Board of County Commissioners
Lyon County, Nevada

The Honorable Board of Lyon County Commissioners met this day, Thursday, November 7, 2024, at 9:00 A.M. in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGTON, NV 89447.

1. Roll Call

Present: Chair David Hockaday, Vice-Chair Wes Henderson, Commissioner Robert Jacobson, Commissioner Scott Keller and Commissioner Tammy Hendrix

Staff Present: County Manager Andrew Haskin, Comptroller Josh Foli and Assistant District Attorney Illyssa Fogel

2. Invocation given by Irene Albritton of First Christian Church

3. Pledge of Allegiance

4. Public Participation

Comm. Hockaday asked for public comment.

Don Smit of Lucas Homes and Development, Donald Patalock of Vidler Water Company, Civil Engineer Dan Birchfield, Jon Maxell of Knox Excavating, Bobbi Merrigan of DR Horton, Gary Gladwell of F&G Construction, Susan Pansky of Project1, Eric Rasmussen, Glen Martel, Phillip Cowee of River Vista Properties and BCB Ventures urged the Moratorium to be lifted as they believe it was implemented prematurely. Other concerns included how this will impact the local economy, jobs that will be lost and future growth for Lyon County.

Don Smit of Lucas Homes and Development requested a special meeting to discuss this further.

John Maxwell from Knox Excavating asked for item 16.a. to be tabled as he believes the moratorium was premature. He urges the moratorium to be lifted.

Susan Pansky from Project1 reviewed entitlements that are at risk due to the moratorium.

Amanda Brinnand thanked the elections staff for their efforts in the recent election. She thanked Lyon County for putting the health and welfare of existing residents above a monetary value in regard to the moratorium.

5. For Possible Action: Review and Adoption of Agenda

County Manager Andrew Haskin requested to pull 16.a from the agenda and asked to give his report after taking action on this item.

Comm. Hockaday asked for public comment and there was none.

Comm. Jacobson moved to adopt the agenda pulling 16.a from the agenda and moving the County Managers report up on the agenda, Comm. Henderson seconded, and the motion passed 5-0.

6. Presentation of awards and/or recognition of accomplishments

6.a. For Presentation Only: Present Deputy Joshua Lynch and Deputy Ian Foster with Meritorious Service Medals.

• Staff Report

Sheriff Brad Pope presented Deputy Joshua Lynch and Deputy Ian Foster with Meritorious Service Medals.

The Commissioners thanked both Deputies for their continued efforts.

6.b. For Presentation Only: Present Three Fernley Citizens for a Life Saving Award for their heroic work during a fire.

• Staff Report

Sheriff Brad Pope presented Three Fernley Citizens for a Life Saving Award for their heroic work during a fire.

The Commissioners thanked the Fernley Citizens for their heroism.

He also presented Deputy Trevor Bonds for the Life Saving Award for saving a 6 month old baby who was not breathing.

Comm. Henderson left at 10:17 a.m. and returned at 10:18 a.m.

7. Time Certain

7.a. Time Certain at 9:00 A.M: Public Hearing- Bill No. 24-03: For Possible Action: Approve an ordinance amending Lyon County Code Title 15, The Lyon County Land Use and Development Code; Chapters 15.320 Section 3 Table 15.320-1; Chapter 15.320 Section 3 Table 15.320-4; Chapter 15.320 Section 3 Table 15.320-5; Chapter 15.336 Section 3 Table 15.336-1; and Chapter 15 15.1200 Section 4; To define and allow for Private Use Airfields and General Aviation Airports; and other matters properly related thereto.

· Ord. Title 15 Airports and Airstrips

· Newspaper Affidavit

Comm. Hockaday asked for public input as this is a public hearing. There were none at this time.

Comm. Henderson motioned to approve an ordinance amending Lyon County Code Title 15, The Lyon County Land Use and Development Code; Chapters 15.320 Section 3 Table 15.320-1; Chapter 15.320 Section 3 Table 15.320-4; Chapter 15.320 Section 3 Table 15.320-5; Chapter 15.336 Section 3 Table 15.336-1; and Chapter 15 15.1200 Section 4; To define and allow for Private Use Airfields and General Aviation Airports; and other matters properly related thereto, Comm. Jacobson seconded and the motion passed 5-0.

7.b. Time Certain at 9:00 A.M: Public Hearing- Bill No. 24-04: For Possible Action: Approve an ordinance amending Lyon County Code Title 15, The Lyon County Land Use and Development Code; to adopt 2 airport influence areas; and other matters properly related thereto.

· Ord. Title 15 Airport Influence Zones

· Newspaper Affidavit

Sandra Duncan and Mike Starky explained that aircrafts fly in relation to the airport altitude and that a new structure's altitude will be higher than the actual height of the building. They expressed their concern with the term "above the ground" being used rather than "above the runway".

Comm. Keller asked County Manager Andrew Haskin to expand on their concerns. Andrew explained that this is an FAA requirement and he recommends moving forward with the language as is, however the board has the ability to pull this item for legal review.

Comm. Henderson stated he would like to move forward with how it is written as there is currently no ordinance in place however, this can be amended at a later time.

Comm. Hockaday asked for public comment and there was none.

Comm. Henderson moved to approve an ordinance amending Lyon County Code Title 15, The Lyon County Land Use and Development Code; to adopt 2 airport influence areas; and other matters properly related thereto, Comm. Keller seconded and the motion passed 5-0.

8. Commissioners/County Manager Reports

Comm. Jacobson thanked the County's Election Team for their efforts in the recent general election. He attended a meeting with the Boys & Girls club of Fernley. He toured the UNR Biotech and Ag program. He also thanked the Sheriff's Office for their continued efforts. He also attended a meeting with NDOT. He stated he understands if the NDOT issues get put on hold as there are more pressing items at this time.

Comm. Keller thanked the public and the Sheriff's Office for their efforts. He attended a meeting with the Regional Transportation Commission, the Silver Springs Advisory Board, the NACO Legislative Committee, the NACO West Region meeting, the NACO Agriculture and Rural Affairs Steering Committee meeting and the NACO Rural Action Caucus meeting.

Comm. Hendrix attended a Fundraiser for Friends of the Library Masquerade Ball, two meetings with the Dayton Valley Conservation District and the Silver Springs Advisory Board. She also met with Human Services Director, Doctor Shayla Holmes for more of an education on what the Human Services Department provides for citizens.

Comm. Hockaday made a trip to the Rapid Infiltration Basin site to look over and discuss problem areas. He attended the Mason Valley Conservation District meeting, the Smith Valley Conservation District meeting and the Smith Valley Advisory Board meeting. He thanked the County's Election Team for their efforts in the recent general election.

Comm. Henderson attended the Mound House Advisory Board meeting.

County Manager Andrew Haskin read the following statement into record.

Good Morning. For my County Manager update today I'll be giving an update on the Effluent Disposal Capacity issue and the Aspen Creek Rapid Infiltration Basins or RIBs. First, I want to assure the Board and the public that the life, health, and safety of the citizens of Lyon County is our top priority. I know from past experience working with this Board through the 2023 flooding that protecting life, health and safety is your priority as well and I want to thank the Board for your continued trust in me and the Lyon County team as we work through these issues. Any decisions that are made are made with life, health, and safety in mind.

The Aspen Creek RIBs were supposed to meet the County's effluent disposal needs for future growth over the next 20 years in Dayton. After a lengthy site identification, construction began in October of 2022 and reached

substantial completion in July of 2023. By October of 2023, Lyon County Utilities personnel noted standing water, also known as ponding, in the basins. This ponding was not expected for these RIBs .

Over the next three months, the ponding levels continued to worsen. By the end of December 2023, the groundwater was also rising, a condition also known as mounding, and approaching the minimum separation level between the bottom of the RIB and the groundwater. By January 2024, the ponding in the RIBs reached the maximum permitted level, and the mounding in monitoring well 1 exceeded the minimum permitted level of separation.

Lyon County first contacted the County Engineer, DOWL, who also served as the project design engineer, to investigate the cause of the ponding and mounding and to provide solutions. On March 20, 2024, DOWL issued their initial findings to the county stating "Unfortunately, our findings are inconclusive as to why the RIBs are not functioning as anticipated."

With the DOWL report inconclusive, Lyon County Utilities made the decision to seek an independent, third-party, engineering firm to review the original design, determine the cause of the problems with mounding and ponding, and to make recommendations to remedy these problems. Staff believed it was important to choose a National Firm that was unlikely to be influenced by the local development community and that had expertise and experience building rapid infiltration basins.

With 92 locations in the United States, over 36,000 employees world-wide of which 4,000 are located in the U.S., and extensive experience in sewer treatment and rapid infiltration basins, Lyon County signed a contract with AtkinsRealis to review the Aspen Creek RIB project design and operations data, provide improvement recommendations, and serve as a technical advisor on this matter to Lyon County.

Between May and October 2024, AtkinsRealis conducted their review of the design of the Aspen Creek RIBs and on October 19th, 2024, AtkinsRealis submitted its final report and conclusions. AtkinsRealis concluded that major design errors are the primary cause of the reduced capacity at the Aspen Creek RIBs. The report states that the actual capacity of the Aspen Creek Rapid Infiltration Basins is roughly 25% of the designed capacity, or 350,000 gallons per day, versus the designed capacity of 1.4 Million gallons per day. In addition, the report recommends some corrective measures that, if implemented, may increase the capacity of the RIBs; but, unfortunately, the capacity of the RIBs will never reach their original design capacity.

With this information in hand, Lyon County utilities quickly calculated how much capacity was left in the Dayton Sewer System given the new Aspen Creek capacity information and the capacities of our other effluent disposal sites. It was determined that Dayton Utilities had enough effluent disposal capacity to serve its existing customers and those that were currently under construction, but there was not enough capacity to support additional development. There was also no emergency effluent disposal capacity. In order to protect the life, health, and safety of the citizens of Lyon County, as well as to protect the environment, Lyon County immediately put a temporary hold on all new building permits, final maps and site improvement permits within the Dayton Sewer Service Area. Lyon County also notified the Nevada Division of Environmental Protection, DOWL, the Development Community, and the public.

The decision to temporarily halt new development was not a decision that was taken lightly. I understand that there is a lot of money invested in those projects and a lot of jobs that they support. I also understand that the County's budget for the current fiscal year is built on the assumption that development would continue and that we would be receiving revenue from the sales tax on construction materials, real property transfer tax from the home sales, permit fees from the building permits, and connection fees from new water and wastewater

connections. But as I stated before, the life, health and safety of Lyon County residents must be the priority. That is a principle that I am not willing to waiver on.

As it comes to development, our goal is to find a solution and get things moving again as soon as possible. We have reached out to the development community to seek their ideas on possible solutions. So far, one developer has submitted some questions regarding their analysis of the AtkinsRealis report and we are working through those with AtkinsRealis. If other developers have ideas or questions they can submit them to me and we can see where those lead. DOWL has also made some suggestions which we are in the process of evaluating.

One thing I would like to address is a request from the development community to hire a third party engineer to review AtkinsRealis's findings. I'm not in favor of this idea for a few reasons. The first, is that we have already hired a neutral, third-party engineer, that engineer is AtkinsRealis. We hired DOWL originally to tell us what was wrong, AtkinsRealis was brought in to review the situation after the DOWL report was inconclusive. The second reason is that another review would, at best, only delay finding short and long term solutions for the problem. A review would likely take 3 to 6 months. Even if that new report returned a higher capacity number, we would then have to do yet another review to determine why there are differences in the reports and which one is right, which would likely require additional field testing and more time. In the meantime we would still have a responsibility to use the most conservative capacity information. I would much rather skip the extra step and start doing the additional testing and work towards short and long term solutions.

On the topic of solutions, I want to talk for a minute about our plan moving forward. County staff intend to continue to use DOWL as the project and county engineer to find solutions, and use AtkinsRealis as a third-party expert reviewer. With that in mind, we are currently evaluating our operations to see if there are any operational changes that would buy us some additional capacity in the short term and be able to restart issuing connections. We also plan to do some additional testing at both Aspen Creek and our Ribs at South Plant to see if there is a way for us to get any additional capacity there. Simultaneously, we will be working with our engineering team to determine the best path forward for a long term solution. That long term solution may be finding a new site to build additional RIBs, upgrading the sewer treatment plant, or it could be a solution we haven't thought of yet.

In addition to resolving the sewer capacity issue, we are actively working to determine which building permits can proceed without contributing additional sewer flows. Separately, we are evaluating which planning applications can continue through their respective approval processes without the need for immediate sewer service. Our team is working diligently to assess what is feasible and expects to provide more detailed guidance in the near future. Throughout this process, we remain committed to prioritizing the health, safety, and well-being of Lyon County residents.

Lyon County will work diligently to resolve the effluent disposal problem in Dayton. I will keep the Board and the community updated as more information becomes available. Again, I want to thank the County Commissioners for your continued trust in me and the Lyon County team as we work through these issues.

9. Elected Official's Reports

There were none at this time.

10. Appointed Official's Reports

There are none at this time.

11. Advisory Board Reports

There were none at this time.

12. CONSENT AGENDA

Comm. Jacobson stated he would like to pull item 12.f. from the Consent Agenda for brief discussion.

Comm. Hockaday asked for public comment and there was none.

Comm. Jacobson moved to approve the Consent Agenda items 12.a. through 12.r, pulling 12.f. for brief discussion, Comm. Henderson seconded and the motion passed 5-0.

12.a. For Possible Action: Review and accept claims and financial reports.

County claims totaled $1,755,759.49 and payroll totaled $1,814,776.63. The cash balance as of October 15, 2024, was $150,815,306.56.

12.b. For Possible Action: Review and accept claims and financial reports.

Travel claims total as of October 15, 2024, was $26,118.26.

12.c. For Possible Action: Approve the changes on Assessor's tax roll due to correction in assessments and review of tax roll changes.

Secured Property Corrections totaled $6,407.70, Unsecured Factual Corrections totaled $6,700.33 and Unsecured Uncollectable Corrections totaled $501.05.

12.d. For Possible Action: Approve the October 17, 2024 minutes.

The October 17, 2024 minutes were approved.

12.e. For Possible Action: Accept the recommendation from the Smith Valley Park Board from their October 10, 2024 meeting to accept the donation of some bleachers from Smith Valley Schools to be used at Dressler Park in Smith Valley.

12.f. For Possible Action: Accept the donation of $1000 from Joseph Guild on behalf of the Guild and Russel Families to help with the maintenance and upkeep of the Dayton Cemetery at which their family plots are located.

Comm. Jacobson asked what the donated money goes toward. Facilities Director Doug Homestead responded the money is going toward maintenance upkeep.

Comm. Hockaday asked for public comment and there was none.

Comm. Jacobson moved to accept the donation of $1000 from Joseph Guild on behalf of the Guild and Russel Families to help with the maintenance and upkeep of the Dayton Cemetery at which their family plots are located, Comm. Henderson seconded and the motion passed 5-0.

12.g. For Possible Action: Approve a contract between Lyon County and Roman Polak, in an amount not to exceed $45,760, to provide behavioral Health Clinician services with the Mobile Outreach Safety Team (MOST).

12.h. For Possible Action: Accept a federal grant in the amount of $12,392.34 from the BJA Patrick Leahy Bulletproof Vest Partnership to pay for bulletproof vests for the Sheriff's Office.

12.i. For Possible Action: Approve an amendment to the contract between Lyon County and Hey Frank, LLC, to increase the contract amount from $271,719.74 to $354,659.74, with the additional $82,940 being funded from the Youth Mobile Outreach Safety Team (MOST), US Department of Health and Human Services grant.

12.j. For Possible Action: Accept the Notice of Subgrant Award from the State of Nevada, Department of Health and Human Services, Division of Public and Behavioral Health, for FY25, in the amount of $359,158, to continue the Nevada Home Visiting Program in Lyon County.

12.k. For Possible Action: Approve a contract between Lyon County and ST Huerta Four Square Clinicals, in an amount not to exceed $24,960 to provide medical services and oversight to individuals receiving professionally identified prescription medication needs with the Mobile Outreach Safety Team (MOST).

12.l. For Possible Action: Accept the "Joining Forces Project Agreement" grant in the amount of $37,000.00 from The State of Nevada Department of Public Safety Office of Traffic Safety, and to authorize the Sheriff to sign.

12.m. For Possible Action: Approve a license agreement for five years, effective December 1, 2024, with High Desert Internet Inc. to lease them space at the County repeater sites on Rawe Peak and Singatse Peak.

12.n. For Possible Action: Approve a license agreement for five years, effective December 1, 2024, with Rango Broadband Inc. to lease them space at the County repeater sites on Pine Grove, Rawe Peak, and Singatse Peak.

12.o. For Possible Action: Accept the grant award amendment to extend the subaward period of the ARPA Homemaker grant from the State of Nevada, Department of Health and Human Services, Division of Aging and Disability Services, from 06/30/2024 to 12/31/2024.

12.p. For Possible Action: Accept the grant award amendment to extend the subaward period of the ARPA Handyman Subaward from the State of Nevada, Department of Health and Human Services, Division of Aging and Disability Services, from 06/30/2024 to 12/31/2024.

12.q. For Possible Action: Acknowledge resignation from Patricia Avery from the Lyon County Library Board of Trustees.

Comm. Hockaday thanked Patricia Avery for her service on the Lyon County Library Board of Trustees.

12.r. For Possible Action: Review and accept grant from the Nevada State Library Archives and Public Records for the State Collection Development Project in the amount of $13,072 for E-Materials and Spanish language collection.

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

County Manager Andrew Haskin stated he wanted to address conditional uses and conditional use permits. He apprised that conditional uses have potential to impact neighboring properties so the conditional use permit process is to identify what those potential impacts could be and what steps can be taken to minimize those impacts. If the impacts can't be minimized on the surrounding properties then a conditional use permit should be denied but if those impacts can be minimized, then the conditional use permit should be approved. He asked the board if they intend to vote no on either 13.a. or 13.b, that they state which impacts and findings in the staff report can't be mitigated or minimized.

13. Public Hearing on Planning Items

13.a. For Possible Action: To approve the request from Hunewill Construction for a Conditional Use Permit for expansion of an existing aggregate pit operation on land subject to RR-20 (Rural Residential – 20 Acre Minimum) zoning located 1,000 feet to the east of the intersection of Highway 338 and Desert Creek Road in Smith Valley on approximately 80-acres of a 680 acre parcel (APN 010-741-08); PLZ-2024-042

· Staff Report

· Backup

Senior Planner Lisa Nash gave a presentation discussing a request from Hunewill Construction for a Conditional Use Permit to expand northeast of an existing aggregate pit operation in Smith Valley. She reviewed details such as the property map location, the project summary, findings and conditions. She stated that the applicant is only applying for the aggregate pit expansion and it will not be including the hot mix asphalt production.

Comm. Jacobson asked how close to the property line the project would be in which Lisa responded there is a reasonable distance that has to be implemented which will be implemented in the site improvement permit which is one of the permits that must be obtained before operations can begin.

Comm. Hockaday requested the expansion be able to go north east of the 80 acre parcel and only take place East of Desert Creek as depicted on the map in the presentation. The applicant responded she has no intentions of disrupting Desert Creek or the neighbor's lifestyle. She did ask if boulders can be removed to be mined elsewhere.

Comm. Henderson asked the applicant to clarify that they want to remove the boulders to be brought to the east side, not mined on the west side. She responded that the boulders are intended to be taken away as landscape rocks and that the pit is not to be expanded to the west side of Desert Creek.

Comm. Hockaday asked for public comment.

Alisha Gomes and Luke Gomes stated their concerns of how this will affect the value of their land and their home if they ever decided to sell. They also stated there is an odor that omits from this project site and this expansion will cause issues for future development. They urged the Commissioners to deny this item.

George Stannis stated his concerns with the loss of property value and the disruption of the expansion.

Rex Hartwick explained the direction of the expansion and what the applicant is doing to mitigate disruption to the neighboring properties.

Comm. Hockaday motioned, based on aforementioned findings and conditions of approval, to approve the request from Hunewill Construction for a Conditional Use Permit for expansion of an existing aggregate pit operation on land subject to RR-20 (Rural Residential – 20 Acre Minimum) zoning located 1,000 feet to the east of the intersection of Highway 338 and Desert Creek Road in Smith Valley on approximately 80-acres of a 680 acre parcel (APN 010-741-08); PLZ-2024-042 with the approval conditions being that the expansion of the mining pit will only go North and East of Desert Creek and that surface mining of landscaping rock would be allowed to the west of Desert Creek, Comm. Henderson seconded and the motion passed 5-0.

13.b. For Possible Action: To approve the request from Project One Nevada, LLC, for a Conditional Use Permit for an Aggregate Extraction operation within the Sage Vista Specific Plan on land subject to RR-20 (Rural Residential 20-acre minimum) zoning generally located north of US Highway 50 and east of Bryce Street in Mark Twain on a portion of an approximately 317-acre parcel (APN 016-021-30) PLZ-2024-049.

- **Staff Report**
- **Backup**
- **Public Comment**

Senior Planner Louis Cariola and the application gave a presentation discussing a request from Project One Nevada, LLC, for a Conditional Use Permit for an Aggregate Extraction operation within the Sage Vista Specific Plan. He clarified that this is not a pit with excavation but rather an extraction operation.

The Commissioners, Louis and the applicant's representative, Stacie Huggins, discussed the hours of operation, material handling, dust control, access management, noise levels, the purpose and the duration for this operation.

The Commissioners stated their concerns with operations taking place on Saturdays however the applicant stated they would be willing to eliminate Saturday operations all together. The Commissioners also expressed that they would like to see the processing area moved to the east side of the property in an effort to create distance from Copper Canyon.

Comm. Henderson asked that the term "pit" be changed in condition 4. He also asked the applicant if this was going to be a Monday through Friday operation or an as needed operation. The applicant responded that it is anticipated to be a mix of both as material would be taken away as it is needed for other projects.

Comm. Hendrix asked if there would be any conflict with county code if the processing area were to be moved to the east side of the property in which Louis responded he does not believe this would conflict with county code.

Comm. Keller shared his concerns with a commercial aspect being brought into this as well as this project requiring ten years.

Comm. Hockaday asked for public comment. The following are all concerns.

Linda Bateman, Jen Mapa, Julia Tumanuvao, Sven Sander, Amanda Brinnand, Wayne Rodgers, Barney Wadley, Susan Obrien, Scott Bennett, Reuben Gutierrez, Ralph Coursey, Henry King, Tim S., Kim Vidoni, Janis Danforth, Brad Stevens, Robyn Bennett, Monica Neves, Gary Cezon, Pete Neves, John Hardcastle, Ward Isaacs, John B., Gary Gladwell and Mike Obrien each stated their concerns with the impact of dust, noise, access management, odor pollution, road maintenance, quality of life, hours of operation, the duration of the operation and the depreciation of property value. They all encouraged the Commissioners to deny this item.

Sven Sander stated his concerns for the illegal disruption of arrowheads.

Amanda Brinnand stated her concern as to why this kind of operation is being allowed with this area being a suburban character district. She also stated that the advisory boards were not made aware of this project.

Henry King stated his concerns with traffic safety.

Janice Stanford stated her concerns about flash flooding and not being able to see the stars.

Brad Stevens stated he is a retired professional truck driver who hauled out of a rock pit for 20 years and he believes this operation will be noisier than what is being presented.

Robin Bennett stated she would like to see a barrier put in place to reduce noise, dust and to act as a windbreak.

Monica Neves stated her concerns with how this will impact wildlife.

The applicant stated considering the state of the moratorium, she would be willing to reduce the project to 5 years and would request an extension after those 5 years have passed. She also stated that nothing will take place outside of operating hours. She further explained the efforts that will be made to maintain the roads and avoid the spread of mud and gravel.

Comm. Henderson stated the more spread out the operation is time wise, the less likely there will be noise. If the time is condensed, then there will be more noise. He also stated his concerns with heavy equipment over 80,000lbs being utilized on those roads. The applicant stated the site can be moved adjacent to the aggregate site.

Comm. Hendrix stated she would like to see this project timeline brought down to 3 years or she will be voting against the item.

Comm. Hockaday stated his concerns with the removal of solid core rock material once all of the dirt has been removed in which the applicant stated from the studies that have been conducted, she does not believe any blasting would be required however she is not a geological engineer and did not bring that information with her.

Comm. Keller left at 1:18 p.m. and returned at 1:20 p.m.

The Commissioners and Louis discussed the amendments to the conditions they would like to see. Louis stated he has made changes as well as added conditions 14 and 15 which are as follows.

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 Central Lyon County Fire Protection District and the Lyon County Building Department for review and approval to obtain a Building Permit.

3. The applicant is required to submit for a separate and independent Fire Plan review by the Central Lyon County Fire Protection District (CLCFPD} 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. 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.

4. The applicant shall acquire all Lyon County, state and federal permits necessary for the operation of the aggregate ~~pit~~ extraction operation and its accessory uses as well as obtain all of the necessary public inspections.

5. The proposed use shall comply with all of the Performance Requirements for Industrial Uses provided in Lyon County code section 15.337.03, including but not limited to all requirements pertaining to lighting, noise, odor, dust, dirt, and smoke. Because the site is adjacent to residentially-zoned property to the west, noise shall not exceed a daytime limit of sixty five (65} A-weighted decibels, (dBA} or a nighttime limit of sixty (60} dBA, as measured at the border of residentially-zoned adjacent parcels. Should the proposed use fail to comply with the Lyon County Code standards, the Conditional Use Permit may be revoked.

6. The applicant shall maintain a Lyon County business license for the use while occupying the site.

7. Per the Lyon County Utilities Department (LCUD} Director, the water to be used for dust control will need to originate from APN 016-021-32, which is within the LCUD service area. The applicant must adhere to County Code, Title 9 requirements, and install a water delivery system that will have no adverse impact on LCUD's infrastructure. The LCUD Director and Community Development Director will approve the plan.

8. The hours of operation for all activities shall be limited to 7:00 AM -5:00 PM Monday through Friday. ~~with occasional Saturdays allowed during the same hours for specific construction projects. The operator will notify immediately adjacent property owners and the Lyon County Community Development of operation on a Saturday a minimum of 48 prior to the extended hours.~~ Rock crushing activities are limited to 8:00 AM to 4:00 PM, with the same daily limitations as other operations.

9. All contractors doing any construction, modifications, or remodels must be licensed in Lyon County and the State of Nevada.

10. A sign with contact information and phone number for the site operator shall be posted at the front gate, visible from the public right of way.

11. The applicant shall comply with Lyon County's 2018 revised drainage guidelines to the satisfaction of the County Engineer prior to occupancy.

12. The substantial failure to comply with the conditions imposed on the issuance of this conditional use permit or the operation of the conditional use in a manner that endangers the health, safety or welfare of Lyon County or its residents or the violation of ordinances, regulations or laws in the conditional use may result in the institution of revocation proceedings. Failure to initiate the conditional use permit within one (1) year from the date of approval will result in the expiration of the conditional use permit approval.

13. The material to be approved for extraction shall be at or above elevation 4,431 feet. The depth of extraction of material shall not exceed this elevation without amendment to this Conditional Use Permit. The Developer will provide an annual report in June to the County detailing the extent of

material extraction until the knoll is fully removed, or within 30 days if requested by the Community Development Director.

14. No commercial sales of extracted materials is authorized by this Conditional Approval. Approval is granted for five (5) years. Any future extension would be according to the terms of Title 15.

15. The location of the Operations area is only approved for location to the north of the proposed extraction area, and not as depicted in the submittal materials.

Comm. Henderson motioned to approve the request from Project One Nevada, LLC, for a Conditional Use Permit for an Aggregate Extraction operation within the Sage Vista Specific Plan on land subject to RR-20 (Rural Residential 20-acre minimum) zoning generally located north of US Highway 50 and east of Bryce Street in Mark Twain on a portion of an approximately 317-acre parcel (APN 016-021-30) PLZ-2024-049 based on findings A through Z and subject to the conditions of approval 1 through 15 as modified during this presentation, Comm. Keller seconded and the motion passed 4-1. Comm. Hendrix opposed.

14. Commission and Committee Appointments

14.a. For Possible Action: Appoint up to 4 members to the Planning Commission with terms to begin January 1, 2025, and expiring December 31, 2028.

- **Shannon Lee Ceresola, Application (Fernley)**
- **Loretta Sell, Application (Silver Springs)**
- **Celeste Thornhill, Application (Wellington)**
- **Wendy Loomis, Application (Wellington)**

Applicants Celeste Thornhill and Wendy Loomis gave a review of their qualifications.

Comm. Hockaday asked for public comment and there was none.

Comm. Hockaday motioned to appoint Shannon Lee Ceresola, Loretta Sell and Wendy Loomis to the Planning Commission with terms to begin January 1, 2025, and expiring December 31, 2028, Comm. Henderson seconded and the motion passed 5-0.

14.b. For Possible Action: Appoint up to 2 members to the 911 Surcharge Committee with terms expiring December 31, 2026, Jeff MacDonnell as the Local Exchange Carrier Representative and Taylor Allison as a Member at Large.

Comm. Hockaday asked for public comment and there was none.

Comm. Jacobson motioned to appoint Jeff MacDonnell as the Local Exchange Carrier Representative and Taylor Allison as a Member at Large to the 911 Surcharge Committee with terms expiring December 31, 2026, Comm. Henderson seconded and the motion passed 5-0.

15. Human Services

15.a. For Possible Action: Accept the amendment to the lease agreement with Dayton Healthcare Center, LLC, for Lyon County Human Services' Dayton office space, to extend the lease term from October 31, 2024 to October 31, 2026; with the option to extend the lease for a third year.

Human Services Director Doctor Shayla Holmes gave a presentation reviewing a third amendment to the lease agreement with the Dayton Healthcare Center for Lyon County Human Services, Dayton office. The lease is to be extended from October 31, 2024 to October 31, 2026.

Comm. Hockaday asked for public comment and there was none.

Comm. Hendrix motioned to accept the amendment to the lease agreement with Dayton Healthcare Center, LLC, for Lyon County Human Services' Dayton office space, to extend the lease term from October 31, 2024 to October 31, 2026; with the option to extend the lease for a third year, Comm. Jacobson seconded and the motion passed 5-0.

16. Utilities

16.a. For Presentation Only: Approve a contract with AtkinsRealis for an amount not to exceed $100,000 to provide engineering services focusing on improving infiltration capacity of the Aspen Creek Rapid Infiltration Basins (RIBs), developing strategies to improve infiltration and reduce groundwater 5 mounding, and to evaluate potential sites for new RIBs in the Dayton area.

This item was removed from the agenda.

17. County Manager

17.a. For Possible Action: Presentation of Governor Lombardo's Consistency Review letter regarding Bureau of Land Management's Final Programmatic Environmental Impact Statement and proposed Resource Management Plan for Utility-scale Solar Energy Development.
· Consistency Review Letter

County Manager Andrew Haskin gave a presentation reviewing the details entailed in Governor Lombardo's Consistency Review letter including process concerns, economic impact and habitat concerns.

Comm. Hockaday asked for public comment and there was none.

The Commissioners thanked Andrew for putting the impact statement together and for it being well written.

The Commissioners asked Andrew to draft a thank you letter.

18. Comptroller

18.a. For Possible Action: Approve revisions to Policy 2-3 Property Control to update the asset disposal process and the federal grant capitalization threshold.
· Administrative Policy 2-3 Property Control (Proposed Revision)

Comptroller Josh Foli gave a brief overview of the revisions to Policy 2-3 Property Control to update the asset disposal process and the federal grant capitalization threshold.

Comm. Hockaday asked for public comment and there was none.

Comm. Jacobson moved to approve revisions to Policy 2-3 Property Control to update the asset disposal process and the federal grant capitalization threshold, Comm. Hendrix seconded and the motion passed 5-0.

18.b. For Possible Action: Approve a revision to Policy 2-4 Grants to update the federal grant capitalization threshold.

· Administrative Policy 2-3 Grants (Proposed Revision)

Comptroller Josh Foli gave a brief overview of the revisions to approve a revision to Policy 2-4 Grants to update the federal grant capitalization threshold.

Comm. Hockaday asked for public comment and there was none.

Comm. Jacobson moved to approve revisions to Policy 2-3 Property Control to update the asset disposal process and the federal grant capitalization threshold, Comm. Hendrix seconded and the motion passed 5-0.

18.c. For Possible Action: Approve a reallocation of American Rescue Plan Act (ARPA) funding to additional projects to ensure all of the funds are obligated by December 31, 2024.
· Facilities Request for ARPA funds
· ARPA Allocations as of 9-30-24

Comptroller Josh Foli and the Commissioners reviewed and discussed the projects that funding would be reallocated to.

Comm. Hockaday asked for public comment and there was none.

Comm. Henderson moved to approve a reallocation of American Rescue Plan Act (ARPA) funding to additional projects to ensure all of the funds are obligated by December 31, 2024 per spreadsheet provided by Comptroller Foli, Comm. Jacobson seconded and the motion passed 5-0.

19. Agenda Requests

There were none at this time.

20. Commissioner Comments

The Commissioners thanked staff for handling today's meeting well.

21. Public Participation

Comm. Hockaday asked for public comment and there was none.

22. Closed Session pursuant to NRS 241.015(3)(b)(2)

There was no closed session.

23. Adjourn

Meeting was adjourned at 3:05 p.m.

LYON COUNTY BOARD OF COMMISSIONERS

David R. Hockaday

DAVE HOCKADAY, Chairman

ATTEST

Staci L

STACI LINDBERG, Lyon County Clerk/Treasurer