



N E V A D A

AGENDA
Regular Meeting
Planning Commission

Wednesday, November 12, 2025 • 5:00 PM

Members

Jenni McCullar - Chairwoman
Angela Lewis - Vice Chair
Barry Williams Sr. - Commissioner
Cody Wagner - Commissioner
Jacob VanderHeiden - Commissioner
Robert Flores - Commissioner
Tessa Garvin - Commissioner
Julianne Holt - Alternate

Fernley City Council Chambers, 595 Silver Lace Boulevard, Fernley, NV 89408

Zoom information:

Please click the following link to join the webinar: <https://us02web.zoom.us/j/82966343247>, or one tap_mobile: 12532158782, Dial: 669 900 9128, Webinar ID: 829 6634 3247

Public Notice: This agenda has been physically posted in compliance with 241.020 at Fernley City Hall, 595 Silver Lace Blvd. In addition, this agenda has been electronically posted in compliance with NRS 241.020(3) at www.cityoffernley.org and NRS 232.2175 at <https://notice.nv.gov/> To obtain further documentation regarding posting, please contact the City Clerk's Office at (775) 784-9830 or cityclerk@cityoffernley.org

Public Comment: Those wishing to address the Planning Commission may submit public comment through the [online public comment form](#), or by sending an email to cityclerk@cityoffernley.org. Comments received prior to 4:00 pm the day of the meeting will be provided to the Planning Commission and added to the record but will not be read during the live meeting. Public comments received after 4 pm the day of the meeting will be included in the record but may not reach commission members before action is taken. Public comment, whether on action items or public comment, is limited to three (3) minutes per person. Unused time may not be reserved by the speaker, nor allocated to another speaker. The public may comment on any matter that is not specifically included on an agenda as an action item or comment on a specific agenda item. Items not included on the agenda cannot be acted upon other than to place them on a future agenda. Additionally, if you wish you can comment in person at the meeting or use the Raise your Hand feature in Zoom (*9 if you are participating via phone).

Accommodations: The Planning Commission and staff will make reasonable efforts to assist and accommodate individuals with disabilities desiring to attend the meeting. Please contact the City Clerk's Office at (775) 784-9830 in advance so that arrangements can be made.

Supporting Material: Staff reports and supporting material for the meeting are available at the City Clerk's Office, and on the City's website at www.cityoffernley.org Pursuant to NRS 241.020(6), supporting material is made available to the general public at the same time it is provided to the City Council.

Order of Business: The presiding officer shall determine the order of the agenda. The Fernley Planning Commission may combine two or more agenda items for consideration; remove an item from the agenda; or delay discussion relating to an item on the agenda at any time. All items are action items unless otherwise noted. Items scheduled to be heard at a specific time will be heard no earlier than the stated time but may be heard later.

1. INTRODUCTORY ITEMS

- 1.1. Pledge of Allegiance**
- 1.2. Roll Call**
- 1.3. Public Forum**
- 1.4. (For Possible Action) Approval of Agenda**
- 1.5. (Possible Action) Approval of Minutes**

2. GENERAL BUSINESS

- 2.1. Presentation from Maurice Page, Executive Director of Nevada Housing Coalition on new legislation regarding housing and the state of housing in rural Nevada.**

3. PUBLIC HEARINGS

A. DISCUSSION WITH PLANNING COMMISSION & STAFF B. PUBLIC INPUT C. ADDITIONAL DISCUSSION WITH PLANNING COMMISSION & STAFF D. COUNCIL ACTION OR DIRECTION TO STAFF

- 3.1. (For Possible Action) Discussion and possible action regarding Bill #372 associated with ANX25001, a petition from M4 Victory Power QOZB, LLC to annex parcel 021-031-13 containing approximately 107.87 acres and generally located east of Interstate 80, west of Fernley Sink Lake, northeast of Duffy Road, and north of the existing Victory Logistics Planned Development to the City of Fernley.**
- 3.2. (For Possible Action)) Discussion and possible action to recommend approval of Bill #363 (associated with CA25006) to amend the Fernley Development Code dealing with Day Care to implement the following: 1) Amend Title 32, Chapter 2, Section 030 (Definitions) to update the Definitions of "Child Care Facility" and "Child Care, In Home" and add a definition for Adult Day Care; 2) Amend Title 32, Chapter, 7, Section 150 (Day Care/Child Care) to make minor grammatical corrections and amend Table 32.07.150-1 (Day Care/Child Care Use Standards) to update and expand on development standards; 3) Amend Title 32, Chapter 9, Section 120, Table 32.09.120-2 (Parking Ratios) to make minor grammatical corrections; and 4) Amend Title 32, Chapter 6, Section 150 (Unlisted Uses and Use Table) and amend Table 32.06.150-2 (Use Table) to make minor grammatical corrections, adjust where Day Care uses are allowed, and update required application types to establish this use type in appropriate zoning districts.**
- 3.3. (For Possible Action) - Discussion and possible action on Bill #371 in association with CA25005, a Code Amendment initiated by the City of Fernley to amend Title 32, Chapter 6, Section 150-2 (Use Table) of the Development Code to allow the use of "Recreational Facility, Major" in the I (Industrial) zoning district with a Conditional Use Permit.**
- 3.4. (For possible action) Discussion and possible action on a Conditional Use Permit application (CUP25002) submitted by Scott Tate (Northern Nevada Comstock) to allow a ±12,194-square-foot non-restricted gaming establishment ("Lucky Strike Casino") in the General Commercial (C2) zoning district on APN 021-201-60, generally located approximately 395 feet east of the intersection of Nevada Pacific Parkway and U.S. Route 50 Alternate.**
- 3.5. (For Possible Action) Consideration and possible action on a request from the Planning Department to amend the City of Fernley Development Code, Title 32, Chapter 9, Section 70 (Grading) and Chapter 2, Section 30 (Definitions), to add definitions for "Grubbing," "Standard Grading," and "Engineered Grading," and to clarify grading permit thresholds, slope limitations, erosion and dust control, inspection, bonding, and enforcement requirements (Bill #370, CA25004).**

4. CHAIR AND COMMISSION ITEMS

(SUMMARY OR ACTIVITY REPORTS ON PLANNING ISSUES, ACTIVITIES OR ORGANIZATIONS IN WHICH INDIVIDUAL MEMBERS MAY BE INVOLVED. THIS ITEM IS TO PROVIDE GENERAL INFORMATION TO THE COMMISSION AND PUBLIC. NO DISCUSSION SHALL TAKE PLACE AND NO ACTION WILL BE TAKEN.)

4.1. (Possible Action) Discussion and possible action regarding potential inconsistencies within the Development Code. Item requested by Commissioner Garvin.

5. PLANNING DIRECTOR ITEMS

(ACTIVITY SUMMARY OR UPDATES ON PROJECTS THAT HAVE BEEN PREVIOUSLY REVIEWED BY THE PLANNING COMMISSION. THIS ITEM IS TO PROVIDE GENERAL INFORMATION TO THE COMMISSION AND PUBLIC. NO DISCUSSION SHALL TAKE PLACE AND NO ACTION WILL BE TAKEN.)

5.1. Update on City Council actions from September 17, 2025 to November 5, 2025.

5.2. General Planning Department updates and announcements.

6. PUBLIC FORUM

7. ADJOURNMENT

Next Meeting: December 10th @ 5pm

**MINUTES OF THE
FERNLEY PLANNING COMMISSION MEETING
SEPTEMBER 10, 2025**

Chairwoman Jennie McCullar called the meeting to order at 5:00 pm.

1. INTRODUCTORY ITEMS

1.1. Pledge of Allegiance

1.2. Roll Call

Present: Chairwoman Jenni McCullar, Vice-Chair Angela Lewis, Commissioner Cody Wagner, Commissioner Jacob VanderHeiden, Commissioner Robert Flores, Commissioner Tessa Garvin, Commissioner Barry Williams, Alternate Commissioner Julianne Holt, City Attorney Aaron Mouritsen, Deputy City Manager Lydia Altick, Deputy City Clerk Brenda Gosser, Administrative Specialist I Sandy Harris, Planning Director Michele Rambo, Senior Planner Alisa Johansson.

1.3. Public Forum

None at this time.

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE TONIGHT'S AGENDA AS PRESENTED. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Vice-Chair Angela Lewis. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Flores, Commissioner Garvin, Commissioner Williams.

1.5. (Possible Action) Approval of Minutes

Motion: I MOVE TO APPROVE THE MINUTES FROM THE PRIOR MEETING OF THE PLANNING COMMISSION. **Action:** Approved, **Moved by:** Commissioner Robert Flores, **Seconded by:** Commissioner Tessa Garvin. **Vote:** Passed, **Summary:** Yes 6, Abstained 1. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner VanderHeiden, Commissioner Flores, Commissioner Garvin, Commissioner Williams, **Abstain:** Commissioner Cody Wagner.

2. STAFF REPORTS

2.1. (For Possible Action) Presentation by Chris Molina regarding the management of SF6 Zoning and its consequences.

Chris Molina (Zoom) discussed the influx of SF6 zoning in the City of Fernley. What the city's goals are for its housing supply, some of the issues that may arise because of this, and some potential solutions. The key concepts are households, housing supply, and housing shortages. The solutions that were presented were graduated lot size, zoning/missing middle overlays, density bonuses or incentive zoning.

Commissioner Cody Wagner stated he would really like to see more SF9 and SF12 zoning categories.

Chairwoman Jenni McCullar stated she totally agrees with Commissioner Wagner. SF6 encourages investors for rentals that are not affordable. That is not really helping our community either. We need to be more diverse.

3. PUBLIC HEARINGS

3.1. (For Possible Action) Discussion and possible action regarding the First Amendment to the Red Hawk Ranch Development Agreement (Bill #368, DA20002-AMD1) submitted by Wood Rodgers, Inc. on behalf of Red Hawk Ranch LLC, Series B and DB-BB Investments I, LCC to request the following changes: 1) incorporate all property owners and parcels into the agreement, 2) extend the expiration date of all applicable tentative subdivision maps, 3) establish the framework for a future Special Assessment District, 4) allow an on-site density transfer, and 5) relocate the community park. The Red Hawk Ranch Development Agreement, as amended, encompasses four (4) parcels totaling approximately 161.09 acres in area (APNs 021-041-07, -08, -09, -10).

Alisa Johansson, Senior Planner, presented and stated that City Council authorized the City of Fernley to enter into a Development Agreement with the developer of Red Hawk Ranch on February 3, 2021. The original agreement primarily dealt with adjacency standards as they would be applied to development within the future subdivisions. Tentative subdivision maps TSM21004 and TSM22007 were approved in 2022. The proposed amendment (AMD1) intends to add several additional stipulations while extending the expiration dates for the applicable tentative maps. The first request involves incorporating all property owners and parcels into the agreement. The tentative subdivision map known as Duets at Red Hawk Ranch is now part of the agreement. The two applicable TSMs are set to expire in 2026. We're proposing to extend those to 2031, and that extension does include the allowable extensions of time, the 2-year extensions that would be allowable under state law. In June, City Council approved Resolution 25-005, Establishing Special Assessment District Guidelines. The applicant proposes utilizing those guidelines to establish a Special Assessment District (SAD) for this property and project. That SAD would include on-site backbone infrastructure, such as roadways and utilities, off-site roadway and utility improvements and connections, mass grading, and community park improvements. The final component of the amendment scope is to relocate the community park to the retention basin that is now proposed in the northwest corner of the development.

Alisa Johansson, Senior Planner, stated a special assessment district process essentially assists developers in relieving some of the upfront cost of infrastructure by allowing for bonding of that infrastructure.

Aaron Mouritsen, City Attorney, stated that it needs to be disclosed on the sellers' Real Property Disclosure Form. When the title search is done, the realtor should inform and prepare the individual to know if there's a special assessment on their property.

Commissioner Tessa Garvin asked if there would be any additional traffic lights, or anything like that.

Michele Rambo, Planning Director, stated that the developer does have conditions to improve Main Street along the front of their property, and that was required as part of their traffic study when they submitted the maps. There was widening and a left turn lane required.

Commissioner Robert Flores asked if the structure of the bond was going to be presented to the Planning Commission, or only the City Council?

Lydia Altick, Deputy City Manager, stated that whole process does go before the City Council, and it's a very lengthy process. The developer must come to the City before it ever gets to the council and have a meeting and decide what they're going to do. Council has plenty of opportunities to not only have input, but to stop the Special Assessment District, right up to the point where you do go out for the bonds.

Derek Kirkland, Wood Rodgers, stated the original development agreement, was approved, back in early 2021. Then we came back with tentative map for Red Hawk Ranch, which is single family. Then we came back with another tentative map for the duets. Some of the things that are part of the tentative maps, and this development agreement amendment is not going to change anything, those tentative

maps are already in place, none of those conditions change. The duets at Red Hawk Ranch were not included in that development agreement. There was a separate property, separate property owner, but that's largely bringing them on and kind of why we're doing the framework for the SAD at this point. We're trying to find ways to make this a viable project, that's largely what this amendment is about. Extending the tentative maps will help us further refine the improvements and set up that special assessment district, and the community park.

Derek Kirkland, Wood Rogers, and Greg Evangelatos, Red Hawk Ranch answered questions from the Planning Commission.

There was no public comment on this matter.

Motion: BASED ON THE ANALYSIS PRESENTED IN THE STAFF REPORT, I MOVE TO RECOMMEND APPROVAL OF BILL # 368 AND DA20002 AND AMENDING THE DEVELOPMENT AGREEMENT FOR RED HAWK RANCH AS PROPOSED. **Action:** Approved. **Moved by:** Commissioner Tessa Garvin, **Seconded by:** Commissioner Cody Wagner. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Flores, Commissioner Garvin, Commissioner Williams.

Chairwoman Jenni McCullar called for a break: 6:14 pm - 6:19 pm

3.2. (For Possible Action) Discussion and possible action regarding concurrent requests for a Zoning Map Amendment (ZMA25001) and Tentative Subdivision Map (TSM25001) from Wood Rodgers, Inc. on behalf of Genica Clover Ranch, LLC, rezoning six (6) parcels containing approximately 24.72 acres from RR½ (Rural Residential, ½-acre minimum) and RR5 (Rural Residential, 5-acre minimum) to SF6 (Single Family, 6000-square foot minimum) and creating a 105-lot single-family residential subdivision generally located between Farm District Road to the south, Langdon Street to the north, Winnie Lane to the west, and Nevada Pacific Boulevard to the east (APNs 021-331-15, -19, -20, -22, -29, and -38).

Chairwoman Jenni McCullar disclosed that NRS 281A.420 requires her to disclose a conflict of interest. The matter before this body affects a material interest in her commitment to a private capacity, as her home is on adjoining property to conclude that the independence of judgment of a reasonable person would be materially affected by this relationship, she is going to be abstaining from voting on this matter.

Alisa Johansson, Senior Planner, stated the location and current zoning have already been discussed. A mix of RR5 and RR1/2 zoning that is proposed to be modified and updated to SF6 zoning. The differences between the current zoning designations and the proposed zoning designations, might be the lot size, but there are other differences, including setbacks and lot coverage.

Eric Hasty, Wood Rodgers, gave an update on recent activity. He pointed out that the average lot size being proposed is 7,700 square feet. The perimeter lots are 8,000 square feet or larger, and the 6,200 square foot lots are contained within the development itself, so in the interior roads and not along the perimeter. The no-build buffers are going to be located within the rear and side of each individual lot. Along the eastern and southern perimeter there will be a 6-foot-tall solid fence. On the western perimeter there will be two fences. One is a 6-foot-tall fence that will be right at the edge of the buffer, and then another open view fence along the property boundary. What we are proposing right now is to put a 1-to-2-foot earth berm along the property line of the irrigation ditch and then put a fence on there as well. There's a 35-foot buffer, which will also include an NV Energy easement, and a solid 6-foot fence along the western boundary. Along the eastern boundary, there is an existing 4-foot berm at the top of that on

the property line, and there will be a 6-foot solid fence. The rear yard will be a 30-foot no-build buffer, for landscaping. It will be utilized as rear backyard, but not able to construct any structures. We are asking for an amendment to condition 30 for the small portion on Clover Lane to include, instead of curb and gutter, just the ditches to help to meet the rural character of the area and preserve that. There will be a pedestrian path provided to Farm District Road. Mr. Griswold was concerned about irrigation issues, which are located at the corner of his property and the King property. We do have a proposal that will help to prevent any spillage from coming over the top of that. We are going to reinforce that box culvert and construct something that's not going to allow any irrigation water to spill out on the property.

Public Input:

Jeff Kling expressed concern about the flooding. The land to the east is essentially the same level as the bottom of the ditch. He stated adding a 2-foot berm does nothing if a rodent burrows through the bottom of the ditch. He suggested raising the land on the east side to the top of the ditch or pipe the ditch. He stated if the builder is not willing to do either of those things, he asked the Planning Commission to vote no.

Becki Howlett stated that what she gave the Commissioners was the Development Code, not the Master Plan. She purchased a home in Fernley that had a division like that. It had a fence, and then another fence, because there's a TCID ditch behind her house. She is still responsible for cleaning that section of land. She asked if the HOA is going to clean it, or is the homeowner going to have keep it clean?

Fernley resident stated that the water level is lower than the property that we're trying to irrigate. So, when we irrigate, the water is going to be probably a foot higher than our property. There's a berm on both sides of the ditch. How are you going to get the water that's below your level up on your property? The water's going to flow higher than that.

Commissioner Cody Wagner stated that he is having trouble understanding how a fenced property meets the buffer requirements.

Eric Hasty, Wood Rodgers, stated having small lots behind her house is not very aesthetically pleasing.

Motion: CONSIDERING THE INFORMATION CONTAINED IN THE APPLICANT'S SUBMITTAL PACKAGE AND BASED ON THE ANALYSIS PRESENTED IN THE STAFF REPORT, I MOVE TO RECOMMEND APPROVAL OF BILL 365 AND ZMA25001 REZONING THE SUBJECT PARCELS FROM RR1/2 AND RR5 TO SF6 AND RECOMMEND APPROVAL OF TSM25001 SUBDIVIDING 24.72 ACRES INTO 10 SINGLE-FAMILY RESIDENTIAL LOTS. **Action:** Denied. **Moved by:** Commissioner Robert Flores, **Seconded by:** Commissioner Barry Williams. **Vote:** Failed, **Summary:** Yes 2, No 4, Abstained 1. **Yes:** Commissioner Flores, Commissioner Williams, **No:** Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Garvin, **Abstain:** Chairwoman Jenni McCullar.

3.3. (For Possible Action) Discussion and possible action regarding Bill #367 associated with a Zoning Map Amendment request (ZMA25002) from the City of Fernley rezoning one parcel containing approximately 23.19 acres generally located at 2305 Farm District Road from SF20 (Single Family, 20,000-square foot minimum) to OSP (Open Space and Parks) to bring the site into conformance with the Comprehensive Master Plan land use designation of Open Space and Parks (OSP) (APN 021-303-16).

Alisa Johansson, Senior Planner, stated that this is a city-led action for a zoning map amendment at 2305 Farm District Road. We have already discussed the size and location of the property. The surrounding zoning pattern, again, for this property is quite complicated. There are a range of zoning districts surrounding this site. Most of them are single-family residential, although there are some rural residential

zoning designations mapped in the vicinity as well. The open space and parks zoning designation does not have dimensional standards. They have not been established for that district. Developments in this zone are therefore considered on a case-by-case basis. The Open Space and Parks (OSP) zoning district supports several comprehensive plan policies. It allows us to retain or enhance the aesthetic value of Fernley's natural and built environment, so, rather than a single-family zoning district that would allow residential development, this will now be an open space and park zoning designation, which allows a completely different range of uses. This zoning map amendment would also ensure that future growth is sensitive to the existing agricultural and farming uses.

Public Input:

Brad Anderson stated that he is in support of it.

Motion: BASED ON THE ANALYSIS PRESENTED IN THE STAFF REPORT, I MOVE TO RECOMMEND APPROVAL OF BILL #367 AND ZMA25002 REZONING THE SUBJECT PARCEL FROM SF20 TO OSP.

ACTION: Approved. **Moved by:** Commissioner Tessa Garvin, **Seconded by:** Vice-Chair Angela Lewis.

Vote: Passed, **Summary:** Yes 7. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Flores, Commissioner Garvin, Commissioner Williams.

3.4. (For Possible Action) Discussion and possible action regarding a Comprehensive Master Plan Amendment request (MPA25003) from the City of Fernley to adjust the Comprehensive Master Plan land use designation for an approximately 2.29-acre parcel located at 60 Sage Street from Low Density Residential (LDR) to Commercial (C) for consistency with the existing zoning designation of C2 (General Commercial) and for consistency with past Master Plan Amendments for this site (APN 020-272-01).

Alisa Johansson, Senior Planner, stated that this property is part of the southwest area of Fernley. When this area was recently remapped, it unintentionally created an inconsistency with the site's current zoning. Staff is seeking to correct that with this action. The existing underlying Master Plan land use of commercial has been replaced by low-density residential, and where the existing zoning designation of C2 is incompatible with this goal, staff feels that a corner site such as this, located next to a heavily trafficked roadway, would not be suitable for residential development, which may leave it undeveloped for many years. Staff feels that by re-implementing that commercial land use, we facilitate flexibility and feasibility, because of the likelihood of commercial development coming onto that corner site. The property owners pursued a Master Plan amendment for this property several years ago, and so we are just seeking to revert to the Master Plan land use that had previously been adopted by the city.

Public Input:

Clayton Trapp (Zoom) of Land Stewart Consulting, representing the landowner stated they do appreciate the city working to get this back to what was paid for by the landowner back in 2008.

Motion: BASED ON THE ANALYSIS PRESENTED IN THE STAFF REPORT, I MOVE TO APPROVE BILL #366 AND MPA25003 AND RECOMMEND THAT THE CITY COUNCIL CERTIFY SAID APPROVAL, ADJUSTING THE COMPREHENSIVE MASTER PLAN LAND USE DESIGNATION FOR PARCEL 020-272-01 CONTAINING APPROXIMATELY 2.29 ACRES AND LOCATED AT 60 SAGE STREET FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL. **ACTION:** Approved **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Flores, Commissioner Garvin, Commissioner Williams.

4. CHAIR AND COMMISSION ITEMS

None at this time.

5. PLANNING DIRECTOR ITEMS

5.1. Update on City Council actions from August 20, 2025, and September 3, 2025.

Michele Rambo, Planning Director, stated that at the August 20th City Council meeting, the code amendment dealing with the master plan amendment process was approved. At the September 3rd City Council meeting, contracts were approved for the capital improvement plan, impact fee study, and the infrastructure plan for the North and the Southwest areas. We also had the first readings for the two code amendments we heard last time, the home occupation and the trash enclosures.

5.2. General Planning Department updates and announcements

Michele Rambo, Planning Director, gave updates on the South Area Plan RFP. One proposal was received, so that contract will be going to the City Council next week. We have a new Associate Planner, Treston Rodriguez. He will be doing a lot of project management for big infrastructure plans.

6. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

None at this time.

7. PUBLIC FORUM

None at this time.

8. ADJOURNMENT

There being no further business to come before it, the Fernley Planning Commission meeting adjourned at 7:32 pm.

Approved by the Fernley Planning Commission on November 12, 2025, by a vote of:

AYES _____ NAYS: _____ ABSTENTIONS: _____ ABSENT: _____

Chairwoman Jenni McCullar

ATTEST:



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: November 12, 2025

REPORT TO: Fernley Planning Commission

REPORT FROM: Michele Rambo, Planning Director

FINANCIAL IMPACT:

Yes: No: X

CURRENTLY BUDGETED:

Yes: No: X

FUND/ACCOUNT:

N/A

ACTION REQUESTED: Receive/File

AGENDA ITEM:

Presentation from Maurice Page, Executive Director of Nevada Housing Coalition on new legislation regarding housing and the state of housing in rural Nevada.

AGENDA ITEM BRIEF:

During the 2025 Nevada legislative session, several laws were passed either encouraging or requiring housing for the "missing middle". The Executive Director of the Nevada Housing Coalition will present a summary of these new laws and how they affect housing needs in the rural counties of Nevada.

RECOMMENDED MOTION:

None

BUSINESS IMPACT (per NRS Chapter 237):

A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

See attached report for background, analysis, alternatives.

ALTERNATIVES:

None

BACKGROUND:

None

RELEVANT LAWS, STATUTES, AND REGULATIONS:

None

FINANCIAL IMPLICATIONS:

TBD

ATTACHMENTS:

None



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: November 12, 2025

REPORT TO: Fernley Planning Commission

REPORT FROM: Alisa Johansson

FINANCIAL IMPACT:

Yes: No: X

CURRENTLY BUDGETED:

Yes: No: X

FUND/ACCOUNT:

N/A.

ACTION REQUESTED: Motion
Ordinance

AGENDA ITEM:

(For Possible Action) Discussion and possible action regarding Bill #372 associated with ANX25001, a petition from M4 Victory Power QOZB, LLC to annex parcel 021-031-13 containing approximately 107.87 acres and generally located east of Interstate 80, west of Fernley Sink Lake, northeast of Duffy Road, and north of the existing Victory Logistics Planned Development to the City of Fernley.

AGENDA ITEM BRIEF:

Review and processing of a voluntary annexation petition for parcel 021-031-13.

RECOMMENDED MOTION:

"Considering the analysis presented in the staff report and in the application materials, I move to recommend that the City Council approve Bill #372, ANX25001, and the annexation petition contained therein."

BUSINESS IMPACT (per NRS Chapter 237):

A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

See attached report for background, analysis, alternatives.

ALTERNATIVES:

"Considering the information contained in the application materials and testimony heard during this public hearing, I move to recommend that the City Council deny Bill #372, ANX25001, and the annexation petition contained therein because I am unable to make the following required findings:

(State finding and supporting analysis—repeat for each applicable finding)."

Although no other language is provided, any motion comporting with City Council parliamentary procedures is appropriate.

BACKGROUND:

Site & Vicinity

Located within City limits in northeast Fernley, the triangular site is bounded by Interstate 80 to the west, Bureau of Reclamation lands to the east, and City of Fernley parcels to the south. Roughly 107.87 acres in size, the site is gently sloped to the south and east and directly abuts properties that are part of the Victory Logistics Planned Development along the southern property line. Vegetated with desert flora such as scrub grasses and shrubs, the property is presently undeveloped with no formal vehicular access. The immediate vicinity is similarly undeveloped with limited access.

Analysis: Annexation

When considering an application for annexation submitted under the procedures set forth in NRS 268.670, the City shall consider the following factors in rendering a decision on the application.

a. The request conforms to the requirements of NRS Chapter 268.

Nevada Revised Statutes Chapter 268 divides cities within the State into two categories: cities within counties with populations exceeding 700,000 persons and cities within other counties. The City of Fernley is located in Lyon County, the population of which is presently estimated at 64,493 persons. Thus, NRS 268.610 through 268.671, inclusive, apply to this annexation request. Due to its size, however, Lyon County does not have an annexation program or annexation commission. NRS 268.670 establishes an alternative procedure for annexation, and therein specifies that NRS 268.610 through NRS 268.668, inclusive, do not apply to such annexation requests. The request is subject to NRS 268.6257, NRS 268.663, NRS 268.670, and NRS 268.671, analyzed below.

NRS 268.6257 establishes territories that are prohibited from annexation by cities, including lands that have been conveyed to the county by federal law enacted after January 1, 2000 for the purpose of developing an airport, addressing noise compatibility issues related to airports, or that are less than one mile from such conveyed lands. None of these prohibitions apply to the subject parcel. This stipulation is met.

NRS 268.663 discusses inclusion of county roads, state highways, and railroads in annexed territories. The subject parcel does not contain any rights-of-way. The stipulations contained in this section are met.

NRS 268.670 allows, as an alternative procedure, annexation of lands contiguous to the City by petition of all property owners. M4 Victory Power QOZB, LLC is the sole property owner of the parcel in question and has submitted the appropriate petition document for review and recording. The property is contiguous to City boundaries. These stipulations are met.

NRS 268.671 establishes noticing protocols for annexed properties. These required notices to public utilities and rural electrical cooperatives will be handled by the City Clerk's office in accordance with this section. These stipulations are met.

b. The request conforms to the findings established for annexation:

1. Location of the property to be considered for annexation;

Located along Interstate 80 in northeast Fernley, the subject property is located within City limits and is considered a “County island”—a pocket of County land surrounded by City of Fernley parcels. Immediately adjacent to the existing Victory Logistics District, a planned development in North Fernley, the site’s location is well-suited to future development plans by the Mark IV Victory Group, including extension of public infrastructure as part of the planned development’s improvements.

2. The logical extension of City limits;

The subject parcel is located within City limits and the proposed annexation would not alter City limits as presently established.

3. The need for the expansion to accommodate planned regional growth;

Although this request is considered as a standalone application irrespective of future actions, City staff have been made aware of future tentative plans for the subject parcel—currently thought to include a master plan amendment, zoning map amendment, and development of a utility infrastructure facility. Considering the large quantities of power that will be required to sustain development within the Victory Logistics District, the parcel is envisioned as the future location for substantial energy infrastructure. Thus, the parcel directly serves the local and regional growth envisioned by the Victory Logistics Planned Development and the City as a whole.

4. The location of existing and planned water and sewer service;

The applicant has provided a preliminary depiction of planned and future water and sewer services. These services are anticipated to be available near the southeast corner of the site where the property abuts existing planned development within the Victory Logistics District. Staff notes that these improvement plans have been submitted for review but have not yet been granted approval by the State or by applicable City of Fernley Departments. If the preliminary plans proceed as shown, the subject parcel will have nearby access to public water and sewer infrastructure.

5. Community goals that would be met by the proposed annexation;

The following goals and action strategies are supported by the proposed annexation:

LU.1.1 Encourage and plan for new development in areas where adequate public services and facilities can be provided efficiently.

Complicated by the site’s designation as a County island and surrounded by federal lands, Interstate 80, and City of Fernley parcels, access to public services and facilities currently poses a challenge to development of the property. Service of the property by Lyon County public services and facilities is inefficient—annexing the property to the City of Fernley, where it can be served by infrastructure and service networks already in development to the immediate south, supports this community goal.

LU.1.6 Create a growth pattern that assures flexible, feasible, and efficient projects.

This annexation proposal adds adjoining developable land to the developer's City of Fernley portfolio where the site will be utilized to further the goals of the Victory Logistics District Planned Development. By approving the annexation, the City facilitates the growth contemplated in the Victory Logistics District Planned Development by providing additional opportunities for infrastructure and development siting. This enhances the feasibility, flexibility, and efficiency of the Victory Logistics project as a whole.

PSF.1.2 To the maximum extent possible, the costs of improvement, extension and construction of public

facilities should be borne by those whose land development and redevelopment actions made such improvement, extension and construction necessary. A procedure is to be established that defines the responsibility for improvements of individual projects.

The developers of this site will be responsible for extending public infrastructure to the property, ensuring that public facilities are extended to the annexed lands in a manner that is cost-effective for the City.

PSF.3.3 Ensure appropriate levels of public services and facilities are continually provided.

Already located within City limits, this County island is unable to be efficiently served by existing County infrastructure. By annexing the site, City of Fernley not only provides a more efficient and effective level of public services and infrastructure, the City also facilitates the growth of the Victory Logistics District by providing a seamless expansion opportunity north of the existing planned development. Thought to be utilized for energy infrastructure serving this planned development in the future, annexation of this parcel ensures that the substantial needs of the Victory Logistics District can be met without overburdening City infrastructure capacities.

6. The efficient and cost-effective provision of service areas and capital facilities;

As noted above, this County island cannot efficiently or cost-effectively be served by Lyon County services and facilities. By annexing this parcel, the City improves service delivery for the project site. Immediately adjacent to the Victory Logistics District Planned Development and contemplated for improvements supporting said development, the annexation of this parcel facilitates efficient and cost-effective provision of service areas and capital facilities in a portion of the City where infrastructure improvements are already planned and permitting underway. This annexation request facilitates further efficiencies by allowing the Victory Logistics District development team to site and develop their own capital improvements, thereby reducing impacts from the substantial demand envisioned by this planned development on the City's existing utility capacities and networks.

7. Fiscal analysis regarding the proposed annexation;

The subject proposal has been submitted as a standalone application. Thus, the fiscal analysis provided, per staff direction, only considers the annexation and potential development of the property as an annexed and zoning-converted site. The analysis does not consider future master plan and zoning map amendments, or future industrial development of the site. The fiscal analysis presented documents the net positive impact of low density rural residential development. It is noted that additional analyses will be conducted as part of future entitlement applications, where required by Fernley Municipal Code. It is anticipated that future industrial and infrastructure development on the site would generate additional positive fiscal impact to the City, given the relationship of this project to the overall Victory Logistics District Planned Development.

8. Whether Lyon County has adopted a community management plan for the proposed annexation area;

Lyon County does not appear to have adopted a community management plan for the proposed annexation area.

9. Whether the annexation creates any islands;

The proposed annexation does not create any islands and instead eliminates an existing island.

10. Any other factors concerning the proposed annexation deemed appropriate for consideration by City

Council.

No other factors have been identified for consideration at this time.

c. The property requested to be annexed conforms to the Master Plan,

The property proposed to be annexed will conform to the City of Fernley Master Plan. Upon annexation, the property's Lyon County land use and zoning designations will be converted to corresponding City of Fernley designations. Future development will either be consistent with these designations or appropriate master plan amendment and zoning map amendments will be requested to adjust the land use and/or zoning designations to suit the future development plans for the site.

d. Public notice was given, and a public hearing held per the requirements of the development code.

A public hearing will be held at the November 12th Planning Commission meeting. Public hearing notices were provided via US Mail to all property owners within 750' of the site on October 29, 2025. Legal notice for said public hearing was published in the Reno Gazette-Journal on October 29, 2025. An additional public hearing with appropriate public notice is tentatively scheduled for December 17th, 2025.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

General:

NRS 268 – Powers and Duties Common to Cities and Towns Incorporated Under General or Special Laws
Fernley Municipal Code, Title 32 – Development Code
City of Fernley Comprehensive Master Plan (2020 Update)

Specific:

NRS 268.670 – Annexation of contiguous territory owned by city or upon petition of all owners of real property:
Alternative procedures
NRS 268.6257 – Annexation of certain territory prohibited; exceptions.
NRS 268.663 – Inclusion of county road, state highway or railroad in annexed territory.

FMC 32.03.040(a) – Annexation

FINANCIAL IMPLICATIONS:

N/A.

ATTACHMENTS:

1. Exhibit 1 - Bill #372
2. Exhibit 2 - Vicinity Map
3. Exhibit 3 - County Islands Map
4. Exhibit 4 - Applicant Narrative
5. Exhibit 5 - Fiscal Impact Analysis

When recorded, mail to:
City Clerk
City of Fernley
595 Silver Lace Boulevard
Fernley, NV 89408

BILL #372
CITY OF FERNLEY
ORDINANCE # _____

AN ORDINANCE TO ANNEX CERTAIN LANDS INTO THE CITY OF FERNLEY INCORPORATED CITY LIMITS AS PETITIONED BY THE PROPERTY OWNER UNDER ANX25001, LANDS MORE SPECIFICALLY DESCRIBED AS ASSESSOR'S PARCEL NUMBER 021-031-13, A SITE APPROXIMATELY 107.78 ACRES IN SIZE OWNED BY M4 VICTORY POWER QOZB, LLC AND GENERALLY LOCATED EAST OF INTERSTATE 80, WEST OF FERNLEY SINK LAKE, NORTHEAST OF DUFFY RD, AND NORTH OF THE VICTORY LOGISTICS DISTRICT PLANNED DEVELOPMENT PURSUANT TO NRS 268.670 – CONTIGUOUS VOLUNTARY ANNEXATIONS AND OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF FERNLEY, hereinafter "the Council", DO HEREBY ORDAIN:

Section 1: The property described in Exhibit "A" and shown in Exhibit "B" which is attached hereto and incorporated herein by reference, situated in the County of Lyon, State of Nevada, shall become and hereafter shall be a part of the City of Fernley and shall be embraced within the corporate limits of this said City.

SECTION 2: Upon annexation, the zoning shall convert from Lyon County zoning of Rural Residential, 5 Acres (RR5) to a City of Fernley zoning of General Rural, 20-Acre Minimum (GR20).

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law and to record the plan certified herein as provided by law.

SECTION 5: This ordinance shall become effective upon passage, approval, and publication.

SECTION 6: The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 7: If any subsection, phrase, sentence, or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 8: The Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

BILL # 372 BEING HEREBY PROPOSED on the 3rd day of December, 2025.

BILL # 372 BEING HEREBY PASSED, APPROVED and ADOPTED this 17th day of December, 2025, by the following vote of the Council:

Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____

FERNLEY CITY COUNCIL

By: _____ Date: _____
Neal E. McIntyre, Mayor

Attest By: _____ Date: _____
Kim Swanson, City Clerk

**LEGAL DESCRIPTION FOR
ANNEXATION OF LAND TO THE CITY OF FERNLEY**

All that certain real property situate in the County of Lyon, State of Nevada, described as follows:

Township 21 North, Range 25 East

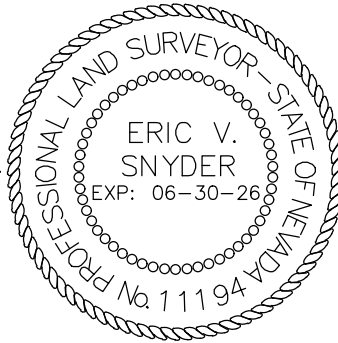
Section 33: SE 1/4; S 1/2 of NE 1/4; NE 1/4 of NE 1/4; NW 1/4 of NE 1/4; E 1/2 of W 1/2

EXCEPTING THEREFROM that portion lying Northwesterly of the Southeasterly boundary line of the parcel conveyed to the State of Nevada by Deed recorded September 4, 1964, in Book 47, Page 274, as Document No. 90007, Deed Records.

This legal description was provided in the preliminary title report prepared by Ticor Title of Nevada, Inc., order no. TTR2402735-CD, dated December 23, 2024.

Said real property contains approximately 109.06 acres.

Eric V. Snyder, PLS 11194
Bowman Consulting Group Ltd.
1150 Corporate Blvd.
Reno, NV 89502



V:\420016 - VICTORY LOGISTICS\420016-02-001 (PLN) - POWER PARCEL ANNEXATION\PLANNING\DWG\V-ANNX-MARKIV-CERESOLA.DWG

LEGEND



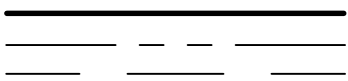
FOUND QUARTER SECTION
CORNER AS NOTED



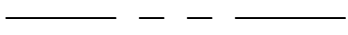
FOUND CLOSING SECTION
CORNER AS NOTED



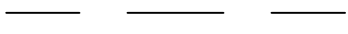
FOUND STANDARD SECTION
CORNER AS NOTED



PROPERTY LINE



SECTION LINE



ADJOINER
PROPERTY LINE

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	N46°34'20"E	414.63'
L2	S00°18'51"W	563.53'

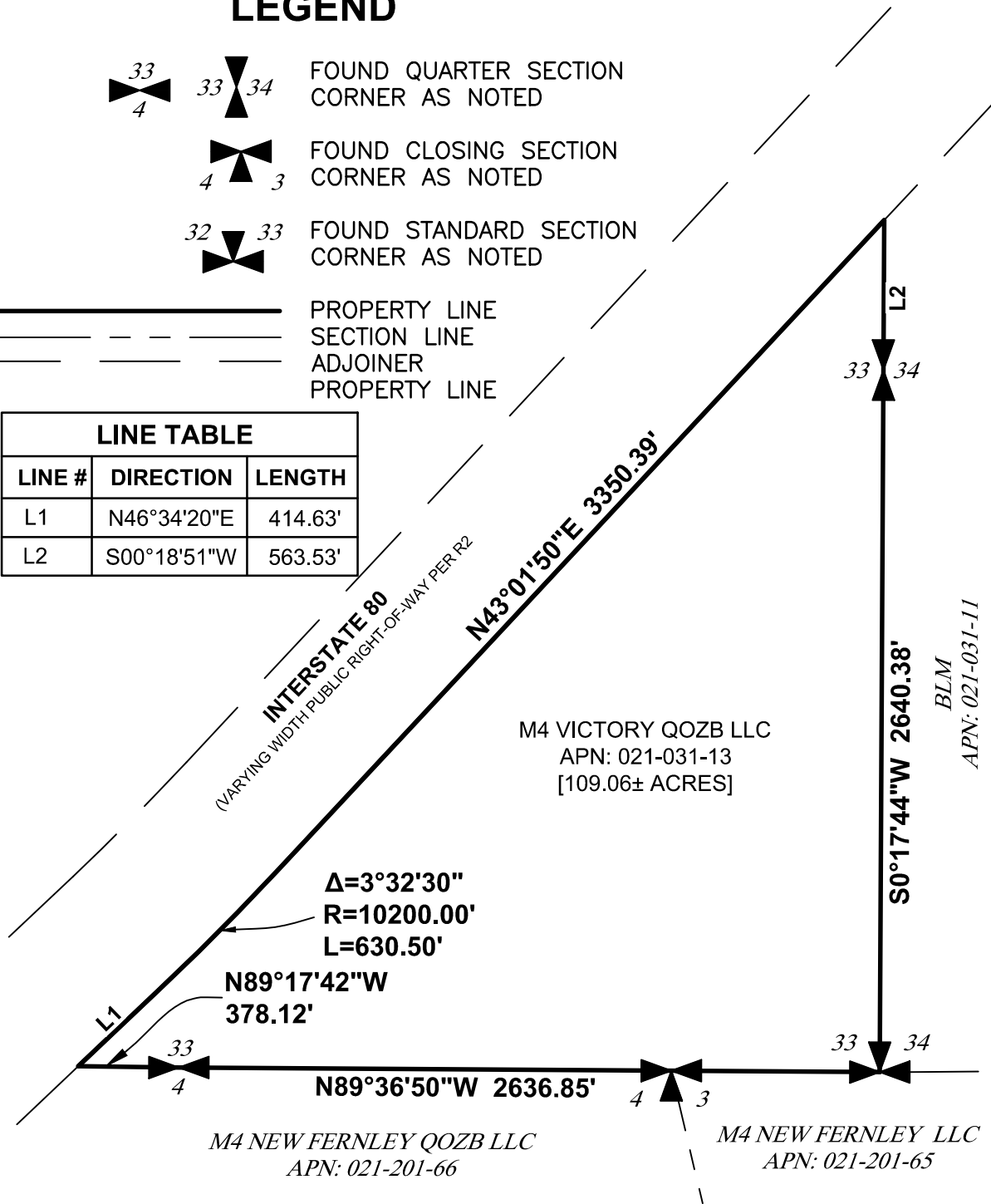


EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION FOR
ANNEXATION OF LAND TO THE CITY OF FERNLEY
LYING WITHIN PORTIONS OF NE 1/4, SE 1/4 & SW 1/4 OF
SECTION 33, TOWNSHIP 21 NORTH, RANGE 25 EAST, M.D.M.
FERNLEY, LYON COUNTY, NEVADA

Bowman
1150 CORPORATE BLVD.
RENO, NV 89502

SHEET
1 / OF 1

APN 021-031-13

Recording Requested By:
City of Fernley
Attn: Alisa Johansson, Senior Planner
595 Silver Lace Boulevard
Fernley, Nevada 89408

PETITION TO ANNEX

I am the owner of record of that certain property located in Lyon County, Nevada, Assessor's Parcel Number (APN) 021-031-13.

All that certain real property situate in the County of Lyon, State of Nevada, described as follows:

Township 21 North, Range 25 East

Section 33: SE 1/4; S 1/2 of NE 1/4; NE 1/4 of NE 1/4; NW 1/4 of NE 1/4; E 1/2 of W 1/2

EXCEPTING THEREFROM that portion lying Northwesterly of the Southeasterly boundary line of the parcel conveyed to the State of Nevada by Deed recorded September 4, 1964, in Book 47, Page 274, as Document No. 90007, Deed Records.

This legal description was provided in the preliminary title report prepared by Tigor Title of Nevada, Inc., order no. TTR2402735-CD, dated December 23, 2024.

Said real property contains approximately 109.06 acres.

I hereby petition the City of Fernley, Nevada to annex said property into the City of Fernley.

M4 Victory Power QOZB, LLC, A Delaware limited liability company
1740 N. Nevada Pacific Parkway, Suite 100
Fernley, NV 89408

SEE ATTACHED SIGNATURE AND NOTARY

Joining in execution to approve the PETITION TO ANNEX
M4 Victory Power QOZB, LLC, A Delaware limited liability company

By: Niel Nelson

Its: Senior VP. Mark IV, M.M.

STATE OF Nevada)
)SS

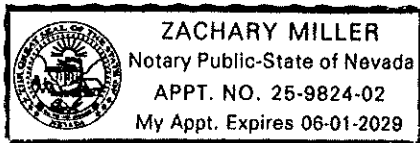
COUNTY OF Washoe)

On 10/08/25, 2025 before Zachary Miller a Notary

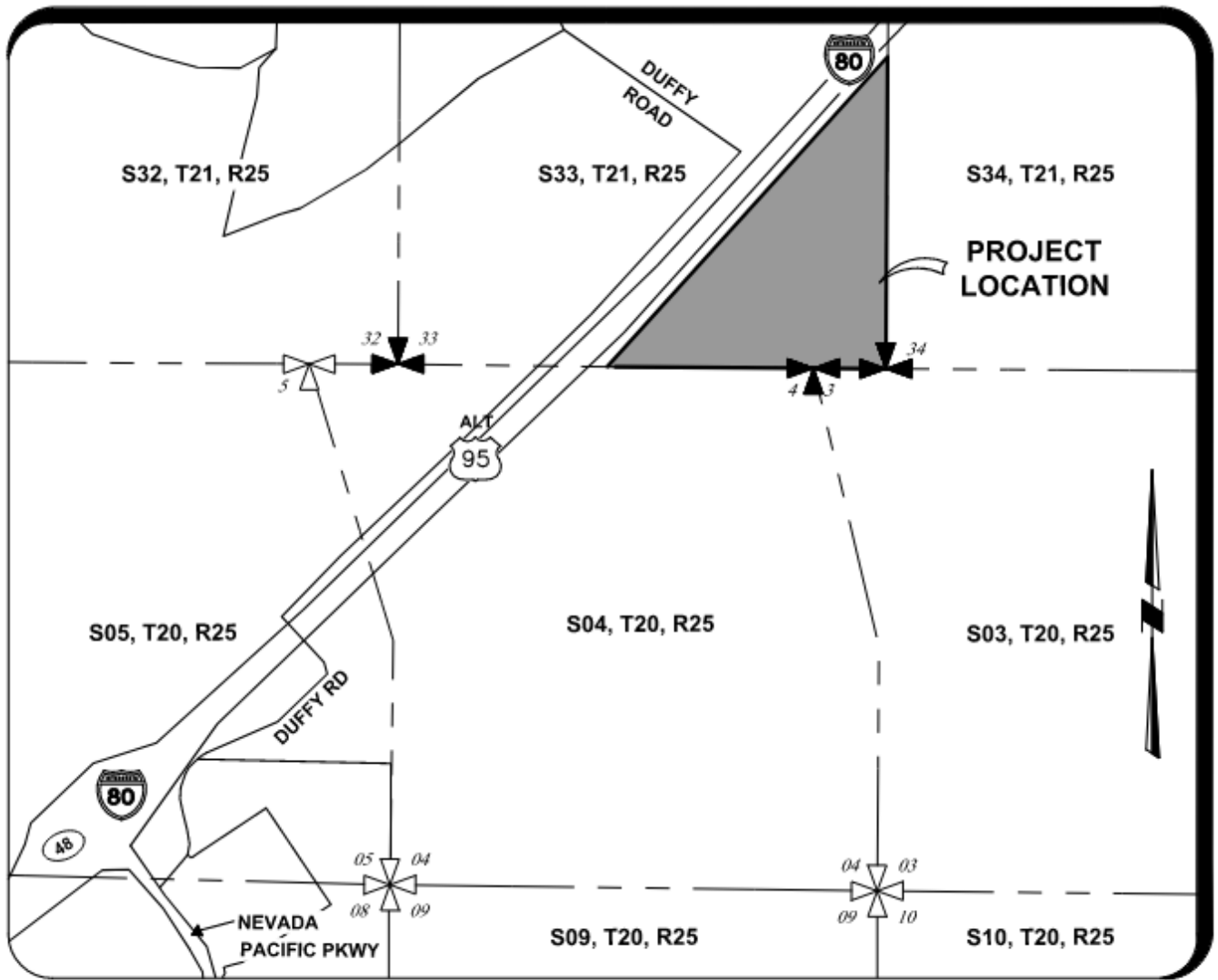
Public, personally appeared Niel Nelson who provided to me on the basis of satisfactory evidence to be the person whose name is subscribed to the written instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



- Zachary Miller
Signature of Notary Public

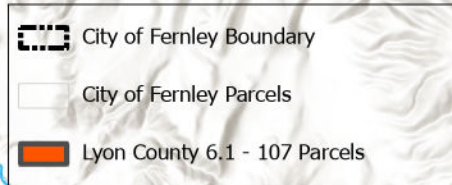


VICINITY MAP
NOT TO SCALE

Lyon County Islands Within City of Fernley Boundary

Entire City of Fernley Boundary = 164.47 sq. miles
Lyon County Parcels = 34.41 sq. miles

Remaining Area = 130.06 sq. miles



Project Site
ANX25001

City of Fernley

0 0.5 1 2 Miles

Updated Date: 6/16/2025

DISCLAIMER: The data contained herein does not represent survey delineation and should not be construed as a replacement for the authoritative source. No liability is assumed by City of Fernley as to the sufficiency or accuracy of the data.

Table of Contents

Master Application Form, Signed Letter of Authorization, Annexation Checklist
Project Narrative

Project Overview 1

Property Location & Surroundings..... 1

Project Request3

Master Plan and Zoning Conformance3

Legal Findings & Annexation Factors Review4

Attachments

- Written Description of Annexation Request & Written Documentation of Review Factors and Legal Findings
- Stamped Legal Description & Boundary Map
- Annexation Map
- Existing Site map/ALTA Survey
- Vicinity Map
- Proof of Property Tax Payment
- Preliminary Title Report

Project Overview

Proposed is the annexation of a 107.87+/- acre parcel, located at the NE corner of the Victory Logistics District Planned Development Area. The intended future use of the parcel is to supply the facilities that will be necessary for increased energy demands from growth within the Victory Logistics District. This parcel is currently recognized as an “island” of Lyon County that cannot realistically or economically obtain services or utilities from anywhere but the City of Fernley.

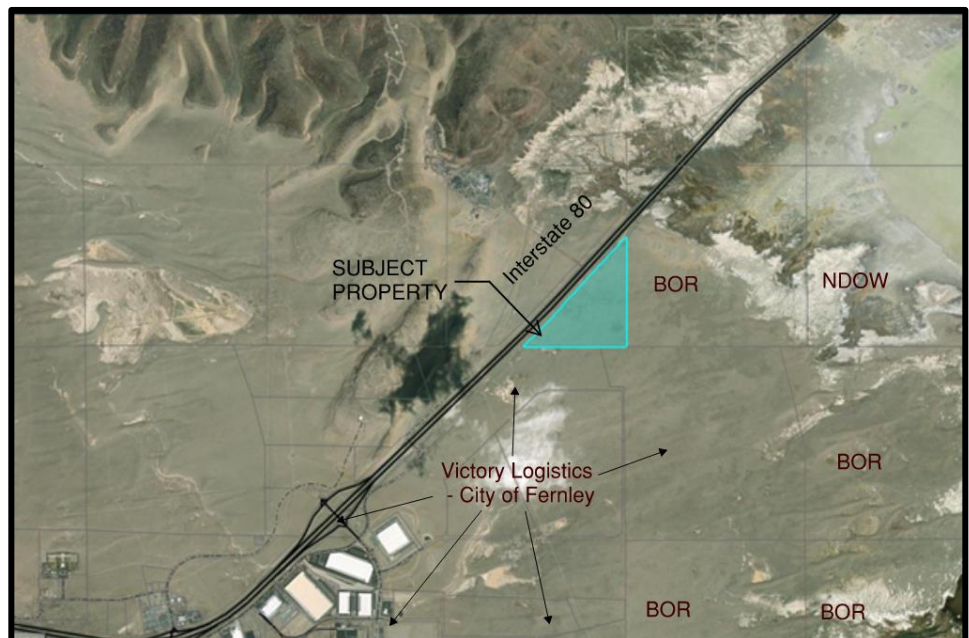
Property Location & Surroundings

The parcel subject to the annexation request is located at the NE corner of the Victory Logistics District Planned Development area. This triangular parcel is bound by the Victory Logistics District to the south, Interstate 80 to the Northwest and federal lands to the east. Utility, access and infrastructure ties from the northwest and east are not realistic options for this parcel and the only reasonable means of future service to the property is along the southern property line, where connection to the Victory Logistics District and the City of Fernley exists. The parcel is identified by Lyon Count as APN 021-031-13 and comprises 107.87+/- acres.

A Vicinity map is provided below showing the subject parcel and its relative location to the Victory Logistics District (within the City of Fernley) and to BOR and NDOW lands to the east that are not anticipated to generate any additional growth/development. .

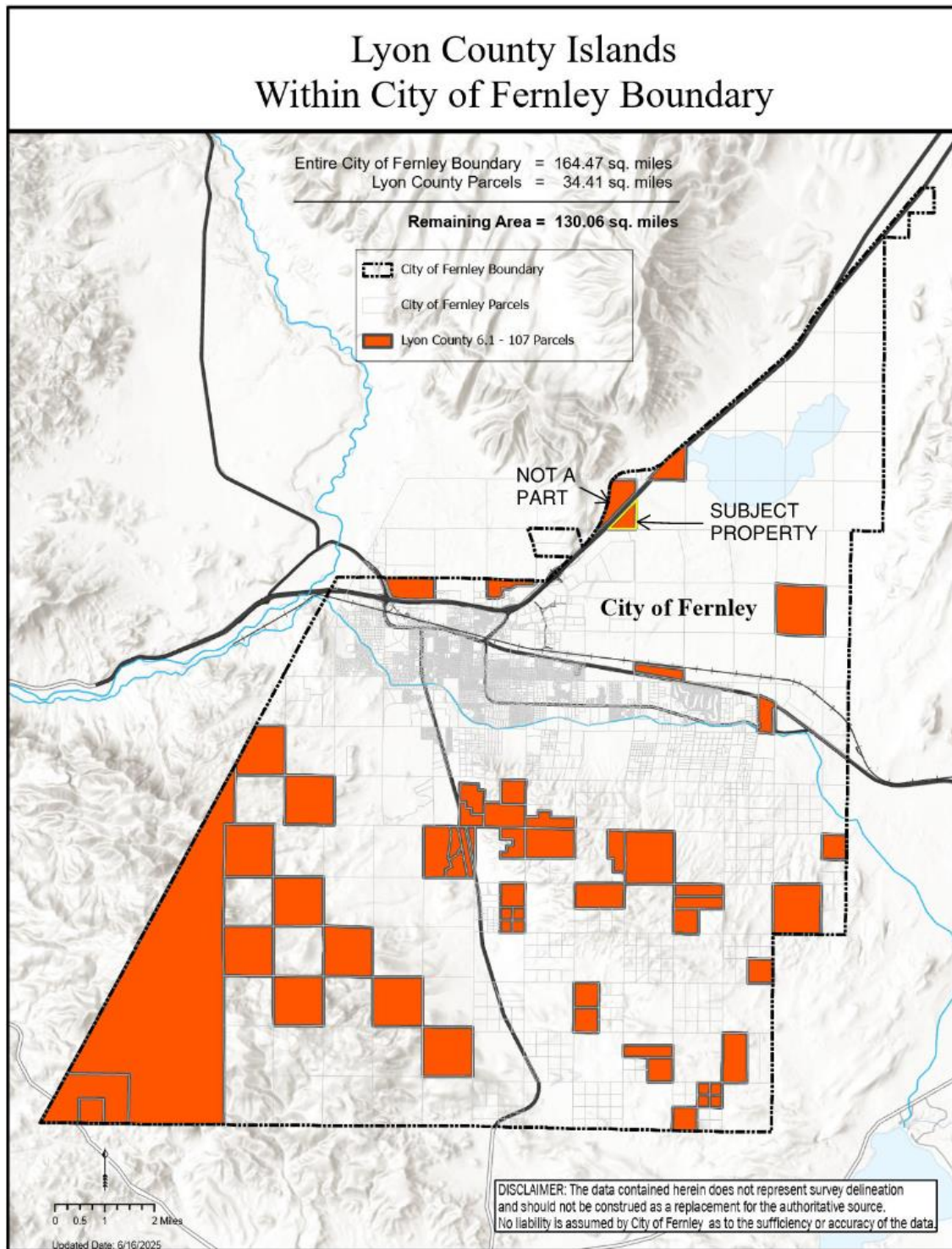
The subject property exists within the recognized City of Fernley boundary area but has not been officially annexed to the City.

The following map shows the properties that lie within the City of Fernley boundary that are “Lyon County Islands.” The subject parcel is one of the identified islands and is appropriately requested for annexation to remedy this jurisdictional challenge.



MARK IV POWER PARCEL – ANNEXATION

PROJECT NARRATIVE



Source – Lyon County Islands Within City of Fernley Boundary map, from City of Fernley Document Center

MARK IV POWER PARCEL – ANNEXATION

PROJECT NARRATIVE

Project Request

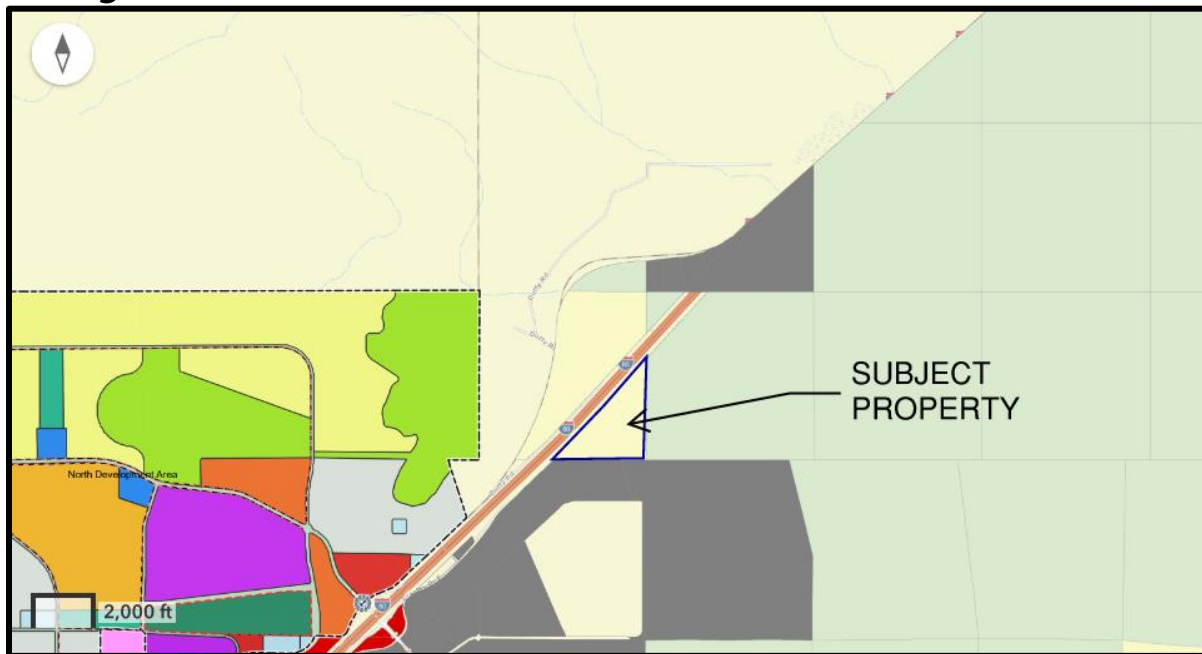
It is requested that this parcel, identified as APN 021-031-13, be annexed into the City of Fernley. In doing so, a more unified development project area is created under the design and development standards of the City of Fernley, while reducing service areas that are non-contiguous to Lyon County and better served by City services.

Master Plan and Zoning Conformance

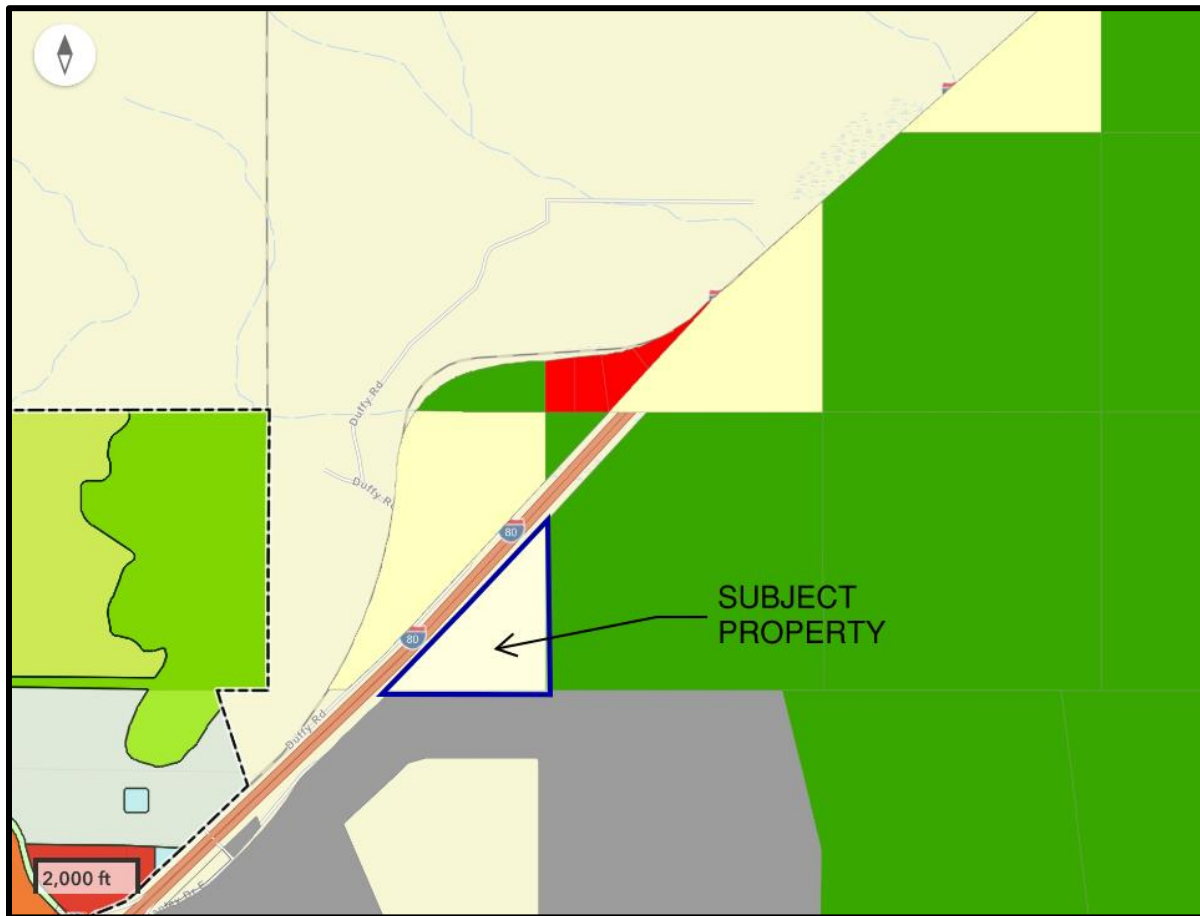
The subject property is master planned Rural Residential (RR) and zoned Rural Residential 5 (RR5). After annexation, the zoning will be the City of Fernley's Zoning Classification of RR5 per table 32.03.040-1 – Zoning Conversion Upon Annexation table in the Fernley Municipal Code.

Images of the Existing Master Plan and Existing Zoning of the subject property and surrounding area are provided below

Existing Master Plan Exhibit



Existing Zoning Exhibit



Legal Findings & Annexation Factors Review

Fernley Municipal Code 32.03.040(6) Findings for Approval identifies legal findings that must be made to approval an annexation request. The application checklist for annexations provides Factors that must be answered that are a similar list to the legal findings found in Code 32.03.040(6)(b). However, the numbering is slightly different for some of the items and an additional consideration/Factor is provided in the application checklist. To resolve this nearly duplicate legal finding/factor review, each of the findings/factors (where different in numbering) under section (b) below is identified as to what number it is in the Code or checklist item.

Following is this listing of the legal findings and factors for an annexation. Responses as to how each is met are provided in Bold.

- a. The request conforms to the requirement of NRS ch. 268

MARK IV POWER PARCEL – ANNEXATION

PROJECT NARRATIVE

Response: NRS 268.670(1)(b) identifies that annexation is allowed if 100% of the property owners in association with the area requested for annexation have made the request to the city. In this case, the property owner, representing 100% of the ownership of the property requested for annexation, have made the request of the City of Fernly.

b. Written documentation addressing the following factors:

(1) Location of the property to be considered for Annexation;

Response: The location of the property is illustrated in the previously in this project narrative. The property abuts the Victory Logistics District which provided the only privately held parcel by which access, infrastructure and utilities can reasonably be served to the site. The other two boundary abutments are to a federal highway (Interstate 80) and federally held land (Bureau of Reclamation) to the northwest and east. The subject parcel is identified to be a “Lyon County Island” and is show on a City of Fernley map reflecting this classification (See map on page 2 of this narrative).

The locational situation of the parcel and the rational route for future service connectivity provide positive justification for the approval of the proposed annexation request.

(2) The logical extension of City limits;

Response: The requested annexation is a logical extension of City limits as the parcel is directly adjacent to the Victory Logistics District and, as noted in question 1, the property is recognized as a “Lyon County Island” within the City of Fernley boundary. The recognition of the “island” classification helps to justify the annexation of this parcel and the locational tie to the current City of Fernley property within the Victory Logistics District provides additional support for the approval of this request.

(3) The need for the expansion to accommodate planned regional growth within seven years;

Response: This requested annexation is made by Mark IV, the developer of the Victory Logistics District. The long term intended use of this property is to provide energy related infrastructure that will serve the needs of future uses within the Victory Logistics District. Mark IV has been working with NV Energy to define the energy needs and timing of improvements to meet the future needs of users within the Victory Logistics District boundaries, but the definition and timing of facilities to meet the energy demand has not yet been solidified. It is foreseen that

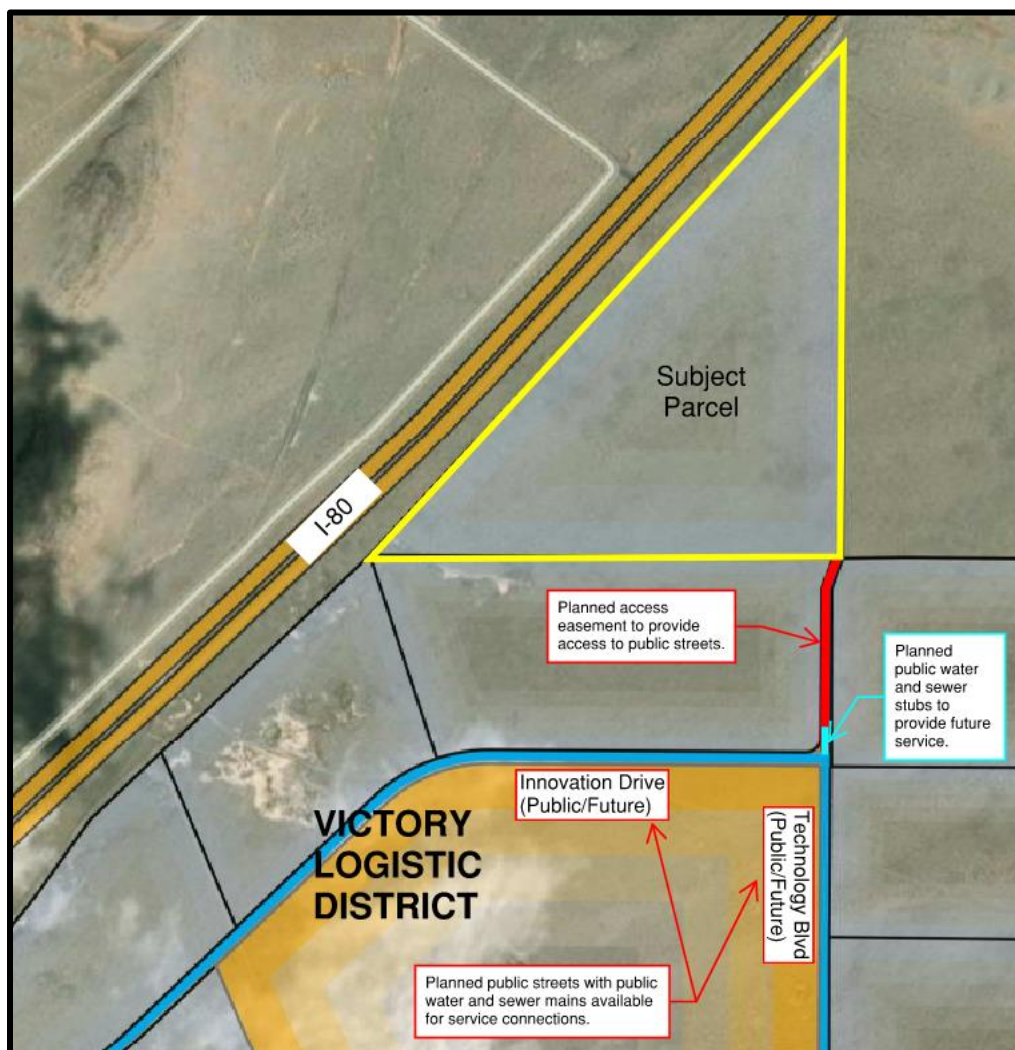
MARK IV POWER PARCEL – ANNEXATION

PROJECT NARRATIVE

energy related facilities on this parcel will be necessary within the next 7 years to meet the demand that is building within the Victory Logistics District.

(4) The location of existing and planned water and sewer service;

Response: Water and sewer services are currently planned and in review with the City of Fernley on the Victory Logistics District property to the south of the subject parcel. Below is an exhibit that shows the location of the water and sewer lines and a planned access easement to the subject parcel. The utility lines within the Victory Logistics District development will provide sufficient capacity to serve the subject parcel. will be provided within the roadway network of the Victory Logistics District. Connection to those lines is the only viable means of connection to water and sewer services as the property is adjacent to a federal highway to the north and Bureau of Reclamation land to the east.



MARK IV POWER PARCEL – ANNEXATION

PROJECT NARRATIVE

- (5) APPLICATION CHECKLIST (ONLY) - Acceptable level of services can be provided;

Response: The design and sizing of the utility lines within the Victory Logistics District has been provided to accommodate for future development of the subject property.

- (5) CODE FINDING & (6) APPLICATION CHECKLIST - City goals/policies that would be met by the proposed annexation;

Response: Please see the following applicable master plan policies that have been identified.

HP.1.1.4 Encourage the efficient use of land and existing infrastructure by focusing on achieving good design in new housing or redeveloped housing on either vacant land, infill parcels and/or under-developed parcels.

With the exception of the southern property line, the subject parcel practically cut off from access, infrastructure and utility connections. Annexation to the City of Fernley presents the only viable linkage to infrastructure and utilities to allow for future development of the subject property.

LU.1.3.2 Maintain adequate supplies of developable land for both residential and commercial land uses.

The subject property is developable by virtue of its location adjacent to Victory Logistics District.

LU.1.4.6 Review all projects in relation to their geographic location, impacts to adjacent communities, fiscal impact and mitigation measures to protect natural and cultural resources. Apply specific conditions of approval tailored for each development proposal.

A fiscal impact analysis for the subject property under the current rural residential designation. The subject parcel is directly adjacent to Victory Logistics District, as such is anticipated to provide uses that will be complementary to the nearest neighboring use. As future development plans come into focus to meet the needs of Victory Logistics District any specific reports or analysis relative to natural and cultural resources can be provided.

LU.1.5.3 Development on the perimeter of Fernley is appropriate only where orderly extension of existing public services and facilities can occur.

MARK IV POWER PARCEL – ANNEXATION

PROJECT NARRATIVE

Due to the cut off nature of the subject parcel, the proposed annexation does represent an orderly extension of the city relative to public services and facilities through a reasonable extension of the city to get rid of one of the Lyon County Islands that have been identified by the city.

LU.1.5.4 Adopt development regulations that recognize the relationship between land use timing and the provision of services and facilities.

Annexation of the subject parcel will allow the owner to propose any future development applications at an appropriate time to meet the needs on the adjacent Victory Logistics District properties.

LU.1.12.2 Any land use entitlement applications for subdivision or intensification of land shall also be required to submit a fiscal impact analysis to the approval of the City Manager or their designee.

A Fiscal Impact Analysis has been submitted with this application.

T.1.1.6 Require all new development to be consistent with the access right-of-way dedication and improvement standards as specified in the Public Works Design Manual and pursuant to the functional classification as defined in this chapter.

It is anticipated that either an access road through an easement or a future public road connection to the parcel from the intersection of Technology Blvd. and Innovation Drive will be provided. A preliminary access easement location is shown on the exhibit provided in consideration #4.

PSF.3.3.1 Coordinate the provision of public services with growth and development in Fernley.

The intended future use of the subject property is responsive to the utility needs for the Victory Logistics District, a major economic driver for the City of Fernley.

PSF.3.10.2 As areas are annexed into the City, evaluate the level of fire protection and take action, as funds are available, to insure new areas receive the same level of fire protection provided to the rest of the City.

A new fire station location is part of the requirements and improvements associated with Mark IV's Victory Logistic District and the proposed annexation parcel is within the coverage area to provide appropriate response times.

PSF.3.10.4 Require streets to be of high structural quality, sufficient width, and keep maintained to insure access of emergency and service equipment.

MARK IV POWER PARCEL – ANNEXATION

PROJECT NARRATIVE

The streets that will serve access to the subject parcel are part of the Victory Logistics District project and will meet this standard, being reviewed by the City of Fernley. Access to the subject parcel will be provided through an access easement sufficient in size and design to meet the criteria set forth and required by the North Lyon County Fire Protection District.

- (6) CODE FINDING & (7) APPLICATION CHECKLIST- The efficient and cost-effective provision of service areas and capital facilities;

Response: The nearest utilities and infrastructure improvements to the site are in design and will be constructed to the south of the subject property (within the Victory Logistics District). There is no viable opportunity to provide such necessary services and ties from any other direction to serve the subject property. As such, the annexation of the subject property will provide the most cost-effective means to provide services and capital facility connections to the property.

- (7) CODE FINDING & (8) APPLICATION CHECKLIST - Fiscal analysis regarding the proposed annexation demonstrating fiscally positive for 20 years;

Response: A Fiscal Impact Analysis has been provided with this application

- (8) CODE FINDING & (9) APPLICATION CHECKLIST - Whether there are any adopted plans for the proposed annexation area;

Response: There are no existing plans for the proposed annexation area. The future use of the property is still in discussion and consideration for what I will need to incorporate. It is expected that the subject parcel will provide energy associated uses that will help to meet the energy needs of the future uses within the Victory Logistics District.

- (9) CODE FINDING & (10) APPLICATION CHECKLIST - Whether the annexation creates any islands; and

Response: This request removes a “Lyon County Island” as shown on the Lyon County Islands within City of Fernley Boundary map, sourced from the City of Fernley Document Center.

- (10) CODE FINDING & (11) APPLICATION CHECKLIST - Any other factors concerning the proposed annexation deemed appropriate for consideration by the City Council.

Response: It is believed that the isolated situation of the subject parcel with the only viable linkage for utilities, infrastructure and access to public services leads to the obvious conclusion that this parcel needs to be annexed to the City of Fernley.

MARK IV POWER PARCEL – ANNEXATION

PROJECT NARRATIVE

c. The property requested to be annexed conforms to the master plan.

Response: The property in questions conforms to the Lyon County Master Plan and will conform to the City of Fernley's Comprehensive plan when annexed. The current zoning on the site is Lyon County RR-5 and will convert to the City's version of that zoning designation, RR5, upon annexation. The conversion table is TABLE 32.03.040-1 - Zoning Conversion Upon Annexation.

A review of applicable policies to this request is provided above in response to Code Finding (5).

d. Public notice was given, and a public hearing held per the requirements of the development code.

Response: Public Notice for the public hearing for this annexation request will be provided.

MARK IV-VICTORY ANNEXATION

APN 021-031-13

City of Fernley

Fiscal Impact Analysis

SEPTEMBER 9, 2025

Prepared by:



EKAY Economic Consultants, Inc.

Economics for the changing world

550 West Plumb Lane

Suite B459

Reno, NV 89509

(775) 232-7203

www.ekayconsultants.com

Table of Contents

Mark IV-Victory Annexation APN 021-031-13

TABLE OF CONTENTS

EXECUTIVE SUMMARY	I
METHODOLOGY.....	2
FINDINGS	5
Table 1. Summary of Estimated City of Fernley General Fund Impacts, 20-Year Total	5
Table 2. Summary of Estimated City of Fernley General Fund Impacts, by Year	6
Table 3. Summary of Estimated North Lyon County Fire Protection District Fire and Ambulance Fund Impacts, by Year.....	7
LIMITING CONDITIONS & DISCLOSURES.....	8
APPENDICES	9

MARK IV-VICTORY ANNEXATION

CITY OF FERNLEY FISCAL IMPACT ANALYSIS

EXECUTIVE SUMMARY

Ekey Economic Consultants, Inc. (EEC) of Reno, Nevada was retained to conduct a fiscal impact analysis of the annexation of parcel 021-031-13 to the City of Fernley, Nevada. Findings of the analysis are summarized below.

- The parcel includes 107.87 acres of vacant space zoned RR5. Given this zoning, the analysis assumes 21 single family units can be constructed on the parcel if annexed to the City and developed.
- The project is estimated to generate a \$539,000 revenue surplus over the 20-year analysis period for the City of Fernley's General Fund.
 - The project is estimated to generate \$868,000 in revenue over the 20-year analysis period for the General Fund.
 - The project is estimated to generate costs to the General Fund of \$328,000 over the 20-year analysis period, including a 3% contingency amount.
- The project will have a **positive** fiscal impact on the City of Fernley.
- The project will also have a positive fiscal impact on the North Lyon County Fire Protection District with a 20-year revenue surplus of \$102,000.

METHODOLOGY

Buildout assumptions for the proposed project provide the foundation on which the fiscal impact analysis is based. These assumptions are shown in Appendix 1 and represent information provided by the developer based on past experience and existing market data.

Appendix 1 shows annually the number of residential units, acres, land and improvement values, and construction materials costs for the project. It should be noted that information in Appendix 1 is based on the best information available to the developer and EEC as of the date of the report and may change as the project moves through the approval and planning process and begins development. This fiscal impact analysis may be revised if such changes occur.

Buildout assumptions shown in Appendix 1 are used to estimate revenue and costs generated by the development for the City of Fernley. The fiscal impact of the parcel annexation and development on the North Lyon County Fire Protection District, which will provide fire and medical services to the parcel, is also included.

Appendices at the end of this report present revenue and cost projections on an annual basis over the analysis period. Assumptions used in developing these estimates are presented at the end of each appendix. These appendices are:

Appendix 1: Buildout Assumptions

Appendix 2: City of Fernley Estimated Number of Residents

Appendix 3: City of Fernley Comparison of Estimated Revenue to Estimated Costs

Appendix 4: Estimated Property Tax Revenue

Appendix 5: Sales Tax Revenue

Appendix 6: City of Fernley Estimated Building Permit Revenue

Appendix 7: North Lyon County Fire Protection District Estimated Revenue and Costs

The following assumptions were made in this analysis:

1. Residential land value and construction costs for the project are unavailable at this early stage in the planning process. Land and improvement values for property tax purposes are estimated using data for single family residences on 4.5 to 5.5-acre lots in the City of Fernley. Please see Appendix 1 for more information.
2. The analysis estimates 59 residents for the project at full buildout. All residents of the project are estimated to be new residents of the City, whether due to development residents moving to City of Fernley from outside the area or moving from existing area homes, as these homes are expected to be occupied by new residents to the area. A vacancy adjustment based on single family vacancy rates in the City of Fernley is also included. Population estimates are shown in Appendix 2.
3. The fiscal impact analysis for the City of Fernley includes all revenue and expenditure sources for the General Fund, as this fund will receive the majority of revenue from, and provides the majority of services to, the project. Revenue and cost estimates for the Fund are summarized in Appendix 3.

The analysis does not include an impact of the project on Special Revenue and Capital Projects funds, including Administrative Assessment Fund, Court Facility Fee Fund, Grants Fund, Transient Lodging Tax Fund, and Capital Projects Fund as the impact of the project on these funds is difficult to estimate or is expected to be minimal.

The analysis does not include any Enterprise Funds, including Water and Sewer utility funds as these funds are designed to break even or generate a surplus. The analysis expects fees associated with project residents will generate sufficient revenues for these funds to cover any costs associated with the project.

4. Fiscal impact revenue and cost estimates are made using three methodologies. The main (direct) methodology utilizes existing tax rates, service levels, national service standards and information from department representatives. This methodology is used to estimate revenues from sales, property tax, and impact fee sources.

Mark IV-Victory Annexation APN 021-031-13

If the detailed information required for this type of analysis is not available or the impact on the revenue or expenditure source is expected to be directly related to population changes, the ACM (average cost method) is used to estimate costs and revenues associated with the project. This method uses per capita revenue and expenditure amounts applied to the estimated residential population of the project.

Indirect administrative costs, such as costs associated with providing services (finance, legal, etc.) to the direct service departments are estimated as percent of additional direct services, the third methodology used in the analysis.

Appendix 3 provides detailed assumptions and calculations for each of the three methods for the City of Fernley.

5. Information for the ACM and the indirect cost analyses was obtained from the fiscal year (FY) 2025-26 budget documents for the City of Fernley. FY 2024-25 is used as the base year for the analysis, as this is the latest year for which non-budgeted, actual data is available.
6. Revenue and expenditure impacts of annexation on the North Lyon County Fire Protection District are also included, as shown in Appendix 7. The analysis estimates revenues associated with three major sources only: property tax, sales tax, and ambulance fees. The analysis includes all costs associated with Fire and Ambulance Fund operations, combined. Revenue and expenditure data is based on FY 2024-25 estimated amounts.
7. Additional information for revenue and cost estimate methodology, sources of data, calculations, and findings is provided in the appendices attached to this report.

Findings

Mark IV-Victory Annexation APN 021-031-13

FINDINGS

Findings of the fiscal impact analysis are presented below with summaries for estimated revenue and costs for the City of Fernley and North Lyon County Fire Protection District.

Table 1 summarizes the estimated impact of the project on the City of Fernley General Fund over the 20-year analysis period. Detailed information for General Fund revenues and costs by line item, by year, as well as methodology for estimating these costs and revenues is found in Appendix 3.

Table 1. Summary of Estimated City of Fernley General Fund Impacts, 20-Year Total

Estimated Revenue	
Taxes	\$ 670,193
Licenses and Permits	171,844
Intergovernmental	21,121
Fines and Forfeitures	4,389
Miscellaneous	-
TOTAL	\$ 867,548
Estimated Costs	
General Government	\$ 108,900
Judicial	17,925
Public Works	3,277
Health	23,383
Culture and Recreation	75,646
Community Development	89,774
Subtotal	\$ 318,905
Contingency	9,567
TOTAL	\$ 328,472
Revenue Surplus/(Deficit)	
Estimated Surplus/(Deficit)	\$ 539,076

The table shows the project is estimated to result in a revenue surplus for the City of Fernley General Fund in the amount of \$539,000 over the analysis period. Table 2 shows the estimated impact of the project on the City of Fernley General Fund over the analysis period, by year.

Findings

Mark IV-Victory Annexation APN 021-031-13

Table 2. Summary of Estimated City of Fernley General Fund Impacts, by Year

Year	Estimated Project Revenue	Estimated Project Costs	Revenue Surplus/ (Deficit)	Cumulative Surplus/ (Deficit)
Year 1	\$ 184,320	\$ 112,234	\$ 72,086	\$ 72,086
Year 2	31,101	9,467	21,634	93,720
Year 3	31,593	9,657	21,937	115,657
Year 4	32,093	9,850	22,244	137,901
Year 5	32,601	10,047	22,555	160,455
Year 6	33,117	10,248	22,870	183,325
Year 7	33,642	10,453	23,189	206,514
Year 8	34,174	10,662	23,513	230,026
Year 9	34,716	10,875	23,841	253,867
Year 10	35,266	11,092	24,173	278,040
Year 11	35,825	11,314	24,510	302,551
Year 12	36,392	11,541	24,852	327,402
Year 13	36,969	11,771	25,198	352,600
Year 14	37,555	12,007	25,549	378,149
Year 15	38,151	12,247	25,904	404,053
Year 16	38,756	12,492	26,264	430,318
Year 17	39,371	12,742	26,630	456,947
Year 18	39,996	12,997	27,000	483,947
Year 19	40,631	13,256	27,375	511,321
Year 20	41,276	13,522	27,755	539,076
TOTAL	\$ 867,548	\$ 328,472	\$ 539,076	

The project will have a **positive** fiscal impact on the City of Fernley, generating a revenue surplus for the City's General Fund in each year of the 20-year analysis period.

Table 3 provides a summary of the annual revenue and expenditure impact of the parcel on the North Lyon County Fire Protection District. Appendix 7 shows detailed calculations of revenues and costs for the District.

Table 3. Summary of Estimated North Lyon County Fire Protection District Fire and Ambulance Fund Impacts, by Year

Year	Estimated Project Revenue	Estimated Project Costs	Revenue Surplus/ (Deficit)	Cumulative Surplus/ (Deficit)
Year 1	\$ 16,573	\$ 11,273	\$ 5,301	\$ 5,301
Year 2	16,321	11,498	4,823	10,124
Year 3	16,581	11,728	4,853	14,977
Year 4	16,845	11,963	4,882	19,859
Year 5	17,113	12,202	4,912	24,771
Year 6	17,386	12,446	4,940	29,711
Year 7	17,663	12,695	4,968	34,679
Year 8	17,945	12,949	4,996	39,676
Year 9	18,231	13,208	5,023	44,699
Year 10	18,522	13,472	5,050	49,749
Year 11	18,817	13,741	5,076	54,825
Year 12	19,118	14,016	5,102	59,927
Year 13	19,423	14,296	5,126	65,053
Year 14	19,733	14,582	5,151	70,204
Year 15	20,048	14,874	5,174	75,378
Year 16	20,368	15,171	5,197	80,574
Year 17	20,694	15,475	5,219	85,793
Year 18	21,024	15,784	5,240	91,033
Year 19	21,360	16,100	5,260	96,294
Year 20	21,702	16,422	5,280	101,574
TOTAL	\$ 375,468	\$ 273,895	\$ 101,574	

Table 3 shows the parcel, if annexed and developed as currently zoned, will generate a revenue surplus for the North Lyon County Fire Protection District of \$102,000 over the 20-year analysis period.

LIMITING CONDITIONS & DISCLOSURES

In the preparation of this report, EEC asserts:

- The report is to be used in its entirety, and no part is to be used without the whole.
- In preparing this report, EEC relied on information provided by other individuals or found in previously existing records and/or documents. This information is assumed to be reliable. However, no warranty, either expressed or implied, is given by EEC for the accuracy of such information and EEC assumes no responsibility for information relied upon later found to have been inaccurate.
- EEC may amend this report in the event additional documents and/or other material discovered subsequent to the submission of this report and pertinent to the report and/or the conclusions contained herein are made available.
- EEC assumes no responsibility for economic, physical, or demographic factors, which may affect or alter the opinions of this report if said economic, physical, or demographic factors were not present or known as of the date of this report.
- Possession of this report, or a copy of this report, does not carry with it the right of publication. Without the consent of EEC, this report may not be used for any purpose by any person other than the party for whom this report was prepared.

APPENDICES

**APPENDIX 1
BUILDOUT ASSUMPTIONS**

<u>YEAR</u>	<u>USE TYPE</u>	<u>ACRES DEVELOPED</u>	<u># OF RES. UNITS</u>	<u>LAND VALUE</u>	<u>IMPROV. VALUE</u>	<u>CONSTRUCT. MATERIALS</u>
Year 1	Single Family	107.87	21	\$ 3,066,000	\$ 7,770,000	\$ 3,885,000

APPENDIX 1, ASSUMPTIONS:

1. Project information is summarized as follows:

	<u># of Units</u>	<u># of Acres</u>	<u>Land Value/ Unit</u>	<u>Improvement Value/Unit</u>
Single Family	21	107.87	\$ 146,000	\$ 370,000

Source: Development acreage from Lyon County Assessor's Office. Number of units calculated based on the parcel's existing zoning of RR5. Land and improvement value information from actual values for similar land uses in Fernley from Lyon County Assessor's website.

2. Construction Materials Cost: **50%** of improvement value (construction cost) is assumed to be construction materials cost. Source: Discussions with contractors.

**APPENDIX 2
CITY OF FERNLEY
ESTIMATED NUMBER OF RESIDENTS**

<u>YEAR</u>	<u>USE TYPE</u>	<u># OF UNITS BUILT</u>	<u># OF OCCUPIED UNITS</u>	<u># OF RESIDENTS</u>	<u>CUMULATIVE # OF RESIDENTS</u>
Year 1	Single Family	21	-	-	-
Year 2	Single Family	-	21	59	59
TOTAL		21	21	59	59

APPENDIX 2, ASSUMPTIONS:

- Residents of the development are estimated using **2.87** persons per household.
Source: "B25124 Tenure by Household Size by Units in Structure." 2023 American Community Survey, 5-Year Estimates. Data for City of Fernley, NV, single family units.
- Residents are estimated based on occupied units, which includes the number of units built adjusted for the vacancy rate of **1.1%** Source: "B25024 Units in Structure" and "B25124 Tenure by Household Size by Units in Structure." 2018 American Community Survey 5-Year Estimates. Data for City of Fernley, NV. Units are assumed to be occupied in the year after construction.

**APPENDIX 3
CITY OF FERNLEY
COMPARISON OF ESTIMATED REVENUE TO ESTIMATED COSTS**

		Estimated FY 2024-25	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	SUBTOTAL
GENERAL FUND													
<u>REVENUE</u>													
<u>Taxes</u>													
Ad Valorem ¹	Appendix 4	\$ 25,623	\$ 26,007	\$ 26,397	\$ 26,793	\$ 27,195	\$ 27,603	\$ 28,017	\$ 28,437	\$ 28,864	\$ 29,297	\$ 29,297	\$ 274,234
Residential Construction Tax ¹		77,700	-	-	-	-	-	-	-	-	-	-	77,700
Subtotal		\$ 103,323	\$ 26,007	\$ 26,397	\$ 26,793	\$ 27,195	\$ 27,603	\$ 28,017	\$ 28,437	\$ 28,864	\$ 29,297	\$ 29,297	\$ 351,934
<u>Licenses and Permits</u>													
Business License Fees ^{2,3}		\$ 887,076	\$ 1,093	\$ 1,114	\$ 1,137	\$ 1,159	\$ 1,183	\$ 1,206	\$ 1,230	\$ 1,255	\$ 1,280	\$ 1,306	\$ 11,963
Franchise Fees ^{2,3}		1,865,954	2,298	2,344	2,391	2,439	2,488	2,537	2,588	2,640	2,693	2,747	25,165
Liquor License Fees ²		44,125	109	111	113	115	118	120	122	125	127	130	1,190
Gaming License Fees ²		154,429	380	388	396	404	412	420	428	437	446	455	4,165
Animal Licenses ²		5,100	13	13	13	13	14	14	14	14	15	15	138
Passport Fees ²		29,345	72	74	75	77	78	80	81	83	85	86	792
Building and Civil Permit Fees ⁴	Appendix 6	75,511	-	-	-	-	-	-	-	-	-	-	75,511
Planning and Zoning Fees ⁵		344,504	-	-	-	-	-	-	-	-	-	-	-
Public Works/Civil Fees ⁵		166,493	-	-	-	-	-	-	-	-	-	-	-
Public Works/Civil Inspect. Fees ⁵		56,506	-	-	-	-	-	-	-	-	-	-	-
Other Fees ⁵		-	-	-	-	-	-	-	-	-	-	-	-
Subtotal		\$ 79,475	\$ 4,044	\$ 4,125	\$ 4,207	\$ 4,292	\$ 4,377	\$ 4,465	\$ 4,554	\$ 4,645	\$ 4,738	\$ 4,738	\$ 118,924
<u>Intergovernmental Revenue</u>													
C-Tax CCRT (Sales Tax @ 2.25%) ⁶	Appendix 5	\$ 797	\$ 311	\$ 317	\$ 324	\$ 330	\$ 337	\$ 343	\$ 350	\$ 357	\$ 364	\$ 364	\$ 3,831
Remainder C-Tax Sources ⁶		25,578	63	64	66	67	68	70	71	72	74	75	690
Motor Vehicle Fuel Tax ^{2,3}		390,638	481	491	501	511	521	531	542	553	564	575	5,268
RTC Shared Revenue ⁵		5,378,517	-	-	-	-	-	-	-	-	-	-	-
County Parks Agreement ⁵		60,000	-	-	-	-	-	-	-	-	-	-	-
County Roads Contribution ⁵		180,000	-	-	-	-	-	-	-	-	-	-	-
Other ⁵		27,178	-	-	-	-	-	-	-	-	-	-	-
Subtotal		\$ 1,341	\$ 866	\$ 883	\$ 901	\$ 919	\$ 937	\$ 956	\$ 975	\$ 995	\$ 1,015	\$ 1,015	\$ 9,789
<u>Fines and Forfeits</u>													
Municipal Court Revenue ^{2,3}		\$ 146,661	\$ 181	\$ 184	\$ 188	\$ 192	\$ 196	\$ 199	\$ 203	\$ 207	\$ 212	\$ 216	\$ 1,978
Miscellaneous Fees ⁵		77	-	-	-	-	-	-	-	-	-	-	-
Subtotal		181	184	188	192	196	199	203	207	212	216	216	1,978
<u>Miscellaneous</u>													
Interest Income ⁵		\$ 859,545	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cemetery Plot Fees ⁵		960	-	-	-	-	-	-	-	-	-	-	-
Facility Rental Fees ⁵		3,917	-	-	-	-	-	-	-	-	-	-	-
Donations ⁵		107,559	-	-	-	-	-	-	-	-	-	-	-
Miscellaneous ⁵		831,022	-	-	-	-	-	-	-	-	-	-	-
Subtotal		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
REVENUE TOTAL		\$ 184,320	\$ 31,101	\$ 31,593	\$ 32,093	\$ 32,601	\$ 33,117	\$ 33,642	\$ 34,174	\$ 34,716	\$ 35,266	\$ 35,266	\$ 482,624

**APPENDIX 3
CITY OF FERNLEY
COMPARISON OF ESTIMATED REVENUE TO ESTIMATED COSTS**

	Estimated FY 2024-25	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	SUBTOTAL
<u>EXPENDITURES</u>												
General Government												
Mayor/Council ⁷	\$ 184,248	\$ 454	\$ 463	\$ 472	\$ 482	\$ 491	\$ 501	\$ 511	\$ 521	\$ 532	\$ 542	\$ 4,970
Office of City Manager ⁸	914,221	4,980	420	429	437	446	455	464	473	483	492	9,078
Office of City Attorney ⁸	670,470	3,653	308	314	321	327	333	340	347	354	361	6,658
Treasurer ⁸	322,232	1,755	148	151	154	157	160	163	167	170	173	3,200
City Clerk ⁷	386,986	953	972	992	1,012	1,032	1,052	1,074	1,095	1,117	1,139	10,438
Facilities ⁸	2,104,895	11,467	967	987	1,006	1,026	1,047	1,068	1,089	1,111	1,133	20,902
Human Resources ⁸	163,090	888	75	76	78	80	81	83	84	86	88	1,620
Information Technology ⁸	510,976	2,784	235	240	244	249	254	259	264	270	275	5,074
General Government Total		\$ 26,934	\$ 3,589	\$ 3,660	\$ 3,734	\$ 3,808	\$ 3,884	\$ 3,962	\$ 4,041	\$ 4,122	\$ 4,205	\$ 61,940
Judicial												
Municipal Court ⁷	\$ 598,983	\$ 738	\$ 753	\$ 768	\$ 783	\$ 799	\$ 815	\$ 831	\$ 847	\$ 864	\$ 882	\$ 8,078
Judicial Total		\$ 738	\$ 753	\$ 768	\$ 783	\$ 799	\$ 815	\$ 831	\$ 847	\$ 864	\$ 882	\$ 8,078
Public Works												
City Engineer ⁹	\$ 870,022	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fleet ⁸	205,542	1,120	94	96	98	100	102	104	106	108	111	2,041
Streets and Stormdrains ¹⁰	7,250,004	-	-	-	-	-	-	-	-	-	-	-
Streets Total		\$ 1,120	\$ 94	\$ 96	\$ 98	\$ 100	\$ 102	\$ 104	\$ 106	\$ 108	\$ 111	\$ 2,041
Health												
Animal Control ⁷	\$ 210,167	\$ 518	\$ 528	\$ 539	\$ 549	\$ 560	\$ 572	\$ 583	\$ 595	\$ 607	\$ 619	\$ 5,669
Vector Control ⁷	136,568	336	343	350	357	364	371	379	386	394	402	3,684
Cemetery ⁷	43,946	108	110	113	115	117	120	122	124	127	129	1,185
Health Total		\$ 962	\$ 982	\$ 1,001	\$ 1,021	\$ 1,042	\$ 1,063	\$ 1,084	\$ 1,105	\$ 1,128	\$ 1,150	\$ 10,538
Culture and Recreation												
Parks ⁷	\$ 1,263,871	\$ 3,113	\$ 3,176	\$ 3,239	\$ 3,304	\$ 3,370	\$ 3,437	\$ 3,506	\$ 3,576	\$ 3,648	\$ 3,721	\$ 34,090
Culture & Rec Total		\$ 3,113	\$ 3,176	\$ 3,239	\$ 3,304	\$ 3,370	\$ 3,437	\$ 3,506	\$ 3,576	\$ 3,648	\$ 3,721	\$ 34,090
Community Development												
Building ¹¹	\$ 588,375	\$ 75,511	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,511
Code Enforcement ⁷	476,606	587	599	611	623	635	648	661	674	688	702	6,428
Planning ⁹	721,597	-	-	-	-	-	-	-	-	-	-	-
Community Dev. Total		\$ 76,098	\$ 599	\$ 611	\$ 623	\$ 635	\$ 648	\$ 661	\$ 674	\$ 688	\$ 702	\$ 81,938
EXPENDITURES SUBTOTAL		\$ 108,965	\$ 9,192	\$ 9,375	\$ 9,563	\$ 9,754	\$ 9,949	\$ 10,148	\$ 10,351	\$ 10,558	\$ 10,769	\$ 198,625
CONTINGENCY @ 3%		\$ 3,269	\$ 276	\$ 281	\$ 287	\$ 293	\$ 298	\$ 304	\$ 311	\$ 317	\$ 323	\$ 5,959
EXPENDITURES TOTAL		\$ 112,234	\$ 9,467	\$ 9,657	\$ 9,850	\$ 10,047	\$ 10,248	\$ 10,453	\$ 10,662	\$ 10,875	\$ 11,092	\$ 204,584
GENERAL FUND SURPLUS/DEFICIT		\$ 72,086	\$ 21,634	\$ 21,937	\$ 22,244	\$ 22,555	\$ 22,870	\$ 23,189	\$ 23,513	\$ 23,841	\$ 24,173	\$ 278,040

OTHER FUNDS¹²

**APPENDIX 3
CITY OF FERNLEY
COMPARISON OF ESTIMATED REVENUE TO ESTIMATED COSTS**

	<u>Year 11</u>	<u>Year 12</u>	<u>Year 13</u>	<u>Year 14</u>	<u>Year 15</u>	<u>Year 16</u>	<u>Year 17</u>	<u>Year 18</u>	<u>Year 19</u>	<u>Year 20</u>	<u>SUBTOTAL</u>	<u>TOTAL</u>
GENERAL FUND												
<u>REVENUE</u>												
<u>Taxes</u>												
Ad Valorem ¹	\$ 29,736	\$ 30,182	\$ 30,635	\$ 31,095	\$ 31,561	\$ 32,034	\$ 32,515	\$ 33,003	\$ 33,498	\$ 34,000	\$ 318,259	\$ 592,493
Residential Construction Tax ¹	-	-	-	-	-	-	-	-	-	-	-	77,700
<u>Subtotal</u>	\$ 29,736	\$ 30,182	\$ 30,635	\$ 31,095	\$ 31,561	\$ 32,034	\$ 32,515	\$ 33,003	\$ 33,498	\$ 34,000	\$ 318,259	\$ 670,193
<u>Licenses and Permits</u>												
Business License Fees ^{2,3}	\$ 1,332	\$ 1,358	\$ 1,386	\$ 1,413	\$ 1,442	\$ 1,470	\$ 1,500	\$ 1,530	\$ 1,560	\$ 1,592	\$ 14,583	\$ 26,547
Franchise Fees ^{2,3}	2,802	2,858	2,915	2,973	3,032	3,093	3,155	3,218	3,282	3,348	30,676	55,841
Liquor License Fees ²	132	135	138	141	143	146	149	152	155	158	1,451	2,641
Gaming License Fees ²	464	473	482	492	502	512	522	533	543	554	5,078	9,243
Animal Licenses ²	15	16	16	16	17	17	17	18	18	18	168	305
Passport Fees ²	88	90	92	94	95	97	99	101	103	105	965	1,756
Building and Civil Permit Fees ⁴	-	-	-	-	-	-	-	-	-	-	-	75,511
Planning and Zoning Fees ⁵	-	-	-	-	-	-	-	-	-	-	-	-
Public Works/Civil Fees ⁵	-	-	-	-	-	-	-	-	-	-	-	-
Public Works/Civil Inspect. Fees ⁵	-	-	-	-	-	-	-	-	-	-	-	-
Other Fees ⁵	-	-	-	-	-	-	-	-	-	-	-	-
<u>Subtotal</u>	\$ 4,833	\$ 4,930	\$ 5,028	\$ 5,129	\$ 5,231	\$ 5,336	\$ 5,443	\$ 5,552	\$ 5,663	\$ 5,776	\$ 52,920	\$ 171,844
<u>Intergovernmental Revenue</u>												
C-Tax CCRT (Sales Tax @ 2.25%) ⁶	\$ 372	\$ 379	\$ 387	\$ 394	\$ 402	\$ 410	\$ 419	\$ 427	\$ 435	\$ 444	\$ 4,069	\$ 7,900
Remainder C-Tax Sources ⁶	77	78	80	82	83	85	86	88	90	92	841	1,531
Motor Vehicle Fuel Tax ^{2,3}	587	598	610	622	635	648	660	674	687	701	6,422	11,690
RTC Shared Revenue ⁵	-	-	-	-	-	-	-	-	-	-	-	-
County Parks Agreement ⁵	-	-	-	-	-	-	-	-	-	-	-	-
County Roads Contribution ⁵	-	-	-	-	-	-	-	-	-	-	-	-
Other ⁵	-	-	-	-	-	-	-	-	-	-	-	-
<u>Subtotal</u>	\$ 1,035	\$ 1,056	\$ 1,077	\$ 1,098	\$ 1,120	\$ 1,143	\$ 1,166	\$ 1,189	\$ 1,213	\$ 1,237	\$ 11,332	\$ 21,121
<u>Fines and Forfeits</u>												
Municipal Court Revenue ^{2,3}	\$ 220	\$ 225	\$ 229	\$ 234	\$ 238	\$ 243	\$ 248	\$ 253	\$ 258	\$ 263	\$ 2,411	\$ 4,389
Miscellaneous Fees ⁵	-	-	-	-	-	-	-	-	-	-	-	-
<u>Subtotal</u>	\$ 220	\$ 225	\$ 229	\$ 234	\$ 238	\$ 243	\$ 248	\$ 253	\$ 258	\$ 263	\$ 2,411	\$ 4,389
<u>Miscellaneous</u>												
Interest Income ⁵	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cemetery Plot Fees ⁵	-	-	-	-	-	-	-	-	-	-	-	-
Facility Rental Fees ⁵	-	-	-	-	-	-	-	-	-	-	-	-
Donations ⁵	-	-	-	-	-	-	-	-	-	-	-	-
Miscellaneous ⁵	-	-	-	-	-	-	-	-	-	-	-	-
<u>Subtotal</u>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<u>REVENUE TOTAL</u>	\$ 35,825	\$ 36,392	\$ 36,969	\$ 37,555	\$ 38,151	\$ 38,756	\$ 39,371	\$ 39,996	\$ 40,631	\$ 41,276	\$ 384,924	\$ 867,548

**APPENDIX 3
CITY OF FERNLEY
COMPARISON OF ESTIMATED REVENUE TO ESTIMATED COSTS**

	<u>Year 11</u>	<u>Year 12</u>	<u>Year 13</u>	<u>Year 14</u>	<u>Year 15</u>	<u>Year 16</u>	<u>Year 17</u>	<u>Year 18</u>	<u>Year 19</u>	<u>Year 20</u>	<u>SUBTOTAL</u>	<u>TOTAL</u>
<u>EXPENDITURES</u>												
General Government												
Mayor/Council ⁷	\$ 553	\$ 564	\$ 576	\$ 587	\$ 599	\$ 611	\$ 623	\$ 636	\$ 648	\$ 661	\$ 6,058	\$ 11,028
Office of City Manager ⁸	502	512	522	533	543	554	565	577	588	600	5,498	14,576
Office of City Attorney ⁸	368	376	383	391	399	407	415	423	431	440	4,032	10,690
Treasurer ⁸	177	181	184	188	192	195	199	203	207	211	1,938	5,138
City Clerk ⁷	1,162	1,185	1,209	1,233	1,258	1,283	1,309	1,335	1,362	1,389	12,724	23,162
Facilities ⁸	1,156	1,179	1,203	1,227	1,251	1,276	1,302	1,328	1,354	1,381	12,657	33,560
Human Resources ⁸	90	91	93	95	97	99	101	103	105	107	981	2,600
Information Technology ⁸	281	286	292	298	304	310	316	322	329	335	3,073	8,147
General Government Total	\$ 4,289	\$ 4,374	\$ 4,462	\$ 4,551	\$ 4,642	\$ 4,735	\$ 4,830	\$ 4,926	\$ 5,025	\$ 5,125	\$ 46,960	\$ 108,900
Judicial												
Municipal Court ⁷	\$ 899	\$ 917	\$ 936	\$ 954	\$ 973	\$ 993	\$ 1,013	\$ 1,033	\$ 1,054	\$ 1,075	\$ 9,847	\$ 17,925
Judicial Total	\$ 899	\$ 917	\$ 936	\$ 954	\$ 973	\$ 993	\$ 1,013	\$ 1,033	\$ 1,054	\$ 1,075	\$ 9,847	\$ 17,925
Public Works												
City Engineer ⁹	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fleet ⁸	113	115	117	120	122	125	127	130	132	135	1,236	3,277
Streets and Stormdrains ¹⁰	-	-	-	-	-	-	-	-	-	-	-	-
Streets Total	\$ 113	\$ 115	\$ 117	\$ 120	\$ 122	\$ 125	\$ 127	\$ 130	\$ 132	\$ 135	\$ 1,236	\$ 3,277
Health												
Animal Control ⁷	\$ 631	\$ 644	\$ 657	\$ 670	\$ 683	\$ 697	\$ 711	\$ 725	\$ 739	\$ 754	\$ 6,910	\$ 12,579
Vector Control ⁷	410	418	427	435	444	453	462	471	480	490	4,490	8,174
Cemetery ⁷	132	135	137	140	143	146	149	152	155	158	1,445	2,630
Health Total	\$ 1,173	\$ 1,197	\$ 1,221	\$ 1,245	\$ 1,270	\$ 1,295	\$ 1,321	\$ 1,348	\$ 1,375	\$ 1,402	\$ 12,846	\$ 23,383
Culture and Recreation												
Parks ⁷	\$ 3,795	\$ 3,871	\$ 3,948	\$ 4,027	\$ 4,108	\$ 4,190	\$ 4,274	\$ 4,359	\$ 4,447	\$ 4,536	\$ 41,556	\$ 75,646
Culture & Rec Total	\$ 3,795	\$ 3,871	\$ 3,948	\$ 4,027	\$ 4,108	\$ 4,190	\$ 4,274	\$ 4,359	\$ 4,447	\$ 4,536	\$ 41,556	\$ 75,646
Community Development												
Building ¹¹	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,511
Code Enforcement ⁷	716	730	744	759	775	790	806	822	838	855	7,835	14,263
Planning ⁹	-	-	-	-	-	-	-	-	-	-	-	-
Community Dev. Total	\$ 716	\$ 730	\$ 744	\$ 759	\$ 775	\$ 790	\$ 806	\$ 822	\$ 838	\$ 855	\$ 7,835	\$ 89,774
EXPENDITURES SUBTOTAL	\$ 10,985	\$ 11,204	\$ 11,429	\$ 11,657	\$ 11,890	\$ 12,128	\$ 12,371	\$ 12,618	\$ 12,870	\$ 13,128	\$ 120,280	\$ 318,905
CONTINGENCY @	\$ 330	\$ 336	\$ 343	\$ 350	\$ 357	\$ 364	\$ 371	\$ 379	\$ 386	\$ 394	\$ 3,608	\$ 9,567
EXPENDITURES TOTAL	\$ 11,314	\$ 11,541	\$ 11,771	\$ 12,007	\$ 12,247	\$ 12,492	\$ 12,742	\$ 12,997	\$ 13,256	\$ 13,522	\$ 123,888	\$ 328,472
GF SURPLUS/DEFICIT	\$ 24,510	\$ 24,852	\$ 25,198	\$ 25,549	\$ 25,904	\$ 26,264	\$ 26,630	\$ 27,000	\$ 27,375	\$ 27,755	\$ 261,035	\$ 539,076

OTHER FUNDS¹²

APPENDIX 3
CITY OF FERNLEY
COMPARISON OF ESTIMATED REVENUE TO ESTIMATED COSTS

APPENDIX 3, ASSUMPTIONS:**REVENUES**

- 1 See Appendix 4 for real property tax revenue estimates.
 Residential construction tax revenue is estimated at **1%** of the building permit valuation calculated in Appendix 6.
- 2 Average Cost Method (ACM): Revenues are calculated based on estimated FY 2024-25 City of Fernley per capita revenue, inflated **2%** annually and applied to estimated annual residential population generated by the development (Appendix 2). Per capita revenue is calculated by dividing estimated FY 2024-25 revenues for each source by City of Fernley FY 2024-25 population of **24,394**.
 Source: City of Fernley Budget FY 2025-26.
- 3 Analysis assumes 50% of this revenue is generated by City residents and will be impacted by the project.
- 4 See Appendix 6 for building permit and plan review fee revenue calculations and assumptions.
- 5 The project may have an impact on this revenue source, but the impact is difficult to estimate or is expected to be minimal.
- 6 See Appendix 5 for sales tax revenue calculations and assumptions.
 In addition to sales tax revenue, Consolidated tax for Lyon County jurisdictions includes revenue from Real Property Transfer Tax, GST (MVPT), Cigarette and Liquor taxes. A per capita methodology as explained in footnote 2 is used to estimate this revenue. Total Lyon County revenues from liquor, cigarette and GST sources totaled **\$ 2,663,118** in FY 2024-2025 (excluding data for June). Analysis includes 50% of RPTT and GST revenue to account for residential impacts only. City of Fernley is estimated to receive **0.93%** of all County CTax revenue. As a result, the City's portion of Remaining CTax revenue is estimated at **\$ 25,578** and the ACM is applied to this amount. Source: Nevada Department of Taxation. "Consolidated Tax Distribution."

EXPENDITURES

- 7 Average Cost Method (ACM): Some direct costs are calculated based on estimated FY 2024-25 City of Fernley per capita costs, inflated **2.0%** annually and applied to estimated annual residential population generated by the development. Per capita costs are calculated by dividing estimated FY 2024-25 costs for each source by City of Fernley FY 2024-25 population of **24,394**. Source: City of Fernley Budget FY 2025-26.
 Costs for Municipal Court and Code Enforcement are estimated at 50% of total, assuming a portion of these costs is impacted by non-residential uses.
- 8 Administration/overhead (indirect) costs assumed to be impacted by the development are calculated at **32.4%** of all estimated direct service costs. This is estimated as the percent indirect costs of direct costs for FY 2023-24 through FY 2025-26. Source: City of Fernley Budget, FY 2025-26.
 Given cost fluctuations for Facilities and Information Technology, the analysis uses a three-year average of costs (FY 2023-24 to FY 2025-26). The analysis uses FY 2025-26 costs for Human Resources, as no costs are shown for previous years.
- 9 The project may have an impact on this expenditure source, but the impact is difficult to estimate or is expected to be minimal.
- 10 Due to the early stage of the planning process, street information for the project is unknown.
- 11 The impact of the project on the Building Department is difficult to estimate. The analysis assumes revenue generated through building permit fees will be used to cover any additional costs, if any, created by the project.
- 12 Other Funds: Only funds assumed to be funded by property tax revenue and/or directly impacted by the development are included.

APPENDIX 4
ESTIMATED PROPERTY TAX REVENUE

<u>YEAR</u>	<u>LAND USE</u>	<u>ANNUAL INCREMENTAL TAXABLE VALUE OF</u>		<u>CUMULATIVE TAXABLE VALUE</u>	<u>CITY OF FERNLEY</u>	<u>NORTH LYON CO. FIRE PROTECTION</u>
		<u>LAND</u>	<u>IMPROVS.</u>			
Year 1	Single Family	\$ 3,066,000	\$ 7,770,000	\$ 10,836,000	\$ 25,623	\$ 13,107
Year 2	Single Family	-	-	10,998,540	26,007	13,304
Year 3	Single Family	-	-	11,163,518	26,397	13,503
Year 4	Single Family	-	-	11,330,971	26,793	13,706
Year 5	Single Family	-	-	11,500,935	27,195	13,912
Year 6	Single Family	-	-	11,673,449	27,603	14,120
Year 7	Single Family	-	-	11,848,551	28,017	14,332
Year 8	Single Family	-	-	12,026,279	28,437	14,547
Year 9	Single Family	-	-	12,206,674	28,864	14,765
Year 10	Single Family	-	-	12,389,774	29,297	14,987
Year 11	Single Family	-	-	12,575,620	29,736	15,211
Year 12	Single Family	-	-	12,764,255	30,182	15,440
Year 13	Single Family	-	-	12,955,719	30,635	15,671
Year 14	Single Family	-	-	13,150,054	31,095	15,906
Year 15	Single Family	-	-	13,347,305	31,561	16,145
Year 16	Single Family	-	-	13,547,515	32,034	16,387
Year 17	Single Family	-	-	13,750,727	32,515	16,633
Year 18	Single Family	-	-	13,956,988	33,003	16,882
Year 19	Single Family	-	-	14,166,343	33,498	17,136
Year 20	Single Family	-	-	14,378,838	34,000	17,393
TOTAL		\$ 3,066,000	\$ 7,770,000		\$ 592,493	\$ 303,087

APPENDIX 4, ASSUMPTIONS:

1. FY 2024-25 property tax rates are assumed to remain unchanged over the analysis period:

City of Fernley General Fund \$ 0.6756
North Lyon Co. Fire District \$ 0.3456

2. Project parcel is currently valued at \$ 657,834 according to the Lyon County Assessor's Office. However, as the parcel is located outside of the City of Fernley, all revenue generated by the parcel will be new to the City.

3. Property tax calculation: Taxable X 35% = Assessed Value; Assessed Value/100 X Tax Rate = Property Tax Revenue.

4. Residential land and improvement values conservatively increased by 1.50% per year to account for depreciation.

APPENDIX 5
ESTIMATED SALES TAX REVENUE

<u>YEAR</u>	<u>LAND USE</u>	<u>CUMUL. # OF OCCUP. UNITS</u>	<u>CONSTR. MATERIALS COST</u>	<u>HOUSEHOLD TAXABLE SALES</u>	<u>TOTAL TAXABLE SALES</u>	<u>CITY OF FERNLEY REVENUE</u>	<u>NORTH LYON CO. FIRE REVENUE</u>
Year 1	Single Family	-	\$ 3,885,000	\$ -	\$ 3,885,000	\$ 797	\$ 823
Year 2	Single Family	59	-	1,515,531	1,515,531	311	321
Year 3	Single Family	59	-	1,545,841	1,545,841	317	327
Year 4	Single Family	59	-	1,576,758	1,576,758	324	334
Year 5	Single Family	59	-	1,608,293	1,608,293	330	341
Year 6	Single Family	59	-	1,640,459	1,640,459	337	347
Year 7	Single Family	59	-	1,673,269	1,673,269	343	354
Year 8	Single Family	59	-	1,706,734	1,706,734	350	361
Year 9	Single Family	59	-	1,740,869	1,740,869	357	369
Year 10	Single Family	59	-	1,775,686	1,775,686	364	376
Year 11	Single Family	59	-	1,811,200	1,811,200	372	384
Year 12	Single Family	59	-	1,847,424	1,847,424	379	391
Year 13	Single Family	59	-	1,884,372	1,884,372	387	399
Year 14	Single Family	59	-	1,922,060	1,922,060	394	407
Year 15	Single Family	59	-	1,960,501	1,960,501	402	415
Year 16	Single Family	59	-	1,999,711	1,999,711	410	423
Year 17	Single Family	59	-	2,039,705	2,039,705	419	432
Year 18	Single Family	59	-	2,080,499	2,080,499	427	441
Year 19	Single Family	59	-	2,122,109	2,122,109	435	449
Year 20	Single Family	59	-	2,164,551	2,164,551	444	458
TOTAL			\$ 3,885,000	\$ 34,615,571	\$ 38,500,571	\$ 7,900	\$ 8,152

APPENDIX 5, ASSUMPTIONS:

1. Sales tax rates are assumed to remain at FY 2024-25 amounts:

0.50%	<u>Designation</u>
1.75%	Basic City County Relief Tax (BCCRT)
	Supplemental City County Relief Tax (SCCRT)

Distribution of BCCRT AND SCCRT sales tax revenue to City of Fernley and North Lyon County Fire Protection District is calculated at

City of Fernley	0.93%
North Lyon Co. Fire District	0.96%

Source: State of Nevada Department of Taxation. "Consolidated Tax Distribution," FY 2024-25 through May 2025.

State of Nevada administrative fee of **1.75%** is subtracted from estimated sales tax revenue each year for State uses.

2. Construction materials cost estimated in Appendix 1.

3. Number of Occupied Households-See Appendix 2. By definition, each occupied residential unit represents a household.

4. Household Taxable Sales-estimated based on number of occupied households, household income, and taxable expenditure data.

Household incomes and percent of income spent on taxable items are estimated as follows, inflated 2% per year.

	Household Income	% Spent on Taxable Items	
Single Family	\$ 117,000	21.1%	Average sales price of \$425,000 for new homes sold in Fernley in 2Q 2025.

Source: Household income from the affordability calculator created by EEC and Center for Regional Studies, UNR. Home prices from Center for Regional Studies, UNR. % Spent on Taxable Items from Consumer Expenditure Survey, 2023, Bureau of Labor Statistics.

APPENDIX 6 CITY OF FERNLEY ESTIMATED BUILDING PERMIT REVENUE

<u>YEAR</u>	<u>LAND USE</u>	<u># OF UNITS BUILT</u>	<u>CONSTR. VALUATION</u>	<u>BUILDING PERMIT FEE</u>	<u>PLAN CHECK FEE</u>
Year 1	Single Family	21	\$ 7,770,000	\$ 53,936	\$ 21,574

APPENDIX 6, ASSUMPTIONS:

1. Construction Valuation is calculated in Appendix 1 as Improvement Value.

2. Building permit fee calculation:

\$ **1,018.59** per first \$ **100,000** plus \$ **5.74**
for each additional \$**1,000** up to \$500,000.

Source: Building Permit Fee Schedule (BPFS), City of Fernley, June 2020.

Analysis assumes each duplex unit requires a separate permit and apartment units require a single permit.

3. Plan Check fee revenue calculated at **40.0%** of building permit revenue.

Source: Building Permit Fee Schedule (BPFS), City of Fernley, June 2020.

APPENDIX 7
NORTH LYON COUNTY FIRE PROTECTION DISTRICT
ESTIMATED REVENUE AND COSTS

<u>YEAR</u>	<u>LAND USE</u>	<u>REVENUE</u>				<u>FIRE/ AMBULANCE COSTS</u>	<u>NET SURPLUS</u>
		<u>PROPERTY TAX</u>	<u>SALES TAX</u>	<u>AMBULANCE FEES</u>	<u>TOTAL</u>		
Year 1	Single Family	\$ 13,107	\$ 823	\$ 2,643	\$ 16,573	\$ 11,273	\$ 5,301
Year 2	Single Family	13,304	321	2,696	16,321	11,498	4,823
Year 3	Single Family	13,503	327	2,750	16,581	11,728	4,853
Year 4	Single Family	13,706	334	2,805	16,845	11,963	4,882
Year 5	Single Family	13,912	341	2,861	17,113	12,202	4,912
Year 6	Single Family	14,120	347	2,919	17,386	12,446	4,940
Year 7	Single Family	14,332	354	2,977	17,663	12,695	4,968
Year 8	Single Family	14,547	361	3,036	17,945	12,949	4,996
Year 9	Single Family	14,765	369	3,097	18,231	13,208	5,023
Year 10	Single Family	14,987	376	3,159	18,522	13,472	5,050
Year 11	Single Family	15,211	384	3,222	18,817	13,741	5,076
Year 12	Single Family	15,440	391	3,287	19,118	14,016	5,102
Year 13	Single Family	15,671	399	3,353	19,423	14,296	5,126
Year 14	Single Family	15,906	407	3,420	19,733	14,582	5,151
Year 15	Single Family	16,145	415	3,488	20,048	14,874	5,174
Year 16	Single Family	16,387	423	3,558	20,368	15,171	5,197
Year 17	Single Family	16,633	432	3,629	20,694	15,475	5,219
Year 18	Single Family	16,882	441	3,701	21,024	15,784	5,240
Year 19	Single Family	17,136	449	3,775	21,360	16,100	5,260
Year 20	Single Family	17,393	458	3,851	21,702	16,422	5,280
TOTAL		\$ 303,087	\$ 8,152	\$ 64,229	\$ 375,468	\$ 273,895	\$ 101,574

APPENDIX 7, ASSUMPTIONS:

- See Appendices 4 and 5 for property and sales tax revenue calculations
- Ambulance fees are estimated based on actual FY 2024-25 revenue divided by service population of \$ **44.87** per person and applied to the residents of the project, inflated by 2% per year. Source: Statement of Revenues and Expenditures-Fire/Ambulance 2025.
- Fire/Ambulance costs are estimated as follows:

<u>Source</u>	<u>Fire</u>	<u>Ambulance</u>
Personnel	2,639,142	1,489,400
Office Operating	178,562	62,640
Personnel Operating	8,931	6,000
Vehicle Operating	96,865	21,543
Equipment Supplies	61,209	42,901
Station Operating	38,959	21,519
Total Fire	\$ 3,023,668	\$ 1,644,003

The resulting per capita cost of \$ **191.3** is applied to the project's residents and inflated 2% annually.



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: November 12, 2025

REPORT TO: Fernley Planning Commission

REPORT FROM: Lisa Warner

FINANCIAL IMPACT:

Yes: No: X

CURRENTLY BUDGETED:

Yes: No: X

FUND/ACCOUNT:

N/A

ACTION REQUESTED: Resolution
Motion

AGENDA ITEM:

(For Possible Action)) Discussion and possible action to recommend approval of Bill #363 (associated with CA25006) to amend the Fernley Development Code dealing with Day Care to implement the following: 1) Amend Title 32, Chapter 2, Section 030 (Definitions) to update the Definitions of “Child Care Facility” and “Child Care, In Home” and add a definition for Adult Day Care; 2) Amend Title 32, Chapter, 7, Section 150 (Day Care/Child Care) to make minor grammatical corrections and amend Table 32.07.150-1 (Day Care/Child Care Use Standards) to update and expand on development standards; 3) Amend Title 32, Chapter 9, Section 120, Table 32.09.120-2 (Parking Ratios) to make minor grammatical corrections; and 4) Amend Title 32, Chapter 6, Section 150 (Unlisted Uses and Use Table) and amend Table 32.06.150-2 (Use Table) to make minor grammatical corrections, adjust where Day Care uses are allowed, and update required application types to establish this use type in appropriate zoning districts.

AGENDA ITEM BRIEF:

After discussions with local child advocacy groups, Planning Department staff have deemed it necessary to update the Fernley Development Code for Day Care/Child Care to update the definitions, update and expand development standards, make minor grammatical corrections, and update required application types.

RECOMMENDED MOTION:

“I move to recommend that the City Council approve Bill #363 associated with CA25006 as presented by staff.”

BUSINESS IMPACT (per NRS Chapter 237):

A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

See attached report for background, analysis, alternatives.

ALTERNATIVES:

“I move to recommend that the City Council deny Bill #363 associated with CA25006.”

“I move to recommend that the City Council approve Bill #363 associated with CA25006 with the following modifications_____.”

Note: Though no further language is provided, Planning Commission may make any other motion consistent with Fernley Planning Commission Rules of Procedure.

BACKGROUND:

The Planning Department has had several discussions with local day care providers and representatives of The Children's Cabinet who have expressed frustration with current Development Code regulations that make providing day care services in Fernley difficult. Specifically the difficulty in providing day care during the overnight hours when a large portion of parents are working. Therefore, staff have deemed it necessary to update the Fernley Development Code dealing with day care to address these concerns and do a comprehensive update to the day care use in general.

There are multiple proposed changes throughout several sections of the Development Code including Definitions, Use Standards, Use Table, and Parking Ratios.

The Definitions section is being amended to update the “Day Care” and “Child Care, In Home” definitions and add a definition for Adult Day Care. The Day Care/Child Care section is being amended to make minor grammatical corrections. The Day Care/Child Care Use Standard Table is being amended to remove the requirement for a Conditional Use Permit for overnight hours and add additional development standards meant to mitigate overnight day care concerns. These include standards such as outdoor play hours, fencing to limit noise, and client parking. Additional standards address new stand-alone buildings, signage, and business licenses. The Parking Ratios section is being amended to make minor grammatical corrections. The Use Table is being amended to make minor grammatical corrections, adjust where day care uses are allowed, and update required application types.

FINDINGS:

In order to be approved, the following findings must be met:

1. The code amendment is consistent with the city’s Master Plan and is otherwise consistent with state and federal law.

The Master Plan does not specifically address Definitions, Use Standards, or the Use Table; therefore, the proposed Code Amendment does not violate any specific Master Plan requirement.

2. Public notice was given, and a public hearing held per the requirements of the Development Code and Nevada Revised Statutes.

Public notices were given, and a public hearing will be held at both the Planning Commission and the City Council meetings.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

Fernley Development Code Section 32.02.030
Fernley Development Code Section 32.07.150
Fernley Development Code Table 32.07.150-1
Fernley Development Code Section 32.09.120
Fernley Development Code Table 32.09.120-2
Fernley Development Code Section 32.06.150
Fernley Development Code Table 32.06150-2

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Day Care Code Original
2. Day Care Final Red lined
3. Day Care Final Proposed
4. Bill #363_FINAL v4

Sec. 32.02.030. - Definitions.

Child care facility. A "child care facility" as defined by NRS ch. 432A.

Child care, in-home. A child care facility located in a dwelling unit that includes no more than the number of children two care givers may care for in accordance with the Nevada Division of Public and Behavioral Health, Child Care Licensing Regulations for Child Care Facilities (staff-to-child ratio).

TABLE 32.06.150-2 - Use Table

Use Category	Use Type	Additional Use Standards	GR20	RR5	RR1	RR½	SF20	SF12	SF9	SF6	MDR14	MF21	MF30	MU	C1	C2	TC	EC	I	PF
	Fraternal club/lodge/community service facility	Reference chapter 32.07												P	P	P				P
Day Care																				
	Adult day care	Reference chapter 32.07										P	P	P	P	P				
	Child care facility	Reference chapter 32.07										C	C	C	C	C		A	A/L	P
	Child care, in-home	Reference chapter 32.07	A	A	A	A	A	A	A	A	A	A	A	A						

Sec. 32.07.150. - Day care/child care.

(a) *Generally.* The standards below apply to each use listed where indicated by a check mark (✓).

TABLE 32.07.150-1 - Day Care/Child Care Use Standards

Standards	Adult Day Care	Child Care Facility	Child Care, In-home
If the facility serves at least 12 children or adults at any time, facility must be adjacent to, and accessed from, a collector or arterial street.	✓	✓	
The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site.	✓	✓	
Where the facility abuts a single-family ("SF") zoning district:	✓	✓	
• The building entrance and access shall be oriented away from residential uses on local streets.			
• Outdoor lighting shall be designed so as to not shine directly onto any abutting residential property.			
The hours of operation shall not extend beyond the hours of 6:00 a.m. to 8:00 p.m., unless a different time period is approved by a Conditional Use Permit.	✓	✓	✓

TABLE 32.09.120-2 - Parking Ratios

<i>Day Care:</i>	Adult day care	1 per 1,000 sf
	Child care facility	1 per 350 sf
	Child care, In-home	n/a

Section 32.02.030 Definitions

The words, terms, and phrases used in this title are below.

Adult Day Care. A licensed establishment operated and maintained to provide care or supervision during the day, such as social activities, minor health care assessments, meals, and recreation, for five or more persons 18 years of age or older. The facility may not be used as a residence. The definition does not include halfway houses for recovering alcohol and drug abusers.

Child Care facility. A "child care facility" as defined by NRS Chapter 432A. Includes any place, home, institution, business, or establishment in which five or more children under 18 years of age are received, cared for, or maintained for any period of time. Does not include accessory, in-home child care as defined in this Chapter.

Child Care, in-home. A child care facility located in a dwelling unit that includes no more than the number of children two care givers may care for in accordance with the Nevada Division of Public and Behavioral Health, Child Care Licensing Regulations for Child Care Facilities (staff-to-child ratio). Child care services offered within the permanent residence of the provider for the purpose of providing care for not more than four children under 18 years of age fewer than 12 children for a period of less than 24 hours.

Section 32.07.150 Day Care/Child Care

(a) *Generally.* In addition to compliance with all relevant state statutes, the standards below apply to each use listed where indicated by a check mark (✓).

TABLE 32.07.150-1 Day Care/Child Care Use Standards

Standards	Adult Day Care	Child Care Facility	Child Care, In-home
If the facility serves at least 12 children or adults at any time, facility must be adjacent to, and accessed from, a collector or arterial street.	✓	✓	
The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site.	✓	✓	
<u>New stand-alone buildings shall be made compatible with the surrounding buildings through use of massing, architectural features, materials, or other design choices.</u>	✓	✓	
Where the facility abuts a single-family ("SF") zoning district:			
The building entrance and access shall be oriented away from residential uses on local streets.	✓	✓	
Outdoor lighting shall be designed so as to not shine directly onto any abutting residential property.	✓	✓	

<u>Outdoor play shall be limited to daylight hours.</u>		<u>✓</u>	<u>✓</u>
<u>Outdoor play areas shall be enclosed by perimeter fencing composed of opaque materials six (6) feet in height.</u>		<u>✓</u>	<u>✓</u>
<u>Client parking shall not adversely affect adjacent residents.</u>			<u>✓</u>
<u>Signage allowed.</u>	<u>✓</u>	<u>✓</u>	
<u>Business License Required</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>

TABLE 32.09.120-2 Parking Ratios

	Use	Parking Spaces Required
	See Chapter 32.06 (Use Table)	(sf = building gross floor area unless otherwise provided)
Public/Civil/ Institutional		
Day <u>C</u> are:	Adult <u>D</u> ay <u>C</u> are	1 per 1,000 sf
	Child <u>C</u> are facility	1 per 350 sf
	Child <u>C</u> are, In-home	<u>n/a</u> <u>N/A</u>

TABLE 32.06.150-2 – Use Table

Use Category	Use Type	Additional Use Standards	GR20	RR5	RR1	RR1/2	SF20	SF12	SF9	SF6	MDR14	MF21	MF30	MU	C1	C2	TC	EC	I	PF
Day Care																				
	Adult D ay C are	Reference chapter 32.07	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>PAR</u>	<u>PAR</u>	P	P	P				
	Child C are facility	Reference chapter 32.07	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>CAR</u>	<u>CAR</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>P</u>	A	A	P
	Child C are, in-home	Reference chapter 32.07	A	A	A	A	A	A	A	A	A	A	A	A						

Section 32.02.030 Definitions

The words, terms, and phrases used in this title are below.

Adult Day Care. A licensed establishment operated and maintained to provide care or supervision during the day, such as social activities, minor health care assessments, meals, and recreation, for five or more persons 18 years of age or older. The facility may not be used as a residence. The definition does not include halfway houses for recovering alcohol and drug abusers.

Child Care facility. Defined by NRS Chapter 432A. Includes any place, home, institution, business, or establishment in which five or more children under 18 years of age are received, cared for, or maintained for any period of time. Does not include accessory, in-home child care as defined in this Chapter.

Child Care, in-home. Child care services offered within the permanent residence of the provider for the purpose of providing care for not more than four children under 18 years of age for a period of less than 24 hours.

Section 32.07.150 Day Care/Child Care

(a) *Generally.* In addition to compliance with all relevant state statutes, the standards below apply to each use listed where indicated by a check mark (✓).

TABLE 32.07.150-1 Day Care/Child Care Use Standards

Standards	Adult Day Care	Child Care Facility	Child Care, In-home
If the facility serves at least 12 children or adults at any time, facility must be adjacent to, and accessed from, a collector or arterial street.	✓	✓	
The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site.	✓	✓	
New stand-alone buildings shall be made compatible with the surrounding buildings through use of massing, architectural features, materials, or other design choices.	✓	✓	
Where the facility abuts a single-family ("SF") zoning district:			
• The building entrance and access shall be oriented away from residential uses on local streets.	✓	✓	
• Outdoor lighting shall be designed so as to not shine directly onto any abutting residential property.	✓	✓	
Outdoor play shall be limited to daylight hours.		✓	✓

Outdoor play areas shall be enclosed by perimeter fencing composed of opaque materials six (6) feet in height.		✓	✓
Client parking shall not adversely affect adjacent residents.			✓
Signage allowed.	✓	✓	
Business License Required	✓	✓	✓

TABLE 32.09.120-2 Parking Ratios

	Use	Parking Spaces Required
	See Chapter 32.06 (Use Table)	(sf = building gross floor area unless otherwise provided)
Public/Civil/ Institutional		
Day Care:	Adult Day Care	1 per 1,000 sf
	Child Care facility	1 per 350 sf
	Child Care, In-home	N/A

TABLE 32.06.150-2 – Use Table

Use Category	Use Type	Additional Use Standards	GR20	RR5	RR1	RR1/2	SF20	SF12	SF9	SF6	MDR14	MF21	MF30	MU	C1	C2	TC	EC	I	PF
Day Care																				
	Adult Day Care	Reference chapter 32.07	C	C	C	C	C	C	C	C	C	AR	AR	P	P	P				
	Child Care facility	Reference chapter 32.07	C	C	C	C	C	C	C	C	C	AR	AR	P	P	P	P	A	A	P
	Child Care, in-home	Reference chapter 32.07	A	A	A	A	A	A	A	A	A	A	A	A						

BILL #363
CITY OF FERNLEY
ORDINANCE # _____

AN ORDINANCE AMENDING SEVERAL SECTIONS OF THE FERNLEY DEVELOPMENT CODE DEALING WITH DAY CARE AS FOLLOWS: 1) AMEND TITLE 32, CHAPTER 2, SECTION 030 (DEFINITIONS) TO UPDATE THE DEFINITIONS OF “CHILD CARE FACILITY” AND “CHILD CARE, IN HOME” AND ADD A DEFINITION FOR ADULT DAY CARE; 2) AMEND TITLE 32, CHAPTER 7, SECTION 150 (DAY CARE/CHILD CARE) TO MAKE MINOR GRAMMATICAL CORRECTIONS AND AMEND TABLE 32.07.150-1 (DAY CARE/CHILD CARE USE STANDARDS) TO UPDATE AND EXPAND ON DEVELOPMENT STANDARDS; 3) AMEND TITLE 32, CHAPTER 9, SECTION 120, TABLE 32.09.120-2 (PARKING RATIOS) TO MAKE MINOR GRAMMATICAL CORRECTIONS; AND 4) AMEND TITLE 32, CHAPTER 6, SECTION 150 (UNLISTED USES AND USE TABLE) AND AMEND TABLE 32.06.150-2 (USE TABLE) TO MAKE MINOR GRAMMATICAL CORRECTIONS, ADJUST WHERE DAY CARE USES ARE ALLOWED, AND UPDATE REQUIRED APPLICATION TYPES IN APPROPRIATE ZONING DISTRICTS.

THE CITY COUNCIL OF THE CITY OF FERNLEY, hereinafter “the Council”, DO HEREBY ORDAIN:

Section 1. Title 32, Chapter 32.02, Section 32.09.030, Title 32, Chapter 32.07, Section 32.07.150 and Table 32.07.150-1, Title 32, Chapter 32.09, Section 32.09.120 and Table 32.09.120-2, and Title 32, Chapter 32.06, Section 32.06.150 and Table 32.06.150-2 are hereby amended as follows:

Sec. 32.02.030 – Definitions.

Section 32.02.030 Definitions

The words, terms, and phrases used in this title are below.

Adult Day Care. A licensed establishment operated and maintained to provide care or supervision during the day, such as social activities, minor health care assessments, meals, and recreation, for five or more persons 18 years of age or older. The facility may not be used as a residence. The definition does not include halfway houses for recovering alcohol and drug abusers.

Child Care Facility. Defined by NRS Chapter 432A. Includes any place, home, institution, business, or establishment in which five or more children under 18 years of age are received, cared for, or maintained for any period of time. Does not include accessory, in-home child care as defined in this Chapter.

Child Care, in-home. Child care services offered within the permanent residence of the provider for the purpose of providing care for not more than four children under 18 years of age for a period of less than 24 hours.

Sec. 32.07.150 – Day Care/Child Care

Section 32.07.150 Day Care/Child Care

(a) *Generally.* In addition to compliance with all relevant state statutes, the standards below apply to each use listed where indicated by a check mark (✓).

TABLE 32.07.150-1 Day Care/Child Care Use Standards

Standards	Adult Day Care	Child Care Facility	Child Care, In-home
If the facility serves 12 or more children or adults at any time, the facility must be adjacent to, and accessed from, a collector or arterial street.	✓	✓	
The site shall be designed so that all loading and unloading of passengers from a vehicle is accomplished onsite.	✓	✓	
Newly constructed buildings shall be compatible with the surrounding buildings through use of massing, architectural features, materials, or other design choices.	✓	✓	
Outdoor play shall be limited to daylight hours.		✓	✓
Outdoor play areas shall be enclosed by perimeter fencing composed of opaque materials six (6) feet in height.		✓	✓
Client parking shall not adversely affect adjacent residents.			✓
Signage allowed.	✓	✓	
Business License Required	✓	✓	✓
Where a facility located in a commercial or industrial zoning district abuts a single-family ("SF") zoning district:			
The building entrance and access shall be oriented away from residential uses.	✓	✓	
Outdoor lighting shall be designed so as to not shine directly onto any abutting residential property.	✓	✓	

Sec. 32.09.120 – Parking and Loading

Table 32.09.120-2 Parking Ratios

TABLE 32.09.120-2 Parking Ratios

	Use	Parking Spaces Required
	See Chapter 32.06 (Use Table)	(sf = building gross floor area unless otherwise provided)
Public/Civil/ Institutional		
Day Care:	Adult Day Care	1 per 1,000 sf
	Child Care facility	1 per 350 sf
	Child Care, In-home	N/A

Sec. 32.06.150 – Unlisted Uses and Use Table

TABLE 32.06.150-2 – Use Table

Use Category	Use Type	Additional Use Standards	GR20	RR5	RR1	RR1/2	SF20	SF12	SF9	SF6	MDR14	MF21	MF30	MU	C1	C2	TC	EC	I	PF
Day Care																				
	Adult Day Care	Reference chapter 32.07	C	C	C	C	C	C	C	C	C	AR	AR	P	P	P				
	Child Care facility	Reference chapter 32.07	C	C	C	C	C	C	C	C	C	AR	AR	P	P	P	P	A	A	P
	Child Care, in-home	Reference chapter 32.07	A	A	A	A	A	A	A	A	A	A	A	A						

- Section 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 3.** The City Clerk is instructed and authorized to publish the title of this ordinance as provided by law.
- Section 4.** This ordinance shall become effective upon passage, approval, and publication.
- Section 5.** The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare, and convenience.
- Section 6.** In any subsection, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.
- Section 7.** The City Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation, or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

BILL #363 BEING HEREBY PROPOSED on the 3rd day of December, 2025.

BILL #362 BEING HEREBY PASSED, APPROVED, and ADOPTED this 17th day of December, 2025, by the following vote of the Council:

Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____

FERNLEY CITY COUNCIL

By: _____ Date: _____
Neal E. McIntyre, Mayor

Attest By: _____ Date: _____
Kim Swanson, City Clerk



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: November 12, 2025

REPORT TO: Fernley Planning Commission

REPORT FROM: Treston Rodriguez

FINANCIAL IMPACT:

Yes: No: X

CURRENTLY BUDGETED:

Yes: No: X

FUND/ACCOUNT:

N/A

ACTION REQUESTED: Motion
Ordinance

AGENDA ITEM:

(For Possible Action) - Discussion and possible action on Bill #371 in association with CA25005, a Code Amendment initiated by the City of Fernley to amend Title 32, Chapter 6, Section 150-2 (Use Table) of the Development Code to allow the use of "Recreational Facility, Major" in the I (Industrial) zoning district with a Conditional Use Permit.

AGENDA ITEM BRIEF:

The Planning Department proposes to amend the City of Fernley's Municipal Code, Title 32, Chapter 6, Section 150-2 to allow *Recreational Facility, Major* uses within the Industrial (I) zoning district with approval of a Conditional Use Permit ("C").

Currently, this use is not permitted within the Industrial zoning district, as indicated by the blank cell in the use table. However, an existing racetrack use operates within the Industrial district without any prior approvals or entitlements. The racetrack is categorized under the *Recreational Facility, Major* use type, and because the table entry is blank, the use is technically prohibited.

This amendment seeks to correct that discrepancy and recognize that such uses may be appropriate in Industrial areas, where noise, lighting, and traffic impacts can be more effectively mitigated than in residential or mixed-use settings. By requiring a Conditional Use Permit, the City can ensure that operational impacts are reviewed on a case-by-case basis, with conditions applied as necessary to ensure compatibility with surrounding development and infrastructure.

RECOMMENDED MOTION:

Considering the information provided by staff presentations and in the staff report, I move to recommend that

the City Council approve Bill #371 associated with CA25005 amending the Use Table for "Recreational Facility, Major" as proposed and presented by staff.

BUSINESS IMPACT (per NRS Chapter 237):

A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

See attached report for background, analysis, alternatives.

ALTERNATIVES:

"I move to recommend that the City Council deny Bill #371 associated with CA25005."

"I move to recommend that the City Council approve Bill #371 associated with CA25005 with the following modifications _____."

BACKGROUND:

The proposed code amendment seeks to update the City's Use Regulation Table (Sec. 32.06.152-2) to indicate that *Recreational Facility, Major* uses are permitted within the Industrial (I) zoning district subject to approval of a Conditional Use Permit ("C").

At this time, *Recreational Facility, Major* is not a permitted use in the Industrial zoning district, as indicated by the blank cell in the Use Table. However, it has been discovered that a long-standing racetrack currently operates within an Industrially zoned property without any recorded approvals or entitlements. The racetrack owners would like to go through the permitting process and potentially expand their footprint, which they are unable to do under the current Code.

Because the City's Development Code does not specifically list "racetrack" as a use, it is categorized under *Recreational Facility, Major*. Under Fernley Municipal Code, *Recreational Facility, Major* is defined as "large, generally outdoor facilities, such as outdoor roller or ice-skating rinks, sports stadiums and arenas; amusement and theme parks; racetracks; driving ranges; swimming or wave pools; entertainment complexes; amphitheaters; drive-in theaters; outdoor archery or shooting ranges; riding stables; campgrounds; recreational vehicle parks; miniature golf; golf courses, driving ranges, and country clubs; marinas; and similar facilities." This definition establishes that a racetrack is most appropriately regulated under the *Recreational Facility, Major* use category, which is currently not permitted in the Industrial district.

Staff reviewed the existing use table and determined that a *Recreational Facility, Major* can be compatible with Industrial zoning when appropriate mitigation measures are in place. Industrial districts are typically characterized by limited residential adjacency, larger parcel sizes, and higher thresholds for noise and traffic activity, all of which make them suitable locations for higher-intensity recreational uses such as racetracks.

This approach aligns with the intent of the Industrial (I) designation described in the City's Comprehensive Master Plan, which states that these areas are "intended to create an environment where industrial activities may occur with a minimum amount of impact on the natural environment and surrounding land uses." Industrial areas are typically located near major transportation corridors and are generally isolated from residential development, conditions which are consistent with the operational needs and potential impacts of a racetrack or similar facility.

Requiring a Conditional Use Permit provides the City with the ability to review each proposal on a case-by-case

basis, evaluate potential impacts related to traffic, noise, lighting, and dust, and impose reasonable conditions of approval to ensure compatibility with surrounding land uses. This process ensures that such uses are properly regulated while also recognizing their economic and recreational value to the community.

Analysis: Development Code Text Amendment

Approval Criteria

A development code text amendment is committed to the City Council's legislative discretion. A development code text amendment may be approved if it meets the following criteria.

- a. *Consistent with the city's master plan and otherwise consistent with state and federal law.*

The proposed amendment is consistent with the City of Fernley Comprehensive Master Plan and supports the intent of the Industrial land use designation, which is *"intended to create an environment where industrial activities may occur with a minimum amount of impact on the natural environment and surrounding land uses."* The Master Plan identifies Industrial areas as typically located near major transportation corridors, generally isolated from residential development, and requiring municipal services.

Allowing *Recreational Facility, Major* uses within the Industrial (I) zoning district under a Conditional Use Permit (CUP) aligns with these principles. Industrial zones provide the appropriate setting for large-scale or high-intensity recreational uses that may generate noise, dust, traffic, or lighting impacts that would be incompatible with residential areas. By requiring a CUP, the City retains discretion to evaluate each proposal for consistency with its surroundings and apply appropriate mitigation measures.

The following policies from the Comprehensive Master Plan further support this amendment:

LU.1.1 Encourage and Plan for new development in areas where adequate public services and facilities can be provided efficiently.

This amendment reinforces the City's goal of aligning future development with planned infrastructure investments. Much of the Industrial (I) zoning district remains largely undeveloped, with limited existing infrastructure; however, the City is proactively addressing these deficiencies through the North and Southwest Fernley Infrastructure Plans, the South Fernley Area Plan, and the ongoing Capital Improvement Plan (CIP) and Impact Fee Study.

Allowing *Recreational Facility, Major* uses through a Conditional Use Permit provides a framework for case-by-case evaluation, ensuring that new development occurs only when adequate infrastructure and public services can be provided. This approach balances flexibility with responsible growth management, allowing compatible uses to proceed without compromising the City's long-term infrastructure strategy.

LU.1.2 Encourage new developments to be in accordance with the Comprehensive Master Plan land use category and other land use controls to accomplish community principles.

The amendment ensures internal consistency between the Development Code and the adopted Master Plan. The Industrial land use category explicitly anticipates activities that generate noise, vibration, and higher traffic volumes, so allowing *Recreational Facility, Major* uses under a CUP respects that framework while maintaining oversight.

The CUP requirement also upholds the City’s intent to allow flexibility in compatible use regulation while ensuring accountability through public review and the ability to impose conditions of approval. This ensures that the code remains responsive to evolving land use needs while maintaining control over potential impacts.

LU.1.4 Ensure existing and future land uses are compatible.

Compatibility is central to this code amendment. By introducing the requirement for a Conditional Use Permit, the City gains the ability to evaluate individual project characteristics, including noise attenuation, hours of operation, lighting design, access management, and buffering from adjacent uses.

This tailored review process protects neighboring industrial operations, prevents conflicts with non-industrial activities, and maintains the overall function and intent of the Industrial zoning district. It ensures that major recreational uses, such as racetracks, are appropriately conditioned to operate harmoniously within Fernley’s industrial areas.

LU.1.6 Promote economic diversification and expansion of employment opportunities.

The amendment recognizes that Fernley’s Industrial areas can accommodate a range of compatible, income-generating uses beyond traditional manufacturing and warehousing. Allowing Recreational Facility, Major uses under a CUP promotes efficient land utilization and supports the City’s broader goal of diversifying its economic base while maintaining compatibility through discretionary review.

This approach leverages existing industrial zoning to attract recreation-oriented investment in locations that are less suited for residential development, supporting both land use efficiency and economic resilience.

- b. Public notice was given, and a public hearing held per the requirements of the Development Code and Nevada Revised Statutes.*

A public hearing will be held in accordance with Fernley Municipal Code and Nevada Revised Statutes. Legal notice was published in the Reno-Gazette Journal on October 29, 2025.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

General References

Nevada Revised Statutes (NRS) Chapter 266 – General Law for Incorporation of Cities and Towns
Nevada Revised Statutes (NRS) Chapter 268 – Powers and Duties Common to Cities and Towns Incorporated under General or Special Laws
Nevada Revised Statutes (NRS) Chapter 278 – Planning and Zoning
Fernley Municipal Code (FMC) Title 32 – Development Code
City of Fernley Comprehensive Master Plan, August 2018 (3rd Update)

Specific References

NRS 266.105-118 – Ordinances and Resolutions
NRS 268.014 – Codification of Ordinances; Publication of Code
FMC 1.01.03 – Official

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. BILL #371

BILL #371
CITY OF FERNLEY
ORDINANCE # _____

AN ORDINANCE AMENDING TITLE 32, CHAPTER 6, SECTION 150-2 (USE TABLE) OF THE FERNLEY DEVELOPMENT CODE TO ALLOW THE USE OF “RECREATIONAL FACILITY, MAJOR” IN THE I (INDUSTRIAL) ZONING DISTRICT WITH A CONDITIONAL USE PERMIT.

THE CITY COUNCIL OF THE CITY OF FERNLEY, hereinafter “the Council”, DO HEREBY ORDAIN:

Section 1. Title 32, Chapter 6, Section 150-2 is hereby amended as follows:

Sec. 32.06.150. Unlisted uses and use table.

Purpose: The permitted, special and accessory uses within each zoning district are set out in the use table, below. The use table provides broad use categories, along with procedures for interpretation and ways to accommodate uses that are not specifically listed.

(a) *Generally.*

- (1) No uses are allowed in any zoning district except those specifically listed as a permitted or conditional use in the use table.
- (2) All uses are subject to the dimensional standards in each zoning district, any additional regulations established by the zoning district, any regulations applicable to the use (chapter 32.07), and the development standards (chapter 32.09).
- (3) The use table establishes the following use categories:

TABLE 32.06.150-1 - Use Categories

Notation	Category	Description
A	Accessory use	Permitted as an accessory use if the use meets the standards established in the zoning district.
P	Permitted by right	Permitted if the use meets the standards established in the zoning district.
C	Conditional use	Requires approval of a conditional use permit. This may involve additional conditions to mitigate impacts on the surrounding neighborhood, in addition to other applicable requirements of this title.
	Blank cell	Use is not permitted
AR	Administrative review	Administrative review is required as a prerequisite to the issuance of building permits, whenever a conditional use permit is not required for new commercial and industrial building construction/additions, new multiple-family residential, enlargement of a

		nonconforming use and for outdoor storage (see chapter 20.03).
L	Locational standards	Locational standards in the "I" district apply (see section 32.06.110).
T	Temporary use	Permitted as a temporary use if the use meets the standards established in the zoning district.

(b) *Unlisted uses.*

Purpose: The list of permitted uses is both broad and comprehensive. However, it is impossible to contemplate every possible use, or new uses that did not exist when this section was written. To ensure that all un contemplated uses have a path to approval, this subsection establishes procedures to obtain a conditional use permit for such a use.

- (1) *Generally.* Uses not listed in the use table, are presumed to be prohibited. For uses not considered in the use table, a case can be made, the use is materially similar to uses permitted in the respective zoning district. The case will be considered by the planning commission through the conditional use permit process. conditional use findings will apply in addition to analysis pertaining to the following criteria:
 - a. Provide rationale the proposed use is consistent with uses permitted in the respective zoning district by utilizing a nationally accepted land use classification manual, such as the North American Industry Classification System ("NAICS"), American Planning Association or Land-Based Classification Standards LBCS Tables;
 - b. Document the actual or projected characteristics of the proposed use;
 - c. Document the relative number of employees;
 - d. Document hours of operation;
 - e. Demonstrate types of vehicles used and a parking analysis;
 - f. Provide a traffic analysis;
 - g. Analyze the impacts on surrounding properties; and
 - h. Provide analysis documenting the proposed use shall not generate average daily trips exceeding other uses proposed in the zoning district by more than ten percent (10%), as determined by the Institute of Transportation Engineers, Trip Generation or local traffic studies.

(c) *Use table.*

TABLE 32.06.150-2 - Use Table

Use Category	Use Type	Additional Use Standards	GR20	RR5	RR1	RR3	SF20	SF12	SF9	SF6	MDR14	MF21	MF30	MU	C1	C2	TC	EC	I	PF
Recreation, Entertainment and Arts																				
	Cultural institution												P		P	P				P
	Gaming establishment (non-restricted)													C		C	C			
	Entertainment facility/theater													P	C	P	P			P
	Health/fitness club													P	P	P	P	P		
	Park/open space		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P/L	P
	Recreation facility, minor													C	C	P	P	C	C/L	P
	Recreational facility, major														C	C	C		C	C

- Section 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 3.** The City Clerk is instructed and authorized to publish the title of this ordinance as provided by law.
- Section 4.** This ordinance shall become effective upon passage, approval, and publication.
- Section 5.** The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare, and convenience.
- Section 6.** In any subsection, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.
- Section 7.** The City Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation, or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

BILL #371 BEING HEREBY PROPOSED on the 3rd day of December, 2025.

BILL #371 BEING HEREBY PASSED, APPROVED, and ADOPTED this 17th day of December, 2025, by the following vote of the Council:

Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____

FERNLEY CITY COUNCIL

By: _____ Date: _____
Neal E. McIntyre, Mayor

Attest By: _____ Date: _____
Kim Swanson, City Clerk



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: November 12, 2025

REPORT TO: Fernley Planning Commission

REPORT FROM: Treston Rodriguez

FINANCIAL IMPACT:

Yes: No: X

CURRENTLY BUDGETED:

Yes: No: X

FUND/ACCOUNT:

N/A

ACTION REQUESTED: Motion

AGENDA ITEM:

(For possible action) Discussion and possible action on a Conditional Use Permit application (CUP25002) submitted by Scott Tate (Northern Nevada Comstock) to allow a ±12,194-square-foot non-restricted gaming establishment ("Lucky Strike Casino") in the General Commercial (C2) zoning district on APN 021-201-60, generally located approximately 395 feet east of the intersection of Nevada Pacific Parkway and U.S. Route 50 Alternate.

AGENDA ITEM BRIEF:

The applicant proposes construction of a ±12,194-square-foot non-restricted gaming establishment with bar and restaurant service ("Lucky Strike Casino") on a vacant C2 parcel (APN 021-201-60), on U.S. 50 Alternate just to the east of Nevada Pacific Parkway. The facility is proposed to operate 24 hours per day and will provide 88 on-site parking spaces (including ADA stalls). The CUP authorizes the use and applies conditions addressing grading and drainage, landscaping and lighting, utility infrastructure, construction management, and interagency coordination to ensure compatibility with surrounding properties and compliance with the Fernley Development Code and Public Works Design Standards.

RECOMMENDED MOTION:

Based on the information provided in the staff report and presented in the staff presentation, I move to deny the Conditional Use Permit associated with CUP25002 (Lucky Strike Casino) because I am unable to make Finding A – The proposed conditional use will be in compliance with the Comprehensive Master Plan, due to a technical inconsistency within the Fernley Development Code related to the definition of a '*gaming establishment (non-restricted)*' under FMC Title 32 and NRS 463.01865.

BUSINESS IMPACT (per NRS Chapter 237):

A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

See attached report for background, analysis, alternatives.

ALTERNATIVES:

Based on the information provided in the staff report and as presented in the staff presentation, I move to approve the Conditional Use Permit associated with CUP25002 (Lucky Strike Casino), subject to Conditions of Approval 1 through 21 as presented by staff.

BACKGROUND:

The subject site is a ± 1.76 -acre vacant parcel (APN 021-201-60) in the C2 (General Commercial) zoning district, located approximately ± 395 feet east of the intersection of U.S. Highway 50A and Nevada Pacific Parkway. The applicant proposes a $\pm 12,194$ -square-foot, single-story building for non-restricted gaming with bar and restaurant services, operating 24 hours per day.

Under the City's Use Table, a Conditional Use Permit is required for a "gaming establishment (non-restricted)" in the C2 district; however, Fernley's Development Code contains no use-specific development or operational standards for non-restricted gaming (e.g., on-site services, internal buffering, security, or scale thresholds). Compounding this, Fernley's code provides only one gaming use category—non-restricted—so applicants cannot apply for a "restricted gaming" use even if they propose 15 or fewer slot machines (which, under Nevada law, is the threshold for restricted gaming). In Nevada, restricted gaming allows not more than 15 slot machines and no other game or gaming device at the establishment, while non-restricted gaming involves 16 or more slot machines or any number of slot machines together with any game, gaming device, race book, or sports pool at one establishment. Because Fernley does not offer a restricted gaming use, any gaming application is processed as non-restricted and therefore must meet Fernley's definition for a non-restricted gaming establishment, which states: "Gaming establishment (non-restricted). A resort hotel as defined in NRS 463.01865 and consisting of 16 or more slot machines or operation of any number of slot machines together with any game, gaming device, race book or sports pool at one establishment. A 'nonrestricted gaming operation' in existence in Fernley as of January 1, 2020, need not meet the resort hotel requirement of this section."

The current submittal does not include a resort hotel component and is not an existing (pre-January 1, 2020) non-restricted operation; as a result, it cannot satisfy the City's adopted definition that ties non-restricted gaming to a resort hotel per NRS 463.01865. Accordingly, staff must recommend denial—a result driven by a technical inconsistency in the City's code framework (i.e., only a non-restricted category exists and it lacks use standards but still requires a resort hotel), not by a compatibility or zoning conflict on the site.

ANALYSIS:

FINDINGS FOR CONDITIONAL USE PERMIT:

- a. **The proposed conditional use will be in compliance with the comprehensive plan.**

The subject parcel (APN 021-201-60) has a Comprehensive Master Plan land-use designation of Single-Family Residential (SFR) and a zoning designation of C2 – General Commercial. While the C2 zoning is technically non-conforming with the SFR Master Plan category, zoning governs the determination of allowed and conditional uses, and the City evaluates CUP eligibility based on the adopted zoning district.

The C2 zoning district allows non-restricted gaming subject to approval of a Conditional Use Permit, and staff finds the proposed use compatible with the surrounding development pattern, which includes a commercial use along U.S. 50A to the west.

The project also supports general policy objectives of the Comprehensive Master Plan, including Goal LU.1.5 – Promote infill development, by utilizing existing roadway, water, and sewer infrastructure.

However, while the use is appropriate and compatible for the corridor and generally consistent with the intent of the Comprehensive Master Plan, the Fernley Development Code serves as the regulatory mechanism that implements the Plan. The Code defines a “gaming establishment (non-restricted)” as a resort hotel, consistent with NRS 463.01865. Because the proposed casino does not include lodging, it cannot meet this definition, and therefore the request cannot be found in full compliance with the City’s adopted regulatory framework.

Staff notes that this inconsistency arises from the definition in the Development Code, not from the Comprehensive Master Plan itself. Finding A cannot be fully made.

Comprehensive Plan Policy Context:

Although the Master Plan designates this area as Single-Family Residential, the plan includes broader goals that encourage economic development and efficient infill where infrastructure exists. The following policies provide relevant context:

- **LU.1.1 – Encourage and plan for new development in areas where adequate public services and facilities can be provided efficiently.**

The site is fully served by existing infrastructure and roadway access, consistent with this goal.

- **LU.1.5 – Promote infill development.**

The project represents infill development on a vacant parcel within a developed corridor.

Taken together, these policies demonstrate that the proposed use is compatible with the City’s development goals and consistent with the intent of the C2 zoning district. Staff’s recommendation of denial is not based on land-use or policy inconsistency, but rather on a technical inconsistency within the City’s Development Code, which requires a resort-hotel component for non-restricted gaming. Finding A cannot be fully made.

b. The conditional use will be compatible with the existing or permitted uses of adjacent properties.

Adjacent parcels are zoned C2 – General Commercial to the east, south, and west, with Industrial zoning across U.S. Highway 50A. The only active neighboring use is a gas station/market to the west, with apartments planned further south. The proposed use—an enclosed gaming and dining facility—includes security, lighting, and on-site parking, making it functionally compatible with nearby commercial and highway-oriented uses.

While future residential buildout of nearby SFR-designated parcels could introduce some land-use tension, the proposed development’s scale, site design, and separation from housing reduce potential conflicts. Finding B can be made.

c. The potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment.

The applicant notes the site is already served by existing roads, water, sewer, and storm drainage infrastructure, and is located within the City limits. The project's on-site improvements, including landscaping, paving, and stormwater management, will be reviewed at the building permit stage. No unreasonable impact to natural resources or municipal service capacity is anticipated. Finding C can be made.

d. The availability of and need for affordable housing in the community, including affordable housing that is accessible to persons with disabilities.

The proposed commercial gaming use does not directly affect the supply or affordability of housing in Fernley. While the use would not contribute to affordable housing stock, it also does not remove or convert existing residential units. Finding D can be made.

e. The conditional use permit's impacts have been conditioned to address identified impacts.

Potential impacts related to grading, drainage, site design, lighting, utilities, construction activity, and agency coordination have been addressed through the Conditions of Approval included in this report. These conditions require compliance with the Fernley Development Code and associated public-works standards, including submittal of drainage, utility, photometric, and landscaping plans; water-rights dedication; water and sewer modeling; geotechnical and grading permits; and adherence to construction-hour and debris-control requirements.

The project must also comply with all applicable federal, state, and local regulations, including those of NDOT, NDEP, NDWR, TCID, and the North Lyon County Fire Protection District, as specified in the Conditions of Approval. Collectively, these measures ensure that potential environmental, infrastructure, and operational impacts are mitigated to the extent feasible and that the project remains consistent with the City's adopted standards for health, safety, and welfare. Finding E can be made.

f. Public notice has been given, and a public hearing held, per the requirements of the Development Code and the Nevada Revised Statutes.

A public hearing will be held in accordance with Fernley Municipal Code and Nevada Revised Statutes. Legal notice was published in the Reno-Gazette Journal on October 29, 2025. The public hearing will be held during the November 12, 2025, Planning Commission meeting.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

Nevada Revised Statutes (NRS), Chapter 278 – Planning and Zoning
Nevada Revised Statutes (NRS), Chapter 463 – Resort Hotel
Fernley Municipal Code (FMC), Title 32 – Development Code
NRS 278.315 – Granting of Conditional Use Permits
FMC 32.03.050(b) – Conditional Use Permits
FMC 32.09.090 – Landscaping and screening
FMC 32.09.120 – Parking and loading

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Conditions of Approval
2. Site Plan
3. Floor Plan
4. Exterior Elevations

Conditions of Approval:

1. **APPROVAL:** THIS CONDITIONAL USE PERMIT IS APPROVED AS CONDITIONED HEREIN. ANY SUBSTANTIVE CHANGE SHALL REQUIRE REVIEW AND APPROVAL BY PLANNING COMMISSION AS AN AMENDMENT TO THIS CONDITIONAL USE PERMIT.
2. **EXPIRATION DATE:** THE CONDITIONAL USE PERMIT SHALL EXPIRE WITHIN ONE (1) YEAR OF THE DATE OF APPROVAL, UNLESS THE PERMITTED USE HAS BEEN ESTABLISHED OR CONSTRUCTION TO ACCOMMODATE THAT USE HAS BEGUN AND IS BEING DILIGENTLY PURSUED. A ONE-YEAR EXTENSION MAY BE GRANTED BY THE PLANNING COMMISSION IF REQUESTED PRIOR TO THE EXPIRATION DATE OF THE CONDITIONAL USE PERMIT.
3. **DESIGN STANDARDS:** THE DEVELOPER SHALL COMPLY WITH ANY DESIGN STANDARDS AND REGULATIONS AS SET FORTH IN THE CITY OF FERNLEY DEVELOPMENT CODE UNLES IN CONFLICT WITH THE LOCAL, STATE, OR FEDERAL REGULATIONS IN WHICH CASE THE MORE STRINGENT REGULATION WILL TAKE PRECEDENCE.
4. **GOVERNING DOCUMENTS:**
ALL CITY OF FERNLEY MUNICIPAL CODE (FMC) OR DEVELOPMENT CODE REFERENCES HEREIN PERTAIN TO THE VERSION OF THE CODE ESTABLISHED BY ORDINANCE NUMBER 2024-035, UNLESS OTHERWISE NOTED. THE DEVELOPER MAY SUBSTITUTE REQUIREMENTS ESTABLISHED IN FUTURE CITY OF FERNLEY MUNICIPAL CODE UPDATES, IF APPROVED BY THE ADMINISTRATOR.

THE DEVELOPER SHALL ALSO COMPLY WITH ALL STANDARDS FOUND WITHIN "CITY OF FERNLEY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS & REVIEW GUIDELINES" OF MARCH 2024, "CITY OF FERNLEY STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION" OF JULY 2022, AND "CITY OF FERNLEY COMPREHENSIVE MASTER PLAN" OF APRIL 2024.

5. **SCREENING:** AS REQUIRED BY FMC 32.090.090(i), ALL TRASH ENCLOSURES MUST BE ARCHITECTURALLY COMPATIBLE WITH THE PROJECT, CONSTRUCTED OF SUBSTANTIAL BUILDING MATERIAL USED IN THE DESIGN OF THE BUILDING. THE GATE SHALL BE CONSTRUCTED OF DURABLE MATERIAL THAT SCREENS THE TRASH ENCLOSURE. WOOD AND CHAIN LINK GATES ARE NOT ALLOWED.

ALL MECHANICAL AND ELECTRICAL EQUIPMENT SHALL ALSO BE SCREENED BY AN OPAQUE ENCLOSURE, TO THE APPROVAL OF THE ADMINISTRATOR.

6. **GENERAL DEVELOPMENT STANDARDS:**
THIS PROJECT SHALL COMPLY WITH ALL DEVELOPMENT STANDARDS FOUND WITHIN THE GOVERNING DOCUMENTS LISTED IN ITEM 4; THIS INCLUDES BUT IS NOT LIMITED TO ITEMS RELATED TO INTENSITY STANDARDS, LANDSCAPING AND SCREENING, LIGHTING, BUILDING PROJECTIONS, PARKING AND LOADING, AND ANY DEVELOPMENT STANDARDS REQUIRED FOR THE SPECIFIC ZONING DESIGNATION.
7. **CONSTRUCTION DEBRIS:**
ALL CONSTRUCTION SITES SHALL HAVE APPROVED TRASH RECEPTACLE(S) OR AN APPROVED TRASH REMOVAL PLAN IN PLACE AT THE TIME OF THE FIRST INSPECTION AND DURING CONSTRUCTION, UNTIL CERTIFICATE OF OCCUPANCY IS ISSUED. THE RECEPTACLE(S) SHALL BE USED APPROPRIATELY TO MAINTAIN A CLEAN WORK SITE.

8. CONSTRUCTION HOURS:

PRIOR TO THE START OF ANY CONSTRUCTION-RELATED ACTIVITY, THE DEVELOPER SHALL INSTALL SIGNS AT ALL ACCESS POINTS TO THE PROJECT THAT CLEARLY INDICATE THE HOURS OF ACTIVITY ON-SITE. THE DEVELOPER SHALL LIMIT ALL CONSTRUCTION-RELATED ACTIVITIES TO BETWEEN THE HOURS OF 7:00 AM AND 7:00 PM, SEVEN DAYS PER WEEK. ONCE CONSTRUCTION IS FINISHED, THE DEVELOPER SHALL REMOVE THESE SIGNS.

9. PROJECT CONTACT:

PRIOR TO ISSUE OF A BUILDING PERMIT, THE DEVELOPER SHALL DESIGNATE A PROJECT CONTACT PERSON TO THE ADMINISTRATOR. THE CONTACT PERSON SHALL BE AUTHORIZED TO AND RESPONSIBLE FOR CORRECTING ANY PROJECT-RELATED ISSUES ON A 24-HOUR, 7-DAYS-PER-WEEK BASIS.

10. LANDSCAPING AND PHOTOMETRIC PLANS:

THE DEVELOPER SHALL SUBMIT A LANDSCAPING PLAN IN ACCORDANCE WITH FMC 32.09.090 AND A PHOTOMETRIC PLAN IN ACCORDANCE WITH FMC 32.09.100 WITH THE BUILDING PERMIT APPLICATION. THESE PLANS ARE SUBJECT TO REVIEW AND APPROVAL BY THE ADMINISTRATOR.

11. STORM DRAINAGE:

THE DEVELOPER SHALL PROVIDE A DRAINAGE REPORT FOR THE PROJECT IN CONFORMANCE WITH FERNLEY MUNICIPAL CODE AND THE PUBLIC WORKS DESIGN MANUAL FOR REVIEW AND APPROVAL BY THE CITY ENGINEER PRIOR TO APPROVAL OF A BUILDING PERMIT FOR ANY PORTION OF THE PROJECT.

ALL INCREASES TO SITE RUNOFF MUST BE CAPTURED AND RETAINED ONSITE. ONSITE DRAINAGE INFRASTRUCTURE

12. WATER AND SEWER SERVICE:

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT, THE DEVELOPER SHALL PROVIDE THE CITY WITH A UTILITY PLAN FOR WATER AND SANITARY SEWER THAT IS IN CONFORMANCE WITH THE CITY OF FERNLEY MUNICIPAL CODE, DESIGN STANDARDS, AND THE NEVADA ADMINISTRATIVE CODE TO THE APPROVAL OF THE CITY ENGINEER, PUBLIC WORKS DIRECTOR, AND ADMINISTRATOR. THE DEVELOPER SHALL ALSO PROVIDE AN ERC CALCULATION SHEET IDENTIFYING ESTIMATED WATER DEMANDS AND SEWER FLOW.

13. WATER RIGHTS:

THE DEVELOPER SHALL COMPLY WITH ALL CITY OF FERNLEY MUNICIPAL CODES REGARDING THE DEDICATION OF WATER RIGHTS, INCLUDING ASSOCIATED FEES, FOR THE CONNECTION TO THE CITY'S MUNICIPAL WATER SYSTEM IN THE AMOUNT THAT IS REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT.

14. TRASH DISPOSAL:

PRIOR TO ISSUE OF ANY CERTIFICATE OF OCCUPANCY FOR THIS SITE, THE DEVELOPER SHALL CONTRACT WITH A TRASH DISPOSAL COMPANY, SUBJECT TO APPROVAL BY THE ADMINISTRATOR.

15. SANITARY SEWER REPORT:

PRIOR TO ISSUE OF A BUILDING PERMIT, THE DEVELOPER SHALL PROVIDE A FINAL SANITARY SEWER REPORT FOR THE PROJECT IN CONFORMANCE WITH THE FERNLEY MUNICIPAL CODE AND THE PUBLIC WORKS DESIGN MANUAL FOR REVIEW AND APPROVAL BY THE CITY ENGINEER.

16. NORTH LYON COUNTY FIRE PROTECTION DISTRICT:

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF THE MOST RECENT FIRE CODE ADOPTED BY THE NORTH LYON COUNTY FIRE PROTECTION DISTRICT, TO THE APPROVAL OF THE FIRE CHIEF, FIRE MARSHAL, OR DESIGNEE.

17. FEDERAL, STATE, AND LOCAL AGENCIES:

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF ANY FEDERAL, STATE, LOCAL AGENCY, DEPARTMENT, OR LICENSED PROFESSIONAL WITH JURISDICTION OVER THE PROJECT INCLUDING, BUT NOT LIMITED TO: BUREAU OF RECLAMATION (BOR), NEVADA DEPARTMENT OF TRANSPORTATION (NDOT), NEVADA DIVISION OF ENVIRONMENTAL PROTECTION (NDEP), NEVADA DIVISION OF WATER RESOURCES (NDWR), NEVADA BUREAU OF WATER POLLUTION CONTROL, NEVADA BUREAU OF SAFE DRINKING WATER, NEVADA STATE ENVIRONMENTAL COMMISSION, TRUCKEE CARSON IRRIGATION DISTRICT (TCID), THE CITY OF FERNLEY BUILDING OFFICIAL, THE CITY OF FERNLEY ENGINEER, CITY OF FERNLEY PLANNING DEPARTMENT, CITY OF FERNLEY PUBLIC WORKS DEPARTMENT, AND THE CITY OF FERNLEY PROFESSIONAL LAND SURVEYOR.

18. NEVADA DIVISION OF ENVIRONMENTAL PROTECTION:

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION – BUREAU OF SAFE DRINKING WATER, AND BUREAU OF WATER POLLUTION CONTROL FOR THE WATER AND SEWER INFRASTRUCTURE DESIGN AND CONSTRUCTION TO THE APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR.

19. GEOTECHNICAL REPORT:

THE DEVELOPER SHALL PROVIDE A GEOTECHNICAL REPORT FOR THE PROJECT IN CONFORMANCE WITH THE REQUIREMENTS OF THE DEVELOPMENT CODE FOR REVIEW AND APPROVAL BY THE CITY ENGINEER PRIOR TO ISSUE OF GRADING PERMIT OR BUILDING PERMIT FOR ANY PORTION OF THE PROJECT.

20. GRADING PERMIT:

THE DEVELOPER SHALL COMPLY WITH ALL GRADING REQUIREMENTS SET FORTH IN THE CITY OF FERNLEY DEVELOPMENT CODE AS WELL AS ALL STATE AND FEDERAL REGULATIONS INCLUDING, BUT NOT LIMITED TO, STORM WATER POLLUTION PREVENTION AND AIR QUALITY RELATED TO SURFACE AREA DISTURBANCE.

PRIOR TO THE ISSUANCE OF A GRADING PERMIT FOR THE DEVELOPMENT, THE DEVELOPER SHALL POST A SURETY BOND FOR REGRADING AND RECLAMATION OF THE SITE AND PROVIDE VERIFICATION OF A STORM WATER POLLUTION PREVENTION PERMIT AND SURFACE AREA DISTURBANCE PERMIT, IF APPLICABLE.

21. ENGINEERING/PUBLIC WORKS:

THE DEVELOPER SHALL COMPLY WITH ALL THE REQUIREMENTS OF THE CITY OF FERNLEY MUNICIPAL CODE AND PUBLIC WORKS DESIGN MANUAL FOR THE CONSTRUCTION OF ANY PUBLIC INFRASTRUCTURE TO THE APPROVAL OF THE CITY ENGINEER AND PUBLIC WORKS DIRECTOR.



SITE CALCULATIONS

PARKING REQUIREMENTS (SECT. 32.09.120)

OVERALL BUILDING FOOTPRINT: 12,194 SF
CASINO FOOTPRINT: 7,100 SF / 100 = 71.00 PARKING SPACES
BALANCE OF FOOTPRINT (SUPPORT SPACES); 5,094 SF / 300 =
16.98 PARKING SPACES

$71.00 + 16.98 = 87.98 = 88$ PARKING SPACES REQUIRED (88
PARKING SPACES PROVIDED)

LANDSCAPE REQUIREMENTS (SECT. 32.09.090)

SITE AREA: 56,726 SF (EXCLUDING EASEMENTS NOT ALLOWED
TO BE BUILT ON)

ZONING: C2 (15% MIN.)
 $56,726 \text{ SF} \times 0.15 = 8,509 \text{ SF}$ REQUIRED (10,577 SF LANDSCAPING
PROVIDED)

8,594 SF (DECOMPOSED GRANITE)

1,983 SF (PAVERS)

8,594 SF / 500 TREES PER SF = 18 TREES

88 PARKING SPACES / (1 TREE PER 7 SPACES) = (12.57) 13 TREES
REQ'D. FOR PARKING, 14 TREES PROVIDED

$18 + 13 = 31$ TREES REQ'D.

37 TREES PROVIDED ON SITE (INCLUDES 16 TREES (TP) AT
STREET FRONTAGE (1 TREE FOR EACH 30 FEET OF STREET
FRONTAGE), 14 TREES IN PARKING (TP), AND 7 TREES ON WEST
PLANTER STRIP.

8,594 SF (PLANTER STRIP AREA) x 1 SHRUB PER 50 SF = 171.88
(172 TOTAL SHRUBS WILL BE PROVIDED IN PLANTER STRIPS)

Revisions :

Sheet Title :
ARCHITECTURAL SITE
PLAN

project no: ONE2512

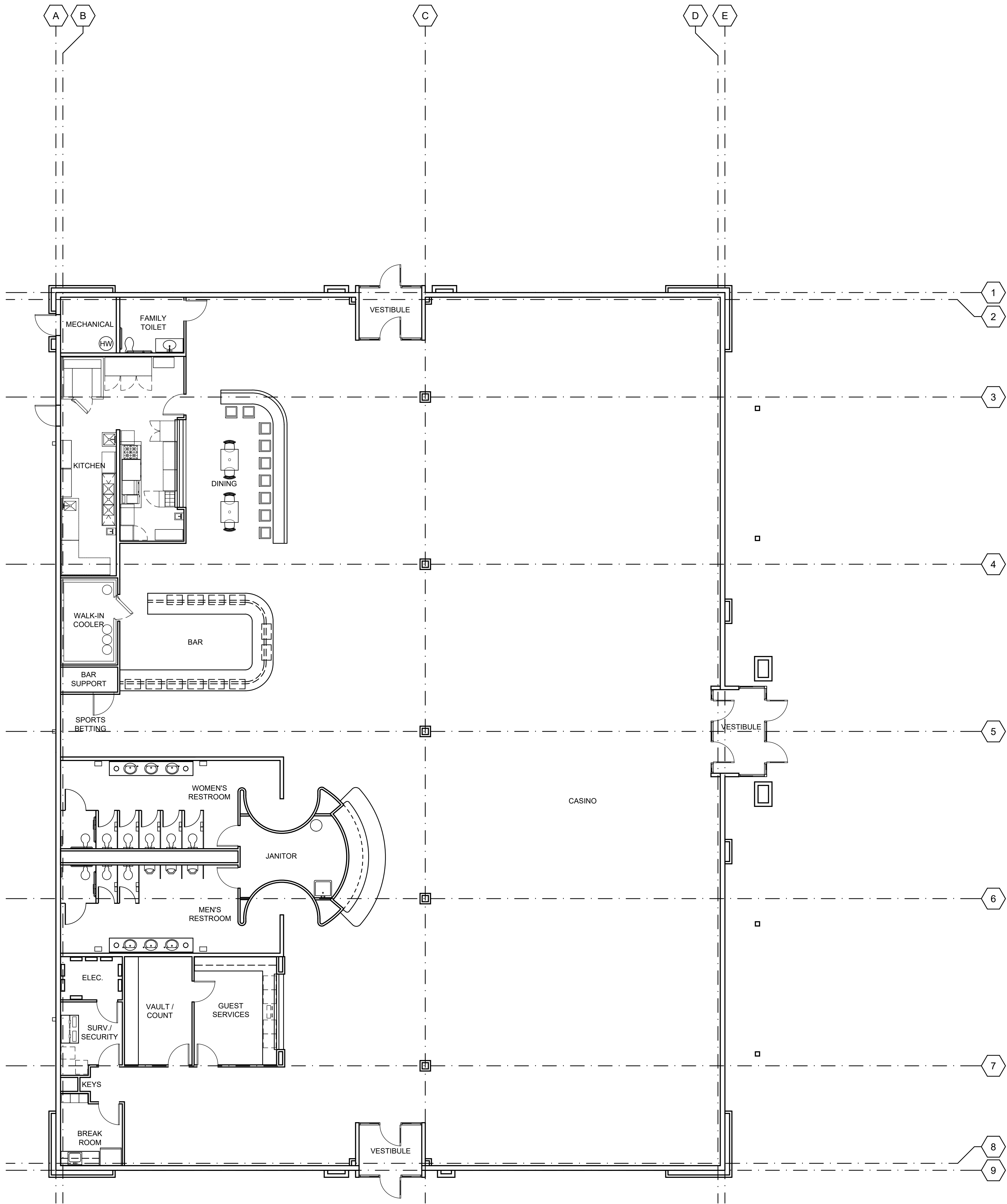
date: -/-/-

drawing name: XA-SP-L1

Sheet No :

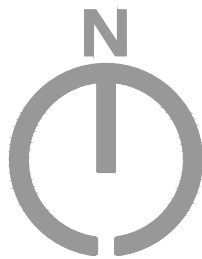
PROPOSED
A010

NAC 623.780 DRAWINGS AND SPECIFICATIONS ARE ENTIRELY THE PROPERTY OF THE DESIGN PROFESSIONAL. COPIES OF THE DRAWINGS AND SPECIFICATIONS BE LOANED BY THE CLIENT MAY BE UTILIZED ONLY FOR THE PROJECT FOR WHICH THEY WERE PREPARED, AND NOT FOR THE CONSTRUCTION OF ANY OTHER PROJECTS. ANY USE OR REPRODUCTION OF THIS DRAWING OR ANY PART OF IT WITHOUT THE WRITTEN CONSENT OF ONESTUDIO D+A, A NEVADA PROFESSIONAL CORPORATION, IS STRICTLY PROHIBITED. THE DESIGN PROFESSIONAL SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE DESIGN PROFESSIONAL SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE DESIGN PROFESSIONAL SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.



BUILDING AREAS	
BUILDING FOOTPRINT:	12,194 SF
CASINO AREA:	7,100 SF
BAR SEATING/LOUNGE:	801 SF
BAR/BAR SUPPORT:	447 SF
KITCHEN:	498 SF
DINING AREA:	319 SF
OFFICE AREAS:	639 SF
RESTROOMS:	778 SF
MECH./FIRE RISER:	64 SF
VESTIBULES, JAN., MISC.	1,548 SF

1 OVERALL FIRST LEVEL FLOOR PLAN
SCALE: 1/8" = 1'-0"



LUCKY STRIKE CASINO
CONDITIONAL USE PERMIT

Revisions :

Sheet Title :
OVERALL FIRST LEVEL
FLOOR PLAN

project no: ONE2512

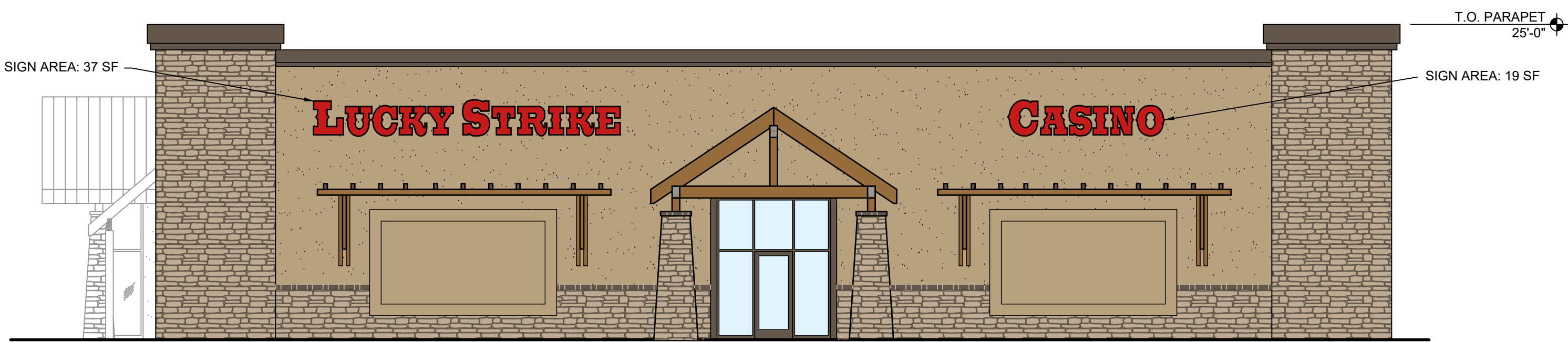
date: -/-/-

drawing name: XA-FP-L1

Sheet No :

PROPOSED
A201

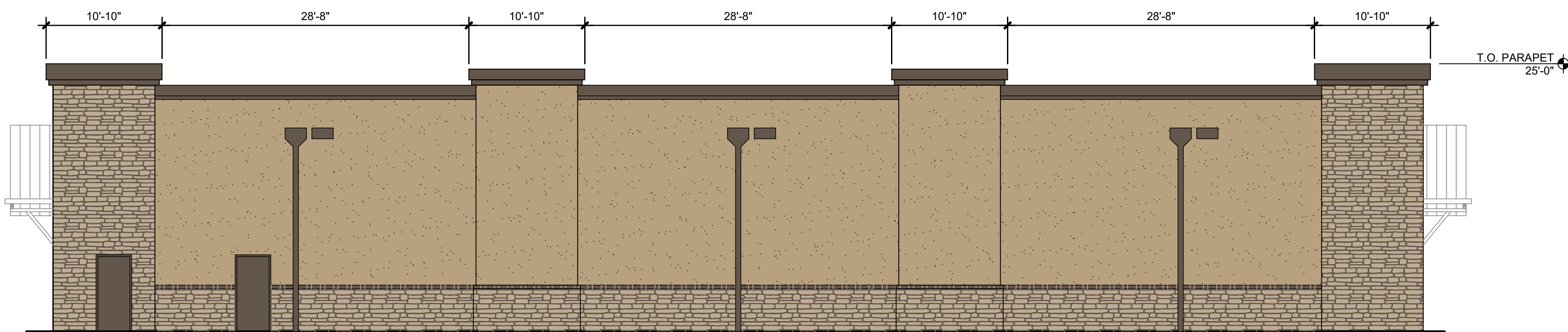
NAC 622.780 DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE DESIGN PROFESSIONAL. COPIES OF THE DRAWINGS AND SPECIFICATIONS RETAINED BY THE CLIENT MAY BE UTILIZED ONLY FOR THE PROJECT FOR WHICH THEY WERE PREPARED, AND NOT FOR THE CONSTRUCTION OF ANY OTHER PROJECTS. ANY USE OR REPRODUCTION OF THE DRAWINGS OR ANY MEANS WHATSOEVER IS STRICTLY PROHIBITED EXCEPT WITH SPECIFIC WRITTEN CONSENT OF ONESTUDIO D+A, A NEVADA PROFESSIONAL CORPORATION.



1 EXTERIOR ELEVATIONS - NORTH

SCALE: 1/8" = 1'-0"

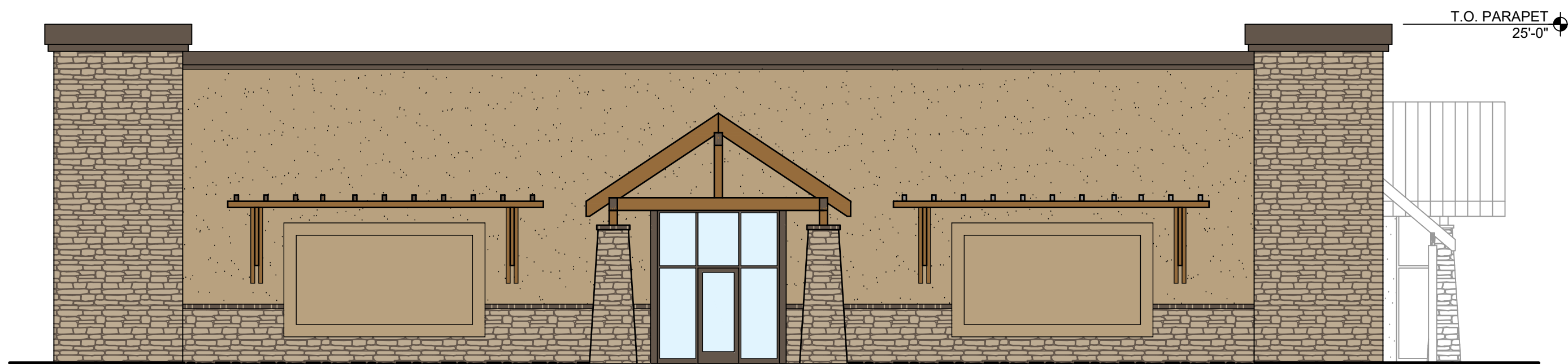
NORTH



2 EXTERIOR ELEVATIONS - WEST

SCALE: 1/8" = 1'-0"

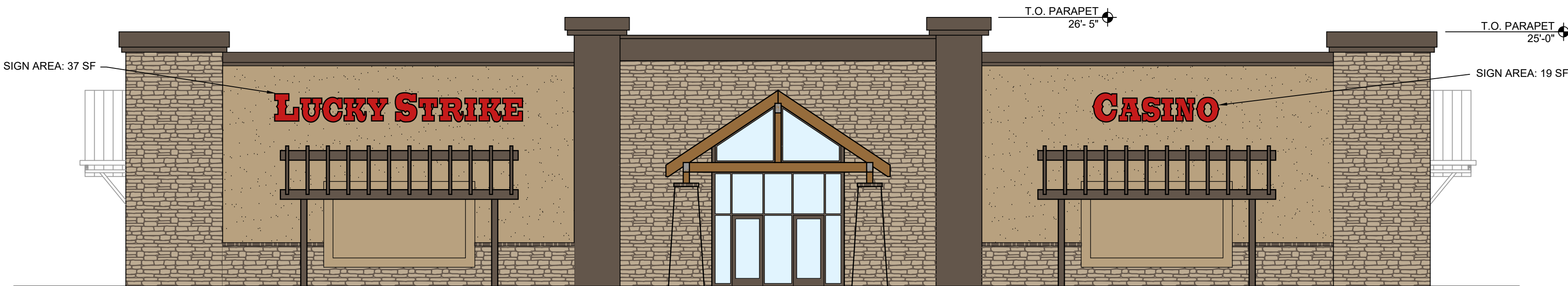
WEST



3 EXTERIOR ELEVATIONS - SOUTH

SCALE: 1/8" = 1'-0"

SOUTH



4 EXTERIOR ELEVATIONS - EAST

SCALE: 1/8" = 1'-0"

EAST



ONESTUDIO D+A

6151 Lakeside Drive, Suite 1100
Reno, Nevada 89511
P (775) 336-2883
ONESTUDIODNA.COM



LUCKY STRIKE CASINO
CONDITIONAL USE PERMIT

Revisions :

Sheet Title :
EXTERIOR ELEVATIONS

project no: ONE2512

date: -/-/-

drawing name: XA-EXT-ELEV

Sheet No :

PROPOSED
A610

NAC 623.780 DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE DESIGN PROFESSIONAL. COPIES OF THE DRAWINGS AND SPECIFICATIONS RETAINED BY THE CLIENT MAY BE UTILIZED ONLY FOR THE USE AND/OR OCCUPANCY THE PROJECT FOR WHICH THEY WERE PREPARED, AND NOT FOR THE CONSTRUCTION OF ANY OTHER PROJECTS. ANY USE OR REPRODUCTION OF THE DRAWINGS OR INSTRUMENTS OF SERVICE WITHOUT THE WRITTEN CONSENT OF ONESTUDIO D+A, A NEVADA PROFESSIONAL CORPORATION, IS STRICTLY PROHIBITED. ONESTUDIO D+A, A NEVADA PROFESSIONAL CORPORATION, IS NOT RESPONSIBLE FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY CAUSED BY THE USE OF THE DRAWINGS OR INSTRUMENTS OF SERVICE.



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: November 12, 2025

REPORT TO: Fernley Planning Commission

REPORT FROM: Treston Rodriguez

FINANCIAL IMPACT:

Yes: No: X

CURRENTLY BUDGETED:

Yes: No: X

FUND/ACCOUNT:

N/A

ACTION REQUESTED: Ordinance
Motion

AGENDA ITEM:

(For Possible Action) Consideration and possible action on a request from the Planning Department to amend the City of Fernley Development Code, Title 32, Chapter 9, Section 70 (Grading) and Chapter 2, Section 30 (Definitions), to add definitions for "Grubbing," "Standard Grading," and "Engineered Grading," and to clarify grading permit thresholds, slope limitations, erosion and dust control, inspection, bonding, and enforcement requirements (Bill #370, CA25004).

AGENDA ITEM BRIEF:

The Planning Department requests consideration of a Development Code amendment to clarify and strengthen the City's grading standards and permitting thresholds. The proposed amendment updates Chapter 32.09.070 (Grading) and Chapter 32.02.030 (Definitions) to add definitions for *Grubbing*, *Standard Grading*, and *Engineered Grading*, and to align grading permit requirements with current engineering and environmental best practices.

The amendment adds a permit requirement for clearing and grubbing of one acre or more, establishes slope thresholds requiring engineered grading plans and geotechnical review for grading on slopes twenty percent or greater, and requires erosion and sediment control plans and Stormwater Pollution Prevention Plans (SWPPPs) for disturbances of one acre or more consistent with Nevada Department of Environmental Protection (NDEP) regulations. It also introduces new dust control provisions for projects disturbing five acres or more, adds inspection and bonding requirements to ensure stabilization and restoration, and provides enforcement authority for stop work orders and penalties related to unauthorized grading or failure to maintain required controls.

Overall, the proposed amendment improves code clarity, strengthens environmental protection standards, and establishes consistent permitting procedures for grading, clearing, and grubbing activities throughout the City.

RECOMMENDED MOTION:

"Considering the information provided by staff presentations and in the staff report, I move to recommend that the City Council approve Bill #370 associated with CA25004 amending Chapter 32.09.070 (Grading) and Chapter 32.02.030 (Definitions) of the Fernley Development Code, as proposed and presented by staff."

BUSINESS IMPACT (per NRS Chapter 237):

A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

See attached report for background, analysis, alternatives.

ALTERNATIVES:

"I move to recommend that the City Council deny Bill #371 associated with CA25005."

"I move to recommend that the City Council approve Bill #371 associated with CA25005 with the following modifications _____."

BACKGROUND:

The City's Development Code currently defines grading activities in general terms but does not distinguish between minor site preparation and large-scale engineered earthwork. In addition, the existing code does not adequately address large-scale clearing or grubbing activities that can result in erosion, dust, and drainage impacts even when limited grading occurs.

To address these gaps, City staff prepared a targeted amendment to update Chapter 32.09.070 (Grading) and Chapter 32.02.030 (Definitions). The amendment introduces new definitions for *Grubbing*, *Standard Grading*, and *Engineered Grading*; clarifies permit thresholds for grading and grubbing activities; and establishes slope, erosion, and dust control standards consistent with current engineering practices and Nevada Department of Environmental Protection (NDEP) regulations.

These updates were developed internally by the Planning Department in coordination with the City Engineer to ensure that Fernley's grading standards remain clear, enforceable, and aligned with state environmental requirements.

Analysis: Development Code Text Amendment**Approval Criteria**

A development code text amendment is committed to the City Council's legislative discretion. A development code text amendment may be approved if it meets the following criteria.

- a. *Consistent with the city's master plan and otherwise consistent with state and federal law.*

The proposed amendment is consistent with the goals and policies of the City of Fernley Comprehensive Master Plan and aligns with applicable state environmental and engineering standards. The Master Plan establishes objectives to ensure that land development occurs in a manner that minimizes impacts to the natural environment, protects public safety, and promotes efficient infrastructure investment.

This amendment directly supports those objectives by introducing clear and enforceable thresholds for grading, clearing, and grubbing activities. By requiring grading permits for clearing and grubbing of one acre or more, establishing slope limitations that trigger engineered grading plans and geotechnical review, and adding new provisions for erosion control, dust suppression, and stormwater management, the amendment promotes responsible site development practices that protect natural drainage, soil stability, and air quality.

The amendment is also consistent with Nevada Revised Statutes (NRS) Chapter 278, which authorizes local governments to adopt and enforce land use and environmental standards necessary to protect public health, safety, and welfare. By aligning local grading requirements with Nevada Department of Environmental Protection (NDEP) standards for Stormwater Pollution Prevention Plans (SWPPPs) and stormwater permitting, the proposed changes ensure consistency with state and federal environmental regulations.

These updates improve the City's ability to manage land disturbance, prevent erosion and sedimentation, and maintain the integrity of natural systems, thereby advancing the Master Plan's long-term goals for environmental stewardship and sustainable growth. Finding A can be made.

The following policies from the Comprehensive Master Plan further support this amendment:

- ***C.1.2 Balance the conservation of significant natural resources with the need for urban uses and activities through evaluation of economic, social, environmental, and energy consequences of such actions.***

This amendment advances the City's conservation goals by balancing land development with natural resource protection. The inclusion of erosion control, slope stabilization, and stormwater management standards ensures that grading and grubbing activities consider environmental and hydrologic consequences before land is disturbed. By requiring engineered grading plans and geotechnical review for projects on steeper slopes or larger sites, the amendment safeguards natural drainage patterns and soil stability while allowing appropriate urban development to proceed responsibly.

- ***C.1.5 – Regulate development in areas that may be subject to earthquakes, erosion, and landslides.***

The amendment implements C.1.5 and its subpolicies (C.1.5.2 and C.1.5.3) by formalizing geotechnical review, erosion control, and sediment prevention standards within the City's grading requirements. The new provisions require engineered grading plans for slopes of twenty percent or greater and SWPPPs for one-acre disturbances, thereby mitigating risks associated with soil instability, erosion, and slope failure. These standards ensure that projects proposed in areas with sensitive soils or steep terrain undergo appropriate resource investigations and mitigation measures before approval, protecting both the natural environment and downstream properties.

- b. *Public notice was given, and a public hearing held per the requirements of the Development Code and Nevada Revised Statutes.*

A public hearing will be held in accordance with Fernley Municipal Code and Nevada Revised Statutes. Legal notice was published in the Reno-Gazette Journal on October 29, 2025.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

General References

Nevada Revised Statutes (NRS) Chapter 268 – Powers and Duties Common to Cities and Towns Incorporated under General or Special Laws

Nevada Revised Statutes (NRS) Chapter 278 – Planning and Zoning

Fernley Municipal Code (FMC) Title 32 – Development Code

City of Fernley Comprehensive Master Plan, August 2018 (3rd Update)

Specific References

NRS 266.105-118 – Ordinances and Resolutions

NRS 268.014 – Codification of Ordinances; Publication of Code

FMC 1.01.03 – Official Municipal Code, Amendments

FMC 32.03.040(d) – Development Code, Administration, Development Code Text Amendments

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. BILL 370
2. Grading - Original Code
3. Grading - Amended Code

BILL #370
CITY OF FERNLEY
ORDINANCE # _____

AN ORDINANCE AMENDING TITLE 32, CHAPTER 9, SECTION 70 (Grading) AND CHAPTER 2, SECTION 30 (DEFINITIONS) OF THE FERNLEY DEVELOPMENT CODE TO ADD DEFINITIONS FOR “GRUBBING,” “STANDARD GRADING,” AND “ENGINEERED GRADING,” AND TO CLAIRFY GRADING PERMIT THRESHOLDS, SLOPE LIMITATIONS, EROSION AND DUST CONTROL, AND DUST CONTROL, INSPECTION, BONDING, AND ENFORCEMENT REQUIREMENTS (BILL #370, CA25004).

THE CITY COUNCIL OF THE CITY OF FERNLEY, hereinafter “the Council”, DO HEREBY ORDAIN:

Section 1. Title 32, Chapter 2, Section 30 and Title 32, Chapter 9, Section 70 is hereby amended as follows:

Sec. 32.09.070. Grading.

All grading requirements shall be as set forth herein.

- (a) *Grading permits required; conditions.* Any grading over 50 cubic yards or clearing and grubbing of 1-acre or more shall be performed under a grading permit or a building permit. At the time of such permit, the city may restrict improvements consisting of the clearing of brush and trees or the moving of earth by mechanical equipment. Such restrictions may include a provision that no such improvements may be made for a given period of time, including the time up to the issuance of a grading permit or building permit. Conditions and restrictions on grading permits and building permits shall be evaluated upon the following:
- (1) Pollution, contamination, or silting of lakes, rivers, streams of domestic water supplies, irrigation waterways.
 - (2) Erosion damage.
 - (3) Alteration of natural drainage patterns in a manner likely to cause damage to the property or persons from which or to which the normal drainage is diverted.
 - (4) Large parcel clearing with respect to wind erosion and dust hazards.
 - (5) Grading on slopes exceeding ten percent (10%) may be restricted; grading on slopes twenty percent (20%) or greater shall require an engineered grading plan with geotechnical review.
- (b) *Geologic survey report.* If geologic problems are likely or apparent, a geologic survey report shall be required prior to the issuance of the building permit or grading permit.
- (c) *Erosion control.* All cleared slopes, all cuts and fills and all other areas vulnerable to erosion shall be either stabilized with grass or other protective ground cover or properly mulched to assure establishment, riprapped for slope control, treated with a soil solidifier or be provided with appropriate drainage benches as may be determined by the administrator. On steep slopes, controls, as necessary to the circumstances, may be required. An erosion and sediment control plan shall be required for any grading, clearing, or grubbing disturbing one (1) acre or more. A Stormwater Pollution Prevention Plan (SWPPP) shall be required for any project disturbing one (1) acre or more, consistent with NDEP requirements.
- (d) *Landscaping.*
- (1) In addition to the landscaping requirements of this section, landscaping and/or revegetation is required to stabilize all slopes which have been:
 - a. Cleared;
 - b. Graded;
 - c. Otherwise disturbed by development subject to this section; or
 - d. Visible from public rights-of-way.
 - (2) Landscaping shall be dispersed throughout the stabilized area.
 - (3) Interior side yard sloped areas of individual lots are exempt from the landscaping and irrigation requirement.
 - (4) Planting shall be designed to achieve 90 percent ground coverage of any disturbed area within three years.

(e) Dust control. All grading, clearing, and grubbing activities shall employ adequate dust suppression measures. A dust control plan shall be required for projects disturbing five (5) acres or more.

(f) Inspections and bonding. The City Engineer may require grading bonds or other financial assurances to ensure stabilization and restoration. Grading permits shall be subject to inspections at pre-clearing, rough grade, and final grade. Permits shall expire one hundred eighty (180) days after the last recorded activity unless extended.

(g) Enforcement. The City Engineer or designee may issue a stop work order for unauthorized grading, clearing, or grubbing. Civil penalties may be imposed for failure to obtain required permits or maintain erosion/dust control.

Sec. 32.02.030. Definitions.

(a) The words, terms and phrases used in this title are below.

Engineered grading. Grading activities that exceed the thresholds for standard grading or otherwise require review and approval by a Nevada-licensed civil engineer, and when applicable a geotechnical engineer. This includes grading of 5,000 cubic yards or more; cuts or fills fifteen (15) feet or greater in depth; grading on slopes twenty (20) percent or greater; or any grading or site disturbance requiring a geotechnical report to evaluate soil stability, slope safety, or drainage.

Grubbing. The removal and disposal of stumps, roots, brush, and other organic matter from at or below the natural ground surface in preparation for grading, excavation, or construction.

Standard grading. Grading activities that do not exceed the thresholds requiring an engineered grading plan. This includes grading of less than 5,000 cubic yards of material; cuts or fills less than fifteen (15) feet in depth; grading on slopes less than twenty (20) percent; and projects not involving significant geotechnical or slope stability concerns.

- | | |
|-------------------|--|
| Section 2. | All ordinances or parts of ordinances in conflict herewith are hereby repealed. |
| Section 3. | The City Clerk is instructed and authorized to publish the title of this ordinance as provided by law. |
| Section 4. | This ordinance shall become effective upon passage, approval, and publication. |
| Section 5. | The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare, and convenience. |
| Section 6. | In any subsection, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions. |
| Section 7. | The City Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation, or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237. |

BILL #370 BEING HEREBY PROPOSED on the 3rd day of December, 2025.

BILL #370 BEING HEREBY PASSED, APPROVED, and ADOPTED this 17th day of December, 2025, by the following vote of the Council:

Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____

FERNLEY CITY COUNCIL

By: _____ Date: _____
Neal E. McIntyre, Mayor

Attest By: _____ Date: _____
Kim Swanson, City Clerk

All grading requirements shall be as set forth herein.

- (a) *Grading permits required; conditions.* Any grading over 50 cubic yards shall be performed under a grading permit or a building permit. At the time of such permit, the city may restrict improvements consisting of the clearing of brush and trees or the moving of earth by mechanical equipment. Such restrictions may include a provision that no such improvements may be made for a given period of time, including the time up to the issuance of a grading permit or building permit. Conditions and restrictions on grading permits and building permits shall be evaluated upon the following:
 - (1) Pollution, contamination, or silting of lakes, rivers, streams of domestic water supplies, irrigation waterways.
 - (2) Erosion damage.
 - (3) Alteration of natural drainage patterns in a manner likely to cause damage to the property or persons from which or to which the normal drainage is diverted.
 - (4) Large parcel clearing with respect to wind erosion and dust hazards.
- (b) *Geologic survey report.* If geologic problems are likely or apparent, a geologic survey report shall be required prior to the issuance of the building permit or grading permit.
- (c) *Erosion control.* All cleared slopes, all cuts and fills and all other areas vulnerable to erosion shall be either stabilized with grass or other protective ground cover or properly mulched to assure establishment, riprapped for slope control, treated with a soil solidifier or be provided with appropriate drainage benches as may be determined by the administrator. On steep slopes, controls, as necessary to the circumstances, may be required.
- (d) *Landscaping.*
 - (1) In addition to the landscaping requirements of this section, landscaping and/or revegetation is required to stabilize all slopes which have been:
 - a. Cleared;
 - b. Graded;
 - c. Otherwise disturbed by development subject to this section; or
 - d. Visible from public rights-of-way.
 - (2) Landscaping shall be dispersed throughout the stabilized area.
 - (3) Interior side yard sloped areas of individual lots are exempt from the landscaping and irrigation requirement.
 - (4) Planting shall be designed to achieve 90 percent ground coverage of any disturbed area within three years.

Sec. 32.09.070. Grading.

All grading requirements shall be as set forth herein.

- (a) *Grading permits required; conditions.* Any grading over 50 cubic yards or clearing and grubbing of 1-acre or more shall be performed under a grading permit or a building permit. At the time of such permit, the city may restrict improvements consisting of the clearing of brush and trees or the moving of earth by mechanical equipment. Such restrictions may include a provision that no such improvements may be made for a given period of time, including the time up to the issuance of a grading permit or building permit. Conditions and restrictions on grading permits and building permits shall be evaluated upon the following:
- (1) Pollution, contamination, or silting of lakes, rivers, streams of domestic water supplies, irrigation waterways.
 - (2) Erosion damage.
 - (3) Alteration of natural drainage patterns in a manner likely to cause damage to the property or persons from which or to which the normal drainage is diverted.
 - (4) Large parcel clearing with respect to wind erosion and dust hazards.
 - (5) Grading on slopes exceeding ten percent (10%) may be restricted; grading on slopes twenty percent (20%) or greater shall require an engineered grading plan with geotechnical review.
- (b) *Geologic survey report.* If geologic problems are likely or apparent, a geologic survey report shall be required prior to the issuance of the building permit or grading permit.
- (c) *Erosion control.* All cleared slopes, all cuts and fills and all other areas vulnerable to erosion shall be either stabilized with grass or other protective ground cover or properly mulched to assure establishment, riprapped for slope control, treated with a soil solidifier or be provided with appropriate drainage benches as may be determined by the administrator. On steep slopes, controls, as necessary to the circumstances, may be required. An erosion and sediment control plan shall be required for any grading, clearing, or grubbing disturbing one (1) acre or more. A Stormwater Pollution Prevention Plan (SWPPP) shall be required for any project disturbing one (1) acre or more, consistent with NDEP requirements.
- (d) *Landscaping.*
- (1) In addition to the landscaping requirements of this section, landscaping and/or revegetation is required to stabilize all slopes which have been:
 - a. Cleared;
 - b. Graded;
 - c. Otherwise disturbed by development subject to this section; or
 - d. Visible from public rights-of-way.
 - (2) Landscaping shall be dispersed throughout the stabilized area.
 - (3) Interior side yard sloped areas of individual lots are exempt from the landscaping and irrigation requirement.
 - (4) Planting shall be designed to achieve 90 percent ground coverage of any disturbed area within three years.

(Ord. No. 2020-005, § 1(Exh. A), 3-4-2020)

(e) Dust control. All grading, clearing, and grubbing activities shall employ adequate dust suppression measures. A dust control plan shall be required for projects disturbing five (5) acres or more.

(f) Inspections and bonding. The City Engineer may require grading bonds or other financial assurances to ensure stabilization and restoration. Grading permits shall be subject to inspections at pre-clearing, rough grade, and final grade. Permits shall expire one hundred eighty (180) days after the last recorded activity unless extended.

(g) Enforcement. The City Engineer or designee may issue a stop work order for unauthorized grading, clearing, or grubbing. Civil penalties may be imposed for failure to obtain required permits or maintain erosion/dust control.



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: November 12, 2025

REPORT TO: Fernley Planning Commission

REPORT FROM: Michele Rambo, Planning Director

FINANCIAL IMPACT:

Yes: No: X

CURRENTLY BUDGETED:

Yes: No: X

FUND/ACCOUNT:

N/A

ACTION REQUESTED: Receive/File
Motion

AGENDA ITEM:

(Possible Action) Discussion and possible action regarding potential inconsistencies within the Development Code. Item requested by Commissioner Garvin.

AGENDA ITEM BRIEF:

Commissioner Garvin will discuss a list of potential inconsistencies in the Development Code that she has provided to the Planning Department.

RECOMMENDED MOTION:

To be determined based on the discussion.

BUSINESS IMPACT (per NRS Chapter 237):

A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

See attached report for background, analysis, alternatives.

ALTERNATIVES:

None

BACKGROUND:

None

RELEVANT LAWS, STATUTES, AND REGULATIONS:

N/A

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. Inconsistency Log

CODE SECTION	AMBIGUITY IDENTIFIED	RESPONSE
32.01 - General Provisions	Right to Farm Ordinance: Terms like “normal agricultural operations” and “generally accepted agricultural practices” are undefined. Intent language is broad and open to interpretation, especially regarding compatibility and community character.	
32.02 - Definitions	Several key terms (e.g., “visual interest,” “monotony,” “logical break,” “resource-efficient landscaping”) are subjective and lack measurable criteria.	
32.02 - Definitions	Grants the administrator discretion to interpret zoning boundaries when unclear. No objective criteria or mapping standards are provided.	
32.03 - Administration	Major/Minor Deviations: Thresholds (10% vs. 50%) are defined, but criteria for approval are vague.	
	Waivers: “Significant restraints” and “substantial property right” are undefined.	
	Variances: “Hardship” and “practical difficulty” are open to interpretation.	
	Temporary Use Permits: “Short-term” and “special event” definitions are unclear. Permit duration (30 days) lacks clarity on cumulative vs. consecutive use.	
	Appeals: Timeline and criteria for appeal are not consistently defined. Grounds for appeal (e.g., “better design,” “misinterpretation”) are broad.	
32.03.030 - Common Review Procedures	Concurrent Processing: Allows multiple applications (e.g., rezoning, conditional use permits) to be processed together. States that the longest time frame and approval process applies, but does not clarify how conflicts between applications are resolved or whether zoning transitions are evaluated independently or as part of a bundled review.	
32.03.040 - Annexation, MPA, ZMA	Table 32.03.040-1 outlines how Lyon County zoning classifications convert to Fernley zoning upon annexation. However, it lacks clarity on how existing uses are treated during conversion, whether nonconforming uses are grandfathered, and what happens if the Master Plan designation conflicts with the proposed zoning.	
32.03.040(e) - ZMAs	Describes the process for rezoning, including initiation, notice, and decision-making. Does not specify: Criteria for evaluating compatibility with adjacent zones, whether buffer zones or transitional zoning are required between incompatible districts, how rezoning aligns with the land use map vs. zoning map discrepancies.	
32.04 - Zoning Districts [sic]	Use Table Codes (P, C, A, AR, T) are not always defined in context. Cross-referencing required to understand permitted uses, which may contain exceptions or conditions not visible in the table.	
32.05 - Site Development Standards [sic]	Design Standards: Language such as “complementary materials,” “unified appearance,” and “avoid monotony” is subjective. Administrator discretion is allowed without objective criteria.	
	Landscaping and Screening: “Adequate screening” and “durable, decorative materials” are undefined. Tree preservation and mitigation standards are vague.	

32.06 - Subdivision Standards [sic]	Parcel and Lot Design: “Adequate public facilities” and “environmental performance standards” are referenced but not defined. Infrastructure concurrency is not clearly enforced.	
32.07 - Use-Specific Standards	Renewable Energy: “Private” vs. “Utility” systems are distinguished by 100% consumption offset, but no method for calculation is provided. “Other non-fossil fuel sources” are not defined.	
	Mobile Vendors and Temporary Uses: Definitions vary and may conflict. Weight and size limits for vehicles are unclear in mixed-use zones.	