



LYON COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

BUILDING * DEVELOPMENT ENGINEERING * PLANNING
CODE ENFORCEMENT * ECONOMIC DEVELOPMENT

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BOARD OF COUNTY COMMISSIONERS

PLZ-2025-085

Proposed Action Conditional Use Permit for a Photovoltaic (PV) Solar Energy Facility

Meeting Date March 5, 2026

Property Owner Robin Susan Mason et al

Applicant Lux Solar Center, LLC

Community Mason Valley

Location 55 Butte Way

Parcel Number 014-091-20

Parcel Size 280-acre portion of a 1,593-acre parcel

Master Plan Agriculture

Zoning RR-5 (Fifth Residential District (20 Acres))

Flood Zone(s) Zone A per FIRM 32019C0550E (effective date: 1/16/2009)

Case Planner Lisa Nash

REQUEST

The Applicant is requesting a Conditional Use Permit for a 280-acre expansion to the existing Lux Solar Project approved in 2019 and 2023, to construct and operate a photovoltaic (PV) solar energy facility.

PROJECT SUMMARY

The proposed project involves the addition of approximately 280 acres to the construction and operation of a commercial solar power generating facility. A previous Conditional Use Permit (CUP) approved in 2019 (PLZ019-0054) and a time extension for the CUP approved in 2023 (PLZ-2022-210) allowed for a project that included the construction and operation of a commercial solar power generating facility over an approximately 1,140-acre area within a four-parcel site totaling 2,462 acres.

The Applicant has also requested a Major Variance (PLZ-2025-096) from the one-mile (5,280') lake/intermittent stream setback and the one half-mile (2,640') setback from a parcel with an existing residential use, to allow installation of a low-profile photovoltaic (PV) solar array within limited portions of those setback areas on APN 014-091-20.

PLANNING COMMISSION

The Planning Commission heard the item on February 10, 2026. The Commission forwarded a recommendation of approval, voting 5-1 (5 Ayes; 1 Nays-Commissioner Baker; 0 Abstentions; 1 Absent-Commissioner Ceresola). The recommendation was based on the Findings and Conditions of Approvals listed in the staff report.

RECOMMENDED MOTION

If after review and public comment the Board of County Commissioners determines that they should approve the requested Conditional Use Permit application, then the Board should make a motion similar to the following:

The Board of County Commissioners finds that:

- A. The proposed use at the specified location is consistent with the policies embodied in the adopted master plan and the general purpose and intent of the applicable district regulations;
- B. The proposed use is compatible with the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods;
- C. The proposed use will not generate vehicular traffic which cannot be accommodated by the existing, planned or conditioned roadway infrastructure;
- D. The proposed use incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to mitigate the development impacts;
- E. The proposed use incorporates features to address adverse effects, including visual impacts and noise, of the proposed conditional use on adjacent properties;
- F. The proposed conditional use complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to the proposed conditional use and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of this title; and
- G. The proposed conditional use will not be materially detrimental to the public health, safety and welfare, and will not result in material damage or prejudice to other properties in the vicinity.

Based on the aforementioned Findings, I move that the Board of County Commissioners approves the request from Lux Solar Center, LLC for a Conditional Use Permit for an expansion to the existing Lux Solar Project approved in 2023, to construct and operate a photovoltaic (PV) solar energy facility, on land subject to Rural Residential, 20 Acre Minimum (RR-20) zoning located in the northern portion of the parcel at 55 Butte Way in Wabuska, Mason Valley on an approximately 280-acre portion of a 1,593-acre parcel (APN 014-091-20); PLZ-2025-085, subject to the 24 Conditions of Approval.

CONDITIONS OF APPROVAL

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.
3. 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 prior to obtaining a Building Permit.

4. All contractors doing any construction, modifications, or remodels must be licensed in the State of Nevada.
5. The Applicant shall maintain a Lyon County business license for the use while occupying the site.
6. The Applicant will be held to the decommissioning plan required as a part of the conditional use permit submittal materials in CUP (PLZ-2019-0054).
7. The project is within the jurisdiction of the Nevada Department of Transportation (NDOT) District II. The applicant is required to submit a Traffic Impact Study (TIS) to NDOT and Lyon County. The TIS will need to be reviewed and approved by NDOT and Lyon County to meet NDOT Access Management and other applicable standards before site improvement, grading, and building permits will be issued.
8. Prior to commencement of the use, the Applicant shall ensure the satisfactory completion of all required access, driveway and parking improvements to County and International Fire Code standards, as required by the Lyon County Planning Department, the Lyon County Road Department and Yerington/Mason Valley Fire Protection District.
9. The Applicant shall enter into a road maintenance agreement with the County for the maintenance and dust control of the West and East Sierra Way during the construction period of the project. Once the construction of the project is completed, the amount of traffic generated by the project is minimal and the road maintenance agreement may expire.
10. The applicant shall design, construct, and install all traffic mitigation improvements identified as necessary in the Nevada Department of Transportation (NDOT) and County-approved Traffic Impact Study (TIS). All such improvements shall be completed at the applicant's sole cost and expense, with no cost or financial responsibility to Lyon County. Construction of the improvements shall be subject to review and approval by NDOT and the County, and shall comply with all applicable standards, specifications, and permitting requirements.
11. The applicant shall be responsible for constructing or otherwise implementing any transportation improvements determined by Lyon County to be necessary to mitigate project-specific or cumulative traffic impacts that are not identified in the approved Traffic Impact Study and are not otherwise required by the Nevada Department of Transportation (NDOT). Such responsibility may be satisfied by constructing the required improvements directly or, where the improvements are constructed by another developer or entity, by participating in a County-approved reimbursement agreement to pay the applicant's proportional (pro rata) share of the costs per 15.120 of Lyon County Code. Lyon County may participate in the review, approval, and administration of any reimbursement agreement. Any improvements located within NDOT right-of-way shall be reviewed, approved, and permitted by NDOT and constructed in accordance with applicable NDOT standards and requirements.
12. West Sierra Way from US Hwy 95A to Butte Way shall be constructed with a minimum pavement section consisting of four (4) inches of asphalt concrete over eight (8) inches of Type II aggregate base, or an engineered equivalent pavement section, designed and constructed to the satisfaction of the County Road Department. A geotechnical report, prepared by a licensed geotechnical engineer, shall be submitted for review and approval by the County prior to final design, providing recommendations for pavement section design, subgrade preparation, and compaction requirements. The pavement shall be constructed in accordance with the report's recommendations and County standards, and shall be fully inspected and accepted by the County prior to final approval.
13. The Applicant shall submit for a fire/life safety plan review to the Mason Valley Fire Protection District prior to the issuance of a site improvement permit/building permit for the project.

14. Any proposed onsite sewage disposal system must be approved by the Nevada Division of Environmental Protection and evidence of such approval must be provided to the Lyon County Planning Department prior to approval of any building permit for any sanitary facilities.
15. Any proposed water usage is subject to approval of the proposed use of water and/or all necessary water rights by the Nevada Division of Water Resources and submission of approval documentation to the Lyon County Planning Department.
16. The Applicant shall obtain the approval of the Walker River Irrigation District for a development/improvement plan, as required by the district, prior to application for and approval of any site improvement permit and/or building permits from Lyon County Community Development Department.
17. All outdoor lighting shall comply with the outdoor lighting performance standards of Chapter 15.357 of the Lyon County Code, shall include cut-off shields that direct the illumination down and reduce glare to the satisfaction of the Community Development Department.
18. The applicant shall comply with the Storm Drainage Guidelines for Lyon County, dated September 20, 2024 to the satisfaction of the County Engineer prior to issuance of a Site Improvement Permit, Grading Permit, and/or Building Permit. Drainage report and plans must be submitted concurrently with any Site Improvement Plans, Grading Plans, and/or Building Permit applications.
19. If the applicant proposes to place fill in wetlands or water features under the jurisdiction of the U.S. Army Corps of Engineers, the applicant shall obtain a "No Permit Required" letter, Jurisdictional Determination, Nationwide Permit, or other applicable federal authorization prior to commencing work. The applicant shall also coordinate with the State of Nevada to determine whether wetlands or water features under state jurisdiction are present and shall obtain any required state permits or approvals. No construction, grading, or fill activities shall occur within federally or state-regulated wetlands or water features until all applicable permits or authorizations have been obtained and copies provided to the County for review and verification.
20. Prior to issuance of a Floodplain Development Permit for any development involving the alteration or relocation of a watercourse, the applicant shall obtain and submit to the County Floodplain Administrator a Conditional Letter of Map Revision (CLOMR) approved by the Federal Emergency Management Agency (FEMA), or such other FEMA-approved map revision application or determination deemed applicable to the proposed development. Following completion of the authorized work, the applicant shall obtain and submit a Letter of Map Revision (LOMR), or other applicable FEMA approval or determination, documenting the as-built conditions. No grading, construction, or watercourse alteration shall occur until the required FEMA approval has been received and accepted by the County, and final FEMA documentation shall be provided prior to final inspection or project closeout, as applicable.
21. Any exterior signage will require a separate building permit, through the Lyon County Building Department.
22. 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 by 2030 and satisfy all conditions by 2032 will result in the expiration of the conditional use permit approval unless an extension is obtained in accordance with the provisions of 15.13.02 of the Lyon County Code.**
23. This conditional use permit shall run concurrently with the Major Variance application (PLZ-2025-096) and be subject to all conditions of the Major Variance.
24. **The Major Variance shall run with the time established for the associated Conditional Use Permit (PLZ-2025-085).**

ALTERNATIVES TO RECOMMENDATION OF APPROVAL

Alternative Motion for Continuance

If the Board of County Commissioners determines that additional information, discussion and public review are necessary for a more thorough review of the proposed major variance; the Board should make appropriate findings and move to continue the Public Hearing with a specific time period for the applicant to provide additional specific information necessary for the analysis of the request. The Board may wish to consider a motion similar to the following:

The Board of County Commissioners finds that:

Additional information, discussion and public review are necessary for a more thorough review of the proposed Major Variance.

Based on the aforementioned Findings, and with the applicant's concurrence, the Board of County Commissioners continues the request from Lux Solar Center, LLC for a Conditional Use Permit for an expansion to the existing Lux Solar Project approved in 2023, to construct and operate a photovoltaic (PV) solar energy facility, on land subject to Rural Residential, 20 Acre Minimum (RR-20) zoning located in the northern portion of the parcel at 55 Butte Way in Wabuska, Mason Valley on an approximately 280-acre portion of a 1,593-acre parcel (APN 014-091-20); PLZ-2025-085 for ___ days.

Alternative Motion for Denial

If the Board of County Commissioners determines that they should deny the request for a Conditional Use Permit, then the Board needs to make findings supporting a recommendation of denial. The Board may wish to consider a motion similar to the following:

The Board of County Commissioners has considered:

15.230.06: FINDINGS:

When considering applications for a Conditional Use Permit, the commission or Board, where applicable, must evaluate the impact of the conditional use on and its compatibility with surrounding properties and neighborhoods to mitigate potential impacts of the use at a particular location and make the following findings:

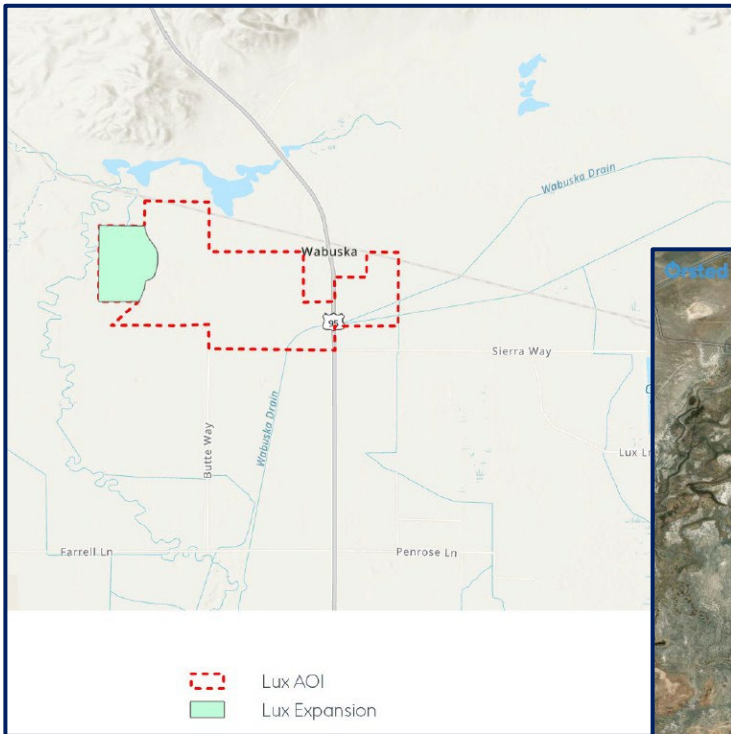
- A. The proposed use at the specified location is consistent with the policies embodied in the adopted master plan and the general purpose and intent of the applicable district regulations;
- B. The proposed use is compatible with the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods;
- C. The proposed use will not generate vehicular traffic which cannot be accommodated by the existing, planned or conditioned roadway infrastructure;
- D. The proposed use incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to mitigate the development impacts;
- E. The proposed use incorporates features to address adverse effects, including visual impacts and noise, of the proposed conditional use on adjacent properties;
- F. The proposed conditional use complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to the proposed conditional use and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of this title; and
- G. The proposed conditional use will not be materially detrimental to the public health, safety and welfare, and will not result in material damage or prejudice to other properties in the vicinity.

After consideration of the above-listed Findings, I move that the Board of County Commissioners has determined that the Conditional Use Permit would not be in conformance with the above-listed considerations and denies the request from Lux Solar Center, LLC for an expansion to the existing Lux Solar Project approved in 2023, to construct and operate a photovoltaic (PV) solar energy facility, on land subject to Rural Residential, 20 Acre Minimum (RR-20) zoning located in the northern portion of the parcel at 55 Butte Way in Wabuska, Mason Valley on an approximately 280-acre portion of a 1,593-acre parcel (APN 014-091-20); PLZ-2025-085.

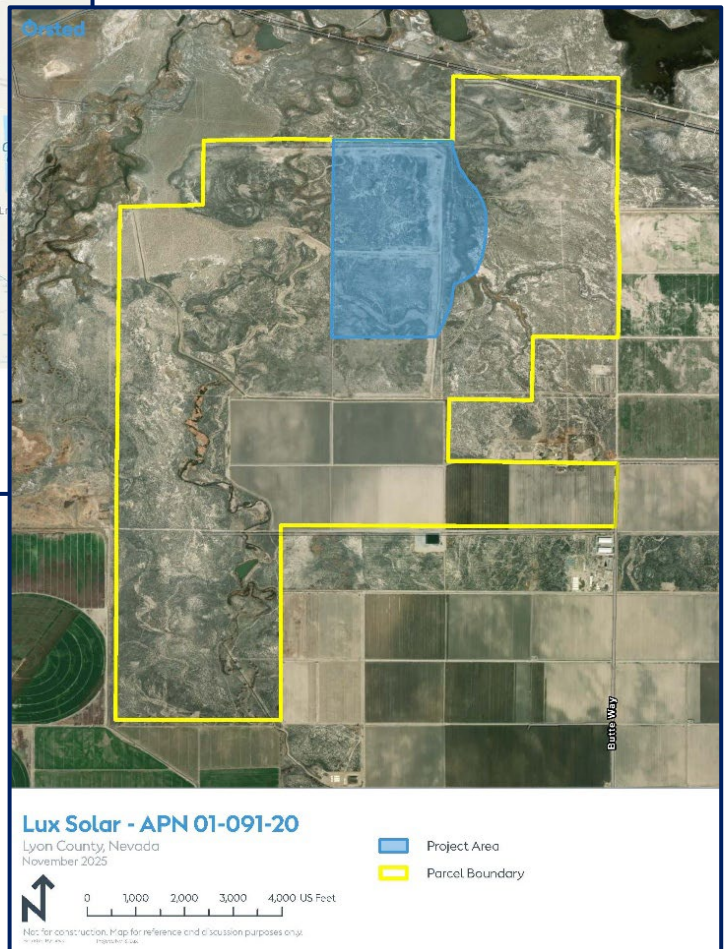
BACKGROUND INFORMATION

Location and Size

The subject property (APN 014-091-20) is generally located west of the intersection of US 95A and the Union Pacific railroad tracks in the northern portion of Mason Valley. The entire site encompasses APNs 014-091-02, -03, -20, and -021 (outlined in red below). The proposed expansion to the existing CUP is an approximately 280-acre portion of a 1,593-acre parcel (shaded in green below).



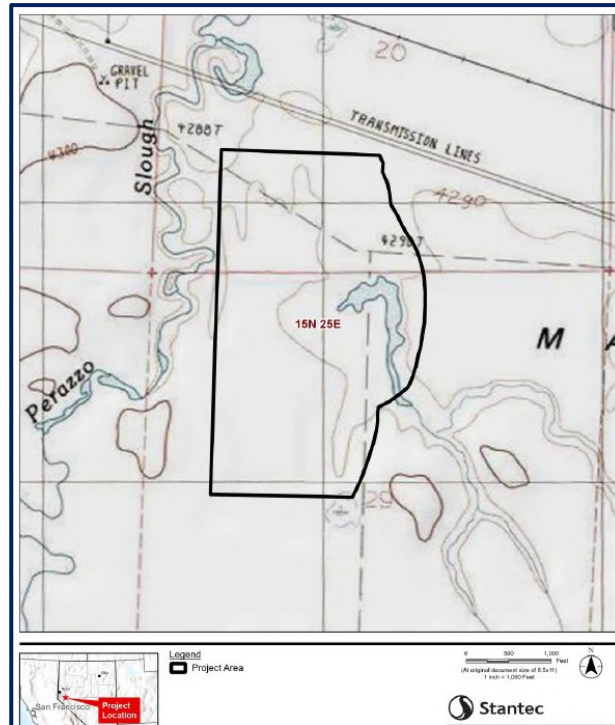
Vicinity Map



Project Area Map

Topography

The subject site lies on the floor of Mason Valley. There are no significant topographic features such as steep slopes, ridges, or intrusive dikes that would limit or restrict the proposed development/use of the subject site as shown below (red star delineates approximate expansion site location).



Topography Map

Site Photos

The three images below and on the following page were provided by the Applicant.



Photo from southern boundary of the project area facing north



Photo from center of the project area facing east

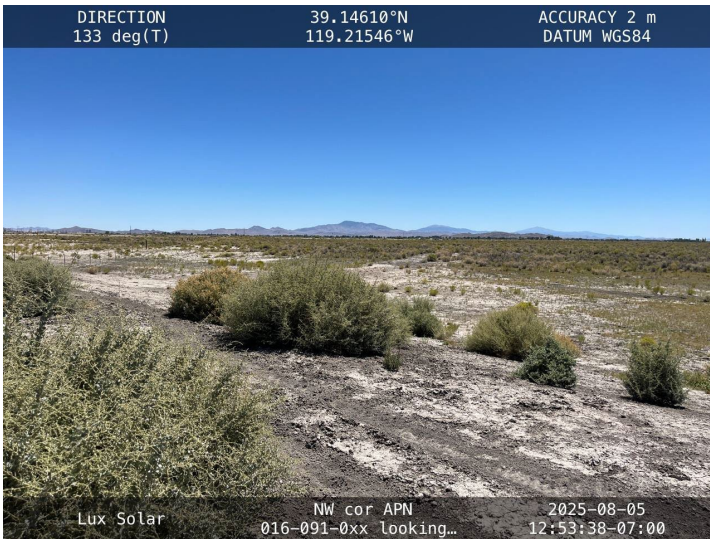


Photo from northwest corner of the project area facing southeast

Flood Zone Designation

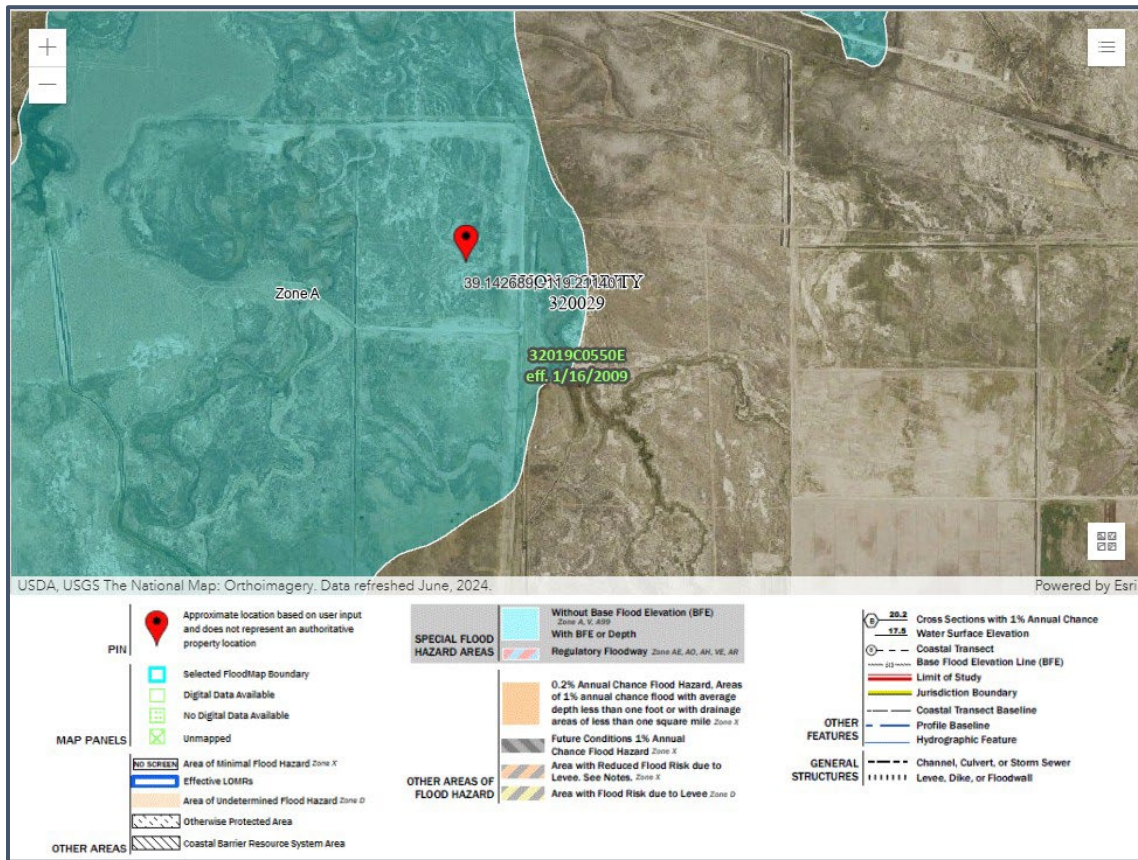
The subject site is located within the FEMA Flood Insurance Rate Map (FIRM) 32019C0550E (effective date: 1/16/2009): Zone A (1% Annual Chance Flood Hazard). See the FEMA Flood Map image below.

Section 15.800.08(A) of the Lyon County Code states that a floodplain development permit must be approved before construction or development is allowed to begin within any area of special flood hazard established in subsection 15.800.07(A).

The floodplain development permit is required for all structures as well as for all development including fill and other activities as defined in 15.1200. "Development Activity" is defined within section 15.1200.05 as:

"An improvement that is allowed and permitted and completed on a lot, parcel, or tract of land by a developer or property owner. The term "development activity" shall include zoning, subdivision, planned unit development, building permit issuance, construction, alterations, land grading, excavating, and clearing. As used in chapter 800 of this title, development means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard."

In accordance with 15.800.08(A) and as a Condition of Approval for the proposed project, the Applicant shall obtain approval of a flood plain development permit prior to any development on the property.



FEMA Firm Map

Public Facilities

Lyon County Utilities Department has no sewer or water services available within the areas of the subject parcel. The proposed development expansion will not include any need for water or sewer services.

Previous, Concurrent and Future Permitting

The applicant has submitted two applications concurrently: this application for a Conditional Use Permit (PLZ-2025-085) and an application for a Major Variance (PLZ-2025-096). These items were heard by the Planning Commission on February 10, 2026.

The Major Variance application is requesting a variance from the one-mile (5,280 ft) intermittent stream/lake setback to 2,789 ft and the one half-mile (2,640 ft) setback from a parcel with an existing residential use to 1,600 ft, to allow installation of a low-profile photovoltaic (PV) solar array within limited portions of those setback areas on APN 014-091-20.

Based upon comprehensive review and analysis of available data, the subject watercourse is appropriately designated as an intermittent stream not a lake. This determination is supported by field observations, hydrologic assessment, and data obtained from the Walker River Irrigation District, the Nevada Department of Environmental Protection (NDEP) Geographic Information System (GIS) database, and well records from the Nevada Division of Water Resources (NDWR).

This designation does not alter or affect the applicant’s pending request for deviation associated with the Major Variance application. The information provided herein is intended solely to accurately identify and document the categorical representation of the water body for purposes of hydrologic classification and regulatory consistency.

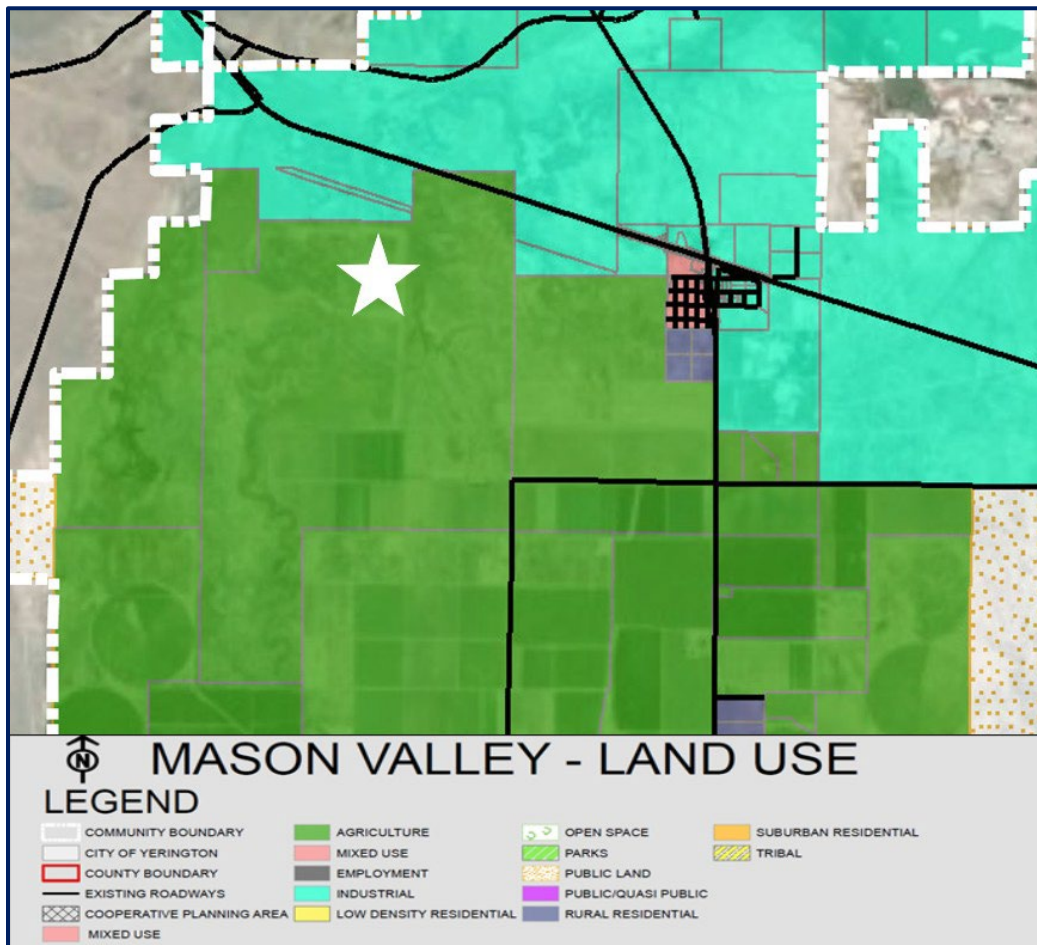
Approval of the Major Variance is required for this Conditional Use Permit (PLZ-2025-085) to be approved.

Portions of this property were the subject of a previous Conditional Use Permit (CUP) approved in 2019 (PLZ019-0054) and a time extension for the CUP approved in 2023 (PLZ-2022-210). The total project included the construction and operation of a commercial solar power generating facility over an approximately 1,140-acre area within a four-parcel site totaling 2,462 acres.

MASTER PLAN AND ZONING

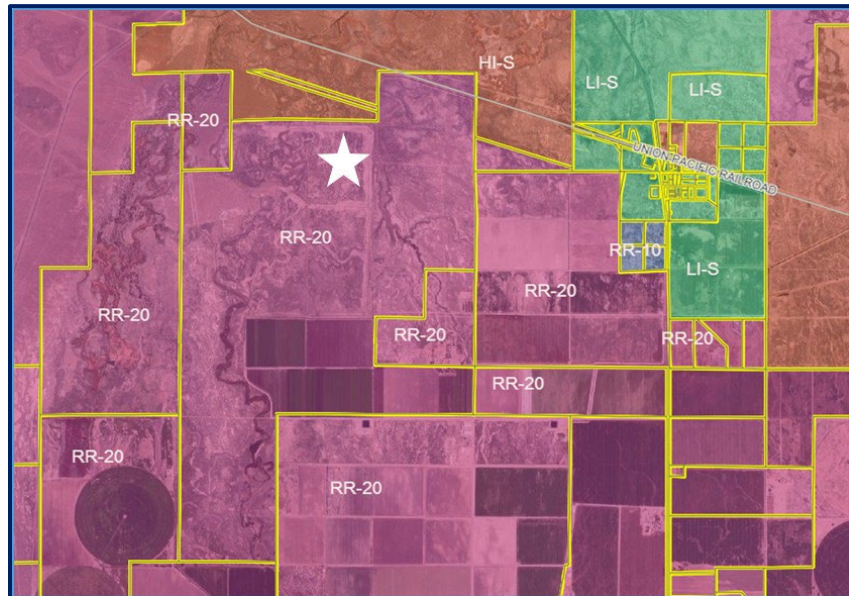
Master Plan

The Master Plan designation for the site is Agriculture as shown in the Mason Valley Land Use Plan below. The parcel is located in the Mason Valley Rural Character District.



Mason Valley Land Use Plan

The zoning is Fifth Rural Residential, 20 acre minimum (RR-5), under the County’s expired Development Code, Title 10. Per the Zoning Consistency Matrix, adopted in 2018 with Title 15, the corresponding district in Title 15 is Rural Residential – 20 acre minimum (RR-20). The zoning map for the project area is shown on the following page.



Zoning Plan

PROJECT DESCRIPTION

The Applicant’s proposal is for a Conditional Use Permit (CUP) for an additional 280 acres of a low-profile photovoltaic (PV) solar array project. Prior CUP approvals for Lux Solar Center (originally approved in 2019 under PLZ-19-0054 and renewed and extended in 2023 under PLZ-2022-210) are included as backup for this CUP application.

Per the applicant, the proposed project is described as follows:

Specifically, we are requesting approval of a new Conditional Use Permit application to supplement an existing CUP, originally approved in 2019, expired in 2021, and re-opened and extended in 2023. For reference, prior CUP approvals for Lux Solar Center are included and made a part of this application. Due to circumstances unforeseen to the project development at the time of prior applications, the project boundary needs to be adjusted to include roughly 280 additional acres on parcels already included under the previous permits to accommodate the GreenLink West path.

The project timeline is dependent upon grid infrastructure upgrades by Nevada Energy (NVE), which are currently anticipated in 2028. Due to recent NVE planning regarding their GreenLink West infrastructure in Lyon County, the project is seeking approval to build on additional land that was not subject to the original permit. This request will be focused on the additional land not previously subject to the existing CUP, while also providing project status and process updates of the overall submission. and

Lux Solar Center, LLC proposes to construct and operate a photovoltaic (PV) solar energy facility on approximately 280 acres of private land. This standalone application shifts and modestly expands the footprint of a project permitted in 2023 (PLZ-2022-210) to accommodate NV Energy’s Greenlink project. A planned Greenlink transmission corridor would bisect the previously permitted project area, necessitating the use of additional adjacent private land, including portions of a parcel previously permitted, to maintain project viability while minimizing new impacts.

Technology and layout: The Project will utilize UL-listed, commercially available crystalline silicon or thin-film PV modules mounted on single-axis tracking (SAT) structures supported by driven pile foundations. Trackers rotate east in the morning and west in the afternoon along a north–south axis to maximize energy production. The top edge of the panels will not exceed fifteen feet (15') above ground level. PV modules will use anti-reflective glass to maximize electrical output and reduce reflectance relative to typical residential and commercial glazing.

Interconnection: The point of interconnection for the Project is the Walker River Substation, located within the previously permitted project area. Because the project substation was included with the previously permitted project, no new substation is included with this application.

Siting and visual considerations: The additional land included in this application is more than one-half mile from the nearest public roads (the intersection of Butte Way and Sierra Way) and over one mile from U.S. Highway 95. The previously permitted project also allows PV arrays between these roads and the expansion area; therefore, visual effects to the public will be comparable to, and no greater than, those already evaluated and permitted. The revised project footprint and array layout are designed to minimize new impacts and maintain or increase separation from sensitive receptors relative to the prior approval.

Electrical equipment and collection: Inverters and associated pad-mounted transformers will be distributed across the site and installed on concrete equipment pads. Power will be collected via cabling to the previously permitted onsite substation with delivery to the grid.

Civil works and ground disturbance: Within the current application footprint, impervious areas will be limited to pile foundations, equipment pads, and access roads. Minimal ground disturbance is anticipated due to driven pile foundations; grading will be limited to areas required for equipment pads and access roads. Best management practices will be implemented to control dust, manage stormwater, and protect adjacent resources during construction.

Security and lighting: The site perimeter will be enclosed with a six-foot-high security fence. Project lighting will be designed to code to provide the minimum illumination necessary for safety and security and will be downward-facing and shielded to focus illumination on intended areas only.

Operations: The Project will be operated as an unattended facility with periodic maintenance. Impervious surfaces are limited, supporting onsite infiltration and minimizing runoff. The Project will comply with applicable federal, state, and local requirements throughout construction, operation, and decommissioning.

Conceptual Site Plans

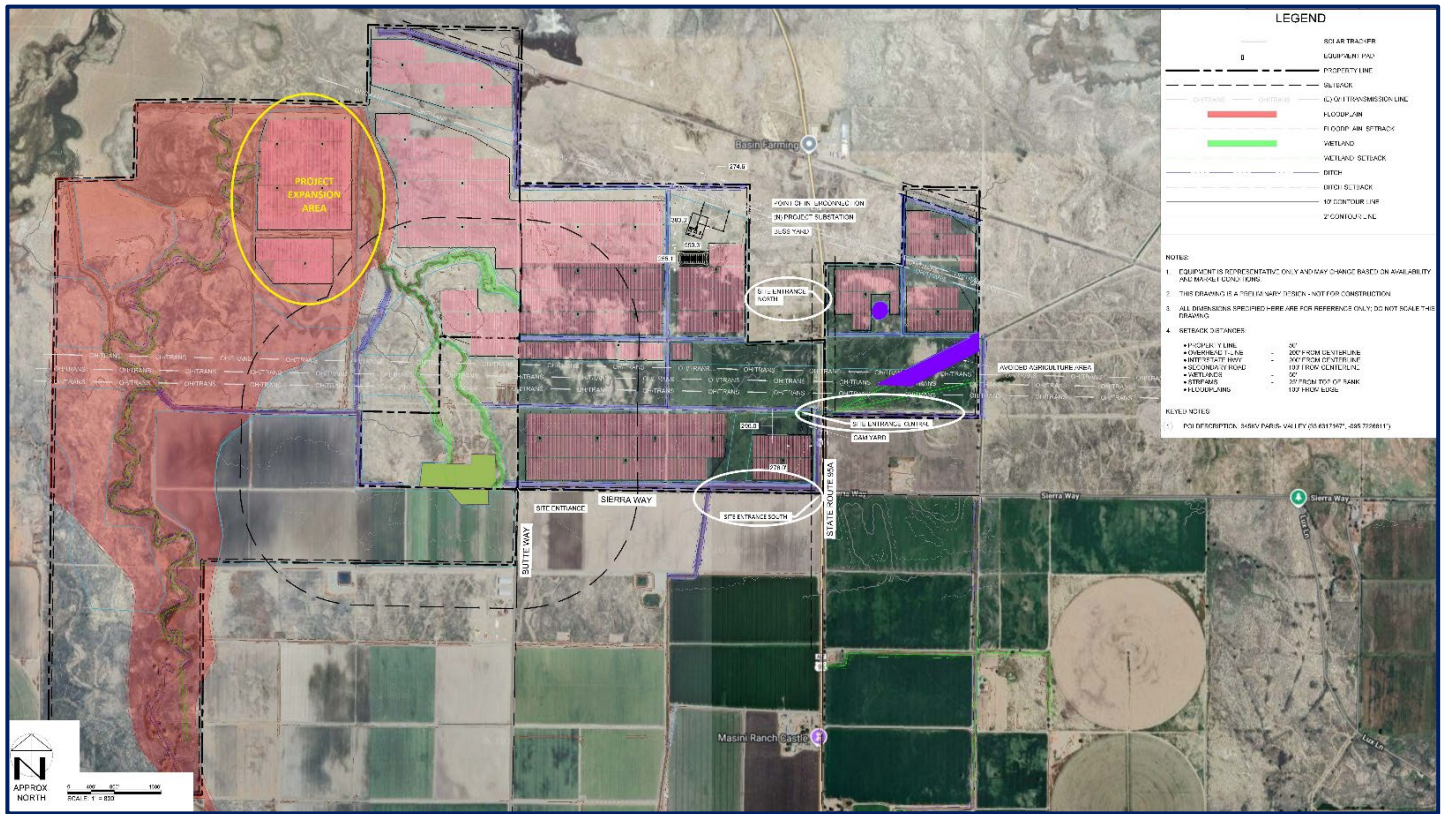
The conceptual site plan (with staff additions) on the following page shows the overall project with the additional 280-acre expansion area circled in yellow. The proposed entrances to the site are shown circled in white. This is a conceptual site plan and would be subject to building permit review.

The proposed expansion under this CUP includes all of the conditions imposed by the two former CUPs as well as site specific conditions of approval. The project expansion will include the same layout conditions as for the former CUPs. The perimeter of the subject site would be surrounded with a 6-foot tall security fence. Where the subject site abuts residentially-zoned property, a 16-foot high barrier wall would be installed per the requirements of Lyon County Code (Chapter 15.336.09 (D) (2) unless rezoned to a nonresidential zoning district.

Any on-site lighting shall comply with Code requirements to provide only the illumination necessary for safe operations and security and would be downward-facing and shielded to focus the light only on the areas of concern.

Once the facility is constructed and operational, the applicant would clean and maintain of the facility by visiting the site for visual inspections, equipment servicing, and minor repairs. Power electronics are anticipated to require servicing annually or biannually. For any major repair or replacement of a piece of equipment, the presence of additional workers may be required. There would be no full-time employees located at the site.

As part of their application process, the Applicant has been in contact with the Walker River Irrigation District.



Conceptual Site Plan

Drainage:

The Walker River Irrigation District (WRID) holds blanket easements to construct, operate and maintain irrigation and drainage ditches, flumes, pipe lines and other conduits over and across the parcels on which the project is located as may be necessary to for the irrigation and drainage of lands located within the District’s boundaries, including ingress and egress onto properties where those easements are situated. As such, the WRID will continue to work with the applicant to review the project as it progresses toward development to make sure the two parties can operate in a mutually acceptable arrangement. The General Manager of WRID has stated that WRID must approve any future development plans for the project prior to issuance of a site improvement permit/building permit for the project.

The project will be required to meet the 2024 Drainage Guidelines adopted by Lyon County.

Traffic Plan

The applicant has also provided a Traffic Impact Study (TIS). The applicant has had meetings with NDOT and Staff and the following outlines the timeline.

- October 16, 2025: Scoping meeting with NDOT. NDOT identified intersections to be analyzed for the TIS.
- December 17, 2025: TIS was submitted to Lyon County and NDOT.
- January 13, 2026: Review comments from NDOT received.
- January 22, 2026: Applicant submitted a response letter and updated TIS to NDOT and the County.
- February 20, 2026: Additional review comments from NDOT received.

Final approval from NDOT has not been granted at this time. The NDOT review letters, Applicant response letter and updated TIS (January 22, 2026) are attached to this report.

The project proposes three primary accesses to the site, as shown on the Conceptual Site Plan on the previous page. The north access will serve the small portion of the site that is on the east side of Hwy 95A. The central access will provide access to the bulk of the central portion of the site that is part of the previous CUPs. The south access site is to the west, off of Sierra Way, at the intersection with Butte Way.

As reviewed by staff, the Traffic Impact Study (TIS) submitted for the project does provide a comprehensive analysis of regional traffic impacts. The study evaluates intersections at Sierra Way, Ramsey Weeks Cutoffs and four potential Project Access Drives. At NDOTs request, the TIS update included the addition of the Monarch Data Center constructions traffic. The analyses also included looking at the addition of left turn lanes and a temporary traffic signal at Hwy 95A And Sierra Way. Their conclusions were that the temporary traffic signal at Hwy 95A and Sierra Way is recommended to increase safety and improve traffic operations during high volume construction periods due to the high speed on US-95A.

Visual Impact Study

The images that follow are from the Visual Simulation Report. The entire Visual Impact Assessment Memo is attached to this report and depicts the existing landscape and second renderings of the same picture with the project simulated in the image.



KOP 1 Original Image: Sierra Way and Butte Way, looking north



KOP 1 Simulation: Sierra Way and Butte Way, looking north



KOP 2 Original Image: Hwy 95A and Site Entrance Central, looking southwest



KOP 2 Simulation: Hwy 95A and Site Entrance Central, looking southwest

Construction and Operation

The projected construction period is estimated to be about 13 months, with the applicant estimating a peak of 350 construction workers during this time (700 daily trips) and 66 truck trips daily. During the operations phase, approximately 1 or 2 people are expected to be sufficient to operate/maintain the facility and will be using predominately passenger vehicles.

Decommissioning

Per the applicant, the lifespan of the project is approximately 20 to 35 years. The applicant has an existing decommissioning plan associated with the prior CUPs and as a Condition of Approval for this CUP, will be required to conform with the plan. Regular maintenance and replacement schedules are expected for equipment and buildings. The County, the State, and other entities will require submittal of full decommissioning plans as part of the site improvement, grading, and building permit authorizations.

STAFF REVIEW AND COMMENTS

The proposed Conditional Use Permit application is reviewed by staff and the Planning Commission, which forward recommendations to the Board of Commissioners, for final action.

FINDINGS FOR REVIEWING A CONDITIONAL USE PERMIT

When considering applications for a CUP, staff, the Planning Commission, and the Board must evaluate the impact of the conditional use on, and its compatibility with, surrounding properties and neighborhoods in order to mitigate potential impacts of the use at a particular location and make the following Findings from Chapter 15.230.06 and the Siting Requirements from Chapter 15.336.09 (D). Staff has included those Findings and Siting Requirements in **bold type** below. Each Finding is listed with the applicant's response in *italics* and then staff's comments.

FINDINGS

Finding A: The proposed use at the specified location is consistent with the policies embodied in the adopted master plan and the general purpose and intent of the applicable district regulations;

Applicant's Response

Response: Under Title 15, which implements the adopted Master Plan, commercial solar energy conversion systems (SECS) are permitted in rural residential and industrial zoning districts subject to a Conditional Use Permit. The proposed Lux Solar Center is sited and designed to be compatible with adjacent lands and uses and to mitigate potential impacts through setbacks, placement of facilities, and adherence to performance standards and conditions of approval.

The proposal supports Master Plan goals and policies by:

- Locating generation in an area that avoids adverse impacts on established residential settlements.*
- Advancing economic diversification through renewable energy generation and delivery to existing and planned energy infrastructure, including the Walker River Substation.*
- Utilizing a large parcel with minimal permanent ground disturbance and limited operational traffic and noise.*

This finding is met.

Staff Comment

Under Title 15, which implements the adopted Master Plan, commercial solar generating power facilities are allowed in rural residential districts, subject to the approval of a CUP. Compatibility with adjacent lands and uses and the mitigation of potential negative impacts is achieved for this proposed project through its design, placement, and the conditions of approval.

The proposed development is consistent with the following Lyon County Master Plan Policies, as it would be located in an area that would not adversely impact existing residential settlements and supports economic diversification through the capture and distribution of renewable energy to existing and planned energy facilities. This finding is met.

LU1.4 – Locate industrial development as designated on County-wide Land Use Plan or determined by criteria. Industrial uses, including extractive industries, will occur in areas that are designated on the Land Use Plan. New industrial uses should only be located in areas that do not adversely impact existing residential settlements.

LU 3.1 – Diverse Economic Base – The County will continue to support a diverse base of jobs to provide for a broader range of employment opportunities that are geographically distributed to be near to population centers. The county will support economic diversification throughout the county to more fully utilize the broad range of skills, knowledge and abilities inherent in our workforce.

LU 3.2 – Business and Industry Locations that are Consistent with Future Land Use Plan – Encourage commercial and industrial development to locate in designated locations shown on the Land Use Plan, where public facilities exist or are planned to accommodate such development cost-effectively. The Land Use Plan will reserve adequate lands for jobs and industry.

Finding B. The proposed use is compatible with the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods;

Applicant’s Response

Chapter 15.336.09 (D) of the Lyon County Code lists the siting requirements for commercial solar power generating facilities that are intended to encourage the development of commercial solar energy conversion systems while protecting the public health, safety, and general welfare. The previously permitted project on the same ownership is closer to both the nearest residence and the nearest lake than the proposed project; therefore, the proposed layout would result in fewer new impacts than those already approved.

15.336.09: SOLAR GENERATION, COMMERCIAL:

1. Parcel Size: A minimum parcel size of ten (10) acres net is required. No part of the commercial SECS shall be located within or over drainage, utility or other established easements.

Response: The proposed project is 280 acres in size which exceeds the minimum standard of 10 acres.

2. Setback: Each commercial SECS array must be set a minimum of one half mile (2,640 Feet) from a trail easement, highway and/or adjacent properties with an existing residential use. Setback increases to one mile (5,280 Feet) from an airport, river, perennial or intermittent stream, and/or lake. An SECS may be placed closer than 2,640 Feet from a property with an existing residential use, trail easement, or highway if it is separated by a geologic feature of a height sufficient to completely obstruct views of the commercial SECS from a point sixteen (16) vertical feet above the boundary of any Residential Zoning District.

Response: The proposed project complies with all setback requirements with the exception of the residential property line and lake setbacks, which are further detailed below.

Feature	Required Setback	Project Setback
Trail Easement	Half mile (2,640')	> Half mile (there is no trail easement in the vicinity of the project)
Highway	Half mile (2,640')	Approx. 7,146'
Adjacent property with an existing residential use	Half mile (2,640')	Approx. 1,600' to the project boundary and 2,650' to the array (Variance requested)
Airport	One mile (5,280')	> 1 mile (there is no airport in the vicinity of the project)
River	One mile (5,280')	> 1 mile (there is no river in the vicinity of the project)
Perennial or Intermittent Stream	One mile (5,280')	> 1 mile (there is no perennial or intermittent stream in the vicinity of the project)
Lake	One mile (5,280')	2,789' (Variance requested)

Ørsted is requesting a variance from the County’s residential setback requirement. As depicted in the project materials, the nearest residential property line is located on a parcel approximately 1,600’ feet from the project boundary and 2,650’ from the nearest point of the array. The property and residence are owned by the

individuals who also own the property the proposed project is located on, as well as the property the previously permitted solar project is located on. That is the only residence in the vicinity of the proposed project. Since the previously permitted project is closer to the residence than the proposed project, the proposed layout would result in fewer new impacts than those already approved.

Ørsted is requesting a variance from the lake setback requirement. The nearest lake is located approximately 2,789' north of the project area. Since the previously permitted project is closer to the lake than the proposed project, the proposed layout would result in fewer new impacts than those already approved.

3. Components: All components of the commercial SECS must be set back from the property boundary a minimum of thirty feet (30').

Response: The Site Plan shows the proposed array well outside of the 50' setback Ørsted maintains from the property line (which exceeds the 30' setback the County requires).

4. Comstock Historic District: In addition to all other requirements, all proposed commercial SECS located within the Comstock Historic District, as established by the Comstock 38 Historical Commission pursuant to Nevada Revised Statutes chapter 4, shall receive a review, approval and a certificate of appropriateness from the Comstock Historic District Commission prior to submitting an application for a conditional use permit.

Response: The project is not located within the Comstock Historic District.

5. Height: Unless otherwise approved the total extended height of a commercial SECS shall not exceed twenty-four feet (24'). The system must be in compliance with FAA regulations regarding height and lighting.

Response: The proposed panels will not exceed a total height of 15' at maximum tilt which is meets the maximum limit of 24'.

6. Minimum Standards: Standards for access, noise, design and installation, etc., shall meet or exceed the requirements of chapter 337, "Performance Requirements For Industrial Uses", of this title. However, conditions placed on the conditional use permit may be more restrictive than the minimum standards provided in this chapter.

Response: The design meets or exceeds Chapter 337 standards. Operations will not produce discernible ground vibration beyond the property line, nor odors, dust, smoke, excessive noise, or liquid or airborne pollutants. As such, this finding is met.

7. Building Permit: A permit from the County Building Department is required to install a commercial SEC system in Lyon County. In evaluating whether to approve a building permit, the building official may request and consider:

- a. Supporting technical data,**
- b. Test reports, and**
- c. Appropriate documentation from approved sources.**

Response: Ørsted will secure a Building Permit for the project prior to installation of the proposed SEC system.

8. Road Impacts:

a. Developer shall be responsible for all roadway improvements necessary to support all construction and ongoing operations of the SECS, to the satisfaction of the Lyon County Road Director.

b. The project shall require two separate traffic studies: one traffic study for the construction phase of the project and a second traffic study for the operations and maintenance phase of the project. Traffic studies shall be provided at the time of application for the Conditional Use Permit.

c. SECS projects shall not block, re-route, or restrict access to public roads, including but not limited to RS 2477 roads, which provide access to public lands. The developer may propose an alternate route as a part of the Conditional Use Permit process which the Board may approve at their sole discretion. Factors considered when determining approval of an alternate route include but are not limited to changes in travel distance/time, terrain, maintenance, granting of right-of-way, and impact to surrounding properties.

Response: Ørsted commissioned a traffic study for the project which was submitted with the applications materials. The results of the study include recommendations for several improvements to nearby roads during the construction phase to address impacts to public roadways. Additional detail is provided in the study.

9. Visual Appearance: Placement of facilities shall minimize the visual impact of the development from surrounding properties and public rights-of-way. SECSs shall be constructed and/or screened as to not unreasonably infringe upon the use and enjoyment of the surrounding properties and rights-of-way. There shall be no reflection or glare permitted to impact any public rights-of-way. Developers shall submit a visual impact study to the Community Development Department at the time of the Conditional Use Permit application.

Response: Visual impacts are minimized through setbacks, equipment placement, and perimeter screening. A visual impact study was completed for the project, which included four Key Observation Points It indicates no or low visual contrast from highways and residences, and no mitigation was recommended. Glare is not anticipated due to anti-reflective panels and solar tracking, and aviation receptors are more than 10 miles away.

10. Drainage: All improvements, including necessary road improvements, shall comply with the most recent version of the Lyon County Drainage Guidelines.

Response: The project includes the installation of PV solar arrays within a 280-acre area on the property. The proposed impervious areas will be limited to pile foundations, equipment pads, and access roads. Minimal ground disturbance is anticipated due to driven pile foundations and grading will be limited to areas required for equipment pads and access roads. Ørsted commissioned a traffic study for the project, which was submitted with the applications materials. Additional detail relating to drainage from the project is provided in the study.

11. Fire Protection: All SECS projects located outside of the boundaries of a Fire Protection District must enter into an agreement with the nearest Fire Protection District to provide fire protection, inspection, and emergency medical services.

Response: Ørsted will secure approval from the Yerington/Mason Valley Fire Protection District prior to construction and implement required fire protection measures.

12. Decommission and Reclamation Plan: Developer shall submit a reclamation plan to the department as a part of a Conditional Use Permit application. The reclamation plan shall identify the life expectancy of the project and a decommissioning timeline with milestones and shall comply with all requirements in L.C.C. 15.336.12.

Response: The project will implement decommissioning measures outlined in the approved reclamation plan for the previously approved project. As such, this finding is met.

13. Reclamation: The project must be reclaimed in accordance with the reclamation plan once the project has reached the end of its useful life. If the project owner takes steps to increase the useful life of the project, the project owner must notify the Department in writing and submit a new reclamation plan reflecting the increased project life.

Response: The project will implement decommissioning measures outlined in the approved reclamation plan for the previously approved project. As such, this finding is met.

14. Variance: Deviations from the standards established by this chapter shall require a 43 variance in accordance with chapter 203 of this title.

Response: Ørsted is requesting a variance from the County's residential and lake setback requirements as detailed in Section B above.

Staff Comment

Chapter 15.336.09 (D) of the Lyon County Code, as shown in the applicant response above, lists the siting requirements for commercial solar power generating facilities that are intended to encourage the development of commercial solar energy conversion systems while protecting the public health, safety, and general welfare.

1. The proposed project is 280 acres out of a 1,593-acre parcel, meeting this requirement.
2. The applicant has requested a Major Variance (PLZ-2025-096) in order to address the setbacks. That application is being heard concurrently with the CUP.
3. The conceptual site plan has a 50-foot setback, exceeding this requirement.
4. The subject site is not located within the Comstock Historic District boundaries and, therefore, is not subject to review and approval by the Comstock Historic District Commission.
5. The proposed height of the solar panels would not exceed fifteen (15) feet, well below the maximum allowable height of twenty-four (24) feet per the newly adopted ordinance.
6. The ongoing operation of the commercial solar power generating facility would not generate odors, dust, dirt, smoke, or excessive noise.
7. The Conditions of Approval for this application require building permits to be obtained.
8. The applicant has submitted the Traffic Impact Study to NDOT and it is under review. The TIS includes both construction and operation and maintenance phases.
9. The applicant has submitted a Visual Impact Study and meets this requirement.
10. Compliance with the 2024 Lyon County Drainage Guidelines is required in the Conditions of Approval and as such, this is requirement is met.
11. The project is within the Mason Valley Fire Protection District (MVFPD) and would require the approval of a fire/life safety plan review by the MVFPD prior to the commencement of any construction on-site.
12. The applicant has a decommissioning plan, attached to this application.
13. Any extension of the planned useful life of the project will require a new decommissioning/reclamation plan.
14. The applicant has requested a Major Variance as described in item 2 above. variance from the County's residential and intermittent stream setback requirements as detailed in Section B above.

This finding is met.

Finding C. The proposed use will not generate vehicular traffic which cannot be accommodated by the existing, planned or conditioned roadway infrastructure;

Applicant's Response

With the exception of the initial construction phase, the proposed use will not generate vehicular traffic that cannot be accommodated by the existing, planned or conditioned roadway infrastructure. The CUP for the previously-approved project includes a condition of approval that would require the Applicant to enter into a road maintenance agreement with the County for the maintenance and dust control of the Sierra Way improved right-of-way during the construction period of the project. As such, this finding is met.

Staff Comment

As stated by the Applicant, the construction phase may generate vehicular traffic that requires improvements in terms of turning lanes and a temporary traffic signal. With these requirements, the traffic can be accommodated by the existing, planned or conditioned roadway infrastructure. Additionally, the CUP includes conditions requiring a road maintenance agreement with the County and dust control of the Sierra Way improved right-of-way during the construction phase. As such, this finding is met.

- D. The proposed use incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to mitigate the development impacts;**

Applicant's Response

As noted in the comment for Finding C, this finding is met.

Staff Comment

As noted in staff's comment for Finding C, this Finding is met in the affirmative as the project would be required to enter into a road maintenance agreement during the construction period, to the satisfaction of the County. This finding is met.

- E. The proposed use incorporates features to address adverse effects, including visual impacts and noise, of the proposed conditional use on adjacent properties;**

Applicant's Response

The proposed project incorporates features that address potential adverse impacts, including visual impacts on adjoining properties through property line setbacks, a 16-foot high perimeter wall where abutting residential-zoned parcels, and the location of the proposed transfer substation away from residentially-zoned properties. This finding is met.

Staff Comment

The application does incorporate features that address potential adverse impacts. This includes visual impacts and noise impacts on the adjoining residential property to the south through property line setbacks, the 16-foot high perimeter wall where abutting residential-zoned parcels, etc. This finding is met.

- F. The proposed conditional use complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to the proposed conditional use and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of this title; and**

Applicant's Response

Our review of the regulations as well as the responses from outside reviewing agencies indicate that the proposed use complies with the additional standards required for commercial solar power generating facilities. This finding is met.

Staff Comment

Staff's review of the regulations as well as the responses from outside reviewing agencies (WRID, MVFPD, NDOT) indicate that the proposed use complies with the additional standards required for commercial solar power generating facilities.

- G. The proposed conditional use will not be materially detrimental to the public health, safety and welfare, and will not result in material damage or prejudice to other properties in the vicinity.**

Applicant's Response

The proposed commercial solar power generating facility would comply with County requirements intended to ensure the proposed conditional use would not be detrimental to the public health, safety, and welfare or result in material damage or prejudice to other properties in the vicinity. This finding is met.

Staff Comment

Staff has not found any facet of the proposed commercial solar power generating facility application that indicates the proposed conditional use would be detrimental to the public health, safety, and welfare or result in material damage or prejudice to other properties in the vicinity. This finding is met.