; located north of Highway 50 in the Stagecoach area. (APN 15-021-01)

Planning Commission Recommendation: Ray Johnson made a motion to deny the master plan amendment at the applicant's request. Chuck Roberts seconded and the motion passed unanimously.

Staff Recommendation: **See above.**

Comm Hillyard moved to deny the Master Plan Amendment for Nevada Land & Resource Company/Gold Canyon Development, LLC, APN 15-021-01, at the applicants' request. Comm Goodman seconded and the motion passed unanimously 5 – 0.

18. NEVADA LAND & RESOURCE COMPANY/GOLD CANYON DEVELOPMENT, LLC – CHANGE OF LAND – The applicants have filed to change the zoning from RR-5 (rural residential – 20 acres minimum) to M-E (Industrial Estates District – 8,000 square feet minimum) on approximately 430.65 +- acres all located within a portion of Section 31, T.18N., R.23E., M.D.M.; located north of Highway 50 in the Stagecoach area. (APN 15-021-01)

Planning Commission Recommendation: **Ray Johnson made a motion to deny the change of land application at the applicant's request. Chuck Roberts seconded and the motion passed unanimously.**

Staff Recommendation: **See above.**

Comm Hillyard moved to deny the Change of Land for Nevada Land & Resource Company/Gold Canyon Development, LLC, APN 15-021-01, at the applicants' request. Comm Goodman seconded and the motion passed unanimously 5 – 0.

19. RIVERPARK, PHASE III – TENTATIVE SUBDIVISION MAP – The applicants have filed a tentative subdivision map for a proposed 524 lot subdivision on approximately 324.29 total acres all located within portions of Section 33 and 34, T.17N., R.22E., M.D.M.; portions of Sections 3 & 4 of T.16N., R.22E., M.D.M.; and lot 458 of Riverpark, Unit 8; all located off of River Road, Mark Twain area. (APN's 16-022-15, 16-022-18, 16-025-22, 16-025-28 and 19-924-07)

Planning Commission Recommendation: **Chuck Roberts made a motion to approve the tentative subdivision map subject to: 1) all federal, state, and county regulations, 2) all conditions of the letter from the County Engineer dated January 3, 2005, including information regarding storm drainage routing and contour map, 3) clarifications as provided in a letter from TEC to the County Engineer dated December 23, 2004. Developer may construct unit 14 rather than unit 20 prior to connection to US Highway 50, 4) all conditions as provided by Central Lyon County Fire District memo to County Manager dated December 9, 2004, with access and sprinkler requirements now referring to lots 465 &468 on the revised map. These requirements to be included as deed restriction and noted on appropriate final map. Traffic calming concerns to be as approved by County Road Manager, Fire Chief and Planning Director as discussed with developer's traffic engineer during a field meeting December 16, 2004. This can be addressed in the engineered improvement drawings. 5) all Nevada Department of Transportation requirements, specifically as provided in NDOT letter to Lyon County dated December 7, 2004, 6) confirmation in writing of an agreement with the Lyon County School District for the offered school site, including suitability of location (proximity to sewer treatment plant) and adapting to existing flood hazard areas as defined by FEMA, 7) deed restrictions to prohibit access from any lot directly onto Fort Churchill Road, 8) construction of a safety/sound wall along property lines fronting Fort Churchill Road with a corresponding note on the respective final maps regarding access, 9) the understanding that the County is in the process of expanding the existing sewer treatment plant and the schedule of the expansion may affect the schedule of this residential development, 10) the understanding that expansion of the County water system may impact the schedule of this development, 11) the acquisition of sufficient water rights to support this development, 12) the coordination with adjacent land owners to adapt continuation of Peachbrush Road and Stratton Drive to future development of those lands, 13) the description of lands intended for dedication to the County and the purpose and terms of such dedication, i.e. park site, effluent disposal, sewer plant expansion, etc., be submitted to the Board of County Commissioners, 14) the submittal of a phasing schedule for the anticipated build-out of this development including schedule for providing park site for use by residents, 15) the redesign of a road network to eliminate Bandon Court, Olympic Court, and Colonial Court access onto Fort Churchill Road, 16) the elimination of the access of Riverpark Parkway**

onto Fort Churchill, except for emergency access as may be required by Fire Department, and 17) the construction of a pedestrian crossing with flashing amber lights at Augusta Drive and Fort Churchill Street primarily to accommodate school children crossing. Ray Fierro seconded and the motion passed unanimously.

Staff Recommendation: Developer and staff met on December 15, 2004 to discuss the application and plot a course of action. The developer requested an opportunity to respond to the questions and modify the map. Community Development supports this request with conditions.

Administrative Assistant Maureen Williss read to recommendation of the planning commission into the record.

Community Development Director Nick Malarchik said the map presented is essentially a continuation of the Riverpark residential development that has been in progress for approximately three years off of Highway 50 in Mark Twain. Riverpark is proposing approximately 520 additional homes with the Phase III tentative subdivision map. The expansion of the wastewater treatment facility, an effluent disposal site which borders along the Carson River, from which Lyon County would benefit if those lands were deeded over to the County. He said the applicant informed the planning commission it was their intent to give that land to the County for the purposes of expanding the sewer plant and the effluent disposal. He said the developers recommended conditions of approval are what were read into the record. Mr. Malarchik commented on condition numbers 15, 16 and 17. He said those conditions are primarily involved with the network of roads, primarily in the eastern portion of the tentative map. He suggested that rather than accepting these conditions as written, to #15, he would add the words "as approved by County staff". The applicants traffic engineer, the County road manager and County engineer still need to determine a road network to satisfy their building needs and a safe environment for the residents in that area. County staff also disagrees somewhat with condition #16, Mr. Malarchik felt #16 should either be stricken or amended to say "or as approved by County staff". Staff would then work out the details with the traffic engineer and the County engineer. In regard to condition #17, he also recommended adding the words "as approved by County staff", so the details can be determined as to the safest method of pedestrian protection. He recommended approval with these changes.

Ed Davis, land development manager for Reynen and Bardis, said the access has been discussed with the Planning Director and the County engineer. He said they have obtained additional land and will have more control on the accesses to the property. He showed the proposed alignment after meetings with the Planning Director Steven Hasson and the County Engineer Chas Macquarie. He also addressed issues concerning the schools and the phasing of parks.

Comm Goodman had concerns about the access from Ft. Churchill on Highway 50 and the need for traffic signals.

There was continued discussion regarding traffic flows.

Bruce Grahmann of Kelsey Ct. had concerns as to how the subdivision would impact his road.

Ed Davis addressed his concerns.

Comm Tibbals moved to approve the application for a Tentative Subdivision Map for Riverpark, Phase III subject to the following conditions: 1) all federal, state and county regulations, 2) all conditions of the letter from the County Engineer dated January 3, 2005, including furnishing all requested information regarding storm drainage routing and contour map, 3) clarifications as provided in a letter from TEC to the County Engineer dated December 23, 2004. Developer may construct unit 14 rather than unit 20 prior to connection to US Highway 50, 4) all conditions as provided by Central Lyon County Fire District memo to County Manager dated December 9, 2004, with access and sprinkler requirements now referring to lots 465 & 468 on the revised map. These requirements to be included as a deed restriction and note on appropriate final map. Traffic calming concerns to be as approved by County Road Manager, Fire Chief and Planning Director as discussed with developer's traffic engineer during a field meeting December 16, 2004. This can be addressed in the engineered improvement drawings, 5) all Nevada Department of Transportation requirements, specifically as provided in NDOT letter to Lyon County dated December 7, 2004, 6) confirmation in writing of an

agreement with the Lyon County School District for the offered school site, including suitability of location (proximity to sewer treatment plant) and adapting to existing flood hazard areas as defined by FEMA, 7) deed restrictions to prohibit access from any lot directly onto Fort Churchill Road, 8) construction of a safety/sound wall along property lines fronting Fort Churchill Road with a corresponding note on the respective final maps regarding access, 9) the understanding that the County is in the process of expanding the existing sewer treatment plant and the schedule of the expansion may affect the schedule of this residential development, 10) the understanding that expansion of the County water system may impact the schedule of this development, 11) the acquisition of sufficient water rights to support this development, 12) the coordination with adjacent land owners to adapt continuation of Peachbrush Road and Stratton Drive to future development of those lands, 13) the description of lands intended for dedication to the County and the purpose and terms of such dedication, i.e. park site, effluent disposal, sewer plant expansion, etc., be submitted to the Board of County Commissioners, 14) the submittal of a phasing schedule for the anticipated build-out of this development including schedule for providing park site for use by residents, 15) the redesign of a road network to eliminate Bandon Court, Olympic Court, and Colonial Court access onto Fort Churchill Road, as approved by County staff, 16) the construction of a pedestrian crossing with flashing amber lights at Augusta Drive and Fort Churchill Road, primarily to accommodate school children crossing, as approved by County staff, and 17) The approved tentative subdivision map dated January 26, 2005 and presented at the February 3, 2005 Lyon County Board of Commissioners' Commission meeting. Comm Hillyard seconded and the motion passed 4 – 1. Comm Goodman voted nay.

20. <u>VERIZON WIRELESS/HUGHES, MICHAEL W.</u> – SPECIAL USE PERMIT - The applicants have filed for a special use permit to construct a cell phone tower on approximately 39.96 acres, parcel 2 of PM #120961, all located within a portion of the NW 1/4 of the NE 1/4 of Section 25 T.16N., R.21E., M.D.M.; Dayton Valley area. (APN 16-151-24)

<u>Planning Commission Recommendation:</u> Ray Fierro made a motion to approve the special use permit subject to 1) all conditions as defined in a memo written by Steven Hasson, AICP, Planning Director, dated January 6, 2005. Item numbers 4, 6, 14, 16 & 18 of said memo are agreed to be modified to suit applicants requests, 2) compliance with all federal, state and county regulations, with emphasis on those FAA regulations concerning structures in the vicinity of an operating airfield, 3) all required building permits be obtained prior to proceeding with construction. Permit application must contain specific authorization by the property owner to construct the facility, 4) amendment of an existing business license or a new business license be obtained to include this location all as required by the County Clerk, 5) all required access and utility easements be obtained to provide operational and emergency services to this location. Access to the site from the nearest existing roadway must comply with County Road Department and Central Lyon County Fire Protection District requirements, and 6) annual review. Chuck Roberts seconded and the motion passed by majority vote (3-1-1). Ray Johnson opposed. Chuck Davies abstained.

<u>Staff Recommendation:</u> Staff supports this effort to enhance and improve communication capabilities with Lyon County.

Administrative Assistant Maureen Williss read the recommendations of the planning commission into the record.

Community Development Director Nick Malarchik explained that Lyon County Code does not have an ordinance that specifically addresses cell phone towers. Staff is intending to put together an ordinance in the near future for Commission approval. Cell towers are becoming a very significant issue in the County. In the past, the County has allowed towers to be built under just a building permit. Mr. Malarchik believes that without an ordinance, a special use permit should be required, since the zoning codes do not address cell phone towers. He recommended that in condition #1, the words "agreed to be modified to suit applicant's request" be changed to read "agreed to be modified as approved by the Planning Director". He said that residents expressed concerns about the tower being located near an airport. He pointed out there is an existing cell tower approximately 50 feet away from the proposed site. An engineer has indicated that the cell tower would be outside of the danger zone. Mr. Malarchik also read a memo into the record from Captain Jeff Page of the Lyon County Sheriff's Department supporting the request of

Verizon Wireless. He said that staff recommendation was for approval with the conditions as amended.

John Yu, representing Verizon Wireless, commented on the existing tower. He said there are four carriers using that tower. In order for Verizon to have the appropriate signal for this site, they would need to extend the existing tower and possibly increase the dangers to the airport. Verizon then proposed a new tower 50 feet to the south at the same height of 100 feet. Their tower would provide additional capacity for other carriers to come on because the existing tower is about to capacity. They agree with the conditions of the planning commission and also the planning department's recommendations. He also commented on the positive information for approval in the memo from the Sheriff's Department. He expressed concerns on conditions #2 and #20 through #25 in Steven Hasson's memo dated January 6, 2005. He felt that condition #2 covered #20 through #25. He would like to strike #20 through #25.

Sandy Duncan, representing the Airpark Estates Homeowners' Association at the Dayton Valley Airpark, expressed concerns as to whether the tower would present any problems for the airport. The homeowners are concerned about the tower height, location and site elevation. They would like an additional condition stating "that documentation from qualified and licensed engineer, including the site elevation, structure height, latitude and longitude, specifying whether the coordinates are NAD 27 or NAD 83, and that the County should verify that those are the numbers that are submitted to the FAA". She said that if the FAA is not given the correct information, they would not be able to make an informed decision. They are also concerned about the tower blending in with the environment and the pilots having difficulty seeing it. She also expressed concerns about the County implementing FAA's recommendations.

Planning Director Steven Hasson responded to John Yu's wanting conditions stricken; he felt the conditions should remain. He also said a cell tower ordinance is in draft form and would be presented to the planning and zoning commission next week. He agreed that the numbering corrections in his memo of January 6, 2005, as suggested by the Commissioners. Items # 22 through 24 should be changed to #21 a, b and c, and Items #25 through #30 should be renumbered at #22 through #27. He also recommended that Sandy Duncan's suggested condition be added to read "documentation from a qualified and licensed engineer, including his or her stamp, that include the site elevation, structure height, latitude and longitude, specifying whether the coordinates are NAD 27 or NAD 83. The County shall verify that these figures are submitted on FAA Form 7460-1".

Comm Goodman expressed concerns regarding lighting on the tower.

John Yu explained they would follow the FAA's recommendation on lighting.

Comm Hunewill moved to approve the Special Use Permit for Verizon Wireless/Michael W. Hughes, subject to: 1) all conditions as defined in a memo written by Steven Hasson, AICP, Planning Director, dated January 6, 2005, (as amended) with the changes in the numbering. Item numbers 4, 6, 14, 16 & 18 of said memo are agreed to be modified as approved by County staff, 2) compliance with all federal, state and county regulations, with emphasis on those FAA regulations concerning structures in the vicinity of an operating airfield, 3) all required building permits be obtained prior to proceeding with construction. Permit application must contain specific authorization by the property owner to construct the facility, 4) amendment of an existing business license or a new business license be obtained to include this location all as required by the County Clerk, 5) all required access and utility easements be obtained to provide operational and emergency services to this location. Access to the site from the nearest existing roadway must comply with County Road Department and Central Lyon County Fire Protection District requirements, 6) annual review, and 7) documentation from a qualified and Nevada licensed engineer, including his or her stamp, on site elevation, structure height, longitude and latitude, specify whether coordinates are NAD 27 or NAD 83 and verify to the County that figures are submitted on FAA form 7460-1. Comm Milz seconded and the motion passed unanimously 5 – 0.

21. <u>VALLARINO, AGUSTIN/THOMPSON, VAN E. & LINDA J.</u> – SPECIAL USE PERMIT - The applicants have filed for a special use permit to operate a child care facility on approximately .85 acres, parcel 2A of PM #92058, all located within a portion of the NW 1/4 of Section 31, T.16N., R.21E., M.D.M.; 10034 Highway 50, Mound House. (APN 16-235-12)

<u>Planning Commission Recommendation:</u> Ray Fierro made a motion to approve the special use permit subject to all the conditions of the previous special use permit holder. Chuck Davies seconded and the motion passed unanimously.

<u>Staff Recommendation:</u> Approval.

Administrative Assistant Maureen Williss read the recommendation of the planning commission into the record.

Community Development Director Nick Malarchik explained that Special Use Permits do not run with the land and are not transferable to a new owner. The previous owners are selling their daycare center and the new owner is applying for a Special Use Permit. Mr. Malarchik recommended approval with all of the original conditions that were placed on the original owner.

Agustin Vallarino was present to answer any questions and said they have incorporated as a facility to perform childcare.

Comm Goodman moved to approve the Special Use Permit for Agustin Vallarino/Van E. & Linda J. Thompson, APN 16-235-12, subject to all the conditions of the previous Special Use Permit holder. Comm Tibbals seconded and the motion passed unanimously 5 – 0.

22. <u>HADDIX, ROBERT P.</u> – SPECIAL USE PERMIT - The applicant has filed for a special use permit for watchman's quarters on approximately 1.00 acre, parcel 1-S-B of PM #54327, all located within a portion of the SW 1/4 of the NW 1/4 of Section 29 T.16N., R.21E., M.D.M.; 37 Affonso Drive, Mound House. (APN 16-184-05)

<u>Planning Commission Recommendation:</u> Chuck Davies made a motion to approve the special use permit subject to 1) annual review, 2) all state, county and federal requirements. Ray Fierro seconded and the motion passed unanimously.

<u>Staff Recommendation:</u> Approval.

Administrative Assistant Maureen Williss read the recommendation of the planning commission into the record.

Community Development Director Nick Malarchik explained that watchman's quarters were set up on this property in 1981 for the previous business owner. The property has changed ownership and a new business has come on board. The new owner is now applying for a Special Use Permit to continue the watchman's quarters. He explained that the applicant is also looking into an alarm system for additional security.

Brad Bunkowski, representing the applicant, was present to answer any questions.

Comm Tibbals moved to approve the Special Use Permit for Robert P. Haddix, APN 16-184-05, subject to the conditions of the planning commission. Comm Hunewill seconded and the motion passed unanimously 5 – 0.

23. <u>FITZPATRICK, TED & DEBRA</u> – PARCEL MAP APPEAL – Rick Christian, Denson Surveying, representative. The applicants have filed an appeal to the Lyon County Board of Commissioners concerning the conditions of approval, set forth by the Planning Commission for a parcel map on approximately 2.40 acres, a division of Parcel 1, PM #99710, all located within a portion of Section 22, T.13N., R.25E., M.D.M.; 14 Ashley Drive, Mason Valley. (APN 12-041-10)

<u>Planning Commission Recommendation:</u> Ray Fierro made a motion to approve the parcel map subject to 1) water rights or will serves be obtained, 2) engineering corrections, 3) state, county and federal requirements, 4) that Ashley Drive will be paved per Title 11, 5) Walker River Irrigation requirements, 6) Mason Valley Fire District requirements. Ken Gardner seconded and the motion passed unanimously.

<u>Staff Recommendation:</u> None

Administrative Assistant Maureen Williss read the recommendation into the record.

Community Development Director Nick Malarchik explained that for this zoning district, if someone puts in a road, Title 11 requires the applicant to pave the road.

County Manager Donna Kristaponis said that Lyon County is under scrutiny by NDEP for air quality issues related to the dirt and gravel roads. She would be concerned if the Commissioners do not enforce the ordinance because at some point NDEP could require that the County do the work.

The Commissioners had continued discussion expressing their concerns on the paving of roads and enforcing Title 11. There were comments concerning a fund that was set up by the County.

Ted Fitzpatrick explained that he was only appealing condition #4 of the planning commission recommendations. In a letter to the County, Mr. Fitzpatrick offered to maintain Ashley Drive in the existing material at or above County standards.

Planning Director Steven Hasson said that staff feels the road should be paved. He also said another appeal will be coming before the Board of Commissioners in about a month with a similar argument. He commented on the impact on the road system with residential development.

Comm Hunewill said she hates to vote against the applicant and also understands his point, but, she noted that the property to the north has been sold to a developer so more homes will soon be in that area.

Comm Hunewill moved to deny the Parcel Map Appeal for Ted and Debra Fitzpatrick, and uphold the planning commissions decision. Comm Goodman seconded and the motion passed unanimously 5 – 0.

24. Legislative update

County Manager Donna Kristaponis reminded the Commissioners that on February 8, 2005, Lyon County would be one of four counties hosting the legislative reception at the Carson Nugget at 5:30 p.m. She briefly commented on legislative issues that would benefit Lyon County.

25. Commissioner comments

Comm Tibbals commented on a meeting that would be held with the Army Corp of Engineers to discuss the cleaning of the river.

Comm Hillyard had no comment.

Comm Hunewill commented on a stakeholders meeting to discuss the Yerington Mine to be held in Reno on February 15, 2005.

Comm Goodman said that the City of Fernley approved the proposal for the boundary line adjustment. The City of Fernley would like a copy of the land base map. He also expressed concerns about the five deputies that were approved in last years budget that had not been hired. He thinks Lyon County needs to look at the reasons why. He had comments regarding the ice storm and Highway 50 being blocked for nearly three hours.

Comm Milz said the conservation district has funds available for river cleaning. He said there would be a meeting with NDOT at Dayton Utilities on Monday. He said he would like a progress report on Dayton Valley Road and Lakes Boulevard at the next Commissioners meeting.

26. County Manager comments

County Manager Donna Kristaponis had comments regarding NDOT and WNDD. She said she felt the County was ready for the meeting with NDOT. She said the February 17, 2005, Commissioner's meeting will be held in Dayton. She commented on the number of letters received regarding waivers of fees. She said that in most cases it is illegal for the County to waive fees because the fees are then being supported by the taxpayers of the County and could be considered a gift of public funds. She felt that waiver of fees should not even be placed on the agenda. She received a letter from the City of Yerington's Mayor asking the County to give them the information center. She thanked Nick Malarchik for working with the new Planning Director on turning over some of his duties.

The District Attorney concurred that the County cannot waive fees. There could be other alternatives.

27. Elected Official's report

Assessor Mike Glass informed the Commissioners that Lyon County is at $1 billion in assessed valuations and expect to have another $50 million assessed by July 1st. He also informed the Commissioners that Glen Smith resigned from the Board of Equalization. He said that Dennis Compston submitted a letter wishing to serve on that board. He asked the Commissioners if they knew of anyone else that may be interested.

28. Appointed Official's report

Planning Director Steven Hasson said he was pleased with the way the development community is working with staff. He said he is working on a pre-application where applicants of planning issues would be asked a number of questions. He also mentioned there would be some restructuring of Title 11 to do away with the feasibility report and redirect that all those activities start with staff. He feels that would expedite the process.

29. Advisory Board reports

There were no advisory board reports.

Comm Milz asked that letters be sent to the advisory boards and inform them that part of their responsibility is to advise the Commissioners.

30. Approve Minutes

Comm Hunewill moved to approve the minutes of January 3, 2005 and January 28, 2005, as presented and January 20, 2005, as amended. Comm Tibbals seconded and the motion passed unanimously 5 – 0.

PUBLIC HEARING

1:30 P.M. – Public hearing on adoption of service connection fees within the Dayton Sewer Utility

Comptroller Josh Foli presented the Board with calculations of the connection fees for the Dayton Sewer Utility. The connection fees for all service areas excluding the South Plant would be $9,087 and the South Plant connection fee would be $10,605. He recommended looking at a combined rate and using one connection fee rate of $9,182. He said a public hearing needs to be held in Dayton before adopting the service connection fees.

Comm Milz said that staff recommended continuing the public hearing to February 17, 2005, in Dayton.

Comm Goodman had questions regarding people paying now for the oversizing of the pipe that would not be needed until later.

Utilities Director Mike Workman explained that sizing of pipe was determined using flow models and the size used in the Master Plan. If the size changes in the Master Plan it would be recognized when the projects go out to bid.

Josh Foli said there have been a number of meetings with developers. He also said the fees would be reviewed on an annual basis and adjust the connection fees if necessary.

Ed Johanson of Lakemont also commented on the process that has transpired with the developers and the utility department.

Comm Hunewill moved to continue the public hearing until February 17, 2005, in Dayton. Comm Goodman seconded and the motion passed unanimously.

The meeting was adjourned.

BOARD OF LYON COUNTY COMMISSIONERS

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ROBERT MILZ – Chairman

ATTEST:

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NIKKI BRYAN – Lyon County Clerk/Treasurer