

**MINUTES OF THE
FERNLEY PLANNING COMMISSION MEETING
NOVEMBER 12, 2025**

Chairwoman Jenni 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 (Zoom), Commissioner Cody Wagner, Commissioner Jacob VanderHeiden, Commissioner Robert Flores, Commissioner Julianne Holt, Commissioner Barry Williams, Sr., City Attorney Aaron Mouritsen, Acting City Manager Lydia Altick, Deputy City Clerk Brenda Gosser, Administrative Specialist I Sandy Harris, Senior Planner Alisa Johansson, Assistant Planner Lisa Warner, Planning Director Michele Rambo, Associate Planner Treston Rodriguez, **Absent:** Commissioner Tessa Garvin.

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

1.5. (Possible Action) Approval of Minutes

Motion: I MOVE TO APPROVE THE MINUTES FROM THE LAST SESSION OF THE PLANNING COMMISSION. **Action:** Approved, **Moved by:** Commissioner Robert Flores, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Flores, Planning Commissioner Holt, Commissioner Williams.

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.

Maurice Page, Executive Director of the Nevada Housing Coalition, presented a summary of the new laws and how they affect housing needs in the rural counties of Nevada. Recent studies under HUD report that affordable housing refers to housing that costs no greater than 30% of a person's gross income, including rent, mortgage, payments, and utilities. If you are paying more than 50%, you are severely cost burdened. In the State of Nevada, our residents are paying on average between 52% and 54% of their income towards their rent, utilities, or housing costs. Recent research spanning the last two decades showed that there is no negative impact around affordable housing on surrounding property values. In many cases, such developments lead to slight increases in nearby home values. Over the last 3 to 5 years, with the increase of affordable housing developments and multifamily developments being

built across the state, we have seen property values also increase during that time frame. Affordable housing is not necessarily low income. It is not Section 8. These are not always HUD-funded programs. These are communities and multifamily developments that are built to reflect the community's income. The renter-occupied share of housing dropped from 27% in 2021 to 23.6% in 2023, indicating a shrinkage in the rental market. With fewer units available and lower vacancy rates, affordable rental housing is urgently needed moving forward. We need partnerships with developers, localities, and more residents, and we need to promote more housing literature. AB540 was the Governor's Housing Attainability Accountability Act, where we are looking to increase homeownership efforts throughout the state. This bill will represent \$133 million coming out of our general fund. This money will go towards helping produce starter-type homes. The governor has planned to have these starter-type duplexes, condos, and townhome types of homes start in the low to mid 300s.

3. PUBLIC HEARINGS

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.

Alisa Johansson, Senior Planner, presented stating voluntary annexation petitions are processed under NRS 268670, which establishes some very specific alternatives. All property owners must sign a petition requesting the annexation, the property must be contiguous with the city, and certain lands, such as those included in rights-of-way or those conveyed for airports or for noise abatement related to airports, may not be included. None of those stipulations apply here. The property is contiguous with the city, and the property owners have submitted the appropriate petition request for the annexation action. The site is already within city limits, it's a county island, so the city limits would not be expanded in order to complete this annexation request. It will support several goals and policies, including encouraging and planning for new development in areas where adequate public services and facilities can be provided efficiently. Again, by incorporating this parcel into the City of Fernley and eliminating a county island, we do enhance the efficacy of public services and facilities for the subject site. She added that because this is a standalone application, and because we don't have any formal knowledge of the future development of the site, the review and analysis is strictly focused on the annexation request itself.

Commissioner Cody Wagner stated that he is all for the annexation, but if power generation is being proposed within our city limits, he would have tremendous concerns and a lot of questions about that.

The Planning Director of Bowman Consulting stated that the ownership of the parcel is the M4 Victory Power Parcel. Because this is on the outside of the development, it's anticipated that there would be energy-level infrastructure out there. Anything would need to go back through a conditional use permit. They've been in discussions with NV Energy and there are some big power users that will be coming into the Victory Logistics District, and this is to help facilitate those.

There was no public input.

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. **Action:** Approved.

Moved by: Commissioner Jake VanderHeiden, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Flores, Commissioner Holt, Commissioner Williams.

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.

Lisa Warner, Assistant Planner, stated that local daycare providers and representatives of the Children's Cabinet have expressed frustration due to the difficulty of providing daycare services in Fernley. Staff have deemed it necessary to update the development code to address these concerns, and update the daycare use in general to allow the use to be available in more zoning districts with the appropriate application. The changes that were made open up more potential daycare options to better serve the community and accommodate flexible work schedules. Changes to the development code include amending the following sections: the definitions use tables, use standards and table, parking ratio table, and the use table. We added a definition for adult daycare, which we did not have before.

Commissioner Wagner asked why we allow a childcare facility and not an adult daycare facility in some of these areas. He would like to see some consideration given to adult daycare being less restrictive, too. That's a huge need for a lot of families in our communities.

Lisa Warner, Associate Planner, stated that it would be a permitted use.

Planning Director Rambo stated that daycare in industrial areas is looked at an accessory use. If you've got a big industrial user that wants to provide daycare for their employees, they could do that within their business. You don't get that same thing for adult daycare, they're handled differently in industrial areas.

There was no public input.

Motion: I MOVE TO RECOMMEND THAT THE CITY COUNCIL APPROVE BILL #363 ASSOCIATED WITH CA25006 WITH THE FOLLOWING MODIFICATIONS, AND THAT IS TO ALLOW ADULT DAYCARE WITH THE SAME PROCESSES AS OUTLINED FOR CHILDCARE CENTERS IN THE ASSOCIATED PLANNING ZONES. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Robert Flores. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Flores, Planning Commissioner Holt, Commissioner Williams.

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.

Treston Rodriguez, Associate Planner, stated the purpose of this amendment is to update Title 32, Chapter 6, Section 150-2 of the Development Code to allow a recreational facility major use within the industrial zoning district. It also requires that any such use obtain approval through a conditional use permit. This amendment addresses an existing discrepancy in our code as a long-standing racetrack is operating within the industrial zoning district without any recorded approvals or entitlements. This change provides a clear and appropriate pathway for permitting. Under the Fernley Development Code, a recreational facility major refers to large, generally outdoor recreational or entertainment facilities.

Planning Director Rambo stated that this code change came about due to the recent parcels that we acquired through the Lands Bill. The racetrack was previously on BLM land. Now that it is city property, or next door to city property, they want to expand onto the city property. Through that process, it was discovered that they do not have any recorded approvals. We're trying to clear the way for them so that they can do any future expansions they might want to make, or we can give them, for instance, a temporary use permit for a special event on city property.

There was no public input.

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. **Action:** Approved, **Moved by:** Commissioner Robert Flores, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Flores, Planning Commissioner Holt, Commissioner Williams.

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.

Treston Rodriguez, Associate Planner, stated that the applicant proposes a non-restricted gaming establishment with bar and restaurant service. The CUP is required because Fernley's Development Code requires a conditional use permit for non-restricted gaming establishments in the C2 zoning district. Non-restricted gaming applies to 16 or more slot machines, or any slot machines accompanied by table games or a sportsbook. The applicant proposes non-restricted gaming. Fernley only has one gaming category, which is non-restricted gaming. Thus, all gaming applications must apply under the non-restricted category. This is where the technical issue arises. The Fernley Development Code, defines a non-restricted gaming establishment as a resort hotel, as defined in NRS, and consisting of 16 or more slot machines. A key point is that Fernley's definition requires a resort hotel in addition to the gaming component. The proposal does not include lodging and is not grandfathered pre-2020 operation. This is the core issue of the reason staff must recommend denial. The applicant proposes non-restricted gaming, which is allowed in the C2 zoning district with the CUP. However, the city's adopted definition requires all non-restricted gaming to have a resort component. Because no lodging is proposed, the project cannot meet that adopted definition. This is not a zoning conflict, this is not a compatibility issue, and not an infrastructure issue. It is strictly a technical inconsistency within the development code's definition.

Derek Wilson, Rubicon Design Group, on behalf of the property owner Scott Tate, stated the application can be approved and be in agreement with State law and with Fernley Code. We're simply at a difference in how the code is read. Non-restricted gaming is allowed in the C2 zone. That's what we're applying for. Line 2 of the Fernley Code defines gaming as a resort hotel as defined in NRS 4630165. Line 3 of the NRS defines resort hotel requirements based on county population. A county with 700,000 people or more, you need a 200-room hotel. A county with 100,000 to 700,000 people, you need a 300-room hotel. Lyon County has a population of 63,000 people. In other words, Lyon County does not appear in that Line 3 definition of what NRS requires. It simply isn't addressed. Line 5 of the NRS does not require a hotel in a county with this population level. Lyon County is not in the NRS definition. Fernley code references NRS, but NRS does not address Lyon County. There is no hotel requirement for this project. We reviewed this before we made the application, and it was our conclusion that the project is approvable.

Aaron Mouritsen, City Attorney, stated that he cannot find any justifiable policy reason why that resort hotel requirement exists in the code. It was swept in with other things, and from his review of it, it doesn't look like it went through legal review before it was approved. There was no discussion with legal in regard to why that was included, or with anybody else.

Commissioner Julianne Holt read the letter from city resident Marcus Pearce stating his strong opposition to the building of the Lucky Strike Casino on Highway 50 next to the Donner Trail subdivision.

Public Input:

Tammy (Zoom) stated her house would be right next to the parking lot and has some concern about it. Would there be a fence or brick wall put up between my house and the parking lot? She also asked about it affecting property values and safety issues.

Michelle Rambo, Planning Director, stated that there is another vacant lot in between this and the houses, so nothing will be directly adjacent to the houses.

Derek Wilson stated they would be happy to meet with the neighbors on site and talk about landscaping that could help alleviate some concerns. He stated that he has never seen investment in an area reduce values. Regarding security, there's going to be internal and external site security and video.

Motion: 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 COP25002 LUCKY STRIKE CASINO, SUBJECT TO CONDITIONS OF APPROVAL 1 THROUGH 21 AS PRESENTED BY STAFF. **Action:** Approved, **Moved by:** Commissioner Cody Wagner. **Seconded by:** Commissioner Barry Williams, Sr. **Vote:** Passed, **Summary:** Yes 6, No 1. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Flores, Planning Commissioner Holt, Commissioner Williams, **No:** Commissioner VanderHeiden.

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).

Treston Rodriguez, Associate Planner, stated the purpose of this amendment is to update and clarify the city's grading standards. Specifically, it adds three new definitions, grubbing, standard grading, and engineered grading, so that we can better distinguish between small-scale site preparation and larger engineered grading activities. It also clarifies permit thresholds and strengthens our requirements for erosion control, dust suppression, slope protection, and stormwater management. Overall, the goal is to create cleaner expectations for applicants, more consistent enforcement, and improve environmental protection. Our current grading code does not clearly distinguish between small site preparation and large-scale engineered earthwork. This amendment creates cleaner, more enforceable thresholds and modernized standards that align with current engineering and environmental best practices. This amendment was developed collaboratively between the planning and engineering departments. The amendment further clarifies inspection requirements, establishes permit expiration timelines, and strengthens enforcement tools, including the ability to issue stop work orders or civil penalties for unpermitted or non-compliant grading. Overall, these updates modernize the code, improve accountability, and prevent environmental and drainage impacts before they occur. These updates directly support Master Plan policies related to drainage, slope stability, and sustainable land disturbance practices.

Motion: CONSIDERING THE INFORMATION PROVIDED BY STAFF PRESENTATIONS AND IN THE STAFF REPORT, I MOVE TO RECOMMEND THAT THE CITY COUNCIL APPROVED 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. **Action:** Approved, **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Robert Flores. **Vote:** Passed. **Summary:** 7 Yes. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Flores, Planning Commissioner Holt, Commissioner Williams.

4. CHAIR AND COMMISSION ITEMS

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

Chairwoman McCullar stated that this item was requested by Commissioner Garvin. She is out sick tonight, so we are going to table this until next time.

5. PLANNING DIRECTOR ITEMS

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

Michele Rambo, Planning Director, gave an update on the City Council actions. The code amendments for home occupation and the trash enclosures both were adopted by Council. The tentative subdivision map for Chaparral was tabled to deal with some drainage issues. The development agreement amendment for Red Hawk was approved. The zoning map amendment for the Mayor's Park Farm District Road was approved, and the master plan amendment for the property at Sage and 95 was also approved.

5.2. General Planning Department updates and announcements.

Planning Director Rambo, stated the department has picked a consultant for the Master Plan update. It will get started in January and the Planning Commission will be involved in that process.

6. PUBLIC FORUM

There was no public input at this time.


7. ADJOURNMENT

There being no further business to come before it, the Fernley Planning Commission meeting adjourned at 6:51 pm.

The next Planning Commission meeting will be December 10, 2025.

Approved by the Fernley Planning Commission on December 10, 2025, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 1 ABSENT: 1



Chairwoman Jenni McCullar

ATTEST:

Rec 11/10/2025

Your Name

Marcus Pearce
1114 Reed Circle. Fernley, Nv.
530-569-0468
moca4321@yahoo.com

Fernley Planning Dept.

This letter is to inform you of my strong opposition of the building of the Lucky Strike Casino on Hwy. 50 next to the Donner Trails Subdivision that has been there for over 23 years. There are 7+ game establishments in Fernley and none are near or in a residential area other than the Pioneer that was built before any homes near it. The placement of a casino in this location would have severe negative impact on dozens of middle class family homes. These impacts include increased traffic, noise, lights, and property values. If the plan includes opening up the Reed Way stub road it would include increased traffic thru our subdivision, possibly including impaired drivers trying to use the "backway out" to avoid Law Enforcement. With all the open land in the area for this type of business. Why would anyone consider approving this permit knowing the negative impact it will have for the area that also includes a middle school a few blocks away. Thank you for your consideration.

Marcus Pearce

Sandy Harris

From: Tessa Garvin
Sent: Thursday, October 16, 2025 8:06 AM
To: Michele Rambo; Alisa Johansson; Aaron Mouritsen
Cc: Kimberly Swanson; Brenda Gosser; Sandy Harris
Subject: Request for Agenda Item - Planning Commission Meeting for 11/12/2025
Attachments: Fernley Development Code Memo 10162025.pdf

Hello City of Fernley Planning and Legal Dept 😊

I would like to make a request for an agenda item for our next Planning Commission meeting on November 12, 2025 regarding areas of ambiguity in the Fernley Development Code. I have drafted the attached memo with some key areas (there are likely more) that leave commissioners, planners, developers, and stakeholders to interpretation that often leads to confusion at minimum to possible legal implications at maximum.

I was prompted to do this research after the City Council meeting on October 15, 2025 – Agenda Item 8.2 after realizing the “buffer zone” development code is written in a way that is subjective. It implies that the adjacency buffer when transitioning residential zones is intended to be an area that is open to the community like a walking/bike path and goes into some detail on how the adjacency buffer can be used where the city may require landscaping, etc. However, the language used like “may” be an open area for the community apparently means that it doesn’t have to be, even though the rest of the language goes into the use of this communal space. An example like this where clear and concise verbiage would have eliminated confusion to allow focus on the bigger issue.

This memo compares the development code to the Master Plan as well as NRS-278. I am providing specific examples, but as mentioned previously, there are likely more. I think it would help everyone involved in these processes if the code was concise as well as consistent with the Master Plan and NRS.

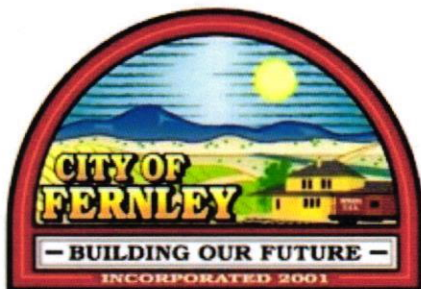
I’m happy to discuss in more detail or answer any questions in the time being.

Thanks!

Tessa Garvin

Planning Commissioner

Email: tgarkin@cityoffernley.org



[Planning Commission | Fernley, NV - Official Website \(cityoffernley.org\)](http://cityoffernley.org)

Memo: Ambiguities in Fernley Development Code

Summary

This memo outlines specific areas of ambiguity within the Fernley Development Code (Title 32) that may hinder consistent interpretation and enforcement. These include vague definitions, subjective design standards, overlapping relief mechanisms, and unclear procedural language. Staff input is requested to clarify these provisions, improve transparency, and ensure equitable application of the code.

Purpose

This memo identifies specific sections within the Fernley Development Code (Title 32) that contain ambiguous language or undefined standards. These ambiguities may lead to inconsistent interpretation, enforcement challenges, or legal disputes. Staff review is requested to clarify, amend, or provide guidance on these provisions.

Key Areas of Ambiguity

- Relief Mechanisms (Major/Minor Deviations, Variances, Waivers)
- Permit Duration and Expiration
- Design and Aesthetic Standards
- Setbacks and Yards
- Use Table and Definitions
- Right to Farm Ordinance
- Renewable Energy Classification
- Land Division and Boundary Adjustments
- Appeals Process
- Temporary and Mobile Uses

Examples of Ambiguous Cases

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 and Interpretations

Several key terms (e.g., “visual interest,” “monotony,” “logical break,” “resource-efficient landscaping”) are **subjective** and lack measurable criteria.

Setback vs. yard definitions overlap and may confuse enforcement.

32.03 – Administration

Relief Mechanisms:

Major/Minor Deviations: Thresholds (10% vs. 50%) are defined, but criteria for approval are vague.

Waivers: “Significant restraints” and “substantial property right” are undefined.

Variations: “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 Process:

Timeline and criteria for appeal are not consistently defined.

Grounds for appeal (e.g., “better design,” “misinterpretation”) are broad.

32.04 – Zoning Districts

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

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

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.

Section 32.03.040 – Annexation, Comprehensive Master Plan, and Zoning Applications

Zoning Conversion Upon Annexation

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.

- What happens if the Master Plan designation conflicts with the proposed zoning.

Section 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.

- Whether zoning transitions are evaluated independently or as part of a bundled review.

Section 32.03.040(e) – Zoning Map Amendments (Rezoning)

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.

Section 32.02 – Definitions and Interpretations

Grants the administrator discretion to interpret zoning boundaries when unclear.

No objective criteria or mapping standards are provided.

Legal Implications of Ambiguity

- Inconsistent Enforcement: May lead to claims of favoritism or discrimination.
- Vulnerability to Legal Challenges: Ambiguous standards are difficult to defend in court.
- Administrative Overreach: Broad discretion without limits may be legally challenged.
- Due Process Concerns: Applicants may lack clear notice or opportunity to respond.
- Conflicts with State Law: Undefined terms may contradict NRS or NAC provisions.
- Risk to Development Agreements: Ambiguities may result in unenforceable or disputed contracts.

Legal Implications of NRS 278 Conflicts

- Procedural Deficiencies in Development Agreements: Agreements may be invalidated if not adopted by ordinance, recorded, or subjected to public hearings as required by NRS 278.0201–278.0207.
- Appeals and Due Process Violations: Vague or inaccessible appeal procedures may violate NRS 278.3195 and result in judicial reversal.
- Improper Approval of Subdivision Maps: Approvals without infrastructure or environmental review may breach NRS 278.330–278.370.
- Affordable Housing Compliance Gaps: Lack of tiered housing provisions may violate NRS 278.0105 and 278.01902–278.01906, risking funding loss.
- Public Notice and Hearing Requirements: Administrative changes to development agreements without hearings may breach NRS 278.02053.
- Administrative Overreach: Undefined discretionary powers may be challenged as unlawful delegation of legislative authority.
- Invalid Permits and Approvals: Permits issued contrary to NRS or local code may be void or subject to revocation.