LYON COUNTY PLANNING COMMISSION MEETING MINUTES

November 12, 2024

The November 12, 2024 meeting of the Lyon County Planning Commission was called to order by Commission Chairwoman Audrey Allan, at approximately 9:00 a.m. at the Lyon County Administrative Complex, 27 S. Main Street, Yerington, NV, 89447.

A**ttending staff**: Community Development Director, Gavin Henderson; Deputy District Attorney, Illyssa Fogel; Senior Planners, Louis Cariola and Lisa Nash; and Planning Technician, Shannon Juntunen were present.

1. **Roll Call:** Members present: Commissioners Audrey Allan, Loretta Sell, Ralph Ewing, Shannon Ceresola, Connie Kuzmicki, Mark Jones, and Michael Carlson attended in chambers. A quorum was noted.

2. **Pledge of Allegiance**

3. **Public Participation -** None

4. **Review and Adoption of the Agenda**

Commissioner Ewing motioned to adopt the agenda as presented.

Commissioner Sell seconded and the motion passed by unanimous vote (7 Ayes, 0 Nay, 0 Abstentions).

There was no public comment.

5. **For Possible Action: Approval of Minutes**

5.a. For Possible Action: To approve the minutes from the September 10, 2024 meeting.

Commissioner Jones motioned to approve the minutes from the September 10, 2024 meeting.

Commissioner Carlson seconded and the motion passed by unanimous vote (7 Ayes, 0 Nay, 0 Abstentions).

5.b. For Possible Action: To approve the minutes from the October 8, 2024 meeting.

Commissioner Ceresola motioned to approve the minutes from the October 8, 2024 meeting.

Commissioner Sell seconded and the motion passed by majority vote (6 Ayes, 0 Nay, 1 Abstention by Commissioner Jones).

6. **Advisory Board Reports** - None

7. **Public Hearing Items**

7.a. For Possible Action: To forward a recommendation to the Board of County Commissioners for the request from Dayton Village LLC for a Conditional Use Permit for Non-Restricted Gaming on land subject to CC (Community Commercial) zoning located at 2 Dayton Village Parkway in Dayton on an approximately 1.09-acre parcel (APN 016-403-48), PLZ-2024-046.

Community Development Director Gavin Henderson gave a statement regarding the findings in the staff report and the future capacity of utilities. To be able to proceed with this conditional use permit application, he clarified how staff is addressing the issue of adequate public facilities in light of the ongoing design challenges with the Aspen Creek Rapid Infiltration Basins (RIBs). Due to these issues, the finding of adequate public facilities ultimately cannot be met in its entirety at this time. However, to allow this and similar applications to move forward, they are proceeding with "Finding F" as seen in the staff report being considered met when capacity becomes available as designated by Lyon County. This approach provides a pathway forward for applicants while acknowledging the infrastructure limitations and ensuring that final approvals are contingent upon future capacity. The applicant acknowledges the circumstances and chooses to move their application forward at this time.

Senior Planner Lisa Nash gave a presentation of the item. They added condition number eight to address the utilities connections. She stated the reason for the change to condition number six from *Applicant* to *Tenant* is because the applicant is the builder and not the tenant. The applicant's proposal is for the development of a Dotty's Casino with approximately 100 slot machines. The building and surrounding improvements shall be reviewed through an Administrative Design Review by Lyon County staff, in accordance with Title 15 of the County Code, following approval of this Conditional Use Permit. Staff recommended approval of the application.

Commissioners and staff discussed and verified the slot machines are up to 100 and can be less. It was questioned if motel rooms would be a requirement. Staff replied if the code was updated and approved it would. However, it is still in the draft phase and would not apply since it has not been approved through the hearing process. The item can go forward as is. The occupancy certificate would be dependent upon effluent availability as stated in condition number 8.

Scott Gibson, the architect, stated he understood the conditions of approval. Since they are about a year away from completion of the project it would give them time to address the utilities connections.

Public Comment- None.

Commissioner Sell motioned to forward a recommendation of **approval** to the Board of County Commissioners for the request from Dayton Village LLC for a Conditional Use Permit for Non-Restricted Gaming on land subject to CC (Community Commercial) zoning located at 2 Dayton Village Parkway in Dayton on an approximately 1.09-acre parcel (APN 016-403-48), PLZ-2024-046. Based on the following conditions.

1. No change in the terms and conditions of the Conditional Use Permit (CUP), as approved, shall be undertaken without first submitting the changes to Lyon County Community Development and having them modified in conformance with Lyon County Code.
2. The applicant shall comply with all applicable Fire, building, zoning and improvement code requirements and obtain any necessary public inspections. All construction documents and separate applications must be submitted to the Lyon County Building Department for review and approval to obtain Site Improvement Plan or Building Permits.
3. The applicant shall obtain an Administrative Design Review to be approved by the Community Development Director.
4. The applicant is required to submit for a separate and independent Fire Plan review and will be required to comply with the 2018 Northern Nevada Code Amendments package including 2018 IFC, 2018 IBC, 2018 IWUIC and all applicable NFPA standards. Our applications can be found at www.centrallyonfire.org under the Construction drop down menu. Contact the CLCFPD Fire Prevention Division at (775)246 6209 for more information and direction if necessary.
5. All contractors doing any construction, modifications, or remodels must be licensed in the State of Nevada.
6. The tenant shall maintain a Lyon County business license for the use while occupying the site.
7. Applicant shall comply with all applicable environmental and health laws and regulations concerning water quality, air quality, solid waste disposal, and wastewater management.
8. County will not issue final approval or allow occupancy until such time as sewer service is provided to the property by Lyon County.
9. **Failure to initiate the conditional use permit within two (2) years from the date of approval, or within such other time period as may be specified by Lyon County, shall result in the expiration of the conditional use permit approval.** Notwithstanding the foregoing, the applicant acknowledges that the approval of the conditional use permit is contingent upon the availability of adequate sewer service capacity as determined by Lyon County. In the event that sufficient sewer service capacity is not available within the prescribed two-year time frame, the expiration of the conditional use permit shall be deferred until such time as Lyon County designates adequate sewer service capacity to serve

the project. The conditional use permit shall remain valid, and the time for initiating development shall be extended, provided that development is commenced within two (2) years following the availability of sufficient sewer service capacity as determined by Lyon County.

Commissioner Ceresola seconded and the motion passed by unanimous vote (7 Ayes, 0 Nay, 0 Abstentions).

7.b. For Possible Action: To forward a recommendation to the Board of County Commissioners for the request from Carole O'Banion for a Master Plan Amendment to amend the Master Plan designation from Agriculture to Rural Residential located at 299 Upper Colony Road in Smith Valley on an approximately 57.16-acre parcel (APN 010-261-16), PLZ-2024-047.

Senior Planner Lisa Nash gave a presentation of the item. The Applicant requested a Master Plan Amendment to change the designation from Agriculture to Rural Residential on a parcel totaling 57.16 acres in Smith Valley. The stated future intent of the proposed Master Plan Amendment and a separate Zoning Map Amendment is to facilitate the subdivision of the parcel into 4 parcels of a minimum ten (10) acres in size for future rural residential use. The request would be in general conformance with 2020 Master Plan goals and policies and would be compatible with similarly designated parcels adjacent to the subject parcel. Staff recommended approval of the application based on the Findings as listed in the staff report

Public Comment- None

Commissioners and staff discussed the definition of agriculture since there was not an agriculture use on this parcel before. Commissioner Jones stated this property had a fishery on it, which was not required to have the ground leveled. He stated this does not seem like an agricultural property, although there is an agricultural well. He is in support of this project because this land cannot be farmed. Staff responded that the use of the property does allow them to use the existing ponds. And the Smith Valley Advisory Board gave a recommendation of approval. Lastly, they reviewed the surrounding parcels. The zoning below the subject parcel is RR-20 and low density residential. The adjacent is BLM land.

Rick Christian, with Denson Surveying, and the applicant were present for questions and there were none.

Commissioner Ceresola motioned to forward a recommendation of **approval** to the Board of County Commissioners for the request from Carole O'Banion for a Master Plan Amendment to amend the Master Plan designation from Agriculture to Rural Residential located at 299 Upper Colony Road in Smith Valley on an approximately 57.16-acre parcel (APN 010-261-16), PLZ-2024-047. Based on the findings:

A. The applicant has demonstrated that the amendment is in substantial compliance with and promotes the master plan goals, objectives and actions;

B. The proposed amendment is compatible with the existing or master planned adjacent land uses, and reflects a logical change in land uses;

C. The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the master plan was adopted by the Board, and the requested amendment represents a more desirable utilization of land;

D. The proposed amendment will not adversely affect the implementation of the master plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare; and

E. The proposed amendment will promote the desired pattern for the orderly physical growth of the County, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the County based on the consideration of natural resources, the physical geography and the efficient expenditure of funds for public services.

Commissioner Ewing seconded and the motion passed by unanimous vote (7 Ayes, 0 Nay, 0 Abstentions).

7.c. For Possible Action: To forward a recommendation to the Board of County Commissioners for the request from Carole O'Banion for a Zoning Map Amendment to amend the Zoning Map designation from the Title 10 district of RR-5 (Fifth Rural Residential District - 20 acres) to the Title 15 district of RR-10 (Rural Residential - 10 acre minimum) located at 299 Upper Colony Road in Smith Valley on an approximately 57.16-acre parcel (APN 010-261-16), PLZ-2024-048.

Senior Planner Lisa Nash gave a presentation of the item. The Applicant requested a Zoning Map Amendment to change the designation from the Title 10 district RR-5 (Fifth Rural Residential District (20 Acres)) to the Title 15 district of RR-10 (Rural Residential, 10 Acres Minimum) on a parcel totaling 57.16 acres in Smith Valley. This application is subsequent to approval of the Master Plan Amendment under consideration as application PLZ-2024-047. The stated future intent of the proposed ZMA is to facilitate the subdivision of the parcel into four (4) parcels of a minimum ten (10) acres in size for future rural residential. The future intent of the proposed Zoning Map Amendment is to divide the parcel into 4 parcels with a minimum of 10 acres each. Staff recommended approval of the application based on the Findings as listed in the staff report as the request would be in general conformance with the 2020 Comprehensive Master Plan designation for the property.

Commissioners and staff discussed the division of parcels and their plan upon approval. The applicant has not yet provided a plot plan showing what they intend to achieve. If this item is approved, then they will move forward with a plot plan.

Public Comment- None

Commissioner Sell motioned to forward a recommendation of **approval** to the Board of County Commissioners for the request from Carole O'Banion for a Zoning Map Amendment to amend the Zoning Map designation from the Title 10 district of RR-5 (Fifth Rural Residential District - 20 acres) to the Title 15 district of RR-10 (Rural Residential - 10 acre minimum) located at 299 Upper Colony Road in Smith Valley on an approximately 57.16-acre parcel (APN 010-261-16), PLZ-2024-048. Based on the findings listed in the Staff Report.

A. The proposed amendment is consistent with the policies embodied in the adopted master plan and the underlying land use designation contained in the land use plan;

B. The proposed amendment will not be inconsistent with the adequate public facilities policies contained in this title; and

C. The proposed amendment is compatible with the actual or master planned adjacent uses.

Commissioner Ceresola seconded and the motion passed by unanimous vote (7 Ayes, 0 Nay, 0 Abstentions).

7.d. For Possible Action: To forward a recommendation to the Board of County Commissioners for the request from Tract Capital Management, LP, for a Master Plan Amendment from Rural Residential to Specific Plan on approximately 460 acres of six (6) parcels that total approximately 1070 acres, located west of US Highway 95A and north of US Highway 50 in Silver Springs (APNs 015-091-08, 015-111- [01, 02, 04, 05, and 06]); PLZ-2024-066.

Senior Planner Louis Cariola gave a presentation of the item. The Applicant requested a Master Plan Amendment from Rural Residential to Specific Plan on approximately 460 acres of six parcels that total approximately 1070 acres. Staff recommended approval of the application based on the Findings as listed in the staff report as the request would be in general conformance with the 2020 Comprehensive Master Plan designation for the property.

Commissioners and staff discussed that there are three different components of the project being presented during the meeting. Commissioners had questions on the parcel having a split master plan designation and if the applicant would come back with a Boundary Line Adjustment to split the parcel to be in conformance,

if approved. Senior Planner Louis Cariola stated confirmed that is correct. They discussed a future water tank, who is responsible for that cost, and who would provide utility services. The cost would be the responsibility of the developer. The water services would be provided through Silver Springs Mutual Water Company, and the septic would be provided through the Silver Springs General Improvement District.

Mitch Nelson, the consultant, gave a presentation of Tract being a data technology company. They will work with the community and partners to support local economic development.

Public Comment:

Brent Lovett gave his support on this project because Tract and staff have gone above and beyond to work with property owners.

Commissioner Ewing motioned to forward a recommendation of **approval** to the Board of County Commissioners for the request from Tract Capital Management, LP, for a Master Plan Amendment from Rural Residential to Specific Plan on approximately 460 acres of six (6) parcels that total approximately 1070 acres, located west of US Highway 95A and north of US Highway 50 in Silver Springs (APNs 015-091-08, 015-111- [01, 02, 04, 05, and 06]); PLZ-2024-066. Based on the findings listed in the Staff Report.

A. The applicant has demonstrated that the amendment is in substantial compliance with and promotes the master plan goals, objectives and actions;

B. The proposed amendment is compatible with the existing or master planned adjacent land uses, and reflects a logical change in land uses;

C. The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the master plan was adopted by the Board, and the requested amendment represents a more desirable utilization of land;

D. The proposed amendment will not adversely affect the implementation of the master plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare; and

E. The proposed amendment will promote the desired pattern for the orderly physical growth of the County, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the County based on the consideration of natural resources, the physical geography and the efficient expenditure of funds for public services.

Commissioner Sell seconded and the motion passed by unanimous vote (7 Ayes, 0 Nay, 0 Abstentions).

7.e. For Possible Action: To forward a recommendation to the Board of County Commissioners for the request from Tract Capital Management, LP, for a Master Plan Amendment to change the Character District from Rural to Suburban on approximately 190 acres of an 800-acre parcel located west of US Highway 95A and north of US Highway 50 in Silver Springs (APN 015-091-08) PLZ-2024-051.

Senior Planner Louis Cariola gave a presentation of the item. The Applicant requested a Master Plan Amendment to the Character District from Rural to Suburban on approximately 190 acres of an 800-acre parcel on Assessor's Parcel Number (APN) 015-091-08. The request is predicated on a concurrent request for approval of the Silver Springs Technology Park (SSTP) Specific Plan, processed under Planning file number PLZ-2024-066. The SSTP is comprised of 460 acres, of which 270 acres are already designated as having Suburban Character: the 190 acres addressed in this Character District Amendment request would create consistent Character throughout the SSTP. Staff recommended approval of the application based on the Findings as listed in the staff report as the request would be in general conformance with the 2020 Comprehensive Master Plan designation for the property.

Public Comment- None

Commissioner Sell motioned to forward a recommendation of **approval** to the Board of County Commissioners for the request from Tract Capital Management, LP, for a Master Plan Amendment to change the Character District from Rural to Suburban on approximately 190 acres of an 800-acre parcel located west of US Highway 95A and north of US Highway 50 in Silver Springs (APN 015-091-08) PLZ-2024-051. Based on the findings listed in the Staff Report.

A. The applicant has demonstrated that the amendment is in substantial compliance with and promotes the master plan goals, objectives and actions;

B. The proposed amendment is compatible with the existing or master planned adjacent land uses, and reflects a logical change in land uses;

C. The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the master plan was adopted by the Board, and the requested amendment represents a more desirable utilization of land;

D. The proposed amendment will not adversely affect the implementation of the master plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare; and

E. The proposed amendment will promote the desired pattern for the orderly physical growth of the County, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the County based on the consideration of natural resources, the physical geography and the efficient expenditure of funds for public services.

Commissioner Ewing seconded and the motion passed by unanimous vote (7 Ayes, 0 Nay, 0 Abstentions).

7.f. For Possible Action: To forward a recommendation to the Board of County Commissioners for the request from Tract Capital Management, LP, for a Zoning Map Amendment from RR-5 (Fifth Rural Residential District, 20-acre minimum), to SI (Service Industrial) on approximately 460 acres of six (6) parcels that total approximately 1070 acres, located west of US Highway 95A and north of US Highway 50 in Silver Springs (APNs 015-091-08, 015-111-[01, 02, 04, 05, and 06]), PLZ-2024-052.

Senior Planner Louis Cariola gave a presentation of the item. The Applicant requested a Zoning Map Amendment from RR-5 (Fifth Rural Residential District, 20-acre minimum), to SI (Service Industrial) on approximately 460 acres of six (6) parcels that total approximately 1,070 acres. Staff recommended approval of the application based on the Findings as listed in the staff report as the request would be in general conformance with the 2020 Comprehensive Master Plan designation for the property, as considered for amendment via separate requests.

Public Comment- None

Commissioner Ceresola motioned to forward a recommendation of **approval** to the Board of County Commissioners for the request from Tract Capital Management, LP, for a Zoning Map Amendment from RR-5 (Fifth Rural Residential District, 20-acre minimum), to SI (Service Industrial) on approximately 460 acres of six (6) parcels that total approximately 1070 acres, located west of US Highway 95A and north of US Highway 50 in Silver Springs (APNs 015-091-08, 015-111-[01, 02, 04, 05, and 06]), PLZ-2024-052. Based on the findings listed in the Staff Report.

A. The applicant has demonstrated that the amendment is in substantial compliance with and promotes the master plan goals, objectives and actions;

B. The proposed amendment is compatible with the existing or master planned adjacent land uses, and reflects a logical change in land uses;

C. The proposed amendment has demonstrated and responds to changed conditions or further studies that have occurred since the master plan was adopted by the Board, and the requested

amendment represents a more desirable utilization of land;

D. The proposed amendment will not adversely affect the implementation of the master plan goals, objectives and actions, and will not adversely impact the public health, safety or welfare; and

E. The proposed amendment will promote the desired pattern for the orderly physical growth of the County, allows infrastructure to be extended in efficient increments and patterns, maintains relatively compact development patterns, and guides development of the County based on the consideration of natural resources, the physical geography and the efficient expenditure of funds for public services.

Commissioner Ewing seconded and the motion passed by unanimous vote (7 Ayes, 0 Nay, 0 Abstentions).

8. Community Development Director Comments

8.a. For Discussion Only: Community Development Director comments and updates.

Community Development Director Gavin Henderson gave an update of the RIBS and the planning application process. These design challenges have impacted staff's ability to proceed as usual with certain permits and development processes. Staff is taking a balanced approach to ensure continuity in application review while managing these infrastructure limitations responsibly. In response, they are carefully prioritizing applications that do not exacerbate the current situation with Lyon County service area for Dayton, NV.

For any applications potentially impacted by these design issues, they're coordinating closely with related departments to explore interim solutions and to adjust timelines as needed. Staff will continue to encourage applicants to consult with them early in their process to ensure full awareness of the limitations and potential solutions moving forward.

They're goal remains to provide applicants with as much clarity and guidance as possible while maintaining standards that support sustainable development and responsible use of infrastructure. There is a special meeting with the Board of County Commissioners this Friday to gather further direction.

9. Commissioner Comments and Agenda Requests

Commissioner Jones thanked the applicants and welcomed them to the community. He gave his concern and support to the Board of County Commissioners and the circumstances with the RIBS. He welcomed Wendy Loomis and her appointment to the Planning Commission in January 2025.

10. Public Participation - None

11. Adjournment at 10:52 AM.