LYON COUNTY PLANNING COMMISSION MEETING MINUTES
MAY 08, 2012

The Lyon County Planning Commission met this day with a quorum. The following members were present: Larry Wahrenbrock, Chuck Davies, Ervin Hill, Ray Johnson, Betty Retzer, Paul Lanning and George Mortensen. Attending staff were Robert Loveberg, Planning Director and Kerry Page, Planning Assistant. Vida Keller was in attendance as liaison to the Board of County Commissioners.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

REVIEW AND ADOPTION OF AGENDA

Paul Lanning made a motion to adopt the agenda as presented. Ervin Hill seconded and the motion passed unanimously: 7 ayes; 0 nays; 0 absent

APPROVAL OF THE MINUTES

Ervin Hill made the motion to approve the minutes of the March 13, 2012, Planning Commission meeting with one correction noted. Betty Retzer seconded and the motion passed unanimously: 7 ayes; 0 nays; 0 absent.

MISCELLANEOUS CORRESPONDENCE

None

PUBLIC PARTICIPATION

Jeff Page offered an update on the recent changes to certain staff responsibilities due to budget and time restraints. He said that the day to day functions of Emergency Management, except for Hazard Mitigation, are going back to the County Manager's office.

1. DESERT ENGINEERING / CHICO, JAMES & JENNIFER, TRS - SPECIAL USE PERMIT (for possible action) – Request to modify an existing Special Use Permit, originally issued November 5, 1999, to expand the operation of an existing rock, sand and gravel facility by adding a concrete batch plant, increasing the size of the pit areas, initiating blasting operations, and expanding the hours of operation; all on approximately 116.33 total acres; located at 26 East Pursel Lane, Yerington (APN 12-161-07; 12-161-08 & 12-161-09) PLZ-12-0012

Rob Loveberg, Planning Director, presented the staff report. He said that this request is to expand upon an existing special use permit for a facility that has been in continual operation since 1999. The purpose of the expansion is to provide materials to the nearby Nevada Copper mining facility and at their request. Mr. Chico is asking that the concrete batch plant be able to operate 24 hours per day because, as the construction of the portal shaft progresses Desert Engineering has been contracted to provide concrete on an immediate and on-call basis. Mr. Loveberg said, staff has recommended that any traffic for this facility operated outside of the existing hours of operation being after 5PM and before 8AM, be required to use Cremetti Lane to the north. Staff also requires that Cremetti Lane be improved to a full Plate 3g standard by the applicant. This is because Cremetti Lane is currently a native ground, county maintained roadway and the additional truck traffic proposed there will quickly degrade a dirt roadway. Desert Engineering will be the primary user of that roadway therefore the applicant will be required to enter into a road maintenance agreement with Lyon County for maintenance of that roadway. Mr. Loveberg said that NDOT may require some improvements to Pursel Lane as well but those requirements are not known at this time.

Chuck Davies asked what the requirement for restoration, as noted in condition #7, entails. He said that he is unsure what the federal requirements are for such restoration and that the original SUP stated the land be restored to agricultural use which is more definite. Mr. Loveberg responded that restoring a pit to an agricultural use is not reasonable. He said we could add more definite language to the restoration condition if necessary but typically the county does not get involved in the restoration portion of such a land use. The applicant may have a restoration plan on file with the state.

Jim Chico, applicant, stated that his initial restoration plan was to improve the existing hole and make it a fishing pond with trees around it. He said, other than the installation of the portable batch plant, his plan is to create stockpiles of materials for use at the mine. Mr. Chico said that he is not required to file a restoration plan with the state as he is on private property. Mr. Chico asked if he could extend the restricted hours to start at 7AM as that is a normal starting time his employees. The batch plant hours are sporadic and will depend on when the mine needs concrete. Mr. Chico said that he may not even blast at all but wants to be able to if he needs to as the surface blasting makes getting the harder granite materials much easier. It will probably only be twice per year and it would be contracted in. No one was opposed to this change. He further described his proposed operation and reviewed each of the conditions of approval. He agreed to provide a transportation plan and a traffic study if NDOT requires it. Mr. Chico anticipates a minimal increase in noise levels. He said there is a hill behind the activity that will block most of the noise and he doesn't feel that the batch plant will produce as much noise as the crusher does now. The trucks on Pursel Lane do create some noise when they arrive in the mornings but not all of the trucks will be theirs. Mr. Chico said he has 3 water trucks for dust control and all drainage runs into the ditches on his property or it soaks in.

Chairman Wahrenbrock asked if Mr. Chico had an idea of how much material might be required for the mine. Mr. Chico said they are anticipating around 20,000 yards over time. He said that after much discussion with the mine, they have made a commitment to them for the materials.

Ray Johnson asked how many years of activity they anticipate. Mr. Chico said the first portal will probably take about 1½ years. If they proceed to the next portal it will be an additional 1½ years, so they are anticipating about a 3-5 year project. Mr. Johnson also asked about the condition requiring the improvement to Cremetti Lane. Mr. Chico responded if that is what is required then he will do it. It will be expensive for him to construct a 1.5 mile roadway, but he already has the materials which will reduce the cost. He said he had already anticipated approaching the county about taking over the maintenance of the roadway.

Larry Wahrenbrock made note of the 2 letters of opposition from neighbors that expressed concern over the additional noise and traffic. Mr. Wahrenbrock feels these issues have been mitigated by the conditions of approval. Mr. Chico stated he has always strived to be a good neighbor. Mr. Johnson recommended that a notification be sent to certain neighbors to inform them of when any blasting might take place. Mr. Chico agreed. Mr. Loveberg said the conditions of approval can be amended to address these issues.

Discussion followed regarding the reclamation and restoration of the land once the project is done. Mr. Chico offered to provide an artist's rendition of how he proposes to address this.

Grant Smith, Grant Smith Aggregates, stated his concerns being that the original SUP was denied by the Planning Commission but approved by the Board of Commissioners with certain conditions. He said that the required conditions were not followed by the applicant. Mr. Smith said that, in his opinion, there is no justification for eliminating the existing 6 conditions of approval and asked if those conditions are to be eliminated and replaced. Ray Johnson stated that the original conditions have been addressed and replaced by the new conditions of approval. Mr. Loveberg agreed. Mr. Smith stated his concern is, why impose conditions that are not going to be upheld as with the original conditions. He agrees that Nevada Copper will need materials for their project but Mr. Chico is not the only one that can supply the material. Mr. Smith said that he also has a pit and a ready mix operation and there are other businesses that can also provide the same services. He said that part of approving a special use permit is to show a need for the special use and Mr. Smith doesn't see the need for another gravel pit and an enlarged operation as it can be accommodated by the existing businesses in the area. Chuck Davies said that Desert Engineering did not say they were the only ones who could supply materials for the project but they are apparently the ones who won the bid. He added that competition is not a sound reason to deny a special use permit. Mr. Smith said that the expansion of the pit is contrary to what the Board approved in 1999. The conditions set at that time were an attempt to limit the size of the operation. The applicant said at that time that he needed approximately 3 years to complete his goal

and then the land would be restored to an agricultural use. He asked that the Planning Commission enforce the 23 conditions of approval should the special use permit be approved.

Esteban Chiquete, Materials Manager for Nevada Copper, stated that they did send a bid request package to Grant Smith Aggregate but received an email response refusing to bid on the project. Mr. Smith responded that they declined because another company also received the bid request and that company is his direct supplier so they felt it would be a conflict of interest if they bid against their supplier.

Ervin Hill made a motion to **recommend approval** of the special use permit for Desert Engineering finding that a) The proposed use at the specified location is a continuation of a previously approved and operating use through Lyon County's special use permit process; b) The proposed use at the specified location is consistent with the general purpose and intent of the applicable zoning district regulations; c) The proposed use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is compatible with and preserves the character and integrity of adjacent development and neighborhoods or includes improvements or modifications either on-site or within the public right-of-way to mitigate development related to adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity; d) The proposed use will not be detrimental to the public health, safety, convenience and welfare; and e) The proposed use will not result in material damage or prejudice to other property in the vicinity, and subject to the following conditions of approval:

1. This special use permit applies to the following uses and intensities of those uses as set forth in the original special use permit approved November 5, 1999, as modified by and described in the project description dated April 18, 2012 and accompanying conceptual site plan, incorporated herein, and as amended by the requirements and stipulations of the special use permit approval conditions: rock, sand and gravel facility, concrete batch plant, total allowable area 10 acres, blasting permitted, and expanded hours of operation.
2. Annual review - The special use permit is subject to annual review by Lyon County.
3. Operations shall be restricted to the hours between 7:00 a.m. to 5:00 p.m., Monday through Friday, with the exception that the concrete batch plant may operate after 5:00 p.m. and before 7:00 a.m., 7 days per week as necessary.
4. Blasting is permitted with the following restrictions:
    a. No blasting shall occur outside of the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.
    b. Prior to any blasting being performed, notification shall be given to the Lyon County Sheriff's Dispatch center and the Mason Valley Fire Protection District.
    c. Prior to any blasting being performed, notification shall be given to any property owner within a one (1) mile radius
5. The applicant shall comply with all State, County, federal and special district rules and regulations as they apply to this special use permit.
6. Mining activity limited to no more than 10 acres including the staging area, concrete batch plant and associated facilities.
7. Restoration plan shall be submitted and approved by the Planning Director, including regrading and revegetation of the mined and disturbed areas, within the requirements of the State of Nevada and Federal agencies with jurisdiction.
8. All mining and blasting operations shall comply with the requirements of the State of Nevada and federal agencies with jurisdiction.
9. The applicant shall prepare a transportation plan specifying the routes and operational requirements for the materials and concrete operations. The transportation plan shall be submitted to the Lyon County Planning Department, and the plan must be approved by the Lyon County Public Works Department and Planning Department before issuance of the special use permit and initiation of expanded operations. Truck traffic shall use Pursel Lane during the hours of 7:00

a.m. to 5:00 p.m. for ingress and egress to and from the site. Between the hours of 5:00 p.m. and 7:00 a.m., all traffic shall use Cremetti Lane for ingress and egress to and from the site.

10. The applicant shall construct road, intersection and driveway improvements as required by Lyon County and the Nevada Department of Transportation after a careful review of the project, any required traffic study and existing conditions by the Lyon County Engineer, Lyon County Public Works and Nevada Department of Transportation.

    a. The applicant shall obtain all necessary approvals and encroachment permits, and coordinate and comply with any requirements placed on this project by Lyon County Public Works/Road Department and Nevada Department of Transportation.

    b. The applicant shall improve Cremetti Lane from the westerly boundary of the subject parcels to Pursel Lane. Improvements shall be required, at a minimum, to meet Lyon County standards for a Plate 3G gravel road standard, and the design must be prepared by a licensed Nevada engineer using applicable engineering standards.

    c. Improvements to the driveway access at State Route 827 shall meet the requirements and standards of the Nevada Department of Transportation.

        1. A detailed traffic analysis, to the satisfaction of the Nevada Department of Transportation (NDOT) may be required by NDOT to determine the impact of this project traffic on State Route 827. Improvements to State Route 827 to accommodate the project traffic shall be designed and constructed as required by the Nevada Department of Transportation.

        2. The applicant shall obtain an encroachment permit from the Nevada Department of Transportation for any work to be completed within the State right-of-way.

    d. The applicant shall enter into a road maintenance agreement with Lyon County and shall maintain the portion of Cremetti Lane from the westerly boundary of the subject parcels to Pursel Lane in a good and serviceable condition, as may be described and detailed in the road maintenance agreement, throughout the life and operation of the rock, sand and gravel facility.

11. The applicant understands and acknowledges that the placement or expansion of intensive land uses, as proposed, next to lands zoned for rural residential uses poses potential land use conflicts, particularly with respect to issues such as noise, odors, fumes, illumination glare, traffic, and potential nuisances. Accordingly, the applicant shall acknowledge this potential, and establish and commit to a continuing program to eliminate, or reduce to acceptable limits and tolerances, impacts to neighboring properties and uses, and dangerous and objectionable elements involved in processing and in equipment operations.

12. The applicant shall establish a noise attenuation strategy for staff review, relative to the placement of any machinery or equipment that may generate noise offsite that would interfere with nearby non-industrial uses.

13. The applicant shall comply with all applicable fire, building, zoning and improvement code requirements.

14. The applicant shall acquire all State, County and special purpose district permits and obtain all necessary public inspections.

15. All exterior lighting shall comply with Chapter 10.20 of the Lyon County Code, and shall be approved by the Building Department prior to installation.

16. The applicant shall obtain all required encroachment permits and meet all traffic control requirements placed on the business enterprise by the Nevada Department of Transportation, the County Engineer, Lyon County Public Works Department, special purpose districts, and any other jurisdictions with approval authority.

17. The applicant shall comply with Lyon County's 1996 (revised) drainage guidelines. The property owner shall be responsible for maintenance of all roads, walks and drainage facilities within the development, as well as the storm water detention

facilities, if applicable, whether it is onsite or offsite. Lyon County shall have no financial responsibility for maintenance of these facilities.

18. No signage is approved with this special use permit.
19. The applicant shall maintain a Lyon County business license for the use while occupying the premises.
20. The Planning Department may require the applicant to make improvements to mitigate noise or other adverse impacts identified after the issuance of the special Use Permit. The applicant shall obtain Planning Department approval of any such improvements prior to the issuance of any building permits, if necessary, and/or construction.
21. All of the requirements placed on the special use permit by the County Building Official, Mason Valley Fire Protection District, Planning Director, and other agencies with jurisdiction shall be met prior to the applicant commencing use of the site.
22. Any modification, expansion, intensification or material change in use or operation shall require an application for and public hearings on a modification of the special use permit pursuant to Lyon County Code.
23. The substantial failure to comply with any conditions imposed on the issuance of a special use permit or the operation of a special use in a manner that endangers the health, safety or welfare of Lyon County or its residents or the violation of ordinances, regulations or laws in the special use or the non use of the permit for a year may result in the institution of revocation proceedings.

Paul Lanning seconded and the motion passed by majority vote (6 ayes; 0 nays; 1 abstention - George Mortensen abstained as he does business with the applicant)

At this time, 10:16 AM, a portion of the 10:00 A.M. time specific item was heard.

CONVENE AS THE LYON COUNTY PUBLIC LANDS MANAGEMENT ADVISORY BOARD

5. Public participation. There was none.

RECONVENE AS THE LYON COUNTY PLANNING COMMISSION

2. <u>SWANSON RV STORAGE / SWANSON, JAMES & JANET</u> – SPECIAL USE PERMIT (for possible action) – Request for a Special Use Permit to operate an outdoor RV & boat storage facility and to utilize a mobile home for watchman's quarters; all on an approximately 1 total acre parcel; located at 8 Cash Drive, Mound House (APN 16-184-06) PLZ-12-0010

Rob Loveberg presented the staff report. Mr. Loveberg stated that the applicant desires to replace an existing mobile home with a new one. The older home was placed on the property in 1992 though without the benefit of a special use permit and was considered to be a "grandfathered" use by previous staff. The applicant now wants to replace the older mobile home with a new home therefore the grandfathering no longer applies. A mobile home used for watchman's quarters can only be approved with a special use permit in the M-1 zoning district. The applicant's narrative stated that the old mobile home will be removed.

A discussion followed regarding the necessity for screen-fencing the entire property. Mr. Loveberg said that screened fencing conforms to what the county has required in the past and all applicants should be treated equally. Chuck Davies said he visited the site and found it to be the most orderly and well-kept property in the area and feels that screened fencing would detract from the look of the property. Mr. Loveberg said that the applicant proposed installing a screened fence along portions of the property lines to provide security for the RV's being stored. He said the fencing could be vegetative screening – it doesn't have to be slatted fencing. The Planning Commission can make the determination of what is reasonable. Mr. Loveberg cautioned the commission that if they are going to require something less than what has been imposed on other like businesses, then it should be based on an equitable and enforceable decision. Discussion on this topic followed.

It was noted that the applicant was not present at the hearing.

Ray Johnson mentioned that the only reason for this application is because the applicant is replacing the old mobile home with a new one. Rob Loveberg added that it also addresses the RV Storage business which has been there for some time without a business license. He reminded the commission that a mobile home, being a residential use, is not allowed on industrially zoned property without an SUP for watchman's quarters and there must be a business operating at the site to justify the need for a watchman. The applicant is currently in the process of obtaining a county business license. Discussion followed.

Betty Retzer made a motion to **recommend approval** of the special use permit for James & Janet Swanson after finding that it is a) is consistent with the general purpose and intent of the applicable zoning district regulations; b) will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is compatible with and preserves the character and integrity of adjacent development and neighborhoods or includes improvements or modifications either on-site or within the public right-of-way to mitigate development related to adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity; c) will not be detrimental to the public health, safety, convenience and welfare; and d) will not result in material damage or prejudice to other property in the vicinity and subject to the following conditions of approval:

1. The applicant shall comply with all State, County, federal and special district rules and regulations as they apply to this special use permit.
2. The applicant shall comply with all applicable fire, building, zoning and improvement code requirements.
3. The applicant shall acquire all State, County and special purpose district permits and obtain all necessary public inspections.
4. If outdoor lighting is provided, it shall be comply with the outdoor lighting requirements of Lyon County Code.
5. Prior to the final inspection for the Building Permit for the new manufactured home the applicant shall remove the 1963 manufactured home from the property and provide evidence to the Building Department Director that this requirement has been met.
6. The applicant shall provide and maintain screened fencing around the perimeter of the property to ensure additional security to the facility.
7. The applicant shall locate all unused and inoperable machinery and equipment at a central location that is screened from public view, provided and maintained by a combination of vegetative screening, fencing and/or terrain approved by the Planning Director.
8. The applicant shall comply with Lyon County's 1996 (revised) drainage guidelines. The property owner shall be responsible for maintenance of all roads, walks, parking areas and drainage facilities within the parcel, as well as the storm water detention facilities, if applicable, whether it is onsite or offsite. Lyon County shall have no financial responsibility for maintenance of these facilities.
9. The applicant shall maintain a Lyon County business license for the use while occupying the premises.
10. All of the requirements placed on the special use permit by the County Building Official, Central Lyon County Fire Protection District, Planning Director, and other agencies with jurisdiction shall be met prior to the applicant commencing use of the site.
11. The use is subject to the continuous maintenance of an M-1 use that demonstrates the need for the watchman's quarters. The watchman's quarters' use shall be discontinued and the manufactured home removed within thirty (30) calendar days if an M-1 use requiring the watchman's quarters is discontinued.
12. No change in the terms and conditions of the special use permit, as approved shall be undertaken without first submitting the changes to Lyon County and having them modified through a public hearing process.

13. The substantial failure to comply with any conditions imposed on the issuance of a special use permit or the operation of a special use in a manner that endangers the health, safety or welfare of Lyon County or its residents or the violation of ordinances, regulations or laws in the special use or the non use of the permit for a year may result in the institution of revocation proceedings.

14. The special use permit is subject to annual review by Lyon County.

Chuck Davies seconded and the motion passed unanimously (7 ayes; 0 nays; 0 abstention)

3. <u>WALKER RIVER MEAT PROCESSING / LASSEN MEAT PROCESSING, LLC</u> – SPECIAL USE PERMIT (for possible action) – Request for a Special Use Permit to operate a multi-species meat processing facility, including structures for processing and shipping meats; holding corrals; rendering plant; pet food production; leather tannery; feed barns and warehouses; hog, sheep, goat & poultry production; agricultural crop production; hydroponic growing structures; waste water treatment plant; water reservoirs; and possible reserve for a university campus; all on an approximately 1712.50 total acre parcel; located off of Sierra Way, Wabuska, in Mason Valley (APN 14-091-09) PLZ-11-0027

Vincent Estell and Rick Peters, both of Walker River Meats, LLC, and Bob Cotter of Sierra Builders, were present in the audience to represent the continued application.

Chairman Wahrenbrock made note of the revised information provided by the applicant subsequent to the workshop that was held on April 26th. Rob Loveberg stated that he did not prepare a revised staff report but did revise some of the approval conditions which were distributed to each commission member earlier. The revised conditions address the total number of animals to be held in inventory and ultimately processed as well as the proposed composting processes, and other issues.

Mr. Loveberg stated that basically the conditions of approval are the same as previously submitted except for a couple of additions though he feels that all of these requirements are sufficient to ensure a sound project. He continued stating that the applicants have proposed a reduced number of animals to be at the facility and that the inventory corrals will be covered and will be on native ground rather than the composted bedding though the manure will be collected daily and taken to the composting area which is also inside a covered structure. The proposed composting process will greatly reduce the odor produced by the facility.

Larry Wahrenbrock noted that the applicant still shows the 5 acre, commercial greenhouse lots on the revised site plan. Mr. Loveberg responded that commercial greenhouses are an allowed use within the M-1 zoning district. The applicant can still show the use as part of the project but in order for the greenhouses to be on separate 5 acre lots, the applicant must go through the commercial subdivision process at a later date.

A discussion followed regarding what the State of Nevada might require for a demand for water rights. Mr. Loveberg said that regardless of what the demand comes out to, the applicant will be required to apply for secondary use permits for geothermal water or agricultural water rights to be able to irrigate the proposed pasture land. Mr. Loveberg noted that the number of employees has also been lowered from previously reported information. Chuck Davies mentioned that there is a lot of information in the new project description that has not been adjusted with the new figures, including information in the traffic study. Mr. Loveberg mentioned that NDOT has not yet provided a response letter indicating whether or not there needs to be changes made to the traffic study submitted by the applicant. Discussion followed.

Bob Cotter, Sierra Builders, represented the applicant. Mr. Cotter stated that the applicants have no compliance issues with any of the conditions of approval. Chairman Wahrenbrock made note of the requirements in a letter from the Division of Water Resources. He said that they have had numerous contacts with that state agency and as was stated by Tom Gallagher of that department at the workshop held on April 26th, they will be able to comply with those requirements. He said that the director of that department has issued a letter granting them approval for the secondary use of the geothermal waters. Mr. Wahrenbrock asked if there are any water quality issues with using geothermal water. Mr. Cotter said that all of the water will be treated prior to use.

He said there will be two treatment plants onsite, one for wastewater and one for clean water. Cory Egbert explained the water requirements, including quality and quantity, required for this application. Mr. Cotter stated that the required amount of water stated in the letter from the Division of Water Resources is more than what the project actually requires. Discussion followed.

Betty Retzer questioned the changes that have obviously been made to the project description, even since the meeting held on April 26th. She said that she doesn't feel like the applicant has provided sufficient detail of what the project entails and is still unclear on the whole picture. Mr. Cotter responded that due to rapidly advancing technology, the details can change at a moments notice but the basic processes have not changed. He did say however, that the 29 conditions noted in the revised staff report were complete and will be complied with.

Vincent Estell discussed the proposed bus transportation system for the employees and other traffic issues associated with the project. Discussion followed. Mr. Estell explained that the inventory holding corrals are there to keep the operations flowing. Once the process is started it cannot be stopped for any length of time just to be started up again once they have enough animals to go through. It is a continuous process. If necessary, the animals can stay in the holding corrals for approximately 48 hours. The composting facility does not work well if the material is dry. They plan to gather the manure daily so they can provide fresh, wet material to the composting facility. The native ground in the holding corrals, and all areas that hold the animals, will be base lined with a clay cap that will provide an impervious surface and protect the groundwater from any seepage. The moisture will collect into one corner and run along a pipe then into the water treatment facility. Mr. Estell stressed that this facility has every intention of protecting the environment. He said that the hog enclosures are partially covered but it is healthier for the pigs if they are allowed to run outside for a limited time therefore they will be provided with an uncovered run area with a hutch for them to go inside also. The hogs will be kept on a double floor where the manure will be directed to the compost facility and any runoff will be directed to the wastewater facility. Pigs have to be kept in a controlled environment as they do not sweat and will die if they get too hot. It is critical that the hog facility be kept in pristine condition. It has to be a sterile environment to eliminate contamination and that is what they are proposing.

Don Brethauer, resident of Penrose Lane, in Mason Valley, expressed his concern for the possible impacts to the quality of life for the neighbors in that area. Mr. Estell attempted to address Mr. Brethauer's concerns. He said every attempt will be made to lessen the impact to neighbors.

Jim Dunlap reminded the audience that there are other feed lot type businesses in that area, that use nothing more technical than a loader to address the waste product and nobody is complaining about them.

Tom Cartwright stated that this business could provide employment for numerous unemployed local people and that must be considered. The county needs businesses and here is one that can make a big difference for Lyon County. A little bit of odor does not match up to the need for jobs in the valley.

Larry Wahrenbrock asked about getting a phasing plan that has been requested in the past. He said that the applicant said they would construct the facility all at one time and asked how long construction might last. Mr. Cotter replied it would take about 14 – 18 months depending on the weather. He said production could start very soon after completion. The process and requirements for obtaining a certificate of occupancy was discussed.

Mr. Estell was asked about the number of animals to be held in each holding corral. He said that they will keep no more than a truckload in one corral so that they can trace the animals' origin to address issues such as mad cow disease, etc. He said the project description will be revised to address that. A lengthy discussion ensued regarding numbers of animals in the corrals and related topics.

Chuck Davies asked if Mr. Loveberg had anything to add to his staff recommendation. Mr. Loveberg replied he feels that the staff recommendation is complete.

Paul Lanning made a motion to recommend approval of the request for a special use permit for Walker River Meat Processing, with the recommended findings and subject to

the 29 conditions listed on the staff report dated May 8, 2012. Chuck Davies seconded for discussion. Mr. Davies stated that the applicants have made a good faith effort toward a very complicated project. He said the workshop was very beneficial. He has no doubt there will be a significant impact imposed on this end of Mason Valley but we do need jobs and additional tax revenues and the Planning Commission is given the job of balancing both sides of the issues. Ultimately, Mr. Davies said he is voting for approval of this project and he is optimistic that the applicant will provide everything they say they will. Mr. Davies feels the applicant owes it to this community to provide a sound project. Ervin Hill expressed his displeasure with the ongoing changes and that they still have not provided a reliable project description. Mr. Hill is also concerned with how long the permitting process will take when dealing with all of the state agencies. Mr. Davies recommended that the applicant clean up the project description before it goes to the Board of Commissioners. Paul Lanning said regardless of how long it takes, if you don't start sometime you will never get there.

After discussion Chairman Wahrenbrock called for a vote on the motion on the floor. The motion failed due to nay votes from George Mortensen, Ray Johnson, Ervin Hill, Betty Retzer and Larry Wahrenbrock. Ray Johnson said he accepts the project description as it has been presented so far but he gets the feeling from statements made previously that this type of project has been successful in Europe and thinks that the successes and/or failures from over there should be presented here to give us an assurance that the project is viable. Mr. Johnson is uncomfortable with imposing 29 conditions as he is unsure that all of the conditions can be met and enforced. He would like to see this company come forward with a proposal to show how the project will work in this community and how it has worked in Europe.

Ray Johnson made a motion to **continue, with the applicant's concurrence**, the request for a special use permit for Walker River Meat Processing for up to 60 days. Betty Retzer seconded for discussion. Ms. Retzer agreed that some of the conditions can be removed and would like to see the plan to address the wildlife and the water rights, among other items. Mr. Estell said he will agree to the continuance and hopes that the additional time will ultimately end in a positive result and approval. Mr. Loveberg said that the Planning Commission should be more specific in what they are asking for. He said it is not practical to expect a wildlife mitigation plan for example, within a 30-60 day timeframe. Clarifying items in the project description, revising the site plan, or providing more precise numbers is a more reasonable request. The applicant will not be able to provide engineered plans for road construction or similar items in this timeframe. Mr. Loveberg said they can either provide that information now or later so that he can forward it on to the applicants. He doesn't want the applicants to have to provide information repeatedly to end up with the information they feel they need. He asked that the information be provided to staff by early next week. Larry Wahrenbrock said that he feels the members want a clarification of the math regarding the number of animals, the water usage, etc. He would like to see additional information on which of Temple Grandin's guidelines will be implemented and how. Ray Johnson asked for a detailed description of the composting process. Chuck Davies reminded Mr. Johnson that an expert spoke on that topic, in depth, at the workshop. Mr. Davies said that the pace the state agencies work at is out of the applicant's control and those approvals are required no matter what. He said that with an approval from Lyon County progress can be made on other things while awaiting the state approvals. The special use permit will not be perfected until all of the approvals are in place.

The motion for a **continuance** passed by majority vote: 6 ayes, 1 nay (Ervin Hill), 0 abstentions.

CONVENE AS THE LYON COUNTY PUBLIC LANDS MANAGEMENT ADVISORY BOARD

5. Public participation

Virgil Arellano stated that the PLMAB voted to submit the Interim Public Land Policy and the Comprehensive Master Plan adopted December 23, 2010, as their comments regarding the Bureau of Land Management's Scoping Document. The Board of Commissioners took action at their last meeting and agreed with the submission of those documents and then decided that certain areas were checked on that form that allowed Lyon County to be stakeholders in the scoping process. He said that Lyon County was timely in its submission and now has standing in the appeal process if

necessary. Chuck Davies asked about the MOU sent a while back. He asked for clarification of whether Lyon County was supposed to do something with that. Mr. Arellano said the USFS wanted to create a Cooperating Agreement with Lyon and Mineral Counties. Mr. Arellano feels this is something we should move forward with and additional information, along with a copy of the document, will be forthcoming. Such an agreement can be incorporated into our revised Public Land Policy to make it an even stronger document. He said he has a draft copy of a similar document that was drafted for California but the text did not fit with Lyon County's goals and needs.

Mr. Arellano said that sometimes deadlines arrive without allowing sufficient time to have the PLMAB hear it first and make recommendations. In those situations, the County Manager has the power to make those recommendations on behalf of the PLMAB. .

6. Board member comments

None

7. Future agenda items for discussion and possible action

None

8. Review and discussion regarding the development and preparation of the revised Public Lands policy, review of draft text and discussion of the next steps to be taken.

Mr. Arellano said that his progress is ongoing. He said that right now he is stuck on the collaboration portion of the draft policy. The Cooperation agreement can only be incorporated if there is a cooperation agreement in place at the time. Mr. Loveberg said the policy can provide for cooperation agreements without specifically referencing them.

RECONVENE AS THE LYON COUNTY PLANNING COMMISSION

4. SPECIAL USE PERMIT REVIEW CONSENT AGENDA – Paul Lanning made the motion to consider the following annual special use permit reviews as a consent agenda, with the exception of items J, L, O & R which will be heard separately, and **extend** them for one year. Ervin Hill seconded and the motion passed unanimously: 7 ayes; 0 nays; 0 absent.

A. SILVER SPRINGS MINING EQUIPMENT, INC. - ZONING-M-1 - Special use permit issued May 1988 for a mobile home storage and dismantling yard on approximately 35.85 total acres; located at 15 Davis Lane, Silver Springs (APN 15-271-11)

B. BRACKEN, GALE & OLETA H. - ZONING - RR–3T - Special use permit issued March 2001 and modified May 2010 for a dog kennel to raise no more than 15 dogs over the age of six months, including not more than 10 adult breeding dogs, on approximately 4.42 total acres; located at 2465 East Badger Street, Silver Springs (APN 17-464-16)

C. DECOMMISSIONING SERVICES/ SIERRA MINING & ENGINEERING - ZONING– PRR5 - Special use permit issued May 2001 to operate a rock quarry with crushing, asphalt, and Portland cement production on approximately 190 total acres; located at 200 Industrial Parkway, Mound House (APN 16-111-06)

D. HARRIS REBAR, INC. / HARRIS REAL ESTATE NEVADA LLC - ZONING – M-1 - Special use permit issued May 2006 to utilize 2 commercial coaches for office purposes on approximately 4.47 total acres; located at 70 Linehan Road, Mound House (APN 16-081-14)

E. JONES, CLARA – ZONING - RR2T - Special use permit issued May 2003 to allow for a breeder's kennel/rescue facility for a maximum of 16 adult dogs and the number of dogs to be reduced as the natural attrition of aged dogs takes place; located at 8825 Iroquois Trail, Stagecoach (APN 15-771-06)

F. UNITED GILSONITE LABORATORIES - ZONING – M-1 - Special use permit issued May 1995 to construct a paint manufacturing facility on approximately 5.55 total acres; located at 20 Enterprise Way, Dayton (APN 16-402-09)

G. OAKLEY, INC/ REPEAT, INC. - ZONING - ME - Special use permit issued May 1996 to allow operation of a small foundry as part of the process of

manufacturing commercial investment castings on approximately 6 acres located at 95 Lakes Blvd, Dayton (APN 16-364-02)

H. GRANITE CONSTRUCTION CO/ HUGHES, MICHAEL W. - ZONING - M-1 - Special use permit issued March 1994 for an asphalt batch plant located on APN 16-151-24, 16-151-34 & 16-151-35 and modified May 1997 to operate a rock crushing plant located on APN 16-151-24, 25, 26, 27, 28, 29, 30, 32, 33, 34 and 35 on approximately 320.22 total acres located off Schaad Lane and Old Como Road, Dayton, (APN 16-151-24, 25, 26, 27, 28, 29, 30, 32, 33, 34, and 35)

I. GRANITE CONSTRUCTION COMPANY – ZONING – M-1 – Special Use Permit issued May 2010 to utilize a commercial coach as an office and scale house at an existing material site; located at 20 Ricci Road, Dayton (APN 06-091-15)

K. SIERRA PACIFIC POWER COMPANY - ZONING – RR-2T - Special use permit issued May 2008 to upgrade and expand the existing Mark Twain (electrical) Substation to a 120kV configuration, and to change the existing 60kV line tap to a 120kV line fold into the existing SPPC 120kV electric power line #126 from Ft. Churchill Power Plant to the Steamboat Substation; on approximately 2 acres; located at 395 Six Mile Canyon Road, Dayton (APN 16-024-38)

M. LITTLE, DAVID M. & SHERRY L. - ZONING - RR-4 - Special use permit issued May 1996 to utilize a mobile home for ranch help on approximately 375 acres; located at 401 Densmore Lane, Yerington (APN 14-531-18)

N. SNYDER LIVESTOCK CO / SNYDER, LUCY A. - ZONING - RR-5 - Special use permit issued May 1997 to utilize up to ten mobile homes for ranch labor on a 1300 acre ranch; located at 50 Osborne Lane, Yerington (APN's 12-191-03, 12-251-23, 12-251-37)

P. HOMESTRETCH GEOTHERMAL 2010, LLC - ZONING – M-1 - Special use permit issued May 2002 to utilize a mobile home for watchman's quarters on 79.51 acres; located at 15 Julian Lane, Yerington (APN 14-081-17 & 18)

Q. HUNEWILL LAND & LIVESTOCK CO - ZONING - RR-5 - Special use permit issued May 1983 to utilize a mobile home for ranch help on approximately 5.00 total acres; located at 101 Hunewill Lane, Wellington (APN 10-101-02)

END OF SPECIAL USE PERMIT REVIEWS CONSENT AGENDA

J. LAKEMONT LEGADO, LLC / DAYTON VALLEY INVESTORS, LLC - ZONING: NR-1, E1 & TC - Special use permit issued May 2004 for a PUD (Legado) for 2400 single family homes, casino/resort hotel and casitas, golf course, motor coach resort and related activities; all on approximately 692 acres, located off of Dayton Valley Road, Dayton (APN's 16-361-57, 58, 60, 62, 63, 64, 65, 66, 68 & 16-351-16, 17, 18)

Rob Loveberg, Planning Director, stated that even though the ownership has changed on several of these parcels where normally that would trigger a recommendation for revocation, this is still a Planned Unit Development that is partially developed and it cannot be revoked through normal procedures. It does not matter who the property owners are because it is the PUD that was approved and a PUD comes with certain entitlements. The Planning Commission took **no action** to extend this special use permit.

L. WESTERN HIGHLAND MORTGAGE FUND I, LLC / ELDORADO STORAGE - ZONING C-2 – Special Use Permit issued May 2010 to operate an existing mini-storage and outdoor RV storage facility; located at 401 Dayton Valley Road, Dayton (APN 16-362-07)

It was noted that there is new ownership of this property and this business and the new owners must apply for a special use permit in their own name.

Rob Loveberg was stated that there needs to be no action taken on those SUP's whose ownership has changed or where the holder no longer needs the SUP, as staff can administratively cancel them without official revocation proceedings.

No action was taken. The special use permit was administratively cancelled.

O. SILVERADO RANCH SUPPLY / CHOUNET PROPERTIES, INC. - ZONING – M-1 - Special use permit issued May 1997 to store pesticides, seed and fertilizer on

approximately 1.81 total acres; located at 439 Highway 339, Yerington (APN 12-211-38)

It was noted that there is new ownership of this property and this business and the new owners must apply for a special use permit in their own name.

Rob Loveberg was stated that there needs to be no action taken on those SUP's whose ownership has changed or where the holder no longer needs the SUP, as staff can administratively cancel them without official revocation proceedings.

No action was taken. The special use permit was administratively cancelled.

R. CROSBY, FRED/ ARMSTRONG, THOMAS C., TRS., ETAL - ZONING - RR-5 - Special use permit issued May 1997 for a mobile home for ranch help on approximately 96.4 acres; located at 149 Smith Gage Road, Smith (APN 10-321-21)

The applicant sent correspondence stating that the mobile home has been removed from the property and they no longer need the SUP. Ervin Hill said he drove by the property and verified that the mobile home is not on the property.

No action was taken. The special use permit was administratively cancelled.

END OF SPECIAL USE PERMIT REVIEWS

9. STAFF COMMENTS, COMMISSIONER COMMENTS AND GENERAL DISCUSSION (discussion only)

Rob Loveberg said staff is working toward presenting an agenda request to the Board of Commissioners for approval of a contract for a consultant to begin work on the Development Standards and Development Codes project. Funding has been delegated from the contingency fund. He hopes to have this item on the next Board of Commissioners agenda.

PUBLIC PARTICIPATION

There was none.

At approximately 1:25 PM the meeting was adjourned.

_____

Larry Wahrenbrock, Chairman

ATTEST:

_____ _____

Robert Loveberg, Planning Director Kerry Page, Planning Assistant