The Honorable Board of Lyon County Commissioners met this day, Thursday, April 7, 2022, at 9:00 a.m. in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGTON, NV 89447.

1. Roll Call

Present: Ken Gray, Vida Keller, Wes Henderson, Robert Jacobson, and Dave Hockaday

Staff: District Attorney Steve Rye and Comptroller Josh Foli

2. Invocation given by Betty Weiser of the United Methodist

Betty Weiser gave the invocation.

3. Pledge of Allegiance

Comm. Jacobson asked for moments of silence for Naomi Irion and to recognize the tragedy her family is going through.

4. Public Participation

There were none given.

5. For Possible Action: Review and adoption of agenda

Comm. Gray requested to pull item #7.a from the agenda.

Comm. Henderson moved to approve the agenda minus item #7.a to be removed, Comm. Keller seconded, and the motion passed 5-0.

6. Time Certain

6.a. Time Certain at 9:30 AM: For Possible Action: Presentation and Proclamation declaring April 2022 as Child Abuse Prevention Month in Lyon County, Nevada.
- Child Abuse Prevention Month Proclamation 2022

Human Services Director Shayla Holmes presented the campaign for child abuse prevention in April. She gave an overview of the child abuse issues.

Children Services Division Manager Jenna Dykes gave a presentation of children's services.

Social Work Supervisor Kandee Mortensen gave an overview of Child Protection Services and foster care within Lyon County.

District Attorney Steve Rye presented the responsibilities of the District Attorney's office.

CASA Director Kelcey Meyers gave an overview of the services they provide, and how they collaborate with other entities.

Comm. Jacobson read the proclamation into the record.

Comm. Keller moved to accept the proclamation declaring April 2022 as Child Abuse Prevention Month in Lyon County, Nevada.

Comm. Jacobson seconded, and the motion passed 5-0.

7. Presentation of awards and/or recognition of accomplishments

7.a. For Possible Action: Recognize Denise Johnson in the District Attorney's Office for her extra work and involvement in setting up and implementing the new case management system for the office.

The item was pulled from the agenda.

8. Commissioners/County Manager reports

Comm. Hockaday thanked Doug Homestead for his efforts in his due diligence in answering his questions regarding the costs of weed killer. He thanked Dustin Homan, he helped gather information for the roads item. Comm. Hockaday commented how well the jail facility is kept for the inmates.

Comm. Henderson thanked Shayla Homes for the pinwheel event for Child Abuse Prevention. He attended the National Lands and Resource Meeting and gave an update.

Comm. Keller gave her condolences to Mr. Russ Wright for his loss of his spouse. She gave a report of the meetings she attended and upcoming.

Comm. Jacobson gave his condolences to Naomi's family and he thanked the volunteers. He gave a report of the City of Fernley meeting. He gave his condolences to Russ Wright.

Comm. Gray attended the Moundhouse and Dayton Regional Advisory Board meetings. Mound House Advisory Board reported the need for a meeting location and traffic control in their community.

9. Elected Official's reports

9.a. For Report Only: Canal Township Justice Court Statistics.
- January 2022 Statistics
- February 2022 Statistics

9.b. For Report Only: Dayton Township Justice Court Statistics.
- Criminal and Civil Statistics February 2022

Sheriff Frank Hunewill gave statement regarding Naomi and his condolences to her family. They have hired more employees and are still actively recruiting.

10. Appointed Official's reports

Comptroller Josh Foli gave a report that Julie Stanton is retiring from his office. The dispatch system needs to be update. The Smith Valley internet needs additional improvements prior to it being utilized. Facilities is looking at acquiring water, the jail has requested additional cameras.

Human Services Director Shayla Holmes commented the Board of Health will be meeting on May 26th. At that meeting there will be an update and presentation on the opioid litigation.

David Bruketta reported there was a methane smell coming from the wastewater treatment plant. They worked with SW gas to evaluate the situation. There were small leaks identified but unsure if that was it. They anticipate there was something illegally dumped.

11. Advisory Board reports

Advisory Board Liaison Erin Lopez gave an update that they have completed the Open Meeting Law and Handbook Training with the Advisory Boards. Those that missed the trainings can watch the training videos on YouTube and complete the Google form to catch up. The Advisory Boards are to place an item on their agenda and to turn in a report to the Commissioners if their members completed the trainings. She met with the Stagecoach Advisory board and their first meeting is anticipated for May.

CONSENT AGENDA

Comm. Jacobson requested to pull item #16.a from the consent agenda, and to be heard separately.

Comm. Hockaday moved to approve the consent agenda minus items #12.a – 16.c. and #16.a, to be heard separately.

Comm. Henderson seconded.

Comm. Gray asked for public participation, there was none, and the motion passed 5-0.

12. Assessor's Corrections

12.a. For Possible Action: Approval of changes on Assessor's tax roll due to correction in assessments and review of tax roll changes.
- Unsecured Factual

Unsecured Factual Corrections totaled $1,026.07.

13. For Possible Action: Approve County Commission Minutes

13.a. For Possible Action: Approve the March 17, 2022 minutes.

14. Contracts

14.a. For Possible Action: Approve the Yerington area landscape contract for the period of Mar 4, 2022 to November 30, 2022 in the amount of $37,125.00 to Class Act Maintenance.

14.b. For Possible Action: Approve an interlocal contract with a term of four years, beginning July 1, 2022, between the State of Nevada Department of Health and Human Services and the Third Judicial District Court to provide funding for a court master in an amount not to exceed $103,001.

14.c. For Possible Action: Approve a one year contract effective July 1, 2022 in the amount of $12,970 with Justice AV Solutions for maintenance of the District Court audio and visual systems.

15. Grants

15.a. For Possible Action: Accept FY2022 Federal Transit Administration (FTA) Certifications and Assurances in compliance with Nevada Department of Transportation grant funding.

15.b. For Possible Action: Accept grant award from Meals on Wheels Loves Pets for the Lyon County Happy Tails program in the amount of $7,000 with no match.

15.c. For Possible Action: Approve Notice of Subaward from the City of Fernley in the amount of $62,280.00 for the American Rescue Plan Act Funding.

16. Other Consent Items

16.a. For Possible Action: Approve Memorandum of Understanding with Lyon County School District regarding School Resource Officer Program. For the period of July 1, 2022 through June 30, 2023. The Lyon County School District will reimburse Lyon County quarterly for the actual wages and benefits of each Category 1 Nevada Peace Officer trained deputy Sheriff up to $360,000.00 for FY23.

Comm. Jacobson questioned was this for three or four officers.

Sheriff Frank Hunewill answered it was for three officers.

Comm. Jacobson moved to approve Memorandum of Understanding with Lyon County School District regarding School Resource Officer Program. For the period of July 1, 2022 through June 30, 2023. The Lyon County School District will reimburse Lyon County quarterly for the actual wages and benefits of each Category 1 Nevada Peace Officer trained deputy Sheriff up to $360,000.00 for FY23.

Comm. Hockaday seconded.

Comm. Gray asked for public participation, there was none, and the motion passed 5-0.

16.b. For Possible Action: Review and accept claims and financial reports.
- Cash Report 3-15-22
- Claims Report 3-1-22 to 3-15-22

The cash balance as of March 15, 2022 was $95,717,181.95. County claims totaled $1,379,427.74 and payroll totaled $1,477,040.36.

16.c. For Possible Action: Review and accept travel claims.
- Travel Report 3-1-22 to 3-15-22

Travel claims total as of March 15, 2022 was $16,184.54.

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

PLANNING CONSENT ITEMS - (ACTION WILL BE TAKEN ON ALL ITEMS)

17. Planning Consent Items

17.a. For Possible Action: Approval of the Final Subdivision Map for TRADITIONS, VILLAGE 1, PHASE 1, located in Dayton, NV (APN 016-406-09), not including road rights-of-way which have been offered for dedication and will not be accepted by the County until at least 90% of the lots within the respective unit have been developed, the improvements are inspected and approved by the County, and the County accepts the improvements for maintenance.

Comm. Keller moved to approve the Final Subdivision Map for TRADITIONS, VILLAGE 1, PHASE 1, located in Dayton, NV (APN 016-406-09), not including road rights-of-way which have been offered for dedication and will not be accepted by the County until at least 90% of the lots within the respective unit

have been developed, the improvements are inspected and approved by the County, and the County accepts the improvements for maintenance.

Comm. Jacobson seconded.

Comm. Gray asked for public participation, there was none, and the motion passed 5-0.

****END OF PLANNING CONSENT ITEMS APPLICATIONS****

PUBLIC HEARING ON PLANNING ITEMS - (ACTION WILL BE TAKEN ON ALL ITEMS)

18. Planning

18.a. For Possible Action: SV Farms LLC/Smith Valley Dairy/Dirk Vlot – Conditional Use Permit – Request for a Conditional Use Permit on an approximately 80.0 acre parcel to allow for a manufactured home to be used for farm labor housing per LCC 15.351.3 (E) within the RR-5 (Fifth Rural Residential – 20 acre minimum) zoning district located at 134 Burke Drive, Smith Valley, NV (APN 010-151-15) PLZ-2022-124.

Comm. Jacobson moved to approve a request for a Conditional Use Permit on an approximately 80.0 acre parcel to allow for a manufactured home to be used for farm labor housing per LCC 15.351.3 (E) within the RR-5 (Fifth Rural Residential – 20 acre minimum) zoning district located at 134 Burke Drive, Smith Valley, NV (APN 010-151-15) PLZ-2022-124, based on the recommended findings and subject to the following 8 conditions of approval:

1. Any modification, expansion, intensification or material change in use or operation shall require an application for, and public hearings on an amendment to the Conditional Use Permit use pursuant to Lyon County Code.
2. The applicant shall comply with all state, federal and local government regulations to the satisfaction of the appropriate agencies.
3. For as long as the parcel is designated by the Assessor as agricultural, the landowners may provide the manufactured home for use as farm labor housing for the landowner. The housing unit may include cooking facilities and must comply with United States Department of Labor standards per Title 20, Chapter V of the Code of Federal Regulations. The applicant shall provide evidence to the satisfaction of the Planning Department that the housing complies with United States Department of Labor Standards per Title 20, Chapter V of the Code of Federal Regulations prior to the issuance of a manufactured home setup permit.
4. The well and water system intended to accommodate agricultural labor potable water needs shall be approved by the Nevada State Division of Water Resources and/or the Nevada Division of Environmental Protection. The applicant shall provide the County with evidence that the State has approved the well for potable water service for the number of farm laborers who will rely upon it for drinking, bathing and cooking purposes, including sufficient water rights that can be dedicated to this use, if applicable prior to issuance of a manufactured home setup permit.
5. The applicant shall provide satisfactory evidence of approval by the Nevada Division of Environmental Protection of individual sewage disposal system for the manufactured home prior to issuance of a manufactured home setup permit.
6. The applicant shall comply with all applicable fire, building, and zoning code requirements.
7. All outdoor lighting shall employ cut-off shields that direct the light from the source down and not create glare or allow light to spill onto adjoining properties.
8. 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.

Comm. Hockaday seconded.

Comm. Gray asked for public participation, there was none, and the motion passed 5-0.

18.b. For Possible Action: North Lyon LLC/NV Energy/PAR Electrical Contractors – Conditional Use Permit – Request for a Conditional Use Permit on an approximately 3.83 acre lease site located within a 7,323.0 acre parcel to allow for a new wireless telecommunications facility with a tower exceeding 100 feet in height (145 feet with the capability of rising to 190 feet in height) within the RR-5 (Fifth Rural Residential – 20 acre

minimum) zoning district generally located northeast of State Route 439 (USA Parkway), Fernley, NV (APN 021-411-03) PLZ-2021-115.

Planner Rob Pyzel The applicant, NV Energy is requesting a Conditional Use Permit on an approximately 3.83 acre lease site within an approximately 7,323.0 acre parcel to construct and place a new wireless communications facility with a new lattice tower exceeding 100 feet in height (145 feet with the ability to increase to 190 feet in height) within the RR-5 (Fifth Rural Residential – 20 acre minimum) zoning district generally located northeast of State Route 439 (USA Parkway), Fernley, NV.

Both the 2010 Comprehensive Master Plan and the 2020 Comprehensive Master Plan update show the subject parcel as having the land use designation of Specific Plan and Cooperating Planning Area (with the City of Fernley). A transmittal of the application was sent to the City of Fernley to comment upon. No comments were received at the time of the writing of the staff report. He reviewed the findings were met.

Comm. Keller asked what is the distance from the site to Ruby residents are. Were the property owners notified.

Rob Pyzel stated it is roughly 6 miles, and they were notified.

Comm. Henderson moved to Request for a Conditional Use Permit on an approximately 3.83 acre lease site located within a 7,323.0 acre parcel to allow for a new wireless telecommunications facility with a tower exceeding 100 feet in height (145 feet with the capability of rising to 190 feet in height) within the RR-5 (Fifth Rural Residential – 20 acre minimum) zoning district generally located northeast of State Route 439 (USA Parkway), Fernley, NV (APN 021-411-03) PLZ-2021-115, based on the recommended findings and subject to the following 13 conditions of approval:

1. 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.
2. Prior to approval of a building permit application and final inspection, the applicant shall record with the proper recording instrument to the Lyon County Recorder's office, the NV Energy/North Lyon LLC Exhibit "A" Easement creating the lease area and the maintenance access easements.
3. The proposed lattice antenna tower shall not exceed the maximum height of one hundred ninety feet (190') above ground level (AGL).
4. The color of the proposed associated equipment is to be painted ~~a flat green~~ *BLM Desert Tan*. The galvanized antenna tower and microwave dishes shall not be painted unless FAA regulations require a paint scheme. Any change/deviation to the proposed colors must be submitted to the Planning Department for review and approval.
5. No lighting is permitted of the antenna tower except as required by the FAA.
6. The applicant shall provide documentation of compliance with all FAA requirements through FAA documentation prior to approval of a building permit application submittal.
7. With the exception of the FAA-required antenna tower lighting, all exterior site and building lighting shall include shields that direct light down and reduce glare from direct observation from adjacent properties.
8. The proposed perimeter security chain link fence with barbed wire shall be a minimum height of seven feet (7') tall with one foot (1') of 3-strand barbed wire (minimum 8' total). Any change/deviation request in height to the proposed security fence must be submitted to the Planning Department prior to a building permit application.
9. An encroachment permit through the Lyon County Road & Fleet Department is required for the proposed access easement at the terminus of Ruby Avenue.
10. The applicant shall comply with all Federal, State, County and special purpose district regulations permits and obtain all necessary public inspections. This includes, but is not limited to, a Stormwater Pollution Prevention Plan (SWPPP) permit from the Nevada Division of Environmental Protection for disturbing an area over an acre in size.
11. The applicant shall maintain a Lyon County business license while operating at the lease area.

12. At the time of a building permit application for the construction of the *antenna* tower, equipment and fencing, the applicant is required to submit, the letter of approval for the Conditional Use Permit with a written response letter addressing each condition; i.e. how the condition has been met/addressed.
13. Any future or WCF equipment or additional equipment, antenna, microwave dish equipment to this Conditional Use Permit, must be presented to the Planning Department for evaluation or criteria meeting Title 15 and for a building permit to add future equipment at this site.

Comm. Henderson seconded.

Mark Sullivan questioned if they can change the color from green to BLM desert tan brown.

Rob Pyzel stated they could change the motion to desert tan and not green.

Comm. Gray asked for public participation, there was none, and the motion passed 5-0.

18.c. For Possible Action: Lyon County – Master Plan Amendment – Request for a Master Plan Amendment to change the land use designation on Dayton land use map from Suburban Residential to Public/Quasi-Public for three (3) parcels totaling approximately 102.71 acres generally located 600 Dayton Valley Road (APNs 016-351-16; 016-351-17; and 016-361-60) PLZ-2021-104.

Planner Rob Pyzel The applicant has submitted a master plan amendment application in order to change the current master plan land use designation from Suburban Residential to Public/Quasi-Public Facility for three parcels totaling approximately 102.71 acres that are currently vacant/undeveloped generally located on the north side of Dayton Valley Road between Palmer Drive and Quailridge Road in Dayton, Nevada.. The detail below from the County Assessor's page shows the location of the individual parcels relative to Dayton Valley Road, Palmer Drive and Quailidge Road as well as The Lakes at Dayton Valley and Dayton Valley Country Club developments. The application meets the findings in the staff report.

Comm. Gray asked if there was no other locations available.

Rob Pyzel replied they have looked at other sites and evaluated costs and availability. This site was owned already and the direction was to move forward with this site.

Andrew Haskin stated the proposed use is less intensive then the use of housing development.

Comm. Gray asked for public comment.

Public Comment:

Russ Wright encouraged staff to evaluate the architecture of the design and to consider the history of the area.

Comm. Gray closed public comment.

Comm. Henderson moved to approve a request for a Master Plan Amendment to change the land use designation on Dayton land use map from Suburban Residential to Public/Quasi-Public for three (3) parcels totaling approximately 102.71 acres generally located 600 Dayton Valley Road (APNs 016-351-16; 016-351-17; and 016-361-60) PLZ-2021-104, based on the recommended findings:

A. Consistency With The Master Plan: The applicant has demonstrated that the amendment is in substantial compliance with and promotes the master plan goals, objectives and actions.
B. Compatible Land Uses: The proposed amendment is compatible with the existing or master planned adjacent land uses, and reflects a logical change in land uses.
C. Response To Change Conditions: 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. No Adverse Effects: 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.
E. Desired Pattern Of Growth: 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.

Comm. Jacobson seconded, and the motion passed 5-0.

18.d. For Possible Action: Vidler Water Company, Inc. – River Ranch Merger & Re-subdivision/Tentative Subdivision Map – CONTINUED FROM MARCH 3, 2022-Request for a merger & re-subdivision/tentative subdivision map for three parcels totaling 166.87 acres to create a 49-lot single family residential development on approximately 62.8 acres with remainder Parcel A (approximately 20.9 acres) and Remainder Parcel B (approximately 83.1 acres) within the RR-1 (First Rural Residential – 1 acre minimum) zoning district generally located between Comstock Road and Sutro Road south of the Carson River, Dayton, NV (APN 016-022-19; 016-022-31; and 016-022-32) PLZ-2021-116.

Planner Rob Pyzel gave a report of the three parcels involved in the merger & resubdivision/tentative subdivision map were created as individual parcels through the Division of Large Parcels. The applicant proposes to merge the three parcels and resubdivide the project into three new parcels to approximately a 62.8 acre parcel upon which would be the proposed 49-lot detached single family residential development on at a minimum 1-acre lots. He reviewed the flood area and requirements.

The Dayton Regional Advisory Board (DRAB) voted 4-0 to forward a recommendation of approval. The application reflected the Low Density Residential development pattern as shown on the 2010 Comprehensive Master Plan; The application is consistent with the Rural Character designation as identified in the Master Plan; and The application is consistent with the Dayton Roadway Network as identified in the Master Plan.

The Lyon County Planning Commission voted 7-0 to forward a recommendation of denial of the Merger & Resubdivision/Tentative Subdivision Map application as: The lack of a traffic analysis for the project and mitigation measures for the impacts to the existing development within the area; There is inadequate emergency access from the project site; and The lack of a suitable buffer between the proposed 1-acre lots and the existing 5-acre lots along the southern boundary of the project.

He reported the current traffic on Comstock Road generated by the existing development in the area. The Transportation Research Board Highway Capacity Manual Exhibit 16-14 was used to compare the daily service volumes for the two-lane roads with the currently existing development and with the existing development plus the project. The review concludes that the daily service volumes for the two-lane roads that serve the area with the existing development plus the project would function at a level better than LOSD. Rob Pyzel noted the emergency access and also the findings in the staff report.

Community Development Director Andrew Haskin stated for this project it doesn't generate enough daily average trips of traffic to then require a traffic study. It then cannot be reason for denial because it was not provided. For the secondary access, they did not receive comments back from Central Lyon Fire. There is not a requirement for a buffer zone to be provided with a 1-5 acre minimum. These cannot be reason for denial.

Comm. Gray questioned the increased amount traffic at the intersection on Highway 50.

Andrew Haskin stated under State Law and County Code, it does not trigger a requirement for a traffic study.

Manhard Consultant Chris Baker commented the project has been given support for approval from staff and the Dayton Regional Advisory Board. He reviewed the location, and the land use designation. It is in line with the master plan. The request would comply with the other designations in the area. He presented the proposed subdiviosn. He reviewed the Planning Commission's concerns of traffic, buffering, flood zone, and the wellhead protection zone.

Mr. Baker gave an account of the meeting at the Planning Commission and how the events occurred where the concerns of the public misled the Planning Commission in their second vote of denial. He believes if the traffic and buffering could have been presented to the Planning Commission, the outcome could have been different.

Comm. Henderson asked if they would apply a deed restriction or other restrictions for future property owners, to not allow the homeowners to build in the AE flood zone.

Chris Baker responded it could be applied in the CC&R's through deed restrictions. He recommended to also include in Condition 3 for an approval from NDEP for septic use. They could access sewer but they want to utilize septic as it aligns with the area character, but will tie into the sewer if it is the better solution.

In addition, the traffic study was not required and therefore not provided prior. They are open for discussions regarding buffering. The applicant agreed to comply with any approved regional solutions regarding secondary access; appropriate building locations outside of the Flood Zone AE; and a condition to provide engineered solution with final design or agree to connect to Lyon County sewer if NDEP does not allow the use of septic systems.

Comm. Henderson asked what their plans are with the remaining acres not presented to be developed in their application. Are they going to preserve them as open space, and will those have deed restrictions to not be eligible to be sold and developed later.

Chris Baker responded it is in the floodway and not planned for development. It can be reviewed for a deed restriction or a conservation easement could be used.

Applicant representative Steve Harpman gave a statement to providing access to the river, CC&R's, and deed restrictions.

Comm. Jacobson asked if they could tie into the Dayton Utilities for water and sewer.

Rob Pyzel stated it could be done.

David Bruketta stated it could be done but the engineering needs to be completed.

Comm. Jacobson asked if the raising of the property will affect other areas with flooding, and the stumps there were deposited by flooding. There are no lots being built there.

Rob Pyzel answered the engineering has made it beneficial to the area, draining towards the river. Yes, the stumps were a result of the flood of 1997. He stated the applicant testified there would be no development in that area.

Comm. Gray is concerned with access, Highway 50 safety, and flooding.

Steve Harpman stated they are willing to provide the right of way to the south for access and flood mitigation.

Comm. Gray opened the meeting for public participation.

Public Comment:

Russel Harry gave a statement he doesn't feel the 49 parcels would accentuate the character of the community due to the ranching in the area.

Craig Sharp argued the stumps are in the middle of the development. He is concerned with flooding.

Walter Bender gave a letter from Nevada Division of Environmental Protection. He is concerned with septic pollution of nitrates.

Debbie Mason agreed with Walter's statements. She gave an account of flooding in the area and her concern.

Mike Lynch gave his comments of his experiences with development. His is not in favor and is not confident in the access or road conditions that will be provided.

Shawn Paterson is in support of the buffering of the parcels. He is not in favor of the size of the lots and should match the other larger lots next to them.

Tim Steeper stated his concerns with flooding.

Mike Mason agreed with Tim Steeper. He gave his statement of flooding in the past.

Kathleen McDonald commented to the signatures in opposition to the development. She stated this would change the areas rural character.

Sonya Adler gave her concerns with the change in the environment with this subdivision.

Sharon Scott gave her concerns of safety with traffic. She asked if the public was notified of the zone change.

Tracy Dori gave her concerns of the additional traffic and construction affects.

William Abbott agreed with the statements before him. He has concerns with the documentation accuracy, specifically the flooding areas, and traffic data. The roads are not designed for the traffic. There will be no "shelter in place."

Edward Lee Roark agreed with the comments before him.

Gary Studler commented to the concern of emergency response times, and how long it will take a bridge to be built.

Pete McMahon did not agree with the traffic count.

Allan De Shoud questioned the build out of the homes at the Dayton Valley Golf Course.

Camille Vecchiarelli opposes the application and agrees with the statements before her.

Rob Holly asked the Commissioners to consider the traffic data. He does not believe it's accurate and the standards are not correct. He gave his account on flooding and the floodplain.

Comm. Gray closed public comment.

Comm. Keller gave her account of the flooding in years prior and how it affected the area. She is concerned it's not safe to develop in this area, and the septic systems proposed. It's not the right time or placement.

Comm. Hockaday gave his concerns of possible flooding and the effects of nitrate pollutions with the 49 proposed septic systems.

Comm. Henderson stated the land is zoned for 1-acre lots since 1997. He understands the concerns of traffic but that is to be anticipated. His concerns are the flood mitigations, and the septic's along with it being close to the river. If NDEP does not agree with the developer, they will need to hook into the sewer system. Because of the zoning they cannot stop development on the basis of the neighbors don't want neighbors.

Comm. Jacobson asked if the past recent litigation, that the County lost, if this is similar to that.

Steve Rye cannot answer the question. He did respond this property is master planned and zoned for the area.

Comm. Gray stated safety is valid concern and there are other aspects of the project that need to be addressed first.

Comm. Henderson moved to approve the Request for a merger & re-subdivision/tentative subdivision map for three parcels totaling 166.87 acres to create a 49-lot single family residential development on approximately 62.8 acres with remainder Parcel A (approximately 20.9 acres) and Remainder Parcel B (approximately 83.1 acres) within the RR-1 (First Rural Residential – 1 acre minimum) zoning district generally located between Comstock Road and Sutro Road south of the Carson River, Dayton, NV (APN 016-022-19; 016-022-31; and 016-022-32) PLZ-2021-116, based on the recommended findings and subject to the conditions. Also to include the following additional amendments to conditions # 3 and condition #10:

1. Approval of the tentative map shall not constitute acceptance of the final map. Unless a longer time is provided in a development agreement or an agreement pursuant to Nevada Revised Statutes 278.350, approval of the tentative map shall lapse unless a final map for the tentative map area or the first in a series of final maps for portions of the tentative map area has been approved by the Board of Commissioners and recorded within four (4) years from the date of such approval, If the developer elects to present a successive map in a series of final maps, the final map must be approved and recorded for the initial phase within four (4) years of tentative subdivision map approval, and the final map for each subsequent phase must be approved and recorded within two (2) years following recording of the final map for the previous phase. The Board may grant a single extension of two (2) years for final map approval for each phase.
2. The developer shall comply with all Federal, State, County and special purpose district regulations.
3. *The developer shall submit documentation of Nevada Division of Environmental Protection, Bureau of Water Pollution Control approval for the use of individual septic systems for the subdivision based on the information required in the NDEP-BWPC December 28, 2021 letter or connect to Lyon County Utilities Department municipal sewer system prior to the submission of a final subdivision map or first in a series of final subdivision maps for the project.*

4. The developer shall submit an engineered solution that addresses the Lyon County Utilities Department (LCUD) concerns with the placement of individual septic systems within a wellhead protection area to the satisfaction of the LCUD Director with the submission of a final subdivision map or first in a series of final subdivision maps for the project.

5. The developer shall provide the proposed Covenants, Conditions and Restrictions ("CC&Rs"), landscape maintenance association/homeowners association agreements, easements and/or other legal instruments containing sufficient detail to constitute enforceable provisions necessary for operation and maintenance by the developer and his successors, and assignees as well as the individual subdivision lot property owners as the project is subdivided and the individual lots sold for all remainder parcels, common areas and storm drainage facilities (easements, channels and basins) as well as any associated landscaping within the remainder parcels, common open space lots and storm drainage facilities and other provisions necessary for the subdivision as approved, for review by the Community Development Director, the LCUD Director, the County Engineer and District Attorney's Office. The approved legal instrument shall be signed and recorded prior to approval of a final map or first in a series of final maps for the project.

6. The developer shall submit and receive approval of a street-naming application prior to submittal of an application for a final map or first in a series of final maps. Should any requested street name(s) be denied, the Community Development Director is authorized to administratively process a request for a replacement street name(s), obtain review and comment from the fire district with jurisdiction, Road Department and any other appropriate agency, and approve a revised street name(s) without the requirement of a public hearing before the Planning Commission.

7. Before requesting a Will-Serve Letter for the final subdivision map, the developer must submit an LCUD application for water service and meet the requirements outlined in County Code, Title 9. Additionally, the developer shall submit an engineered solution to address supply redundancy to the satisfaction of the LCUD Director. The applicant shall provide written evidence (i.e. 'will-serve' letters) demonstrating that the proposed parcels are able to be served by the municipal water system prior to recordation of a final subdivision map or first in a series of final maps for this project.

8. All property taxes must be paid in full through the end of the fiscal year (June 30) and any applicable agricultural deferred taxes shall be paid in full prior to recordation of any final map.

9. The developer shall comply with the final subdivision map requirements as prescribed by NRS 278 and Title 15 of the Lyon County Code.

10. *Any development proposed within the designated X-Shaded and AE flood zones will require approval of a floodplain development permit. There shall be no development within the AE flood zone. The CC&Rs will include a prohibition of any structures being placed within the AE flood zone and a deed restriction will be recorded on all of the lots stating no structures are permitted in the AE flood zone.*

11. Each detached single family residential dwelling unit and lot layout will need to be approved by the Central Lyon County Fire Protection District as building permits are being issued. The proposed lots that have direct contact with the wildland will be required to either provide a green belt for separation from the wildland interface or install non-combustible fencing. Lots that face interior to the wildland interface are not required to have either the green belt or the non-combustible fencing. These houses will need to comply with the Ignition Resistance Class 3 located within Chapter 5 of the IWUIC.

12. The developer shall pay the required final subdivision map recording fees.

13. No lot shall be offered for sale or sold until the final subdivision map has been approved and recorded.

14. No building permits shall be accepted for processing until a final subdivision map has been approved and recorded.

15. The developer shall make corrections of any engineering or drafting errors and other technical map corrections to the satisfaction of the County Engineer and Community Development Director prior to submitting the final subdivision map for recordation.

16. The developer shall pay the actual costs for County Engineer plan and map checking and County Inspector site improvement inspection fees, in accordance with the adopted County fee resolution in effect at the time, and provide proof of payment to the Community Development Department prior to final subdivision map recordation.

17. The developer shall provide the final subdivision map or each of a series of final subdivision maps to the Lyon County GIS Coordinator in form and format compatible with the County geographical information system (GIS) pursuant to 11.05.09 of the Lyon County Code. The scale of the site plan, improvements, monuments and other items shall be in model space correctly oriented to coordinate system as established by the GIS Coordinator. Cover sheet and standard details need not be included.

18. The developer shall comply with County requirements, in accordance with Chapter 15.234 of the Lyon County Code, mandating that a site improvement permit(s) be obtained for any disturbance occurring on the subject site. The site improvement permit applications shall also include documentation of

approval of a Stormwater Pollution Prevention Plan ("SWPPP") with the Nevada Department of Environmental Protection (NDEP).

19. Revegetation of disturbed areas for dust control shall commence as soon as practical, but no later than the following fall season, with security bonding and temporary irrigation (if necessary) provided to ensure proper re-establishment of disturbed areas. Revegetation shall be a uniform perennial vegetative cover with a density of seventy percent (70%) of the native background vegetative cover for unpaved areas and areas not covered by permanent structures.

20. The developer shall obtain any required Air Quality Permit(s) from the (NDEP) and apply appropriate dust abatement processes as part of the development construction prior to any disturbance on the site.

21. The site improvements required by the terms of Title 15 of the Lyon County Code shall be inspected by the County as the work progresses. Such improvements shall not be started until the inspection fee, required as a prerequisite to the filing of the final map, has been paid.

22. Prior to any construction of improvements, a preconstruction conference shall be held between the contractor/developer and the appropriate County inspection personnel.

23. The developer shall comply with Lyon County requirements as set forth in the adoption of Title 15 and as set forth in Title 15 of the Lyon County Code including, but not limited to:

    a. The developer shall improve Comstock Road from the proposed t-intersection with the proposed Riverview Road south to the southern property lines of APNs 019-135-02 and 016-293-01 and the proposed Riverview Road as shown on the tentative subdivision map per the Orange Book standard (Lyon County Drawing No. L-1 (314, 319) dated 6-12) without the curb, gutter and sidewalk improvements as shown on the detail to the satisfaction of the Lyon County Road Director.

    b. The developer shall design the street alignments in compliance with AASHTO standards to the approval of the Road Superintendent;

    c. The developer shall install all required signage, striping and traffic control improvements in compliance with Nevada Department of Transportation and Lyon County requirements;

    d. The developer shall submit a detailed geotechnical report with the final map(s) for the project that includes roadway structural sections and the structural section calculations demonstrating that the proposed structural section is adequate to support the weight of the anticipated traffic;

    e. The developer shall provide a slurry seal onto the streets and roadways in compliance with the current County standards every five (5) years from the date of installation of asphalt concrete paving of the subdivision's streets and roadways until such time as the subdivision is 90% completed and the County accepts the offer for dedication for the rights-of-way for all streets and roadways within the subdivision; and

    f. The developer shall make a perpetual offer of dedication for the right-of-way for all streets and roadways within the proposed subdivision. The County rejects the offer of dedication at this time and will not accept the offer of dedication until at least 90% of the lots within the respective unit have been developed, the improvements are inspected and approved by the County, and the County accepts the improvements for maintenance, and

24. If the interior road (Riverview Road) is to be a private road (not maintained by Lyon County Road & Fleet Department), then the developer shall record a road maintenance agreement for the individual lot owners concurrently with the final map or first in a series of final maps for the project.

25. The developer shall create a twenty foot (20') public access and maintenance easement within the Remainder Parcels A and B that follows the alignment of the Carson River adjacent to and through the Remainder Parcels to the satisfaction of the Community Development Director and the County Engineer that allows access to the Carson River from Sutro Road for the purpose of connecting existing and proposed trails along the Carson River floodplain. The developer shall, at a minimum, install a 12-foot ADA compliant trail within the easement prior to recording a final map or first in a series of final maps for the project and after approval of appropriate improvement plans by the County Engineer.

26. The developer shall comply with Lyon County's 2018 stormwater drainage guidelines. The applicant shall demonstrate that the proposed drainage facilities will comply with the Lyon County Drainage Requirements to the satisfaction of the County Engineer and Utilities Department Director prior to recordation of the final subdivision map. Major drainage facilities shall be constructed in the first phase of development and each phase of building development shall have drainage improvements that tie into the major facilities and function without dependency on improvements in future phases of development.

    a. The developer shall demonstrate to the satisfaction of the County Engineer, the County Road Superintendent, the County Utilities Department Director and the Community Development Director that provisions for maintenance and continued operation of the stormwater system have been developed and put in place prior to the approval of a final subdivision map or first in a series of final maps for this project.

b. The developer shall provide documentation that easements have been recorded to permit discharge of project-generated stormwater to all off-site properties receiving stormwater discharges prior to recordation of a final subdivision map or first in a series of final maps for this project.

c. The developer shall demonstrate to the satisfaction of the County Engineer, the County Road Superintendent, the LCUD Director, and the Community Development Director that facilities necessary to protect source water from potential stormwater contamination have been designed and will be installed prior to approval of a final subdivision map or first in a series of final maps for this project.

d. The developer shall demonstrate to the satisfaction of the County Engineer, the County Road Superintendent, the LCUD Director, and the Community Development Director that facilities necessary for the treatment of stormwater prior to discharge have been designed and installed prior to approval of a final subdivision map or the first in a series of final maps for this project.

e. The developer shall demonstrate to the satisfaction of the County Engineer, the County Road Superintendent, the LCUD Director and the Community Development Director that provisions for maintenance and continued operation of the stormwater system have been developed and put in place prior to approval of a final subdivision map or first in a series of final maps for this project.

f. Debris grates are required at the pipe inlets of the retention/detention basins.

27. The developer shall complete any and all required development improvements and facilities to the satisfaction of the Community Development Director, County Engineer, the County Road Superintendent, the LCUD Director, the Building Official, the Central Lyon County Fire Protection District Fire Chief or other authorized County personnel, as applicable, or an appropriate security must be provided and approved prior to recordation of a final subdivision map or first in a series of final maps for this project. There may be temporary restrictions to obtaining building permits even with an acceptable security instrument depending on the County's approval of the various systems. All facility construction shall be completed/installed to satisfaction of the Community Development Director, the Building Official, the County Engineer, the County Road Superintendent, the LCUD Director, the Facilities Department Director, the Central Lyon County Fire Protection District Fire Chief, their respective designees or other authorized County personnel, as applicable prior to the issuance of a Certificate of Occupancy will be allowed in a single family residence for this project or if done in phases, that portion of the project.

28. The developer shall comply with all applicable building and fire code requirements.

29. The water system must meet the requirements of the LCUD and Central Lyon County Fire Protection District and be constructed in accordance with the following:

    a. The location of fire hydrants shall be determined by the Central Lyon County Fire Protection District.

    b. A minimum required fire flow is required for each fire hydrant as directed by the Central Lyon County Fire Protection District.

    c. Prior to any combustible materials being brought on site the following shall occur:

    d. All required fire hydrants are to be installed and fully operating.

30. Distinct and legible "temporary" addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.

31. The developer will maintain the property until the development is complete. This maintenance will include the semi-annual mowing of all weeds within the development boundaries and the removal of noxious weeds when they are identified.

32. The developer shall post and maintain a rules and regulations sign at the entryways to the property until it is fully developed. The signs shall be intended for the subcontractors performing work and shall include:

    a. No loud music;

    b. No alcohol or drugs;

    c. Dispose of personal trash and site debris;

    d. Clean up any mud and or dirt that is deposited from the construction parcels onto the streets; and

    e. No burning of construction or other debris on the property.

33. All debris on construction sites must be contained and removed periodically as required for safety and cleanliness to the satisfaction of the Lyon County Community Development Department.

Comm. Jacobson requested to add the alignments of the property to match existing acreage.

Comm. Henderson stated it could be added at a later proposal from the developer.

Comm. Jacobson seconded.

Comm. Keller is not in favor with the flood data.

Comm. Hockaday stated this is the initial application and other criteria can be set prior to final map.

Steve Rye stated they would have to meet all requirements prior to the final maps.

Andrew Haskin they will have to meet all the floodplain requirements prior to the final map.

Comm. Gray asked if all conditions must be made today.

Andrew Haskin answered all conditions must be made today and allowable in code.

Comm. Gray expressed his concern of flooding and traffic safety.

Comptroller and Risk Manager Josh Foli gave his statement of risk management and the codes the County has need to be followed. All applicants are required to meet the codes. If the Commission is not favorable of the codes, they need to be changed.

Comm. Gray commented the County should evaluate the flooding and bridge.

Josh Foli stated they would then set up a special assessment district or an impact fee to legally address the bridge.

The motion passed 3-2, with Comm. Gray and Comm. Keller opposed.

****END OF PLANNING APPLICATIONS****

REGULAR AGENDA - (Action will be taken on all items unless otherwise noted)

19. Board Appointments and Resignations

19.a. For Possible Action: Appoint a chairman for the first meeting of the Stagecoach Advisory Board.

Comm. Gray moved to appoint Charles Shirley as the chairman for the first meeting of the Stagecoach Advisory Board.

Comm. Keller seconded.

Comm. Gray asked for public participation, there was none, and the motion passed 5-0.

19.b. For Possible Action: Appoint up to one (1) member to the Smith Valley Advisory Board, with a term expiring December 31, 2023.
- Thomas Renner, Application
- Michael Palmer, Application

Comm. Gray stated an application for Joanne Lawson was submitted as late backup.

Comm. Hockaday stated it's a difficult decision to appoint a member with the great applications submitted.

Comm. Hockaday moved to appoint Thomas Renner to the Smith Valley Advisory Board, with a term expiring December 31, 2023.

Comm. Henderson seconded.

Comm. Gray asked for public participation.

Public Comment

Un-identified woman commented there was not an advertisement for the open position other than the minutes on the record. Applicants can submit late backup, and there was one with letters of support. There was no other letters of support to the others. She supports Joanne Lawson.

Joanne Lawson stated she is new to the community. She would offer a fresh point of view and not be involved in already long-term local politics. It would be beneficial to have a non-biased pint of view.

Comm. Gray closed public participation, and the motion passed 5-0.

19.c. For Possible Action: Appoint Susan Cottingham to the South Lyon County Hospital District, with a term expiring December 31, 2022

Comm. Hockaday moved to appoint Susan Cottingham to the South Lyon County Hospital District, with a term expiring December 31, 2022

Comm. Henderson seconded.

Comm. Gray asked for public participation, there was none, and the motion passed 5-0.

20. County Manager

20.a. For Possible Action: To discuss and provide direction to the County Manager in regards to developing a Bill Draft Resolution (BDR) for the 2023 Legislature, which may include: discussion on possible topics for a BDR; direction to staff to research and come back with information related to a possible BDR; and input from the public on possible topics for a BDR. The Board may direct staff to prepare a resolution and bring back to the Board for further consideration.

Josh Foli asked if the board had any comments at this time and there was none.

20.b. For Possible Action: Authorize and select County Commissioners to attend the NACO Western Interstate Region Conference in Anchorage, AK for an approximate cost of $2,000.00/Person. (Requested by Commissioner Henderson)

Comm. Henderson stated this is not item he requested. There were no Commissioners interested in this conference.

21. Human Resources

21.a. For Possible Action: Eliminate two part-time Transportation Specialist positions (.5 FTE and .625 FTE), and in their place create one .875 FTE Transportation Specialist position.

Josh Foli requested to eliminate two part-time Transportation Specialist positions and in their place create one Transportation Specialist position. They have not been able to fill the position, and the department requested the change to fill it. There is no adverse fiscal impact as the cost of adding health benefits is offset fully by the eliminated wages and PERS contributions on two extra hours per day. This will not result in layoffs as the employee currently in the 25-hour-per-week position is expected to fill the new 35-hour-per-week position with health benefits.

Comm. Keller moved to eliminate two part-time Transportation Specialist positions (.5 FTE and .625 FTE), and in their place create one .875 FTE Transportation Specialist position.

Comm. Henderson seconded.

Comm. Gray asked for public participation, there was none, and the motion passed 5-0.

22. Roads

22.a. For Possible Action: Request the County Manager and staff to enhance the safety of the Pete Henrichs Road and North Bybee Lane by installing additional stop signs and warning signs to make the intersection a four way stop (Requested by Commissioner Hockaday)

Comm. Hockaday reported the history of accidents at the location. He presumed it would be safer to make it a 4-way stop rather than a 2-way stop due to the three reported accidents in 2021.

Road Director Dustin Homan gave a report of the accidents since 2016. They did a traffic count and an evaluation of speed. There is an issue of speeding, and the large trucks using it as a bypass. They would have to have a traffic study done by an engineer, and the Manual on Uniform Traffic Control Devices states they cannot use it for speed control.

Dustin Homan, Josh Foli, Steve Rye, Frank Hunewill along with the Commissioners deliberated the concerns and possible solutions.

Comm. Gray moved to direct staff at the next meeting and not the next month, to agendize the item with costs of the study.

Comm. Hockaday seconded.

Comm. Keller asked if there is a requirement, or liability is, for a study for a stop sign.

Steve Rye recommended following the recommendation for a traffic study.

Josh Foli stated the book is a national requirement; his concern is the study may not give them the answer they are hoping for.

Comm. Keller requested for a time frame it would take for the study to be completed to be included.

Comm. Gray asked for public participation.

Public Comment
Russ Wright gave his comments to close the road.

Mason Valley Advisory Board Chairman David Ray stated they have agendized the meeting for tonight for the public to come and give input.

The motion passed 5-0.

23. Utilities

23.a. For Possible Action: Discussion about effluent user fees for the Dayton Valley Golf Course, a request from Tour Specs Golf Course Management to waive the user fees for five (5) additional years, and direction to staff to bring back a modified Agreement for the Sale of Treated Effluent (David Bruketta).

Utilities Director David Bruketta The agreement to defer effluent user fees at the Dayton Valley Golf Course expires June 30, 2022. The golf course recently changed ownership, and the new owner, Tour Specs Golf Course Management, is requesting an additional five-year deferral of user fees. Staff seeks direction from the board to defer the fees, charge the fees, or provide an alternative approach.

Comm. Gray asked if the water wasn't delivered what the impacts would be.

David Bruketta answered the Rapid Infiltration Basins (RIB's) are located at Aspen Creek, and they are awaiting for permitting to build. The golf course has taken the effluent water in the warmer months but not the wintertime. The RIB's would provide security.

Comm. Henderson asked if the RIB's could handle both year-round.

David Bruketta stated the RIB's are being built for the plant expansion and can handle the capacity.

Jim Kepler gave a statement of the need and the complicated issues with the history and development.

Kay Bernson gave a report of the history of the effluent water, costs, treatment, and practices.

Comm. Keller Move to waive effluent users fees for the Dayton Valley Golf Course for five (5) additional years, and direct staff to bring back to the board an amended agreement for the sale of treated effluent.

Comm. Jacobson seconded.

Comm. Gray asked for public participation.

Public Participation:
Russ Wright gave his support to Mr. Kepler.

The motion passed 5-0.

ADJOURN TO RECONVENE AS MASON VALLEY MOSQUITO ABATEMENT DISTRICT BOARD

24. Public Participation

There were none.

25. For Possible Action: Review and Accept District Manager's Report and Minutes

25.a. For Possible Action: Review and accept the February 9, 2022 District Manager's report and minutes.

Comm. Henderson moved to accept the February 9, 2022 District Manager's report and minutes.

Comm. Hockaday seconded.

Comm. Gray asked for public participation, there was none, and the motion passed 5-0.

26. Public Participation

There were none.

ADJOURN TO RECONVENE AS THE LYON COUNTY BOARD OF COMMISSIONERS

27. Agenda Requests

Comm. Gray asked for agenda items requested since the cut-off is Monday.

Comm. Keller requested an item for a long-term agreement of possibly twenty years addressing the effluent user fees for the Dayton Valley Golf Course. She is not requesting this item for the next agenda.

Comm. Gray requested an item for election integrity for the next meeting. He asked for an item for Bybee and Pete Hendrix, direction for staff to develop courses of action.

Comm. Henderson requested an item to attend the annual NACO Conference in Colorado.

28. Commissioner Comments

Comm. Jacobson thanked Mr. Sullivan for noticing the incredible Planning staff.

29. Closed Session

There was a closed session.

30. Public Participation

There were none.

31. Adjourn

Comm. Gray adjourned the meeting.

LYON COUNTY BOARD OF COMMISSIONERS

KEN GRAY, Chairman

ATTEST

NIKKI BRYAN, Lyon County Clerk/Treasurer