**LYON COUNTY PLANNING COMMISSION MEETING MINUTES**

**February 11, 2025**

The February 11, 2025 meeting of the Lyon County Planning Commission was called to order by Commission Chairman Ralph Ewing, at approximately 9:00 a.m. at the Lyon County Administrative Complex, 27 S. Main Street, Yerington, NV, 89447.

A**ttending staff**: Community Development Director, Gavin Henderson; Senior Planners, Louis Cariola and Lisa Nash; Planning Technician Shannon Juntunen; and Administrative Assistant, Brandi Lathrop were present.

1. **Roll Call:** Members present: Commissioners Ralph Ewing, Audrey Allan, Loretta Sell, Mark Jones, Andrew Merritt and Wendy Loomis attended in chambers. Shannon Ceresola was absent. A quorum was noted.

2. **Pledge of Allegiance**

3. **Public Participation -** None

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

Commissioner Allan motioned to adopt the agenda as presented.

Commissioner Jones seconded and the motion passed by unanimous vote (6 Ayes, 0 Nay, 0 Abstentions).

There was no public comment.

5. **For Possible Action: Approval of Minutes**
   **5.a. For Possible Action: To approve the minutes from the January 14, 2025 meeting.**

Commissioner Sell motioned to approve the minutes from the January 14, 2025 meeting.

Commissioner Allan seconded and the motion passed by unanimous vote (6 Ayes, 0 Nay, 0 Abstentions, 1 Absent, Commissioner Ceresola).

Commissioner Allan brought up a typo to the minutes to be corrected.

6. **Advisory Board Reports** - None

7. **Public Hearing Items**

   **7.a. For Possible Action: To approve a request for continuance to the March 11, 2025 Planning Commission Meeting for the request from William Creekbaum for a Tentative Parcel Map to subdivide an approximately 10,000 square feet parcel into two parcels, the smallest being approximately 4,933 square feet, located at 206 Meadowood Court in Dayton (APN 019-701-16); PLZ-2024-081.**

Senior Planner Louis Cariola stated the applicant requested a continuance due to an error in Public Noticing. The Planning Commission is the final decision maker for a Tentative Parcel Map.

**Public Comment**- None

Commissioner Sell motioned to **approve** a request for continuance to the March 11, 2025 Planning Commission Meeting for the request from William Creekbaum for a Tentative Parcel Map to subdivide an approximately 10,000 square feet parcel into two parcels, the smallest being approximately 4,933 square feet, located at 206 Meadowood Court in Dayton (APN 019-701-16); PLZ-2024-081.

Commissioner Jones seconded and the motion passed by unanimous vote (6 Ayes, 0 Nay, 0 Abstentions, 1 Absent; Commissioner Ceresola).

**7.b. For Possible Action: To forward a recommendation to the Board of County Commissioners**

**for the request from CEA Dairy RNG, Nevada LLC, for a Conditional Use Permit for expansion of a legally-existing, non-conforming use consisting of anerobic digesters for methane production, and to ensure compliance with Nevada Division of Environmental Protection regulations, on land subject to Rural Residential 20-acre (RR-20) zoning located at 360 Campbell Lane in Mason Valley, on an approximately 163-acre parcel (APN 014-161-01); PLZ-2024-083.**

Senior Planner Louis Cariola gave a presentation of the item. The applicant requested a Conditional Use Permit to expand and operate methane digesters and to permit a legally-existing, non-conforming use, bringing the site into compliance with the NV Division of Environmental Protection's Chemical Accident Prevention Program (NV CAPP) and Nevada Revised Statues (NRS) 278.147.

Commissioners and Senior Planner Louis Cariola discussed the processes for the project. Surrounding properties will not be affected by the expansion. The nearest residential property is approximately 1 mile away. Senior Planner Cariola will add additional information in the Staff Report for the Board of County Commissioners. There was discussion about expansion in other areas of the dairy, the traffic flow, and the production of methane, as well as the possibility of it being explosive. The Commissioners discussed the options between a lagoon or anaerobic digester, their capacity, and the odor they would create. Commissioners asked if they could make a recommendation of approval for a portion of the project, Senior Planner Louis Cariola stated they could forward a recommendation of approval for the use of the digesters and make a recommendation for an additional Condition of Approval regarding future use of a lagoon.

**Public Comment**- None

Commissioner Jones motioned to forward a recommendation of **approval** to the Board of County Commissioners for the request from CEA Dairy RNG, Nevada LLC, for a Conditional Use Permit for expansion of a legally-existing, non-conforming use consisting of anerobic digesters for methane production, and to ensure compliance with Nevada Division of Environmental Protection regulations, on land subject to Rural Residential 20-acre (RR-20) zoning located at 360 Campbell Lane in Mason Valley, on an approximately 163-acre parcel (APN 014-161-01); PLZ-2024-083 based on the following conditions with an amendment for a tank system with option of a lagoon system at a later date.

1. No change in the terms and conditions of the Conditional Use Permit (CUP), as approved, shall be undertaken without first submitting the changes to Lyon County Community Development and having them modified in conformance with Lyon County Code.

2. The applicant shall comply with all applicable Fire, building, zoning and improvement code requirements and obtain any necessary public inspections. All construction documents and separate applications must be submitted to the Central Lyon County Fire Protection District and the Lyon County Building Department for review and approval to obtain a Building Permit.

3. The applicant is required to submit for a separate and independent Fire Plan review by the Mason Valley Fire Protection District. Contact the Division directly for more information and direction on the submittal and permitting process.

4. The applicant shall acquire all Lyon County, state and federal permits necessary for the operation of the methane digester system as well as obtain all of the necessary public inspections.

5. The applicant shall provide Lyon County with confirmation from the Nevada Division of Environmental Protection's Chemical Accident Prevention Program that the proposed and existing uses are in compliance with Nevada Revised Statues 278.147 as required, per this authorization of a Conditional Use Permit.

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

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

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 two (2) years from the date of approval will result in the expiration of the conditional use permit approval.

Commissioner Merritt seconded and the motion passed by unanimous vote (6 Ayes, 0 Nay, 0 Abstentions, 1 Absent; Commissioner Ceresola).

**7.c. For Possible Action: To approve a request for a continuance to a future date for the request from TRACT Capital Management, LP, for approval of a Development Agreement for the Silver Springs Technology Park, which is proposed to include data centers, high voltage electrical power lines and substations, and other utility and roadway improvements on land currently subject to Rural Residential 20-acre (RR-20) zoning located on an approximately 460-acre portion of six (6) parcels totaling approximately 1,070 acres in Silver Springs north of US Highway 50 and west of US Highway 95A: (APNs 015-091-08, and 015-111-[01, 02, 04, 05, and 06]); PLZ-2024-050.**

Senior Planner Louis Cariola stated the applicant is requesting a continuance to a future date. The Lyon County District Attorney and the applicant's attorney have not come to an agreement. Commissioners and Senior Planner Cariola discussed if the board could approve a continuance request without a future date stated.

**Public Comment**- None

Commissioner Sell motioned to **approve** a request for a continuance to a future date for the request from TRACT Capital Management, LP, for approval of a Development Agreement for the Silver Springs Technology Park, which is proposed to include data centers, high voltage electrical power lines and substations, and other utility and roadway improvements on land currently subject to Rural Residential 20-acre (RR-20) zoning located on an approximately 460-acre portion of six (6) parcels totaling approximately 1,070 acres in Silver Springs north of US Highway 50 and west of US Highway 95A: (APNs 015-091-08, and 015-111-[01, 02, 04, 05, and 06]); PLZ-2024-050.

Commissioner Loomis seconded and the motion passed by unanimous vote (6 Ayes, 0 Nay, 0 Abstentions, 1 Absent; Commissioner Ceresola).

**7.d. For Possible Action: To forward a recommendation to the Board of County Commissioners for the request from Verizon Wireless/Vertical Bridge for a Conditional Use Permit for a new wireless communications facility and 115-foot windmill tower on land subject to RR-20 (Rural Residential, 20 Acre Minimum) zoning located at 1 Scarsdale Drive in Mason Valley on an approximately 2,500 square foot portion of a 180.00–acre parcel (APN 014-241-12); PLZ-2024-080.**

Senior Planner Lisa Nash gave presentation of the item. The applicant is seeking approval for a new wireless communications facility (WCF), consisting of a new 95-foot tall communications tower (including a 15-foot windmill with a 5-foot mounting stand, installed to a total height of 115') within a 50-foot by 50-foot lease area (2,500 square feet) on the parcel located at 1 Scarsdale Dr., Mason Valley, Nevada. This request includes ground-level outdoor accessory equipment area with a 6-foot chain link perimeter fence. Plans call for a 20 feet wide non-exclusive utility and access easement from Scarsdale Dr. to the lease area.

Commissioners and Senior Planner Lisa Nash discussed the lease timeframe being 30 years with the property owner, Vertical Bridge would be the owner of the tower and responsible for deconstruction of the tower at the end of lease. They also discussed the construction of the tower. Commissioners asked if the windmill would be operational or just as design, the applicant stated it would be for design and not operational. The applicant explained the area the tower would service. Commissioners asked if the property

owner understood the impacts the tower could have, they stated they understood and were comfortable with the lease agreement. Commissioner Jones asked if there are any tax benefits for Lyon County, Senior Planner Lisa Nash stated the applicant would be required to maintain a business license. County Manager Andrew Haskin stated the property will still be subject to property taxes.

**Public Comment-** Justina Benner asked about the distance from the tower and the nearest residence and if the property owners had been notified. She stated this could have health benefits from the wireless radiation.

Commissioner Allan motioned to forward a recommendation of **approval** to the Board of County Commissioners for the request from Verizon Wireless/Vertical Bridge for a Conditional Use Permit for a new wireless communications facility and 115-foot windmill tower on land subject to RR-20 (Rural Residential, 20 Acre Minimum) zoning located at 1 Scarsdale Drive in Mason Valley on an approximately 2,500 square foot portion of a 180.00–acre parcel (APN 014-241-12); PLZ-2024-080 based on the following conditions.

1. No change in the terms and conditions of the Conditional Use Permit (CUP), as approved, shall be undertaken without first submitting the changes to Lyon County Community Development and having them modified in conformance with Lyon County Code.

2. The applicant shall comply with all applicable Fire, building, zoning and improvement code requirements and obtain any necessary public inspections. All construction documents and separate applications must be submitted to the Lyon County Building Department for review and approval to obtain Site Improvement Plan or Building Permits.

3. All construction documents and separate applications must be submitted to the Mason Valley Fire Protection District (MVFPD) prior to obtaining a Building Permit. MVFPD requires a separate Fire and Life Safety Plan Review.

4. Prior to submittal of a building permit application, the applicant shall record, with the proper recording instrument to the Lyon County Recorder's office, the following:

a. Verizon Wireless 20' Non-Exclusive Utility Verizon Wireless Vertical Bridge Access & Utility Easement from Scarsdale Drive as indicated on sheet C-3 received on November 27, 2024.

b. A Memorandum of Lease with the property owner for the proposed 50'-0" by 50'-0" Verizon Wireless Lease Area.

5. The proposed 115-foot windmill type structure, wireless shall not exceed the maximum height as listed in Table 15.236-1 and as indicated at 115-feet on sheet A-3.1.

6. No lighting is permitted on the windmill type structure, except as required by the FAA. The applicant shall provide any and all FAA requirements through FAA documentation at the time of a building permit

7. The proposed perimeter security chain link fence with barbed wire shall not exceed a height of 6' – 0" tall. Any change/deviation request in height to the proposed security fence must be submitted to the Community Development Department.

8. Noise-generating equipment shall be sound-buffered by means of baffling, barriers or other suitable means to reduce the sound level measured at the property line to 50 dBA (day)/40 dBA (night) when adjacent to a commercial or residential land use and 75 dBA (day)/60 dBA (night) when adjacent to other uses.

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

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

11. Applicant shall comply with all applicable environmental and health laws and regulations concerning water quality, air quality, solid waste disposal, and wastewater management.

12. The applicant shall acquire all State, County and special purpose district permits and obtain all necessary public inspections. This includes, but is not limited to, an air quality permit from the Nevada Division of Environmental Protection.

13. The applicant shall comply with any applicable Lyon County's 2018 revised drainage guidelines to the satisfaction of the County Engineer.

14. At the time of a building permit application for the construction of the windmill type structure, 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.

15. The installation of any additional equipment, antenna, or microwave dish equipment, not included in this Conditional Use Permit, must be presented to the Planning Department for evaluation or criteria meeting Title

15 code and for a building permit to add future equipment at this site.

16. 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 two (2) years from the date of approval or to complete all work within three (3) years from the date of approval will result in the expiration of the conditional use permit approval.

Commissioner Sell seconded and the motion passed by unanimous vote (6 Ayes, 0 Nay, 0 Abstentions, 1 Absent; Commissioner Ceresola).

Commissioner Jones requested a recess at 10:16 a.m. The meeting reconvened at 10:27 a.m.

**7.e. For Possible Action: To forward a recommendation to the Board of County Commissioners for the request from Dayton Partner No. 1 LLC, Atlas Development 1 LLC, and LD Lots LLC for a Planned Unit Development (PUD) Amendment to amend the existing The Lakes at Dayton Valley PUD Handbook. The area included within the PUD Amendment is generally located north and south of Dayton Valley Road and north and east of Palmer Drive in Dayton for five (5) parcels totaling approximately 566.87 acres (APNs 016-361-63, -65, -66, -68, and -71); PLZ-2024-077.**

Senior Planner Lisa Nash gave presentation of the item. The applicant was requesting to amend their PUD to replace the hotel/casino with less intensive uses, such as daycare facilities, storage facilities, and neighborhood shops as well as replacing the proposed golf course with open areas to include walking trails and better drainage areas. Lyon County made an abandonment to remove themselves from the PUD Amendment. The original PUD was written in detail therefore doing a redline for the amendment was not possible, the amendment was re-written. There are no changes in the Planned Unit Development Amendment that would affect anything already developed in the area. Staff recommends approval of the item.

Commissioners and staff discussed the traffic impacts in the area, and the need for an additional bridge.

Karen Downs, the applicant's representative, gave a presentation. The original Planned Unit Development was approved in 2004. There has been significant community outreach and the amendment has received support from surrounding Home Owners Associations. The Planned Unit Development amendment would have less impact and meet more of the current community needs.

Commissioners and the applicant's representative discussed the golf course, the previous hotel/casino, the discussion with community about their needs, and the need for additional law enforcement with a growing community. Commissioners asked who would maintain each neighborhood park, in which the applicant stated the Homeowners Associations would be responsible for maintenance. Commissioners discussed the

amendment being a better fit for the community based on the public's needs. Any Tentative Subdivision Map's or Planned Unit Development Amendments would come back to the Planning Commission for review. The Commissioner's had questions about the timeline for construction, a Planned Unit Development does not have an expiration date. Commissioners also had questions around the restrictions on what could be constructed in commercial areas, the applicant's representative stated the use would have to be applicable to the zoning.

**Public Comment-** Mike Peckham had comments about the traffic study being done in 2022.

Ron McRae discussed history in the area, the golf course, and the surrounding HOA support.

Justina Benner, a resident, does not want a casino in the area, she discussed the traffic, and the impacts to the local schools.

Mike Evans, Legado Community HOA Board of Directors, gave the support of this project.

Commissioner Allan motioned to forward a recommendation of **approval** to the Board of County Commissioners for the request from Dayton Partner No. 1 LLC, Atlas Development 1 LLC, and LD Lots LLC for a Planned Unit Development (PUD) Amendment to amend the existing The Lakes at Dayton Valley PUD Handbook. The area included within the PUD Amendment is generally located north and south of Dayton Valley Road and north and east of Palmer Drive in Dayton for five (5) parcels totaling approximately 566.87 acres (APNs 016-361-63, -65, -66, -68, and -71); PLZ-2024-077.

Commissioner Sell seconded and the motion passed by unanimous vote (6 Ayes, 0 Nay, 0 Abstentions, 1 Absent; Commissioner Ceresola).

Commissioner Jones stated his support for the item and that Lyon County needs to look at what is beneficial for Lyon County.

**7.f. For Possible Action: To forward a recommendation to the Board of County Commissioners for the request from Dayton Partner No. 1 LLC, Atlas Development 1 LLC, and LD Lots LLC for a Zoning Map Amendment to amend the Zoning Map designations from the Title 10 districts of NR-1 (Single-Family Nonrural Residential District) and T-C (Tourist Commercial District) to the Title 15 district of PUD (Planned Unit Development), generally located north and south of Dayton Valley Road and north and east of Palmer Drive in Dayton for five (5) parcels totaling approximately 566.87 acres (APNs 016-361-63, -65, -66, -68, and -71); PLZ-2024-040.**

Senior Planner Lisa Nash gave presentation of the item. Staff recommended approval of the Zoning Map Amendment request based on the Findings as listed in the staff report as the request would be in general conformance with the 2020 Comprehensive Master Plan designation for the property. She stated this item is a "cleanup" of the Zoning Designations.

**Public Comment-** Ron McRae discussed tax revenue from the surrounding HOA's.

Commissioner Sell motioned to forward a recommendation of **approval** to the Board of County Commissioners for the request from Dayton Partner No. 1 LLC, Atlas Development 1 LLC, and LD Lots LLC for a Zoning Map Amendment to amend the Zoning Map designations from the Title 10 districts of NR-1 (Single-Family Nonrural Residential District) and T-C (Tourist Commercial District) to the Title 15 district of PUD (Planned Unit Development), generally located north and south of Dayton Valley Road and north and east of Palmer Drive in Dayton for five (5) parcels totaling approximately 566.87 acres (APNs 016-361-63, -65, -66, -68, and -71); PLZ-2024-040 based on the following findings.

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

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

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

Commissioner Loomis seconded and the motion passed by unanimous vote (6 Ayes, 0 Nay, 0 Abstentions, 1 Absent; Commissioner Ceresola).

Commissioner Jones requested the applicant submit letters of support prior to the day of the meeting so they have time to review them.

**8. Community Development Director Comments**

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

Community Development Director Gavin Henderson did not have any comments or updates and there were no questions or comments from the Commissioners.

**9. Commissioner Comments and Agenda Requests**

Commissioner Ewing encouraged the other commissioners to attend County Advisory Board meetings. He reminded the new commissioners of the required online training.

Commissioner Loomis attended the Smith Valley Advisory Board meeting last Wednesday.

Commissioner Merritt has been attending the Stagecoach Advisory Board meetings.

**10. Public Participation -** None

**11. Adjournment at 11:41 a.m.**