

## **Board of County Commissioners Lyon County, Nevada**

The Honorable Board of Lyon County Commissioners met this day, Monday, August 3, 2026, at 9:00 A.M.  
in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGTON, NV  
89447.

### **1. Roll Call**

Present: Chairman Scott Keller, Vice-Chair Tammy Hendrix, Commissioner Robert Jacobson, Commissioner John Cassinelli, and Commissioner David Hockaday

Staff Present: County Manager Andrew Haskin, Deputy District Attorney Steve Rye, Community Development Director Gavin Henderson

### **2. Pledge of Allegiance**

### **3. Public Participation**

Chair Keller asked for public comment.

Numerous people made public comment that included any or all of the following: requests that a moratorium be put into effect and/or the project be denied or continued until additional information is available, expression of opposition to the data center project and Ordinance, and concerns and/or suggestions regarding the project.

Those who made comments including the aforementioned topics included: Leo Solari, Ronda Moore, Lynne Ballatore, Patricia Swain, Cindy Blagg, James Rosaschi, Margaret Easley, Vivian Wilkinson, Rick Rehmke, Phillip Kowalski, Robin Biggs, Robert Barry, Jim Shaw, Breanna Coker, Steven Coe, Howard Scott, Phillip Woolley, Justina Yellowhair, Leah Wilkinson, Stacy Hicks, Elizabeth Bree Casper, Patrick Collins, and CJ Ainsworth.

Others who made public comment may not be mentioned here by name and/or may have their name spelled incorrectly due to not signing in, not printing their name legibly, and/or not identifying themselves by stating their name for the record.

Concerns and suggestions mentioned included water availability and usage, the size of the project, ownership changes, status of the public record, battery technology and emergency plans, utility costs, environmental pollution of air/noise and water, zoning, accountability for clean-up, nuclear energy, natural resources, effects on agriculture and wildlife, EPA involvement, the voting ability of Shannon Ceresola (Vice Chair of the Lyon County Planning Commission, due to a potential conflict of interest), moratoriums, larger meeting locations, Commissioner representation of the people, infrastructure, roads, health issues, cyber security, surveillance risk, supply chain dependencies, whether tax revenue from the project will be used to abate real estate taxes, traffic, whether this can be voted for on the November ballot, emergency response, quality of life, Sovereign senior water rights of the Walker River and Yerington Paiute tribes, lack of tribal consultation, FEMA flood zones, the Clean Water Act and federal laws, decommissioning bonds, masonry walls, to help with visual and noise pollution, lithium battery fire hazards,

Phyllis Hiskett asked if there was a way to ask questions and receive answers due to the workshop designation of the meeting.

Phillip Wooley demanded a one-year moratorium on all new data center approvals, master plan amendments, and PUD zone changes in Lyon County. He urged the Board to listen to the community, deny the Monarch zone change, and vote to enact a formal moratorium until independent environmental, hydrological, and utility impact studies are fully completed.

#### **4. For Possible Action: Review and Adoption of Agenda**

Chair Keller asked for public comment, and there was none at this time.

Comm. Hendrix moved to approve the agenda as presented; Comm. Cassinelli seconded, and the motion passed 5-0.

#### **5. Workshop**

**5.a For Discussion and Possible Action: A workshop of the Lyon County Board of Commissioners to review and discuss the current draft of the Data Center Ordinance, including proposed definitions, zoning regulations, and development standards, and to provide direction to staff on the suggested changes to the Data Center Ordinance. (Gavin Henderson, Community Development Director)**

The Board made opening comments, thanked the public for their participation, and thanked staff for their hard work.

Community Development Director, Gavin Henderson, gave a presentation on the Data Center Ordinance Workshop, including: Why We're Here, How We Got Here: A Brief History of the Data Center, How We Got Here: The Cloud & AI Era, Existing Ordinances Elsewhere, and Existing Data Center Ordinances Elsewhere.

Jeff Brigger, Vice President of Business Development & Programs and previous NV Energy Economic Development Manager for NV Energy, gave an overview of current and future interest and demands on energy, expectations, requirements, and NV Energy's IRP (Integrated Resource Plan). Mr. Brigger was available for questions and had discussion with the Board.

Community Development Director, Gavin Henderson, continued his presentation with an Ordinance Roadmap. Section 1 included: Establishing the Permitted Use, and Why This Standard.

Section 2 included: Purpose, Definitions — Core Facility Terms — Full Text, Definitions — Battery Storage (BESS) — Full Text, Definitions — Gas Power, Substations & Other Terms — Full Text, Applicability, Applicability — Full Text, Why This Standard, Application Requirements — Part 1, Application Requirements — Part 1 (A–D) — Full Text, Application Requirements — Part 2, Application Requirements — Part 2 (E–H) — Full Text, Application Requirement — Decommissioning Plan (I), Decommissioning Plan — Submittal, Timing & Standards — Full Text, Decommissioning Plan — Financial Security — Full Text, Why This Standard, Building & Site Design Standards, a Graphic Visual Representation of accepted and prohibited building features and requirements, Building & Site Design Standards — Full Text, Why This Standard, Setbacks, Setbacks — Full Text, Why This Standard, a Graphic Visual Representation of Data Center Setbacks from Adjacent Zoning Districts and Uses, Landscaping, Fencing & Screening, Landscaping — Buffers — Full Text, Equipment Screening — Full Text, Fencing & Parking Area Landscaping — Full Text, Why This Standard, a Graphic Visual

Representation of Data Center Landscape Standards, Accessory BESS & Electrical Substations, Accessory BESS & Electrical Substations — Full Text, Why This Standard, Accessory Gas Power Facilities & Emergency Generators, Accessory Gas Power Facilities & Emergency Generators — Full Text, Why This Standard, Noise Standards, Noise Standards — Full Text, Why This Standard, a Graphic Visual Representation of Data Centers & Noise Emissions, Cooling Systems & Renewable Energy, Cooling Systems & Renewable Energy — Full Text, Why This Standard, Air Quality & Lighting, Air Quality & Lighting — Full Text, Why This Standard, and a Graphic Visual Representation of Exterior Lighting Standards at the Property Line.

Section 3 included: Parking Requirements, and Why This Standard, and Section 4 included: Use Definition in Chapter 1200.

Throughout the presentation, Mr. Henderson was available for questions and had discussion with the Board.

Chair Keller asked for public comment.

Numerous people made public comment that included any or all of the following: requests that a moratorium be put into effect and/or the project be denied or continued until additional information is available, expression of opposition to the data center project and Ordinance, and concerns and/or suggestions regarding the project.

Those who made comments including the aforementioned topics included: Jim De Chambeau, Ronda Moore, Amanda Brinnand, Judith Harker, Laura Jensen, Darrell Pursel, Laurie Thom, Marlene Begay, Jim Shaw, Katie Calhoun, Vivian Wilkinson, Margaret Easley, James Rosaschi, Pamela Gurr, Kiki Ong, Leah Wilkinson, Justina Yellowhair, and Jefferson Emm.

Others who made public comment may not be mentioned here by name and/or may have their name spelled incorrectly due to not signing in, not printing their name legibly, and/or not identifying themselves by stating their name for the record.

Concerns included setback distance, how a 10-foot pre-fab concrete wall can block the view of a 95-foot tall building, the meeting format being a county commissioner meeting and not a workshop, the use of agricultural property for data centers, continuous noise, whether large load energy customers or residential customers would be shut off first in the case of a brownout or blackout, what happens with decommissioning if a company goes bankrupt or disappears, risk of disease clusters from unknown contaminants, data center size, heat islands, economic impacts of cooling costs for residents, higher demand for landscaping and irrigation requirements, increased fire danger, multi-story buildings and how they fit in the town and area, water usage to cool down fans, lack of seismological reporting, the workshop not being set-up for questions and answers, the difference between hyper scale and normal data centers, a single comment period not being sufficient, health risk concerns, lack of meaningful consultation with the Walker River and Yerington Paiute Tribes, more than three minutes being necessary to express concerns, and air/water/agriculture quality.

Suggestions and requests included requirement of large shade trees in the parking lot, lighting being dark sky red, a one year moratorium on data centers, reducing light trespass, a tiered proposal on setbacks, requirement of a heat study added to the Ordinance, larger setbacks needed, request for the Nevada Greenlink aerial map showing how everything is connected, local fire department's ability to address issues, responsible/proactive/accountable action to do service to the community/wildlife/people, requested removal of item 6b from the August 6, 2026 agenda, request from the Yerington Paiute Tribe to put this through their legal systems/environmental reviews and the ability to get consultation from the federal programs that are mandated to work with the tribe, request to get the rules in place before approving applications, request for applications to not be grandfathered in to current standards if changes are made, the Ordinance should be set up to any probable project be done on its own merit

for water/electricity/environmental impact, having a community escrow account for remediation and removal, penalties not be monetary if requirements aren't met, requirement of a formal community engagement and oversight process including required dedicated public meetings/a clear Q&A system with response timelines/regular public reporting/ongoing community oversight secured through a binding community agreement, moratorium for any future data center development including for the Monarch Data Center, a one year baseline air monitoring before construction and public air monitoring throughout the life of the facility.

Phyllis Hiskett asked whether noise study, water and sewage impact assessment, public water, wells needed, and hydrogeological evaluations mean that an EIS can be on private property, and requested that be included in the Ordinance. She mentioned a large hydrogeological study done by Copia that was never included in any of the presentations. She also raised concerns with the setbacks going from a mile to a half mile, and now 250 feet, and building height of 75 feet at 150 feet from residential is not keeping with the Lyon County Master Plan. She quoted the Master Plan, "The proximity of the natural environment will continue to be an important part of life in Lyon County, where residents will enjoy sustainable supplies of clean water for drinking and agriculture, clean air, wildlife, access to rivers, lakes, and public lands, scenic views, and dark night skies". Regarding noise level, Ms. Hiskett stated the EPA sets the standard at 55 dB for outdoors with human activities, which would be residential, but this has it at 65 and 60 at property line. In a recent presentation, Copia said that they would estimate that at property line, it would be 60 and that was at 2,000 feet away. She expressed confusion with how those kind of decibels will be met at 150 feet from the humming buildings and 250 feet from the generators, etc. Ms. Hiskett quoted another passage from the Master Plan, "Lyon County will respect and promote the distinct character and heritage of its communities, strive to retain its rural and agricultural culture, and promote cohesive and high quality development to improve the overall image and function of its communities." She also quoted from the vision statement, "Royal character and agricultural and mining heritage will continue to be a strong part of Lyon County's identity". She also mentioned the posted banner across Main Street stating that we are the harvest capital, not the industrial capital, and there needs to be some changes in this Ordinance before we set it in stone and have that held against us.

Isaac Nickelson, Principal of S3, expressed support of responsible development including cutting-edge data center construction and a well-architected Ordinance to guide responsible data center development with consideration of proper standards versus prohibitive Ordinances, moratoriums, or outright prohibition.

Zach Spencer, with Comstock, Inc., expressed support of responsible development as well as the permissible use of these technologies.

Leo Solari requested posting of complete development agreement exhibits, calculating the schedules and all the late backups on there as opposed to not seeing materials with enough time for the public to research everything. He also stated he'd like to see that we choose one binding full build water cap, reconcile with the 100 versus 800 acre feet conflict mentioned, monthly metering, an imposed automatic curtailment for violations, and something that shuts this project down until they get in compliance rather than just a fine. He also expressed concern about having quieter generators that don't generate smog.

Robin Biggs stated requests have been made since December for the Nevada Green Link in Lyon County aerial map showing how this is all connected; federal money developed the wildlife refuge so the setbacks aren't right, and our local fire department cannot address any of the issues with the fire and it needs to go to the state and federal. She stated the Board needs to act responsibly, proactive, and be accountable and do service to the community, the wildlife, and the people. She requested that agenda item 6B that is scheduled for this Thursday be removed until they do their homework and put in their paperwork that is supposed to have been done. Ms. Biggs also took note that the county commissioners are not all elected officials due to things being staggered where people have vacant seats and when it's not an electoral year. She told the Board that people apply, but the

best-qualified person is not always chosen. She addressed Commissioner Keller, stating that citizens have been publicly ridiculed that are making whispered comments to one another because it's being disruptive, and expressed Copia, NV Energy and the Senior Planner taking a ten-minute recess which lasted over 45 minutes is disruptive, and information is not available soon enough.

Steph Norby expressed belief that growth must be done responsibly and sustainably and provide a win-win outcome for the existing communities and potential incoming businesses. She also expressed support of this Ordinance and taking the time needed to draft it in a holistic, meaningful way that aligns with our existing communities, as well as the potential investors coming in to show that Lyon County is open for sustainable growth.

Puneet Kalia, owner of an AI native company, thanked the Board and the county for taking all the measures that they're doing to make sure that these data centers and anything to do with AI is adopted responsibly. He stated at the end of the day, we want technology, we want progress but at what cost, and whether that cost is citizens' peace of mind you know quality of life and so on.

Corrado De Gasperis, of Comstock, Inc., expressed support of data centers being a permitted use with responsible development.

Tray Abney, of the Nevada Data Center Alliance, stated a detailed comment letter was sent outlining several technical recommendations for the Ordinance, and expressed the Alliance's support of a data center Ordinance. He also stated support of data centers being in appropriately zoned industrial areas, held accountable for the impacts they create, and regulated like any other industrial development. He expressed concerns with data centers not being regulated under the same objective standards as other industrial developments, requiring one industry to permanently reserve developable land for speculative future use as that appears inconsistent with today's regulations, requiring data centers to post financial assurances when comparable permanent industrial buildings are not subject to the same, and the legal foundation of substantially applying substantially different development standards to one industrial use as compared to another.

Katherine Ross, principal at Greengate Data Centers, commended the Board for commitment to responsible long-term environmental stewardship and expressed the importance of partnering with high integrity data center developers.

Johnny Lau, a data center worker, gave his experience with noise, lighting, and the cooling systems at data centers in nearby counties.

Gary Handzel thanked the commissioner that recently visited a data center, but stated the scenario was like "going to the fox and asking him about the new security system he's put on the henhouse" He asked the Board if any of them would vote yes if their property was adjacent to a data center, and stated the citizens of Lyon County deserve the exact same treatment the Board would give their families, otherwise the Board is unaccountable to the voters who put them in office.

Mark Jones stated the new rules should apply to future projects, and this project should be grandfathered in.

Community development Director, Gavin Henderson was available for questions, and had discussion with the Board.

Comm. Hendrix moved that Staff has heard the recommendations from the Board and the public, and will come back with a new draft version based on the information they've been provided; Comm. Jacobson seconded, and the motion passed 5-0.

## **6. Commissioner Comments**

The Board thanked staff for their time working on the Ordinance, and the public for their comments

Comm. Hockaday also stated he'll be on Zoom for the next meeting.

## **7. Public Participation**

Chair Keller asked for public comment.

Jim De Chambeau requested the reclamation bond not include a bank letter of credit.

Ronda Moore expressed concern with the setbacks, different regulation needed for data centers, and dark sky red lighting needed.

Phyllis Hiskett questioned if it can be written into the Ordinance that EIS's must be required even for private property.

Robin Biggs expressed concern with noise affecting wildlife, the Sunshine Law Rule was violated, and there was no sound on the monitor for the first hour of the meeting, along with other concerns.

Leslie Sonne, representing Citizens to Protect Smith Valley, invited the public to the community hall on Highway 208 in Smith Valley on August 18, 2026 from 6PM to 8PM for an open house with HudBay Minerals on the Smith Valley mining project.

Melanie Mc Falls, Walker River Paiute Tribe Chairman, questioned why a workshop with Q&A was not afforded to the community. She also expressed the Walker Paiute Tribe's opposition to the construction of the Monarch Data Center.

Laurie Thom requested a moratorium until everything is figured out.

Leo Solari expressed concern that the workshop is for Copia Power, but Copia is exempt from what will be approved Thursday.

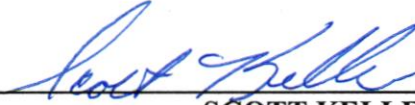
Justina Yellowhair reiterated concerns with the Ordinance being created to protect the health of the public, and chemical safety POS and hazardous materials.

Leah Wilkinson expressed concern with the Monarch Data Center not being included in the Ordinance because it hasn't been fully approved yet.

## **8. Adjourn**

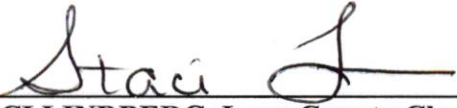
Meeting adjourned at 3:04 P.M.

LYON COUNTY BOARD OF COMMISSIONERS



SCOTT KELLER, Chairman

ATTEST



STACI LINDBERG, Lyon County Clerk/Treasurer