



N E V A D A

AGENDA

Regular Meeting

Planning Commission

Wednesday, September 9, 2026 • 5:00 PM

Members

Tessa Garvin - Chairwoman
Angela Lewis - Vice Chair
Barry Williams Sr. - Commissioner
Cody Wagner - Commissioner
Jacob VanderHeiden - Commissioner
Robert Flores - Commissioner
Jennie McCullar - Commissioner
Julianne White - 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 by Wood Rodgers to review the draft Corridor Action Plan.**

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 CUP26005, a Conditional Use Permit requested by M4 Victory Power QOZB, LLC to allow for the development of a 324-megawatt natural gas-fired power plant on an approximately 109.06-acre lot zoned Industrial (I) and located east of Interstate 80 at the northeast corner of the Victory Logistics District Planned Development area. APN 021-031-13.**
- 3.2. (For Possible Action) Discussion and possible action regarding CA25012 and Bill #377, a request from the Planning Department to amend the adjacency development standards contained in Title 32, Chapter 9, Section 30.**
- 3.3. (For possible action) Discussion and possible action on a Conditional Use Permit (CUP26006) request by Premier Design Build Group to complete tenant improvements within an existing industrial warehouse building located at 1740 N Nevada Pacific Parkway (021-242-21) in the Victory Logistics District. The 28,543 square feet of tenant improvements will create classrooms, instructional laboratories, offices, conference rooms, student support areas, restrooms, and associated building services.**
- 3.4. (For possible action) Discussion and possible action on a Conditional Use Permit (CUP26004) application request by 21st Century Environmental Management to construct a new facility for processing and recycling of aerosol containers. The new facility will be located in the northeast corner of the property which is located at 2095 E. Newlands Drive (APN:021-25-06) in an Industrial (I) zone.**

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.)

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 August 19, 2026 and September 2, 2026.**
- 5.2. General Planning Department updates and announcements.**

6. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

7. PUBLIC FORUM

8. ADJOURNMENT

Next Meeting: October 14th at 5pm



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: September 9, 2026

REPORT TO: Fernley Planning Commission

REPORT FROM: Kiera Italiano

FINANCIAL IMPACT:

Yes: No: x

CURRENTLY BUDGETED:

Yes: No: x

FUND/ACCOUNT:

None

ACTION REQUESTED: Receive/File

AGENDA ITEM:

Presentation by Wood Rodgers to review the draft Corridor Action Plan.

AGENDA ITEM BRIEF:

Wood Rodgers has completed three Corridor Studies in coordination with the City of Fernley and the Nevada Department of Transportation (NDOT). The studies have resulted in a Corridor Action Plan outlining potential growth scenarios and intersection improvements. A representative will be presenting a draft of the Corridor Action Plan and answering comments or questions from the Planning Commission.

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:

None

ATTACHMENTS:

None



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: September 9, 2026

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 regarding CUP26005, a Conditional Use Permit requested by M4 Victory Power QOZB, LLC to allow for the development of a 324-megawatt natural gas-fired power plant on an approximately 109.06-acre lot zoned Industrial (I) and located east of Interstate 80 at the northeast corner of the Victory Logistics District Planned Development area. APN 021-031-13.

AGENDA ITEM BRIEF:

The applicant, M4 Victory Power QOZB, LLC, is requesting approval of a Conditional Use Permit to develop a 324-megawatt natural gas-fired power generation facility on APN 021-031-13. The 109.06± acre parcel is located northeast of the Victory Logistics District and is zoned Industrial. The proposed facility would initially occupy approximately 50 acres and would include natural gas-fired generation equipment, battery energy storage systems, supporting utility and electrical infrastructure, access improvements, landscaping, and associated site improvements.

The application also includes a request for exhaust stack heights of up to 75 feet to support operational and air-quality permitting requirements.

RECOMMENDED MOTION:

I move to approve CUP26005, a Conditional Use Permit for the Victory Power Plant, a 324-megawatt natural gas-fired power plant on APN 021-031-13, including exhaust stack heights of up to 75 feet, subject to the Conditions of Approval and based on the findings contained in the staff report.

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:

Denial:

Based upon the public testimony and the facts of the case, I move to deny Conditional Use Permit CUP26002 because I am unable to make the required finding(s):

(State applicable finding(s) and supporting rationale.)

BACKGROUND:

M4 Victory Power QOZB, LLC is requesting approval of a Conditional Use Permit (CUP) for the development of the Victory Power Plant, a 324-megawatt (MW) natural gas-fired power generation facility on APN 021-031-13. The subject property consists of approximately 109.06 acres and is zoned Industrial (I). The parcel is located at the northeast corner of the Victory Logistics District Planned Development Area but is not located within the Victory Logistics District Planned Development.

The proposed power plant would utilize approximately 50 acres of the subject property, with the remainder of the parcel identified by the applicant for potential future development and expansion. The facility is proposed as a modular power generation campus and includes natural gas-fired power generation equipment, battery energy storage systems (BESS), associated electrical infrastructure, a natural gas lateral, and supporting site improvements. The revised project materials identify a total of 36 generation units, with up to 29 units operating concurrently.

The proposed use is classified as Utility, major. Pursuant to Table 32.06.150-2 – Use Table, a Utility, major use within the Industrial (I) zoning district requires approval of a Conditional Use Permit. In addition to the power generation facility, the application includes associated utility infrastructure and a request to allow exhaust stack heights of up to 75 feet.

Primary and emergency access to the project site are proposed through easements extending across properties immediately south of the subject parcel. The project plans identify a 60-foot primary access road easement, a 30-foot emergency access road easement, and proposed underground electrical easements associated with the facility. Water and sanitary sewer service are proposed through infrastructure associated with the Victory Logistics development.

The project site is currently undeveloped and is located adjacent to Interstate 80. The surrounding area consists primarily of industrial and commercial development, transportation infrastructure, and undeveloped desert lands. Environmental resources in the vicinity include the Fernley Wildlife Management Area and Fernley Sink, located east and southeast of the project area.

As part of the CUP application, the applicant submitted civil plans, preliminary landscaping and photometric plans, equipment information, geotechnical and drainage studies, water and sewer demand information, a trip generation analysis, environmental resource studies, a noise technical report, and a draft Emergency Operations Plan. The supporting environmental materials address matters including biological resources, cultural resources, jurisdictional waters, noise, and other site-related considerations.

Due to the size and technical complexity of the proposed project, the City utilized Interwest as an outside

consultant to assist staff with review of the CUP application and supporting technical materials. Comments generated through that review were provided to the applicant and informed subsequent revisions to the application materials.

During staff review, the applicant provided revised application materials addressing comments received during the review process. The revisions included an updated project narrative and project configuration, updated noise analysis, and visual simulations associated with the proposed facility and requested stack heights. The revised materials constitute the current project proposal evaluated within this staff report.

Analysis

Staff reviewed the proposed project for consistency with the Industrial zoning district, applicable development standards, surrounding land uses, submitted technical studies, and the required findings for approval of a Conditional Use Permit. Due to the nature and scale of the proposed facility, staff's review focused particularly on the scope of the proposed approval, building and stack height, visual impacts, operational noise, environmental resources, air-quality permitting, emergency response, utilities, and compatibility with surrounding existing and planned development.

The proposed Conditions of Approval include both standard conditions routinely applied to development projects and conditions specifically developed in response to the characteristics and potential impacts of the Victory Power Plant. The project-specific conditions are intended to establish the scope of the entitlement, ensure substantial conformance with the application reviewed by the Planning Commission, and address identified land-use and operational considerations.

Project Scope and Future Modifications

The proposed approval is specifically limited to an approximately 324-MW natural gas-fired power generation facility on the 109.06-acre parcel. Condition of Approval No. 2 establishes that the facility may include up to 36 power generation units, with no more than 29 units operating concurrently. Any increase in generating capacity, the total number of generation units, or the number of units operating concurrently would constitute a substantive change requiring an amendment to the Conditional Use Permit.

This condition is particularly important because portions of the applicant's supporting materials discuss potential future expansion of power generation at the site. Approval of CUP26005 would not constitute approval of generation capacity beyond the approximately 324 MW evaluated as part of this application. Future expansion exceeding the approved scope would be subject to additional City review and applicable land-use approval.

Site Design, Landscaping, Screening, and Visual Impacts

The proposed facility would introduce large-scale utility infrastructure to an undeveloped site adjacent to Interstate 80. To address site appearance and visibility, the applicant submitted preliminary landscaping materials and visual simulations depicting the proposed facility from surrounding transportation corridors.

Conditions of Approval require the applicant to submit final landscaping and irrigation plans substantially conforming to the preliminary plans reviewed with the CUP and incorporating the landscaping, screening, and revegetation commitments contained within the approved project materials. Disturbed areas not occupied by permanent structures, pavement, parking, or formal landscaping are also required to be revegetated with indigenous or natural-appearing plant materials.

Additional conditions require screening of utility and mechanical equipment from parking areas, adjacent public streets, and public areas. Staff finds that the combination of the submitted site design, landscaping commitments, equipment screening, revegetation, and applicable development standards provides an

appropriate framework for addressing visual impacts associated with development of the site.

Stack Height

The Industrial (I) zoning district establishes a maximum building height of 65 feet. The applicant has requested approval of exhaust stacks up to 75 feet in height. The applicant provided visual simulations illustrating the requested stack height from surrounding viewpoints as part of the revised application materials.

Condition of Approval No. 14 allows exhaust stacks associated with the power generation equipment to exceed the otherwise applicable 65-foot height limitation, up to a maximum of 75 feet. Final stack heights must be consistent with the technical analysis and requirements associated with the Nevada Division of Environmental Protection (NDEP) air-quality permit. Before issuance of a building permit for a stack exceeding 65 feet, documentation of the final proposed height and consistency with the applicable NDEP permit and supporting technical analysis must be provided to the Planning Department. Any stack exceeding 75 feet would require additional land-use approval.

Staff finds that the requested additional stack height can be appropriately addressed through the CUP based upon the industrial character of the project area, the submitted visual information, and the limitation established through the Conditions of Approval.

Noise

The applicant submitted an original Noise Technical Report evaluating operational noise associated with the proposed power generation equipment. The original analysis modeled 30 unenclosed gas turbines and identified potential exceedances of Lyon County performance standards at the southern and western property lines. The report subsequently modeled the turbines with manufacturer-provided sound enclosures and determined that the enclosures would reduce sound levels below the performance standards evaluated in that report. The original report specifically recommended installation of the manufacturer's enclosure system.

During subsequent review, the applicant determined that the Lyon County performance standards relied upon in the original analysis were not applicable to the property following its annexation into the City of Fernley. The revised noise analysis therefore evaluated the project using other noise criteria and modeled the turbines without enclosures. The revised analysis determined that predicted noise at the nearest noise-sensitive receptors, approximately 2.5 miles from the project site, would not exceed the EPA's 55 dBA Ldn threshold and that the predicted increase above existing background noise levels would be no greater than approximately 0.1 dB. Based upon those conclusions, the revised report did not recommend noise mitigation such as enclosures.

Although the revised analysis no longer identifies enclosure systems as necessary mitigation based upon the criteria evaluated, the original technical analysis demonstrated that the manufacturer's enclosure systems provide additional noise reduction. Staff has therefore retained the enclosure system as a project-specific Condition of Approval.

Condition of Approval No. 15 requires the power generation equipment to be installed with the manufacturer's enclosure system and associated noise-attenuation measures consistent with the enclosed equipment configuration evaluated in the original Noise Technical Report. The enclosure systems must be installed and maintained for the duration of power generation operations. Any request to eliminate or materially modify the enclosure systems or associated attenuation measures would require approval by the Planning Commission.

Staff finds that retaining the enclosure requirement provides an additional measure to reduce operational noise associated with the facility despite the revised report's conclusion that such mitigation is not necessary under the criteria utilized in the revised analysis.

Environmental Resources

The applicant submitted several environmental studies addressing existing site conditions and potential environmental considerations, including a Phase I Environmental Site Assessment, Biological Resources Assessment, Preliminary Jurisdictional Waters Delineation, Cultural Resources Class I study, and noise analysis.

The Preliminary Jurisdictional Waters Delineation identifies the U.S. Army Corps of Engineers and NDEP as agencies responsible for applicable Clean Water Act jurisdiction and notes that the report's preliminary jurisdictional conclusions remain subject to review and revision by the appropriate agencies. The Conditions of Approval therefore require compliance with applicable federal, state, and local agencies having jurisdiction over the project, including the U.S. Army Corps of Engineers.

The Biological Resources Assessment identified migratory birds as a resource potentially occurring within the study area. Consistent with recommendations contained in that assessment, Condition of Approval No. 18 requires initial ground-disturbing activities to occur outside the March 1 through July 31 migratory bird nesting season unless a preconstruction nest-clearance survey is completed within seven days prior to commencement of applicable activities.

The applicant also submitted a Cultural Resources Class I Record Search and Assessment. Condition of Approval No. 19 requires a Class III-level intensive cultural resources survey prior to project implementation if the project constitutes an undertaking subject to Section 106 of the National Historic Preservation Act and requires compliance with applicable requirements resulting from the Section 106 review process.

Staff finds that the submitted environmental information, together with the project-specific Conditions of Approval and continuing jurisdiction of applicable federal and state regulatory agencies, provides an appropriate framework for addressing environmental resources associated with development of the project.

Air Quality and NDEP Permitting

The proposed power generation facility is subject to separate air-quality permitting and regulatory review by the Nevada Division of Environmental Protection. The applicant identifies an active NDEP air permit application associated with the proposed facility. Approval of CUP26005 does not replace, supersede, or constitute approval of any permit or authorization required by NDEP or another regulatory agency.

The Conditions of Approval require compliance with applicable NDEP permits, approvals, findings, requirements, and conditions. Modifications resulting from the NDEP permitting process must be incorporated into the final project design. Importantly, if an NDEP requirement results in a substantive modification to the project approved under CUP26005, the applicant would be required to obtain an amendment to the CUP prior to implementing that modification.

Staff finds this condition appropriate because it allows the applicant to complete the separate state permitting process while ensuring that subsequent regulatory changes do not independently expand or materially alter the land-use entitlement approved by the Planning Commission.

Emergency Response and Public Safety

The applicant submitted a draft Emergency Operations Plan addressing emergency preparedness, response, recovery, and coordination associated with operation of the natural gas generation facility and BESS components. The EOP is intended to operate in conjunction with engineering, operational, environmental, maintenance, health and safety, security, and business-continuity procedures.

Conditions of Approval require compliance with North Lyon County Fire Protection District requirements,

including emergency access, hydrant and fire-flow planning, fire department connections, and applicable fire-suppression and alarm systems. Prior to commencement of commercial power-generation operations, the applicant must finalize the Emergency Operations Plan and complete applicable pre-commercial-operation emergency-preparedness measures in coordination with the North Lyon County Fire Protection District and other applicable emergency-response agencies.

Staff finds that continued coordination with the Fire District and finalization of emergency planning prior to commercial operation appropriately addresses public-safety considerations associated with the proposed facility.

Utilities and Supporting Infrastructure

The facility is proposed to connect to City water and sanitary sewer infrastructure through the utility systems associated with the Victory Logistics development immediately south of the subject property. The applicant's materials identify planned water and sewer connections to the subject parcel and indicate that utility lines serving the site would be located underground within access easements crossing properties to the south.

The proposed utility plan identifies water and sanitary sewer tie-in locations and notes that final utility infrastructure and connections remain subject to applicable City standards and permitting requirements. Final utility and infrastructure requirements will therefore continue to be addressed through the applicable City review and permitting processes.

Conditional Use Permit Findings

In considering a Conditional Use Permit, the Planning Commission must make the required findings for approval. There are six findings applicable to the CUP. Based upon the application materials, technical studies, staff review, and proposed Conditions of Approval, staff provides the following analysis.

Finding A – The proposed conditional use will be in compliance with the Master Plan.

The subject property is zoned Industrial (I), and the proposed Utility, major use is contemplated within the Industrial zoning district subject to approval of a Conditional Use Permit. The Comprehensive Master Plan includes policies encouraging development where adequate public services and facilities can be efficiently provided (LU.1.1.1); coordinating the provision of public services with growth and development (PSF.3.3.1); ensuring major utility lines are compatible with existing and future development (PSF.3.2); requiring large-scale development to be located within adequate fire service areas (PSF.3.11); and reviewing development proposals based on their location, impacts, and appropriate mitigation measures, including project-specific conditions of approval (LU.1.4.6).

The proposed power-generation facility is located within an area characterized by industrial, commercial, transportation, utility, and undeveloped lands and would provide utility infrastructure intended to support planned industrial development. Based upon the location, zoning, proposed use, supporting infrastructure, and Conditions of Approval, staff finds that the proposed conditional use is in compliance with the Comprehensive Master Plan.

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

The project site is adjacent to Interstate 80 and is located in an area planned predominantly for industrial development. The Victory Logistics District is located immediately south of the project property, while surrounding areas also include transportation infrastructure, federal lands, and undeveloped properties. The closest identified noise-sensitive residential receptors evaluated in the noise analysis are approximately 2.5

miles from the proposed facility.

The proposed Utility, major use is conditionally permitted within the Industrial zoning district. Conditions addressing landscaping, screening, lighting, stack height, noise attenuation, and substantial conformance with the approved project materials further address compatibility with surrounding properties. Based upon the surrounding land-use pattern and proposed Conditions of Approval, staff finds that the conditional use will be compatible with existing or permitted uses of adjacent properties.

Finding C – The potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment have been considered.

The application includes technical studies addressing biological resources, cultural resources, jurisdictional waters, environmental site conditions, drainage, water demand, and other environmental considerations. The applicant's environmental review included a Biological Resources Assessment, Phase I Environmental Site Assessment, Preliminary Jurisdictional Waters Delineation, Cultural Resources Class I study, and Noise Technical Report.

Project-specific Conditions of Approval address migratory birds and cultural resources and require compliance with applicable federal and state agencies, including USACE and NDEP. Water, sewer, and other utility requirements will also remain subject to subsequent City and regulatory review. Based upon the submitted technical information and continuing regulatory requirements, staff finds that the project has appropriately considered potential impairment of natural resources and that identified potential impacts can be addressed through the proposed Conditions of Approval and applicable regulatory processes.

Finding D – The availability of and need for affordable housing in the community, including affordable housing accessible to persons with disabilities, has been considered.

The proposed project is a Utility, major use consisting of an electrical power-generation facility and does not include residential development or the removal of existing housing. Accordingly, staff finds that approval of the proposed CUP would not adversely affect the availability of affordable or accessible housing within the community.

Finding E – The conditional use permit's impacts have been conditioned to address identified impacts.

Staff has developed Conditions of Approval addressing the specific characteristics and potential impacts of the proposed facility. These include limitations on generating capacity and the number of generation units; substantial conformance with the approved application; landscaping, revegetation, lighting and screening requirements; a maximum 75-foot exhaust stack height; manufacturer-provided noise enclosures; migratory bird protections; cultural-resource requirements; emergency planning and Fire District coordination; regulatory-agency compliance; and NDEP permitting requirements.

The Conditions of Approval also establish that substantive changes to the approved project require further City review. The project-description condition limits the approval to approximately 324 MW, up to 36 generation units, and no more than 29 operating concurrently.

Based upon the technical studies, City and consultant review, and proposed Conditions of Approval, staff finds that identified impacts of the proposed conditional use have been appropriately conditioned.

Finding F – Public notice has been given and a public hearing held in accordance with the Development Code and Nevada Revised Statutes.

Public notice for consideration of CUP26005 has been provided in accordance with applicable City and Nevada

statutory requirements, and the Planning Commission's consideration of the request will occur at a noticed public hearing. Accordingly, upon completion of the public hearing, staff finds that this finding can be made.

Staff Conclusion

Based upon review of the application, revised project materials, technical studies, applicable land-use requirements, and proposed Conditions of Approval, staff finds that the required findings for approval of CUP26005 can be made. The Conditions of Approval establish the scope of the approximately 324-MW facility and include project-specific requirements intended to address identified land-use, visual, noise, environmental, public-safety, and regulatory considerations. Staff therefore recommends approval of CUP26005 subject to the Conditions of Approval.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

- Nevada Revised Statutes (NRS) Chapter 278 – Planning and Zoning
- Fernley Municipal Code (FMC) Title 32 – Development Code
- FMC Chapter 32.03 – Administration, including the provisions governing Conditional Use Permits
- FMC Chapter 32.06 – Zoning Districts
 - FMC 32.06.110 – Industrial (I) District
 - FMC 32.06.150 – Unlisted Uses and Use Table
 - Table 32.06.150-2 – Use Table, which identifies Utility, major as a conditional use within the Industrial (I) zoning district
- FMC Chapter 32.09 – Development Standards
- FMC Chapter 32.12 – Adequate Public Facilities
- City of Fernley Comprehensive Master Plan

FINANCIAL IMPLICATIONS:

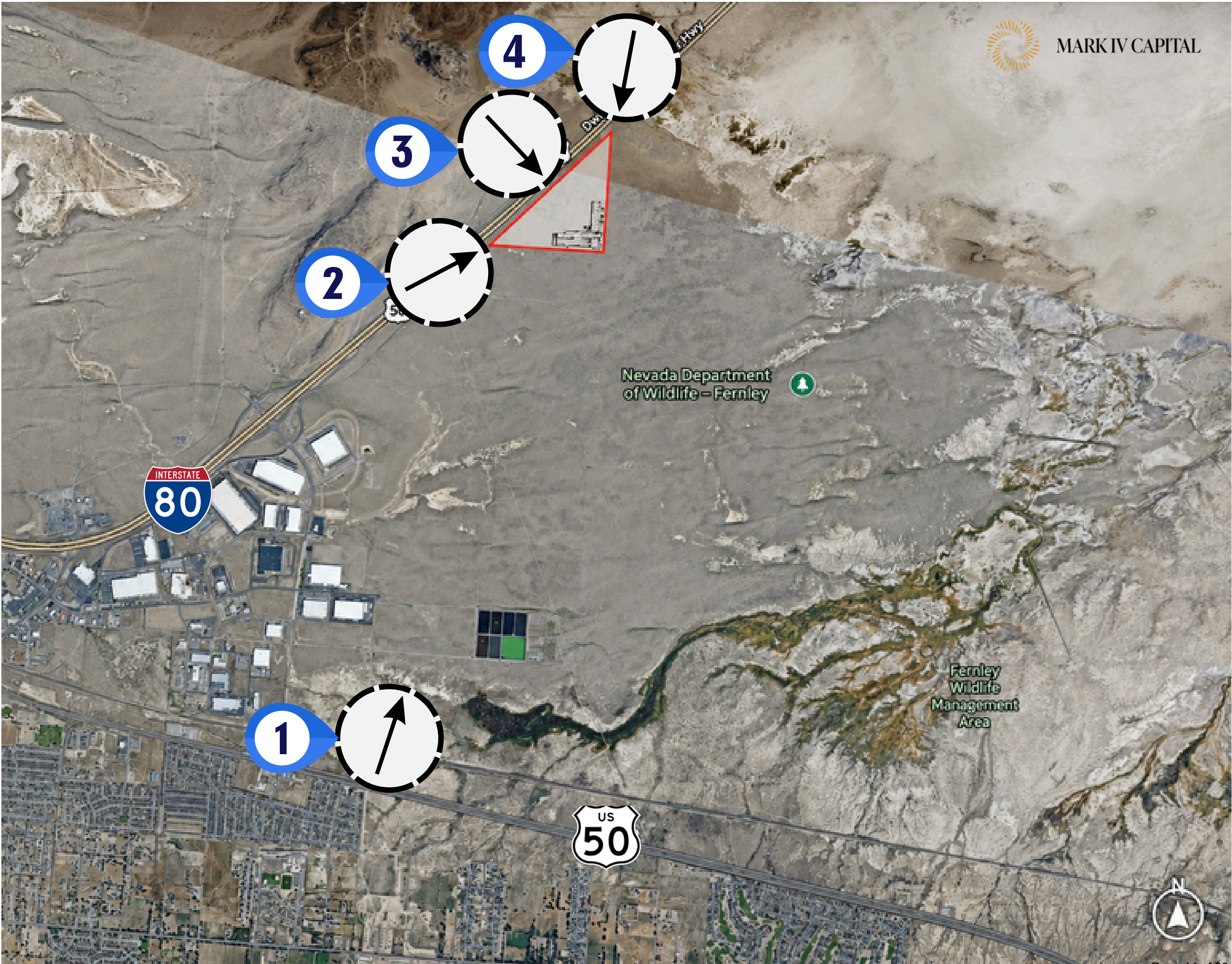
N/a

ATTACHMENTS:

1. Victory Power Plant Renderings
2. Preliminary Site Plan
3. Trip Generation Letter – Victory Power Plant
4. Utility Plan
5. Landscape Plan

Perspectives Overview
(4) Views from various perspectives

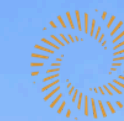
- 1** US 50 North View
- 2** I-80 East Approach
- 3** I-80 Direct View
- 4** I-80 West Approach



1

Perspective View from US-50

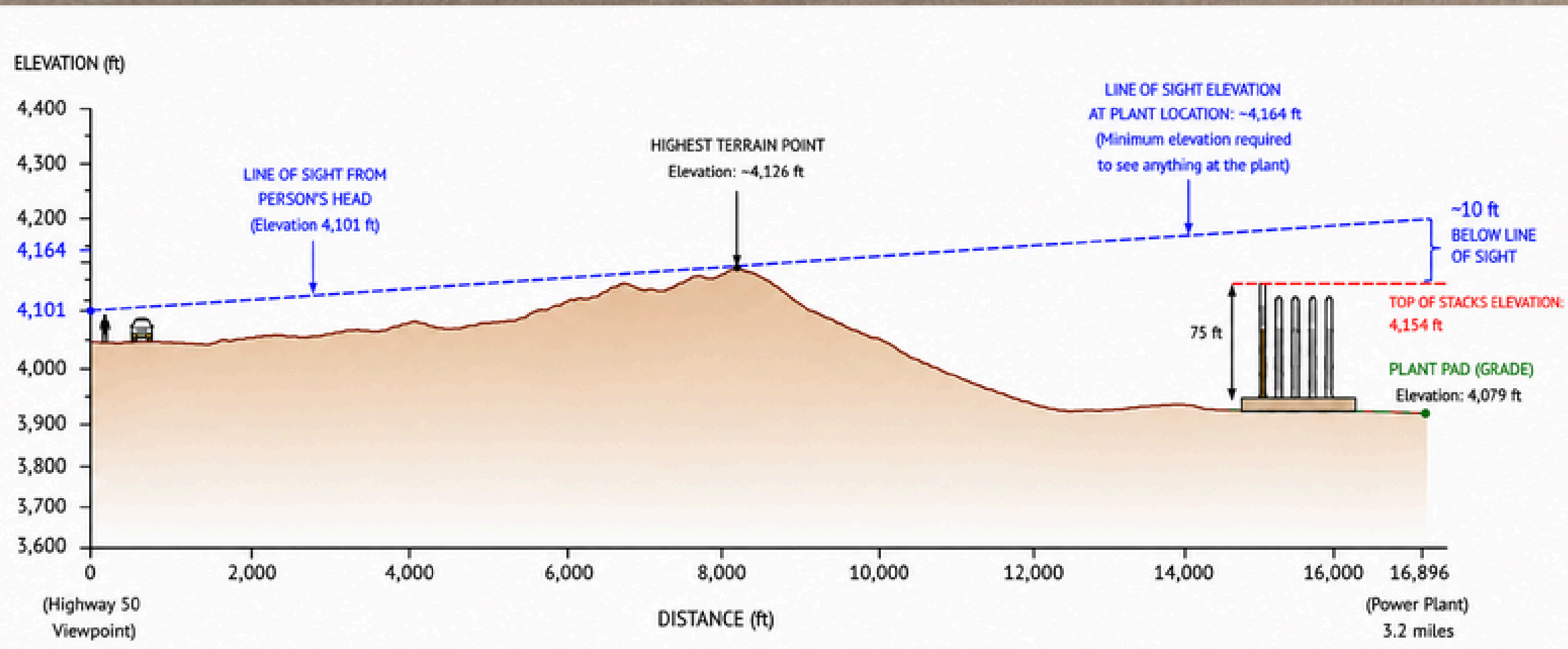
Looking North toward Power Plant (~ 3 miles)



MARK IV CAPITAL

deceuninck

Trex®



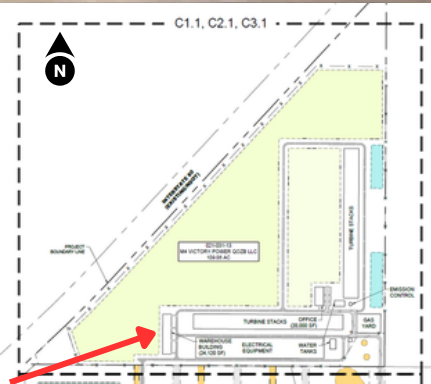


Perspective View from I-80 Eastbound

Looking East toward Power Plant



MARK IV CAPITAL



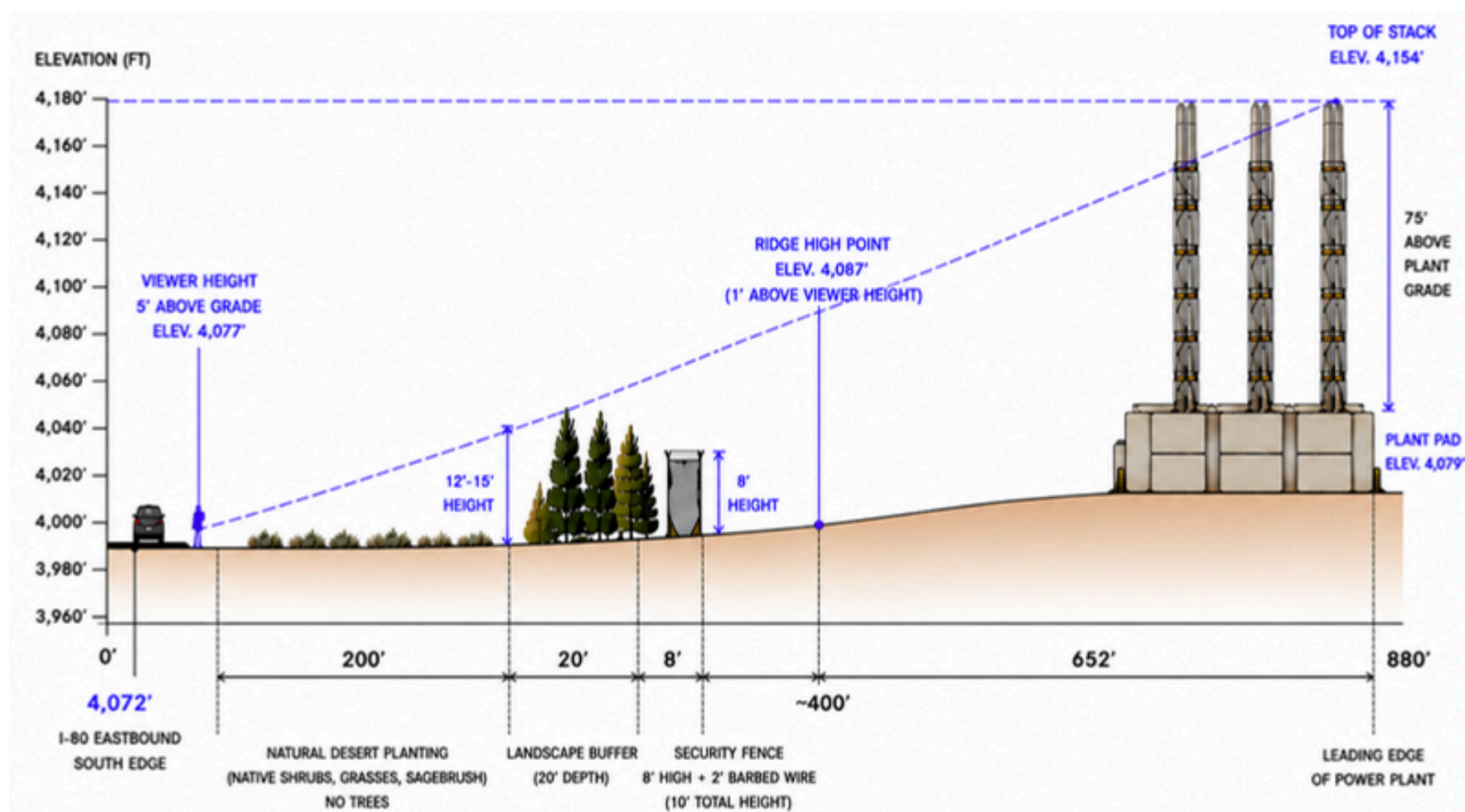
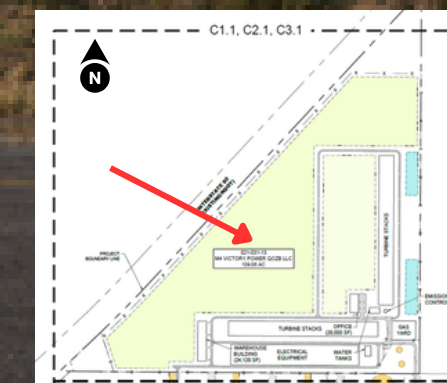


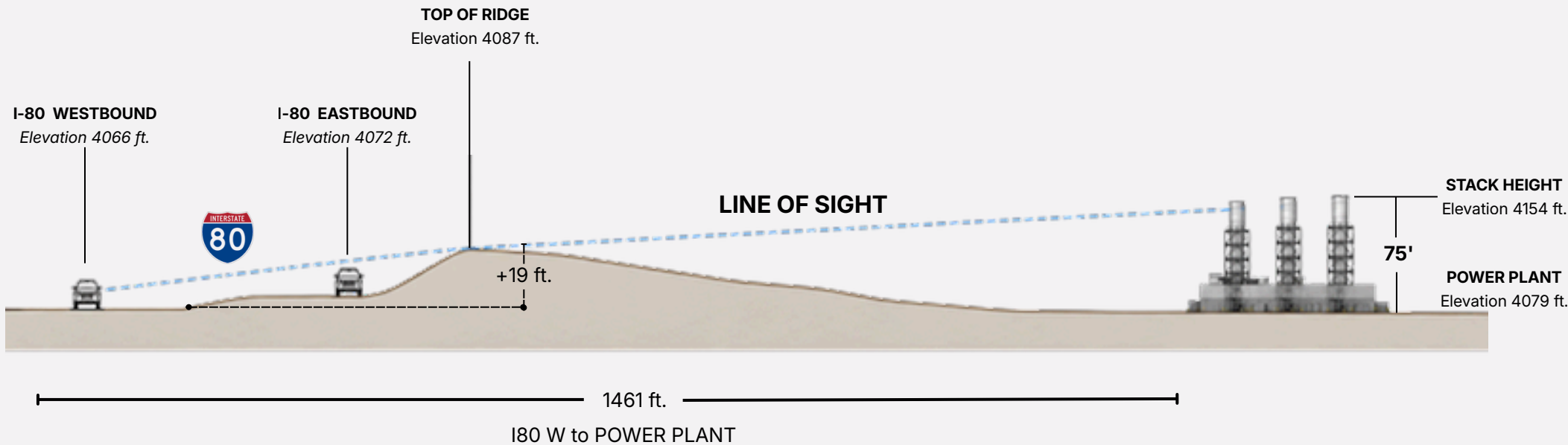
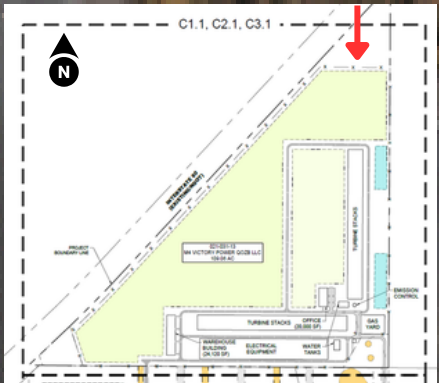
Perspective I-80 Direct View

Looking Southeast toward Power Plant



MARK IV CAPITAL



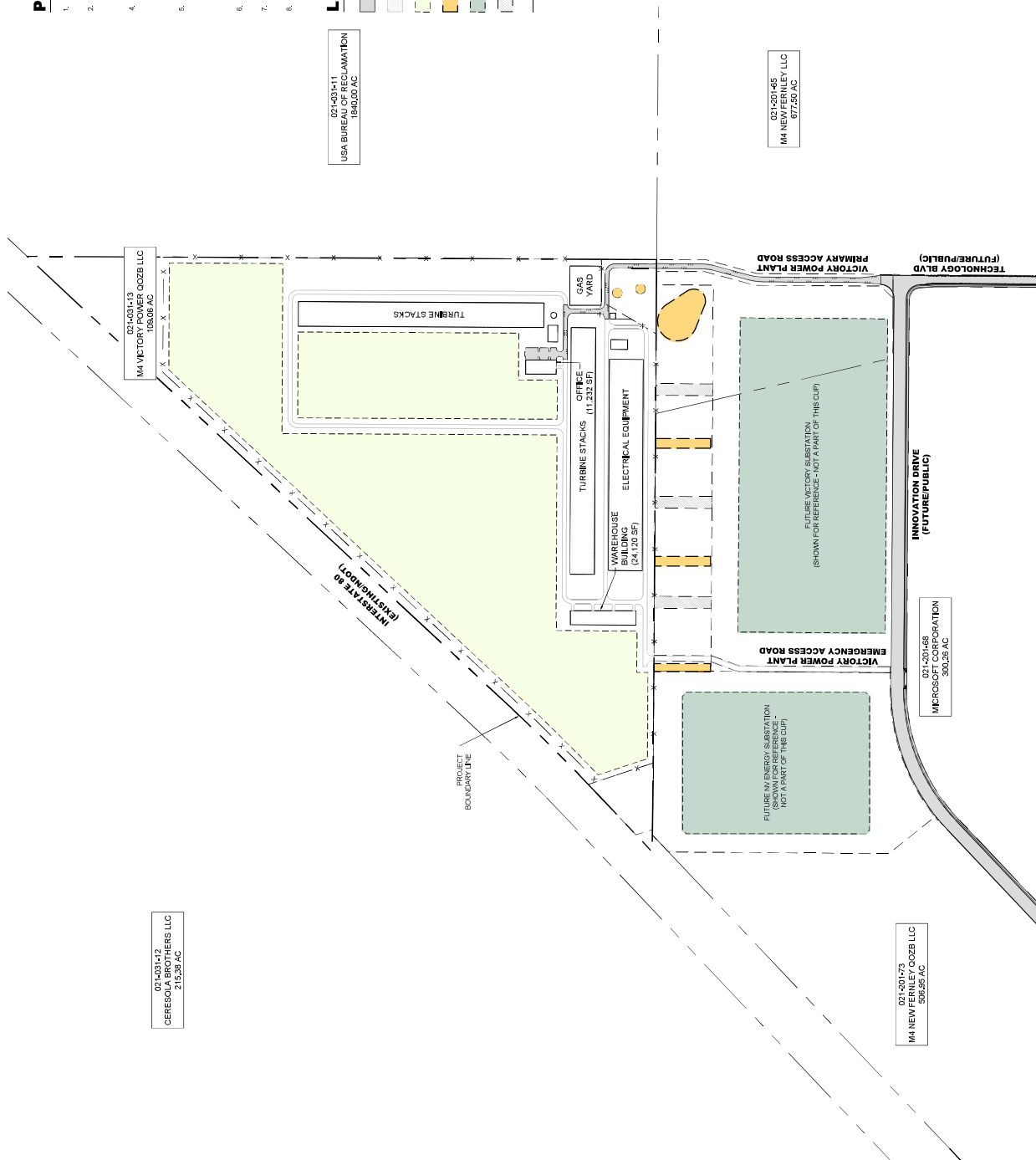


PROJECT INFORMATION

- | | |
|--|---|
| 1. TOTAL DEVELOPED AREA | 51 ACRES |
| 2. PROJECT AREA | 100.06 ACRES |
| 3. EARTHWORK SUMMARY: | |
| CUT | 40,000 CY |
| FILL | 10,000 CY |
| NET | 0 CY (SEE BALANCES) |
| 4. PAVING BREAKDOWN | |
| STATUS REQUIRED | NOT APPLICABLE FOR MAJOR UTILITY INFRASTRUCTURE |
| STATUS PROVIDED | SEE ATTACHMENT FOUR (SECTION 10.2.4.2) |
| 5. UTILITY INFORMATION | |
| CITY OF FENLEY | |
| CITY OF FENLEY | |
| STORM SEWER | |
| CANAL WATER | |
| GREAT BASIN GAS TRANSMISSION COMPANY | |
| NATURAL GAS | |
| ELECTRIC | IN ENERGY |
| 6. ALL IMPROVEMENTS SHALL ADHERE TO THE CITY OF FENLEY PUBLIC WORKS DESIGN MANUAL. | |
| 7. THE PROJECT PROPERTY IS CURRENTLY UNDEVELOPED WITH NATURAL VEGETATION. | |
| 8. FUGITIVE DUST IS LOCATED IN DESIGN ZONE X ACCORDING TO TSDA MAP 200300020002, DATED JANUARY 16, 2003. | |

LEGEND

- | | |
|---|--|
|  | PAVED ACCESS ROAD |
|  | AGGREGATE BASE ACCESS ROAD |
|  | FUTURE POWER PLANT EXPANSION AREA |
|  | N+1 ENERGY FUTURE OVERHEAD POWER POLE AREA |
|  | FUTURE SUBSTATION AREA (NOT A PART OF THIS CUP) |
|  | PROPOSED HIGH VOLTAGE UNDERGROUND ELECTRICAL EASEMENT (SEE DETAIL 404.1) |
|  | SECURITY FENCING (SEE DETAIL 404.1) |

[illegible]

July 10, 2026

Scott Barnes, PE
Mark IV Capital
1740 N. Nevada Pacific Parkway, Suite 100
Fernley, NV 89408

Trip Generation Letter – Victory Power Plant

Dear Mr. Barnes,

This letter provides trip generation estimates for a proposed power plant project in Fernley, NV. The project site is located southeast of Interstate 80 (I-80) and approximately 1.3 miles northeast of Nevada Pacific Parkway, as shown in **Exhibit 1**. The preliminary project site plan is provided in **Attachment A**.



Exhibit 1: Project Location

PROJECT TRIP GENERATION

The proposed project consists of a power plant facility with up to 30 employees working three shifts throughout the day (with 10 employees per shift) at full build out. The *Trip Generation Manual, 12th Edition* published by the Institute of Transportation Engineers (ITE) does not have trip generation rates for a power plant or similar land use. Therefore, project trip generation estimates were developed using project specific employee and operations information provided by the developer.

For conservative analysis purposes, it was assumed that two of the shifts would start/end during the AM (7:00 AM to 9:00 AM) and PM (4:00 PM to 6:00 PM) peak commute periods. Deliveries and visitors are expected to be very infrequent, however to be conservative, the analysis assumes five deliveries and visitors per day. Eighty (80) percent of the delivery and visitor trips are anticipated to occur in the peak hours. **Table 1** shows the Daily, AM peak hour, and PM peak hour trip generation estimates.

Table 1: Trip Generation Estimates

Project Component	Size	Trips				
		Daily	AM	AM In/Out	PM	PM In/Out
Employees ¹	30	120	20	10 / 10	20	10 / 10
Deliveries & Visitors	5	10	4	2 / 2	4	2 / 2
Total		130	24	12 / 12	24	12 / 12

Notes: 1. It was assumed that employees would make one additional round trip per day for lunch, errands, etc. Daily trips were calculated based on 4 trips per employee per day.

Source: GCW, 2026

As shown in the table, the project is anticipated to generate approximately 130 Daily, 24 AM peak hour, and 24 PM peak hour trips, which is below the City of Fernley threshold of 100 peak hour trips for requiring a Traffic Impact Study. The proposed project is not expected to have any significant impact on local roadway operations. No further traffic analysis is recommended.

Sincerely,
GCW, INC.



Marissa Harned, PE
Senior Engineer

Attachment:
A – Preliminary Site Plan



UTILITY NOTES

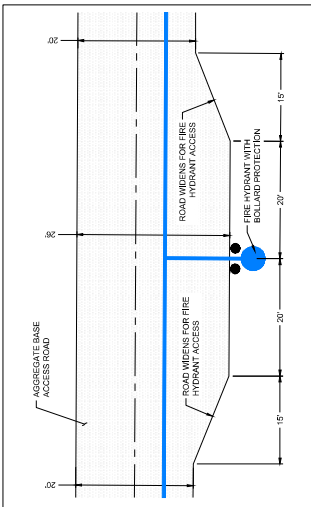
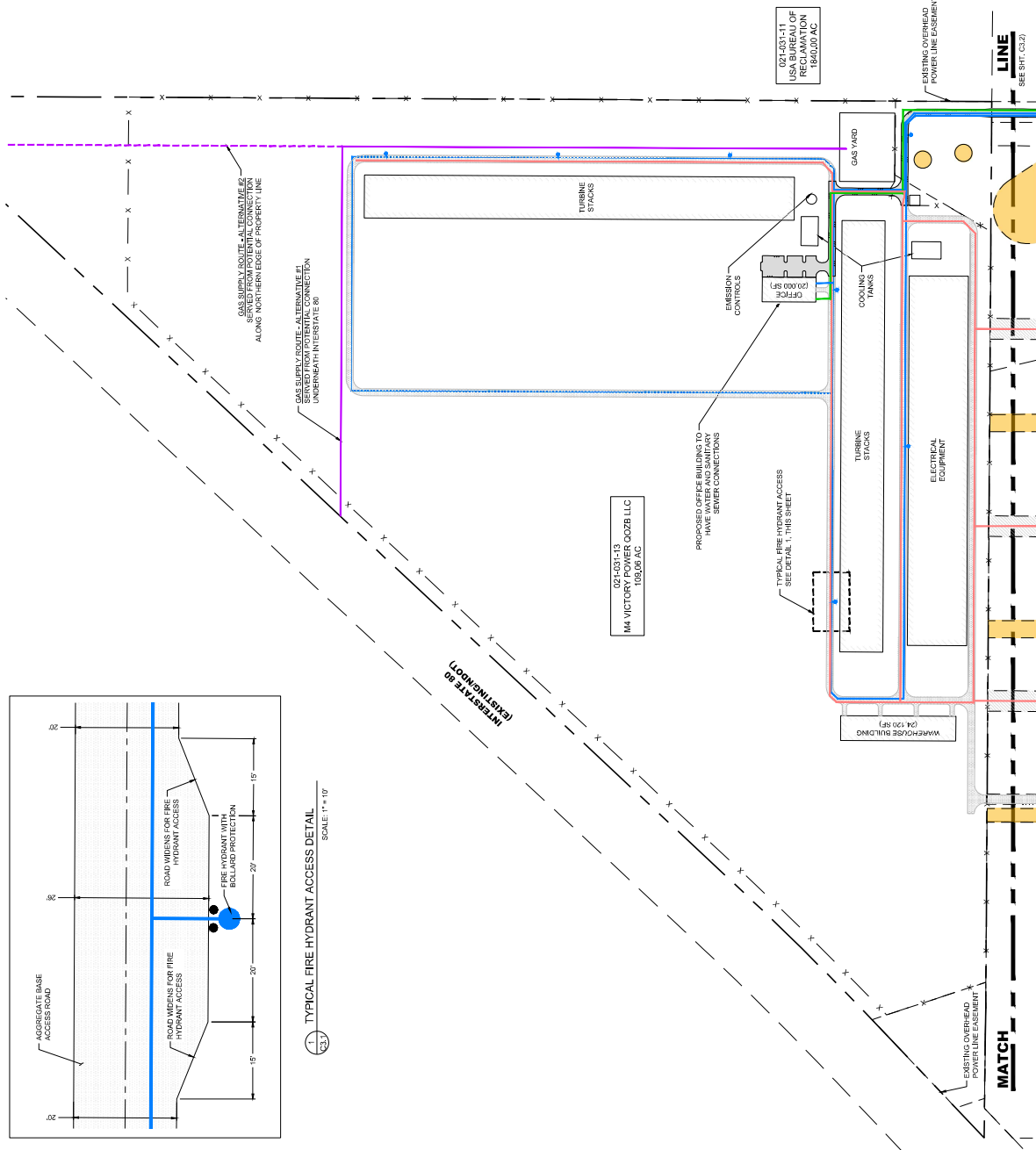
1. FIRE HYDRANT SPACING IS 500' PER COORDINATION WITH NORTH LYON COUNTY FIRE PROTECTION DISTRICT AND NORTH LYON COUNTY FIRE DEPARTMENT. FIRE DEPARTMENT COUNTY STANDARDS (WHICHEVER IS MORE STRINGENT).
2. ALL PROPOSED SANITARY SEWER INFRASTRUCTURE SHALL BE PRIVATELY OWNED AND MAINTAINED BY THE OWNER.
3. EXISTING UTILITY INFRASTRUCTURE AND STUB LOCATIONS ARE APPROXIMATE.

LEGEND

- PAVED ACCESS ROAD
- AGGREGATE BASE ACCESS ROAD
- PROPOSED HIGH VOLTAGE UNDERGROUND ELECTRICAL EASEMENT
- PROPOSED FIRE OVERHEAD POWER POLE ARE
- PROPOSED SANITARY SEWER
- PROPOSED HIGH VOLTAGE UNDERGROUND ELECTRICAL
- PROPOSED GAS SUPPLY ROUTE (ALTERNATIVE #1)
- PROPOSED GAS SUPPLY ROUTE (ALTERNATIVE #2)
- FIRE HYDRANT (500' SPACING)

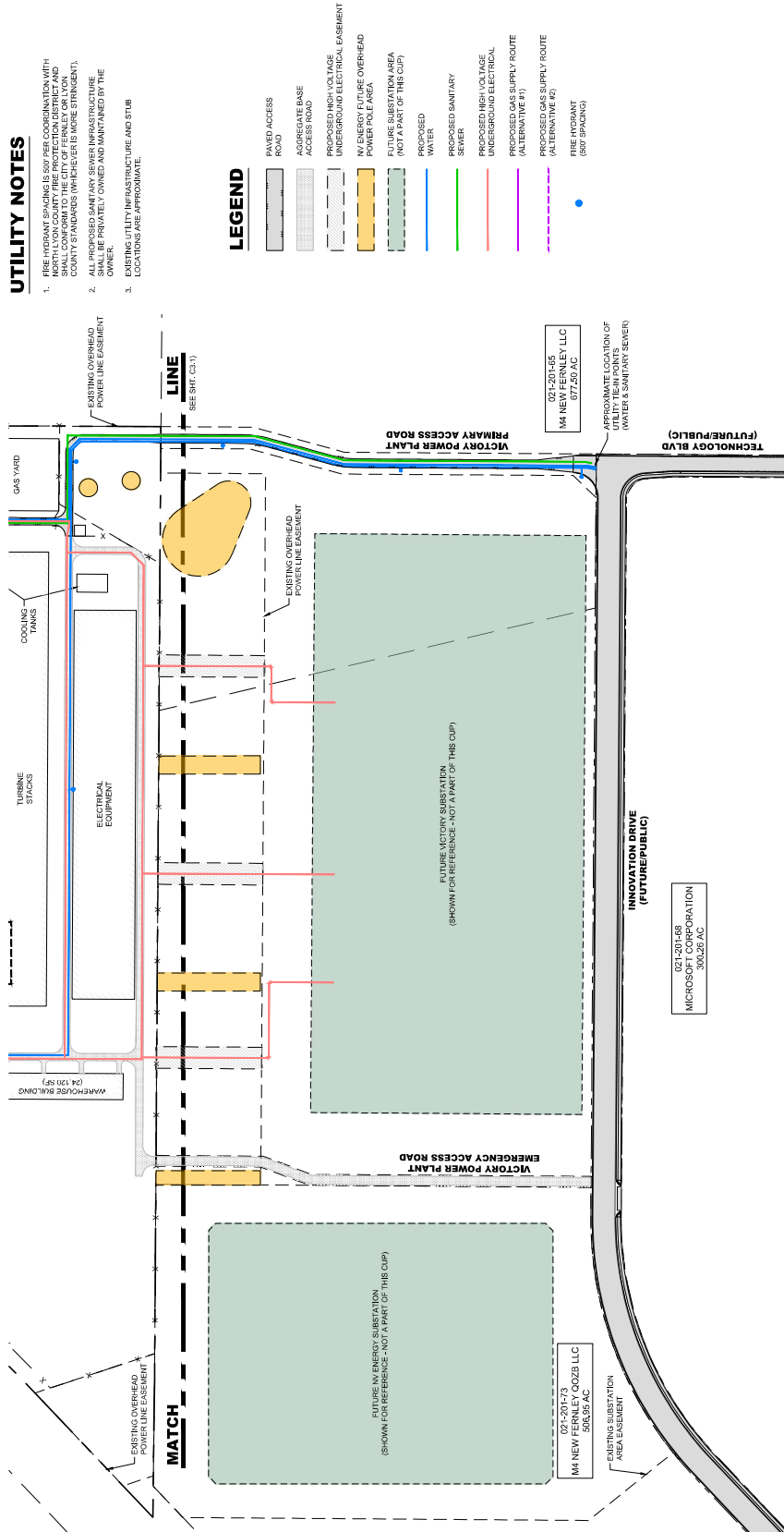


0 150' 300'
 22034 SHEETS 1" = 150'
 11417 SHEETS 1" = 300'



1 TYPICAL FIRE HYDRANT ACCESS DETAIL
 SCALE: 1" = 10'

U:\Arch\10047036 - Power Plant Condition Use Permit\3-Design\DWG\CH\Power\10047036 - Utility.dwg,C3.2 07/13/2026 09:57 am, gary



UTILITY NOTES

- 1. FIRE HYDRANT SPACING IS 500' PER COORDINATION WITH NORTH LYON COUNTY FIRE PROTECTION DISTRICT AND NORTH LYON COUNTY FIRE DEPARTMENT. FIRE HYDRANTS SHALL BE LOCATED AT 500' INTERVALS ALONG THE ROUTE OF THE FIRE HYDRANT SYSTEM. FIRE HYDRANTS SHALL BE PRIVATELY OWNED AND MAINTAINED BY THE OWNER.
- 2. ALL PROPOSED SANITARY SEWER INFRASTRUCTURE SHALL BE PRIVATELY OWNED AND MAINTAINED BY THE OWNER.
- 3. EXISTING UTILITY INFRASTRUCTURE AND STUB LOCATIONS ARE APPROXIMATE.

LEGEND

- PAVED ACCESS ROAD
- AGGREGATE BASE ACCESS ROAD
- PROPOSED HIGH VOLTAGE UNDERGROUND ELECTRICAL EASEMENT
- PROPOSED HIGH VOLTAGE OVERHEAD
- PROPOSED SANITARY SEWER
- PROPOSED HIGH VOLTAGE UNDERGROUND ELECTRICAL
- PROPOSED GAS SUPPLY ROUTE (ALTERNATIVE #1)
- PROPOSED GAS SUPPLY ROUTE (ALTERNATIVE #2)
- FIRE HYDRANT (500' SPACING)

LUMOS & ASSOCIATES
800 SANDHILL ROAD, SUITE 100
DUBLIN, CA 94568
TEL: 774.227.8111
WWW.LUMOSINC.COM
INFO@LUMOSINC.COM

LUMOS & ASSOCIATES, INC. THE DESIGNER HAS PREPARED THIS PLAN FOR THE PROJECT AND HAS NOT CONDUCTED A VISUAL VERIFICATION OF THE PROJECT SITE. THE DESIGNER HAS NOT CONDUCTED A VISUAL VERIFICATION OF THE PROJECT SITE. THE DESIGNER HAS NOT CONDUCTED A VISUAL VERIFICATION OF THE PROJECT SITE.



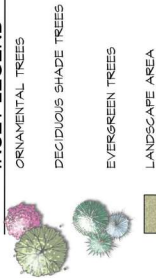
M4 VICTORY POWER QOZB, LLC
UTILITY PLAN
CONDITIONAL USE PERMIT
FERNLEY
LYON COUNTY
NEVADA
JULY 2026
PRELIMINARY
NOT FOR CONSTRUCTION

REV. DATE. DESCRIPTION. BY.
C3.2
DRAWN BY: CYS
DESIGNED BY: SNM
CHECKED BY: RSP
JOB NO.: 10067.008

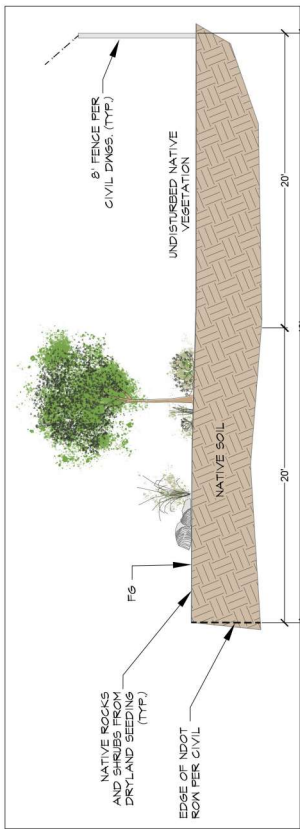
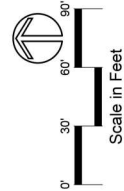
GENERAL NOTES

- 1) ALL PLANTING AND IRRIGATION SHALL BE INSTALLED PER LOCAL GOVERNING CODES.
- 2) TREES
 - DECIDUOUS TREES SHALL HAVE A MINIMUM CALIPER OF 2 INCHES.
 - EVERGREEN TREES SHALL HAVE A MINIMUM HEIGHT OF 8 FEET.
 - ALL TREES, BEYOND THOSE REQUIRED BY CODE, MAY BE REDUCED IN SIZE AT INSTALLATION.
- 3) FINAL PLANT SELECTION AND LAYOUT WILL BE BASED ON SOUND HORTICULTURAL PRACTICES RELATIVE TO MICRO-CLIMATE, SOIL AND WATER REGIMES. ALL TREES WILL BE STAKED SO AS TO REMAIN UPRIGHT AND PLUMB FOLLOWING INSTALLATION. PLANT SIZE AND QUALITY AT TIME OF PLANTING WILL BE PER THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1-1990).
- 4) ALL SHRUB BEDS WILL RECEIVE 4" DEPTH MULCH WITH WEED CONTROL.
- 5) ALL LANDSCAPING WILL BE AUTOMATICALLY IRRIGATED. CONTAINER PLANTINGS WILL BE DRIP IRRIGATED BASED ON THE SPECIFIC HORTICULTURAL REQUIREMENTS OF EACH SPECIES. A REDUCED-PRESSURE-TYPE BACKFLOW PREVENTOR WILL BE PROVIDED ON THE IRRIGATION SYSTEM AS REQUIRED PER CODE.
- 6) PLAN IS CONCEPTUAL. PLANT QUANTITIES INDICATED ARE PER CITY OF FERNLEY CODE REQUIREMENTS. PLANT LOCATIONS, FINAL SPECIES SELECTION, AND SIZE AT PLANTING SHALL BE DETERMINED DURING DEVELOPMENT OF THE FINAL CONSTRUCTION DOCUMENTS.
- 7) ALL DISTURBED AREAS TO BE SEEDED WITH NATIVE DRYLAND SEEDING PER EROSION CONTROL REQUIREMENTS.

INSET LEGEND



OFFICE AREA INSET



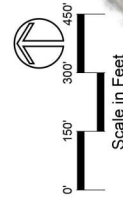
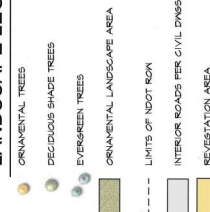
INTERSTATE 80 FRONTAGE CROSS SECTION

NOT TO SCALE

LANDSCAPE DATA

SITE AREA = 109.06 ACRE)
ZONING: I (INDUSTRIAL)
REQUIRED LANDSCAPE AREA = 43,551 SQ FT
(10' FRONTAGE ALONG I-80)
PROVIDED LANDSCAPE AREA = 43,551 SQ FT MIN.
TREES REQUIRED = 151
• FRONTAGE TREES = 146
(1 TREE PER 30 LN FT ALONG I-80 4,375 LN FT/30)
• PARKING TREES = 5
(1 TREE PER 7 PARKING SPACES (30 SPACES PROVIDED))
INCLUDES:
• LANDSCAPE TREES = 88
(1 TREE PER 500 SQ FT OF REQUIRED LANDSCAPE AREA)
TREES PROVIDED = 151 MIN.
SHRUBS REQUIRED = 25 MIN.
• 8 SHRUBS PER REQUIRED PARKING LOT TREE
FRONTAGE TO BE SEEDED WITH DRYLAND RE-VEGETATION
SEEDING TO PROMOTE SUSTAINABLE WATER USE
AND TO MAINTAIN THE AESTHETIC OF THE 40 MILE DESERT ENVIRONMENT.

LANDSCAPE LEGEND





CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: September 9, 2026

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) Discussion and possible action regarding CA25012 and Bill #377, a request from the Planning Department to amend the adjacency development standards contained in Title 32, Chapter 9, Section 30.

AGENDA ITEM BRIEF:

Adjacency standards have long frustrated both developers and regulatory bodies. Intended to preserve and enhance compatibility between different intensities and densities of uses, the current iteration of the code is unclear and the requirements imposed are inadequate. The proposed amendment seeks to improve clarity, simplify requirements and developer options, and improve regulatory results.

The proposed changes include:

1. Clerical corrections, restructuring, and wordsmithing throughout the section to improve clarity of requirements,
2. In Multifamily, Commercial, and Industrial zoning districts when adjoining residential zoning districts:
 - a. New upper-level setback requirements, and
 - b. New articulation and human scale requirements.

RECOMMENDED MOTION:

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

approval of Bill #377 associated with CA25012 amending the adjacency development standards contained in Title 32, Chapter 9, Section 30.

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:

Denial

"Considering the information heard in public testimony and considering the facts of the case, I move to deny Bill 377 associated with CA25012 amending the adjacency development standards because I am unable to make the following required finding(s):

(State finding and associated rationale—repeat for each applicable finding)."

Modification

"Considering the information provided by staff presentations and in the staff report, I move to recommend approval of Bill 377 associated with CA25012 amending the adjacency development standards contained in Title 32, Chapter 9, Section 30 with the following modifications:

(Identify modification and supporting rationale—repeat for each requested modification)."

BACKGROUND:

Adjacency or intensity-buffering standards are a critical tool in integrating new development into existing neighborhood contexts and development patterns. In Fernley, the issue of adjacency is particularly salient due to a plethora of related regulatory and community conditions that have resulted in frictioned approval processes for development proposals: sharp population growth and increased demand for housing, rural and agricultural development patterns and expectations, and master planning that establishes a pathway for higher density projects throughout the City. This "perfect storm" has resulted in both development pressure and difficult approvals in formerly low density, large-lot portions of the community. The City's adjacency standards as presently written are somewhat confusing, resulting in dissatisfaction from neighbors, developers, and regulators alike. This amendment proposes to streamline requirements by simplifying options, adjusting standards for better results, and adding measurable, easy-to-apply standards.

The proposed changes include a complete overhaul of the section as follows:

1. Adding new purpose and applicability clauses to guide applicants and staff;
2. Adding section-specific definitions to aid in code application;
3. Refining requirements based on zoning district; and
4. Adding an alternative option for "Adequate Buffering."

The Planning Commission considered CA25012 and Bill #377 on March 11, 2026, and recommended approval of the proposed amendment. Following the Planning Commission's recommendation, the amendment was forwarded to the City Council for consideration. During its review of the proposed amendment, the City Council raised additional concerns regarding certain provisions of the proposed adjacency standards. The amendment was not ultimately adopted, and staff revised the proposed standards to address the concerns identified by Council.

1. Rural Residential Adjacency – GR20 and RR5

As previously considered by the Planning Commission, new single-family residential subdivisions adjacent to properties zoned GR20, RR5, RR1, or RR½ were required to provide Transitional Edge Lots with a minimum lot size of one-half acre. As an alternative, a subdivision could provide Adequate Buffering along the shared boundary, allowing lots adjacent to the Buffer Zone to be developed in accordance with the underlying zoning district.

During City Council consideration, concern was expressed regarding this "either/or" approach when a new residential subdivision is adjacent to properties within the City's larger-lot rural residential zoning districts. Specifically, Council expressed concern that Adequate Buffering alone may not provide an adequate transition where substantially smaller residential lots are proposed adjacent to GR20 and RR5 properties.

In response, staff revised Sections 32.09.030(c)(4)(b) and 32.09.030(e)(1)(a) to limit the Adequate Buffering alternative to properties adjacent to RR1 and RR½ zoning districts. Under the revised ordinance, subdivisions adjacent to RR1 and RR½ may provide either the required Transitional Edge Lots or Adequate Buffering. For subdivisions adjacent to GR20 or RR5, the one-half-acre Transitional Edge Lots are required and Adequate Buffering may not be used as an alternative.

In effect, the standards remain unchanged for RR1 and RR½ properties; the revision removes the "either/or" option for GR20 and RR5 properties and requires the one-half-acre Transitional Edge Lots along those boundaries.

2. Buffer Ownership, Maintenance, and Long-Term Responsibility

The Planning Commission-recommended ordinance established requirements for the ownership and perpetual maintenance of required Buffer Zones. The proposed standards required Buffer Zones to be placed in common ownership, such as ownership by a homeowners association or landscape maintenance district, a conservation easement, or a similar legal mechanism approved by the City. The ordinance also required recorded covenants, conditions, easements, map notes, or similar instruments requiring maintenance in perpetuity.

During City Council consideration, questions were raised regarding long-term responsibility and accountability if a homeowners association, landscape maintenance district, or other entity responsible for a Buffer Zone ceases to exist, becomes inactive, or otherwise fails to maintain the required improvements.

In response, staff expanded Section 32.09.030(e)(5) to establish additional maintenance and enforcement requirements. The revised ordinance requires the responsible entity to maintain all required Buffer Zone improvements in a safe, functional, and operable condition. Responsibility for maintenance runs with the land and must remain assigned to a legally responsible party at all times. An approved maintenance mechanism may not be dissolved, terminated, or otherwise rendered inactive unless an alternative mechanism acceptable to the City is established and assumes responsibility for the Buffer Zone.

The revised ordinance also establishes procedures for failure to maintain a required Buffer Zone. The City may provide written notice identifying required corrective action, and the responsible entity must correct the violation or retain a qualified person or contractor to perform the required maintenance within 30 days of notice, or within another period established by the Administrator based on the nature and severity of the violation. Failure to complete the corrective action may result in enforcement pursuant to the Development Code or other applicable law.

These revisions are intended to ensure that responsibility for required Buffer Zones remains clearly assigned following subdivision construction and that the City has a defined mechanism for addressing failures to maintain required improvements.

In effect, the existing ownership and perpetual maintenance requirements remain in place; the revision clarifies who remains responsible for the Buffer Zone over time and establishes a process for addressing a failure to maintain the required improvements.

3. Multiple-Family Residential, Commercial, and Mixed-Use Operational Impacts

The Planning Commission-recommended ordinance established updated standards for multiple-family residential, commercial, and mixed-use development adjacent to single-family residential properties. Those standards primarily addressed the physical relationship between uses through upper-level building setbacks, articulation, and human-scale design requirements.

During City Council consideration, concern was expressed that building design and physical separation alone may not adequately address operational impacts associated with more intensive uses adjacent to residential properties. Examples discussed included outdoor dining, music, outdoor events, noise, odor, and similar activities associated with commercial and mixed-use development.

In response, staff added Section 32.09.030(f)(2)(c), Operational Impacts, to specifically address these concerns. Under the revised ordinance, multiple-family residential, commercial, and mixed-use development adjacent to rural residential or single-family residential zoning districts must consider and minimize potential impacts associated with outdoor dining areas, gathering spaces, loading areas, refuse collection areas, mechanical equipment, amplified sound, outdoor events, lighting, noise, odor, and similar operational activities. The Administrator may require additional setbacks, screening, noise attenuation measures, operational limitations, odor mitigation measures, or other mitigation measures where necessary to reduce impacts on adjacent residential properties.

In effect, the existing building design and transition standards remain in place; the revision expands the standards to also address operational impacts associated with multiple-family residential, commercial, and mixed-use development adjacent to residential properties.

4. Industrial Public Safety and Operational Impacts

The Planning Commission-recommended industrial adjacency standards primarily addressed site orientation, the placement of mechanical equipment and shipping/receiving areas, and physical buffering between industrial and residential development.

During City Council consideration, concern was expressed that the proposed industrial adjacency standards did not adequately address public safety and operational impacts associated with industrial development. Examples discussed included hazardous materials, truck traffic, emergency access, noise, odor, and other operational characteristics that may affect nearby residential properties and other sensitive land uses.

In response, staff added Section 32.09.030(g)(2)(c), Public Safety and Operational Impacts, to specifically address these concerns. Under the revised ordinance, industrial development adjacent to residential zoning districts, schools, parks, or other sensitive land uses must be designed to minimize potential impacts associated with hazardous materials, truck traffic, emergency access, noise, odor, vibration, smoke, dust, and similar operational characteristics. The Administrator is also required to consult with the North Lyon Fire Protection District or other reviewing agencies and may require additional buffering, setbacks, circulation improvements, screening, operational limitations, or other mitigation measures to address identified impacts.

In effect, the existing industrial site orientation and buffering standards remain in place; the revision expands the standards to also address public safety and operational impacts associated with industrial development adjacent to residential properties and other sensitive land uses.

5. Noise, Odor, and Similar Operational Characteristics

During City Council consideration, noise and odor were specifically identified as potential adjacency concerns, particularly where commercial, mixed-use, or industrial development is located near residential properties.

Although noise and odor are addressed within the revised multiple-family residential, commercial, mixed-use, and industrial adjacency standards, Council's concerns were not limited to those specific development types. In response, staff added a generally applicable standard within Section 32.09.030(b) requiring development to consider and minimize reasonably foreseeable off-site impacts associated with noise, odor, vibration, glare, smoke, dust, and similar operational characteristics where such impacts may affect adjacent properties.

This generally applicable standard provides a consistent basis for considering these impacts throughout the adjacency standards, while the more specific provisions applicable to multiple-family residential, commercial, mixed-use, and industrial development provide additional requirements where warranted.

In effect, the revision adds noise, odor, vibration, glare, smoke, dust, and similar operational characteristics as adjacency considerations applicable across development types, in addition to the more specific requirements contained elsewhere in the section.

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 (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
FMC 32.09.030 – Adjacency

FINANCIAL IMPLICATIONS:

N/a

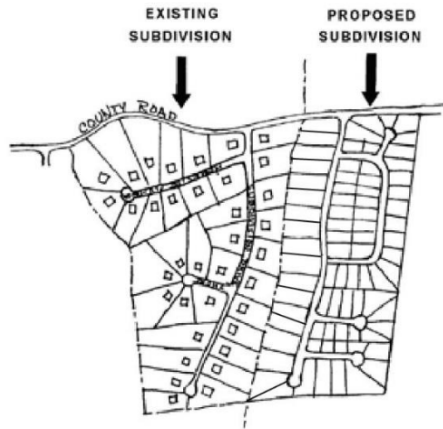
ATTACHMENTS:

1. Sec. 32.09.030 Adjacency Standards (Existing Code)
2. Adjacency Amended Code (Redline)
3. Bill #377

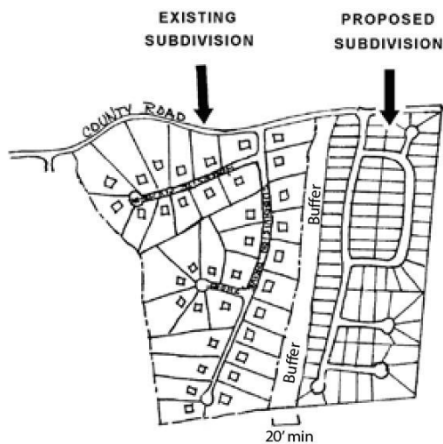
Sec. 32.09.030. Adjacency standards.

Purpose. The purpose of this section is to define adjacency standards for different types and intensities of development.

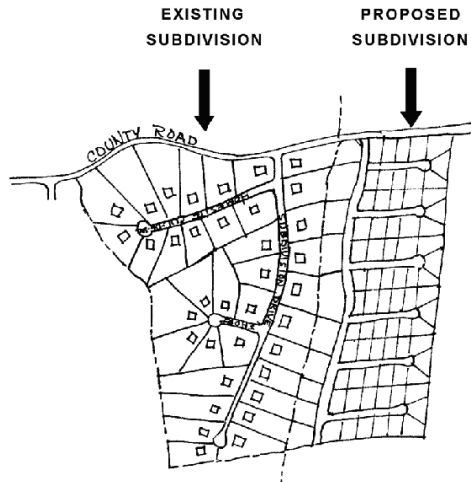
- (a) *Applicability.* The standards established in this section shall apply to any new development. Wherever a natural barrier (e.g., ridgeline, river, open space, or natural terrain change) buffers the existing built environment or platted lots from the new development, these standards shall not apply.
- (b) *Density.* To the extent that land in such areas affected by this standard would be buildable under federal, state, or local regulations, the full eligible density may be utilized on other locations on the site.
- (c) *Generally.*
 - (1) All development shall be designed to minimize impacts on adjacent properties by:
 - a. Limiting exterior lighting to full-cutoff shielded fixtures and directing lights away from adjacent properties;
 - b. Limiting sources of audible noise (e.g., heating and air conditioning units) from building facades that face lower intensity uses; and
 - c. Locating off-street parking, loading, and service areas away from the shared property and incorporating them into the design of buildings they are intended to serve
 - d. Placing windows on the new development so as to maintain privacy by avoiding direct lines of sight into adjacent properties; and
 - e. Orienting balconies and other outdoor living spaces away from a shared property line.
- (d) *Lot adjacency and transition standards—Single-family residential.*
 - (1) To provide adequate transition between varying sizes of single-family residential parcels designated one dwelling unit per five acres to one dwelling unit per acre, the minimum adjacent lot size shall be one acre, unless approved otherwise by the administrator.
 - (2) To provide adequate transition between varying sizes of single-family residential parcels designated as one unit per acre or greater density, one of the following methods shall be utilized:
 - a. *Transition.* New subdivision lots adjacent to existing subdivision lots shall match the rear yard setbacks per base zoning, not exceed the number of stories of the existing adjacent homes and shall not exceed a 50-percent reduction in lot size of the existing subdivision lots. If existing subdivision lots are less than half acre, no transition is required.



- b. *Buffering.* A "buffer zone" shall be established and shall be a minimum of 20 feet wide. The buffer zone may be common open space for the proposed subdivision and shall include at least one of the following improvements: paths, trails, drainageways, landscaping, berms, or other subdivision amenities. The city may require a larger landscape buffer of a specific width, or other visual and/or sound barrier (open view fence, wall, landscaping, or combination of such measures), to mitigate any potential adverse impacts. The city may allow a major roadway or railroad right of way to constitute adequate buffering.



- c. *Yard matching.* The rear yard widths of the proposed development shall match the rear yard widths of the existing development as depicted in Figure 32.09.030-3:



- (2) In addition, lots proposed within a new subdivision that share a common property line with an established subdivision shall not contain structures that exceed the maximum height of the adjacent equivalent zoning district.

(e) *Lot adjacency standards—Multiple-family residential.*

- (1) Residential infill that exceeds the height of adjacent existing homes by more than one story in height and/or are significantly larger in terms of their overall mass shall provide a transition using at least three of the following techniques:
- "Stepping down" building height and mass along the shared property line to meet the height of the existing adjacent home, the "stepped down" portion of the building shall be a minimum of ten feet in depth along a minimum of 50 percent of the building's length;
 - Increasing the side yard setback, a minimum of five feet beyond that which is required and providing a landscape buffer along a shared lot edge;
 - Providing variations in the side building wall and roof form so that new structures have a comparable scale as adjacent homes along a shared side;
 - Utilizing a roof pitch and overhang similar to that of the adjacent structures; and
 - Utilizing dormers and sloping roofs to accommodate upper stories.

Alternative approaches may be approved by the administrator provided the overall objective of this standard can be satisfied.

(f) *Lot adjacency standards—Commercial and mixed use.*

- (1) Transitions between mixed-use and commercial areas and adjacent residential neighborhoods shall be provided by utilizing the following techniques, as applicable:
- Concentrating tallest buildings at the center of the site or along primary street frontages;
 - Providing gradual decreases in building height and mass so that new structures are a maximum of 24 feet in height along the shared lot line or a maximum of 36 feet height along the shared lot line or street frontage; or
 - Incorporating lower-intensity housing types (e.g., townhomes, duplexes, etc.) along a shared street frontage.

(g) *Lot adjacency standards—Industrial.*

-
- (1) Industrial development shall be oriented on the site to minimize off-site adverse impacts of noise, glare, smoke, dust, exhaust, vibration, etc., and protect the privacy of adjacent nonindustrial zoning districts to the extent practicable. The following standards apply to all development within industrial zoning districts when abutting nonindustrial zoning districts:
- a. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside of an enclosed building shall be located away from abutting residential zoning districts, schools, parks and other nonindustrial zoning districts as practicable; and
 - b. A buffer with a minimum width of 20 feet is required between industrial development and any adjacent residential zoning district. The buffer shall provide landscaping to screen the industrial activities, such as parking, service and delivery areas, from the residential districts. The buffer shall not contain trash receptacles or be used for the storage of equipment, materials, vehicles, etc. The city may require a larger landscape buffer of a specific width, or other visual and/or sound barrier (fence, wall, landscaping, or combination of such measures), to mitigate any potential adverse impacts.

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

Sec. 32.09.030. Adjacency standards.

Purpose. The purpose of this section is to define adjacency standards for different types and intensities of development.

- (a) *Applicability.* The standards in this section shall apply to any new development unless an existing barrier (e.g., ridgeline, river, open space, right-of-way or natural terrain change) adequately buffers the existing built environment or platted lots from the new development.
- (b) *Generally applicable standards.*
 - (1) All development shall be designed to minimize impacts on adjacent properties by:
 - (2) Limiting exterior lighting to full-cutoff shielded fixtures and directing lights away from adjacent properties;
 - (3) Limiting sources of audible noise (e.g., heating and air conditioning units) from building facades that face lower intensity uses; and
 - (4) Locating off-street parking, loading, and service areas away from shared property lines and incorporating them into the design of buildings they are intended to serve;
 - (5) Placing windows on the new development so as to maintain privacy by avoiding direct lines of sight into windows of adjoining developments; and
 - (6) Orienting upper-level balconies and other outdoor living spaces away from shared property lines to the extent practicable.
 - (6)(7) Considering and minimizing reasonably foreseeable off-site impacts associated with noise, odor, vibration, glare, smoke, dust, and similar operational characteristics where such impacts may affect adjacent properties.
- (c) *Lot adjacency and transition standards for rural neighborhoods.*
 - (1) *Purpose.* The purpose of this subsection is to maintain the established rural and semi-rural character of neighborhoods zoned GR20, RR5, RR1, and RR½ by requiring transitional lot sizes or physical separation where new single-family residential subdivisions abut such zoning districts.
 - (2) *Applicability.* This subsection applies to any application for a tentative map, parcel map, final map, or other subdivision approval that creates new single-family residential lots where any portion of the subdivision's exterior boundary shares a common boundary line with an Adjacent Rural Parcel.
 - (3) *Definitions.* For purposes of this subsection:
 - a. "Adjacent Rural Parcel" means a parcel with zoning designation GR20, RR5, RR1, or RR½ that shares a common boundary line with a proposed subdivision.
 - b. "Common Boundary Line" means a shared property line segment between the subdivision boundary and an Adjacent Rural Parcel.
 - c. "Transitional Edge Lot" means a lot within the subdivision having a rear or side lot line that is coextensive with the subdivision boundary along a Common Boundary Line.
 - (4) *Standards.*
 - a. *Default Requirement – Transitional Edge Lots.* A subdivision to which this subsection applies shall provide Transitional Edge Lots along each Common Boundary Line with an Adjacent Rural Parcel. Each Transitional Edge Lot shall be a minimum of one-half (½) acre in size.

Commented [TR1]: Staff Note – Council Direction (Councilwoman Felicity Zoberski)

During Council discussion, Councilwoman Felicity Zoberski raised concerns regarding noise and odor impacts associated with various forms of development, particularly commercial, mixed-use, and industrial uses located adjacent to residential areas.

While project-specific noise and odor considerations have been incorporated into the multiple-family, commercial, mixed-use, and industrial adjacency standards, staff also added a generally applicable standard within Section 32.09.030(b) recognizing noise, odor, vibration, glare, smoke, dust, and similar operational characteristics as potential adjacency concerns that should be considered during project design.

This revision establishes a consistent policy framework throughout the adjacency standards and provides a basis for evaluating compatibility impacts across a variety of development types.

- b. *Alternative Standard.* In lieu of providing Transitional Edge Lots of at least one-half (½) acre, the subdivision may provide Adequate Buffering in accordance with subsection (e), in which case lots adjacent to the Buffer Zone may be sized in accordance with the underlying zoning ~~district, district, except where the Adjacent Rural Parcel is zoned GR20 or RR5. Where the Adjacent Rural Parcel is zoned GR20 or RR5, Transitional Edge Lots shall be required in accordance with subsection (c)(4)(a), and Adequate Buffering shall not serve as an alternative compliance option.~~

(d) *Lot adjacency and transition standards for residential subdivision compatibility.*

- (1) *Purpose.* The purpose of this subsection is to ensure compatibility between new subdivisions and existing subdivisions by requiring comparable rear yard separation, building scale, and lot size transitions at shared boundaries.

(2) *Applicability.*

- a. This subsection applies to any tentative map, parcel map, final map, or other subdivision approval that creates new residential lots, where any portion of the proposed subdivision's exterior boundary shares a Common Boundary Line with an Adjacent Subdivision Lot.
- b. The standards in this subsection apply to all Boundary Lots along the applicable Common Boundary Line and shall apply regardless of the zoning of the proposed subdivision and the Adjacent Subdivision.
- c. These standards are in addition to any other applicable development standards (including any rural adjacency standards). Where multiple standards apply, the more restrictive standard governs.

(3) *Definitions.* For purposes of this subsection:

- a. "Adjacent Subdivision" means an existing, recorded subdivision (final map) containing platted lots, where one or more lots share a Common Boundary Line with a proposed subdivision.
- b. "Adjacent Subdivision Lot" means a platted lot within an Adjacent Subdivision that shares a Common Boundary Line with a proposed subdivision.
- c. "Boundary Lot" means a lot within a proposed subdivision that includes a rear or side lot line that is coextensive with the subdivision boundary along a Common Boundary Line.
- d. "Common Boundary Line" means a shared property line segment between the proposed subdivision boundary and an Adjacent Subdivision Lot.

(4) *Standards.*

a. *Default Requirements.*

1. *Rear Setback Compatibility.* For each Boundary Lot, the minimum rear yard setback shall be not less than the rear yard setback applicable to the Adjacent Subdivision Lots along the same Common Boundary Line.
2. *Height Compatibility.* No principal structure located on a Boundary Lot shall exceed the maximum existing height of principal structures on the Adjacent Subdivision Lots along the same Common Boundary Line. If there are no existing principal structures on the Adjacent Subdivision Lots along the Common Boundary Line at the time of application, the maximum height of principal structures on Boundary Lots shall not exceed the maximum building height permitted for principal structures in the zoning district applicable to the Adjacent Subdivision.

Commented [TR2]: Staff Note – Council Direction (Councilwoman Zoberski)

During Council discussion, Councilwoman Zoberski expressed concern regarding the proposed "either/or" approach that would allow Adequate Buffering to serve as an alternative to the Transitional Edge Lot requirements adjacent to larger rural residential properties. Specifically, she stated that for the "much larger lot sizes," she would prefer that buffering not be an alternative compliance option and referenced RR5 properties as an example, indicating a preference for maintaining the transitional lot requirement of at least one-half (½) acre.

To address this concern, staff revised Sections 32.09.030(c)(4)(b) and 32.09.030(e)(1)(a) to require Transitional Edge Lots adjacent to GR20 and RR5 zoned properties and eliminate the ability to substitute Adequate Buffering as an alternative compliance method for those zoning districts. The Adequate Buffering alternative remains available for properties adjacent to RR1 and RR½ zoning districts.

These revisions preserve the original intent of providing flexibility for lower-intensity rural residential districts while ensuring a greater level of transition and compatibility adjacent to the City's largest-lot rural residential zoning districts.

3. *Minimum Lot Size Compatibility.* Each Boundary Lot shall have a minimum lot size equal to at least fifty percent (50%) of the average lot size of the Adjacent Subdivision Lots along the same Common Boundary Line.
4. *Alternative Compliance.* In lieu of complying with the rear setback, height, and minimum lot size compatibility requirements, the subdivision may provide Adequate Buffering in accordance with subsection (e), in which case lots adjacent to the Buffer Zone may be developed in accordance with the standards applicable to the underlying zoning district.

(e) *Adequate Buffering.*

- (1) *Purpose and Effect.* This subsection establishes standards for "Adequate Buffering" that may be used as an alternative means of complying with the lot adjacency and transition standards for rural neighborhoods and residential subdivision compatibility. Where Adequate Buffering is provided in accordance with this subsection along a Common Boundary Line:

- a. *Rural Adjacency.* The subdivision is not required to provide one-half (½) acre Transitional Edge Lots adjacent to parcels zoned GR20, RR5, RR1, or RR½ along that Common Boundary Line where Adequate Buffering is provided in accordance with this subsection. Adequate Buffering shall not replace the Transitional Edge Lot requirements applicable to parcels zoned GR20 or RR5, and
- b. *Subdivision-to-Subdivision Compatibility.* Boundary Lots adjacent to an existing subdivision along that Common Boundary Line are not required to (i) match rear setbacks, (ii) be limited to the height of existing structures, or (iii) meet the 50% minimum lot size compatibility standard, provided the Buffer Zone fully complies with this Section.

- (2) *Definitions.* For purposes of this subsection:

- a. "Buffer Zone" means a separate lot, parcel, common area, easement, or dedicated area within the subdivision that is intended to provide physical and/or visual separation between development and an adjacent parcel or subdivision.
- b. "Common Boundary Line" means a shared property line segment between the subdivision and an adjacent parcel or platted lot.
- c. "Adequate Buffering" means a Buffer Zone and associated improvements meeting the requirements of this subsection.

- (3) *Adequate Buffering Standards.* Adequate Buffering shall meet all of the following minimum standards:

- a. *Minimum Width and Continuity.*
 1. *Width.* The Buffer Zone shall be a minimum of thirty (30) feet wide, measured perpendicular from the Common Boundary Line inward to the subdivision.
 2. *Continuity.* The Buffer Zone shall be continues along the full length of the applicable Common Boundary Line, except where interrupted by streets, public access connections, or necessary utility crossing.
- b. *Required Buffer Zone Improvements.* The Buffer Zone shall include at least two (2) of the following improvements, designed to function together as an integrated separation feature:
 1. *Trail/Path Corridor.* A paved or unpaved trail or path, with appropriate access control, wayfinding, and safety features as required by the City.
 2. *Drainageway or Drainage Facility.* An open channel, swale, naturalized drainageway, or similar facility, including stabilized slopes and erosion control.

Commented [TR3]: Staff Note – Council Direction (Councilwoman Zoberski)

During Council discussion, Councilwoman Zoberski expressed concern regarding the proposed "either/or" approach that would allow Adequate Buffering to serve as an alternative to the Transitional Edge Lot requirements adjacent to larger rural residential properties. Specifically, she stated that for the "much larger lot sizes," she would prefer that buffering not be an alternative compliance option and referenced RR5 properties as an example, indicating a preference for maintaining the transitional lot requirement of at least one-half (½) acre.

To address this concern, staff revised Sections 32.09.030(c)(4)(b) and 32.09.030(e)(1)(a) to require Transitional Edge Lots adjacent to GR20 and RR5 zoned properties and eliminate the ability to substitute Adequate Buffering as an alternative compliance method for those zoning districts. The Adequate Buffering alternative remains available for properties adjacent to RR1 and RR½ zoning districts.

These revisions preserve the original intent of providing flexibility for lower-intensity rural residential districts while ensuring a greater level of transition and compatibility adjacent to the City's largest-lot rural residential zoning districts.

3. *Landscaping.* A continuous landscape screen using drought-tolerant and/or native plantings, with irrigation where required to ensure establishment and long-term viability.
4. *Berms or Grade Separation.* Berming or grade changes designed to provide visual screening and/or physical separation; may be combined with landscaping and fencing.
5. *Common Open Space Amenity.* Park space, common open space, community garden, or similar subdivision amenity designed to serve as separation area and not merely as residual land.
6. *Decorative Wall/Fence.* A wall or fence designed to provide privacy and separation; when used, it shall be combined with either landscaping or berming.

(4) *Use Restrictions.*

- a. The Buffer Zone shall not be used for private yards, private storage, private accessory structures, driveways, or parking.
- b. The Buffer Zone may contain only those improvements necessary to serve the Buffer Improvements (e.g., trails, drainage structures, landscaping, lighting, benches, small shade structures, utilities, and similar appurtenances), as approved with the subdivision.

(5) *Ownership and Maintenance.*

- a. The Buffer Zone shall be placed in common ownership (i.e., conveyed to a HOA or a landscape maintenance district), a conservation easement, or similar legal mechanism approved by the City that provides for perpetual maintenance and repair.
- b. The Buffer Zone shall be subject to recorded covenants, conditions, easements, map notes, or similar instruments prohibiting encroachments inconsistent with the buffering standards in this subsection and requiring maintenance in perpetuity.

b-c. Maintenance Responsibility. The owner, homeowners association, landscape maintenance district, conservation easement holder, or other entity responsible for maintenance of the Buffer Zone pursuant to subsection (e)(5)(a) shall maintain all required Buffer Zone improvements in a safe, functional, and operable condition. Responsibility for Buffer Zone maintenance shall run with the land and shall be assigned to a legally responsible party at all times. No maintenance mechanism established pursuant to this Section shall be dissolved, terminated, or otherwise rendered inactive unless an alternative maintenance mechanism acceptable to the City is established and assumes responsibility for the Buffer Zone. Failure to maintain a required Buffer Zone in accordance with the approved plans, recorded maintenance documents, or the requirements of this Section shall constitute a violation of this Code and may be subject to enforcement pursuant to applicable City regulations.

- (6) *Credit for existing separation areas.* Existing public rights-of-way, dedicated open space, drainage facilities, trail corridors, or similar separation areas located between the subdivision and the adjacent parcel or subdivision may be credited toward the width requirement in this subsection if the Administrator determines such areas function as part of the buffer and are reasonably comparable in separation effect.

(f) *Adjacency standards for multiple-family residential, commercial, and mixed-use development.*

- (1) *Purpose.* This subsection is intended to minimize visual, privacy, and scale impacts where multifamily residential development, commercial development, or mixed-use development abuts

Commented [TR4]: Staff Note – Council Direction (Councilwoman Felicity Zoberski)

During Council discussion, Councilwoman Felicity Zoberski expressed concern regarding the long-term ownership, maintenance, and accountability of required Buffer Zones. Specifically, questions were raised regarding situations where a homeowners association, landscape maintenance district, or other maintenance entity ceases to exist, becomes inactive, or otherwise fails to maintain the required buffering improvements.

Sections 32.09.030(e)(5)(a) and (e)(5)(b) already require Buffer Zones to be placed under a perpetual maintenance mechanism and subject to recorded maintenance obligations. However, to further address Councilwoman Zoberski's concerns, staff added Section 32.09.030(e)(5)(c) to clarify that responsibility for maintenance must remain assigned to a legally responsible party at all times and that an approved maintenance mechanism may not be dissolved or terminated unless a replacement maintenance mechanism acceptable to the City assumes responsibility for the Buffer Zone.

This revision is intended to provide additional clarity regarding long-term maintenance obligations, ensure continued accountability for required buffering improvements, and avoid situations where responsibility for maintenance becomes unclear following project approval and construction.

single-family residential lots by requiring increased setbacks, upper-level setbacks, and/or a height plane based on existing grade on the single-family side of the shared property line.

(2) *Standards.*

- a. *Upper-level setback.* An upper-level setback of 10' for all portions of the building greater than 24' in height shall be provided along any shared property line. This setback is in addition to any setback required by the applicable zoning district regulations. Building projections such as balconies, eaves, and similar appurtenances may project up to 5' into the required combined total setback.
- b. *Articulation and human scale.* To limit the appearance of bulk and scale, vertical or horizontal modulation, changes in color or materials, fenestration, and/or architectural appurtenances shall be provided on all facades facing adjoining rural residential or single-family residential zoning districts to the approval of the administrator.
- c. *Operational Impacts. Where multiple-family residential, commercial, or mixed-use development is adjacent to rural residential or single-family residential zoning districts, site design shall consider and minimize potential impacts associated with outdoor dining areas, gathering spaces, loading areas, refuse collection areas, mechanical equipment, amplified sound, outdoor events, lighting, noise, odor, and similar operational activities. The Administrator may require additional setbacks, screening, noise attenuation measures, operational limitations, odor mitigation measures, or other mitigation measures to reduce impacts on adjacent residential properties.*
- d. *Alternative approaches may be approved by the administrator provided the overall objective of these standards can be satisfied.*
- b-

Alternative approaches may be approved by the administrator provided the overall objective of these standards can be satisfied.

(g) *Lot adjacency standards—Industrial development.*

- (1) *Purpose.* This subsection is intended to minimize visual, privacy, and scale impacts where industrial development abuts residential zoning districts by implementing buffers and site orientation
- (2) *Standards.*
 - a. *Site Orientation.* Industrial development shall be oriented on the site to minimize off-site adverse impacts of noise, glare, smoke, dust, exhaust, vibration, etc., and protect the privacy of adjacent nonindustrial developments to the extent practicable.
 - b. *Appurtenances.* Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside of an enclosed building shall be located away from abutting residential zoning districts, schools, parks and other nonindustrial zoning districts as practicable; and
 - b-c. *Public Safety and Operational Impacts. Industrial development adjacent to residential zoning districts, schools, parks, or other sensitive land uses shall be designed to minimize potential impacts associated with hazardous materials, truck traffic, emergency access, noise, odor, vibration, smoke, dust, and similar operational characteristics. The Administrator shall require consultation with the North Lyon Fire Protection District or other reviewing agencies and may require additional buffering, setbacks, circulation improvements, screening, operational limitations, or other mitigation measures to address identified impacts.*

Commented [TR5]: Staff Note – Council Direction (Councilwoman Felicity Zoberski)

During Council discussion, Councilwoman Felicity Zoberski expressed concern that the proposed multiple-family, commercial, and mixed-use adjacency standards primarily addressed building design and scale, but did not adequately address operational impacts that may affect adjacent residential properties. Examples discussed included outdoor dining areas, music, outdoor events, noise, and other activities commonly associated with commercial and mixed-use development.

To address these concerns, staff added Section 32.09.030(f)(2)(c), requiring site design to consider and minimize operational impacts associated with outdoor dining areas, gathering spaces, loading activities, refuse collection areas, mechanical equipment, amplified sound, outdoor events, lighting, noise, odor, and similar activities when adjacent to residential uses. The amendment also authorizes the Administrator to require reasonable mitigation measures where necessary to reduce impacts on adjoining residential properties.

Commented [TR6]: Staff Note – Council Direction (Councilwoman Felicity Zoberski)

During Council discussion, Councilwoman Felicity Zoberski expressed concern that the proposed industrial adjacency standards primarily addressed visual separation and site orientation, but did not adequately address potential impacts associated with hazardous materials, truck traffic, emergency access, noise, odor, and other operational characteristics of industrial development.

To address these concerns, staff added Section 32.09.030(g)(2)(c), requiring industrial development adjacent to residential zoning districts and other sensitive land uses to consider public safety and operational impacts during project design. The amendment also authorizes consultation with the Fire Department and other reviewing agencies and allows the City to require reasonable mitigation measures where necessary to address identified impacts.

This revision is intended to strengthen industrial adjacency standards by addressing both compatibility and public safety considerations while maintaining flexibility to evaluate site-specific circumstances.

6.d. *Buffering.* A buffer with a minimum width of 20 feet is required between industrial development and any adjacent residential zoning district. The buffer shall provide landscaping to screen the development from residential development. The buffer shall not contain trash receptacles or be used for the storage of equipment, materials, vehicles, etc. The city may require a larger landscape buffer of a specific width, or other visual and/or sound barrier (fence, wall, landscaping, or combination of such measures), to mitigate any potential adverse impacts identified by the administrator.

BILL #377
CITY OF FERNLEY
ORDINANCE # _____

AN ORDINANCE AMENDING TITLE 32, CHAPTER 9, SECTION 30 OF THE CITY OF FERNLEY DEVELOPMENT CODE TO IMPROVE CLARITY, REGULATORY RESULTS, AND DEVELOPMENT OPTIONS AS RELATED TO ADJACENCY STANDARDS.

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

Section 1. Title 32, Chapter 9, Section 030 (Adjacency) is hereby amended as follows:

Purpose. The purpose of this section is to define adjacency standards for different types and intensities of development.

- (a) *Applicability.* The standards in this section shall apply to any new development unless an existing barrier (e.g., ridgeline, river, open space, right-of-way or natural terrain change) adequately buffers the existing built environment or platted lots from the new development.
- (b) *Generally applicable standards.*
 - (1) All development shall be designed to minimize impacts on adjacent properties by:
 - (2) Limiting exterior lighting to full-cutoff shielded fixtures and directing lights away from adjacent properties;
 - (3) Limiting sources of audible noise (e.g., heating and air conditioning units) from building facades that face lower intensity uses; and
 - (4) Locating off-street parking, loading, and service areas away from shared property lines and incorporating them into the design of buildings they are intended to serve;
 - (5) Placing windows on the new development so as to maintain privacy by avoiding direct lines of sight into windows of adjoining developments; and
 - (6) Orienting upper-level balconies and other outdoor living spaces away from shared property lines to the extent practicable.
 - (7) Considering and minimizing reasonably foreseeable off-site impacts associated with noise, odor, vibration, glare, smoke, dust, and similar operational characteristics where such impacts may affect adjacent properties.
- (c) *Lot adjacency and transition standards for rural neighborhoods.*
 - (1) *Purpose.* The purpose of this subsection is to maintain the established rural and semi-rural character of neighborhoods zoned GR20, RR5, RR1, and RR½ by requiring transitional lot sizes or physical separation where new single-family residential subdivisions abut such zoning districts.
 - (2) *Applicability.* This subsection applies to any application for a tentative map, parcel map, final map, or other subdivision approval that creates new single-family residential lots where any portion of the subdivision’s exterior boundary shares a common boundary line with an Adjacent Rural Parcel.
 - (3) *Definitions.* For purposes of this subsection:
 - a. “Adjacent Rural Parcel” means a parcel with zoning designation GR20, RR5, RR1, or RR½ that shares a common boundary line with a proposed subdivision.

- b. "Common Boundary Line" means a shared property line segment between the subdivision boundary and an Adjacent Rural Parcel.
- c. "Transitional Edge Lot" means a lot within the subdivision having a rear or side lot line that is coextensive with the subdivision boundary along a Common Boundary Line.

(4) *Standards.*

- a. *Default Requirement – Transitional Edge Lots.* A subdivision to which this subsection applies shall provide Transitional Edge Lots along each Common Boundary Line with an Adjacent Rural Parcel. Each Transitional Edge Lot shall be a minimum of one-half (½) acre in size.
- b. *Alternative Standard.* In lieu of providing Transitional Edge Lots of at least one-half (½) acre, the subdivision may provide Adequate Buffering in accordance with subsection (e), in which case lots adjacent to the Buffer Zone may be sized in accordance with the underlying zoning district, except where the Adjacent Rural Parcel is zoned GR20 or RR5. Where the Adjacent Rural Parcel is zoned GR20 or RR5, Transitional Edge Lots shall be required in accordance with subsection (c)(4)(a), and Adequate Buffering shall not serve as an alternative compliance option.

(d) *Lot adjacency and transition standards for residential subdivision compatibility.*

- (1) *Purpose.* The purpose of this subsection is to ensure compatibility between new subdivisions and existing subdivisions by requiring comparable rear yard separation, building scale, and lot size transitions at shared boundaries.

(2) *Applicability.*

- a. This subsection applies to any tentative map, parcel map, final map, or other subdivision approval that creates new residential lots, where any portion of the proposed subdivision's exterior boundary shares a Common Boundary Line with an Adjacent Subdivision Lot.
- b. The standards in this subsection apply to all Boundary Lots along the applicable Common Boundary Line and shall apply regardless of the zoning of the proposed subdivision and the Adjacent Subdivision.
- c. These standards are in addition to any other applicable development standards (including any rural adjacency standards). Where multiple standards apply, the more restrictive standard governs.

(3) *Definitions.* For purposes of this subsection:

- a. "Adjacent Subdivision" means an existing, recorded subdivision (final map) containing platted lots, where one or more lots share a Common Boundary Line with a proposed subdivision.
- b. "Adjacent Subdivision Lot" means a platted lot within an Adjacent Subdivision that shares a Common Boundary Line with a proposed subdivision.
- c. "Boundary Lot" means a lot within a proposed subdivision that includes a rear or side lot line that is coextensive with the subdivision boundary along a Common Boundary Line.
- d. "Common Boundary Line" means a shared property line segment between the proposed subdivision boundary and an Adjacent Subdivision Lot.

(4) *Standards.*

- a. *Default Requirements.*

1. *Rear Setback Compatibility.* For each Boundary Lot, the minimum rear yard setback shall be not less than the rear yard setback applicable to the Adjacent Subdivision Lots along the same Common Boundary Line.
2. *Height Compatibility.* No principal structure located on a Boundary Lot shall exceed the maximum existing height of principal structures on the Adjacent Subdivision Lots along the same Common Boundary Line. If there are no existing principal structures on the Adjacent Subdivision Lots along the Common Boundary Line at the time of application, the maximum height of principal structures on Boundary Lots shall not exceed the maximum building height permitted for principal structures in the zoning district applicable to the Adjacent Subdivision.
3. *Minimum Lot Size Compatibility.* Each Boundary Lot shall have a minimum lot size equal to at least fifty percent (50%) of the average lot size of the Adjacent Subdivision Lots along the same Common Boundary Line.
4. *Alternative Compliance.* In lieu of complying with the rear setback, height, and minimum lot size compatibility requirements, the subdivision may provide Adequate Buffering in accordance with subsection (e), in which case lots adjacent to the Buffer Zone may be developed in accordance with the standards applicable to the underlying zoning district.

(e) *Adequate Buffering.*

- (1) *Purpose and Effect.* This subsection establishes standards for “Adequate Buffering” that may be used as an alternative means of complying with the lot adjacency and transition standards for rural neighborhoods and residential subdivision compatibility. Where Adequate Buffering is provided in accordance with this subsection along a Common Boundary Line:
 - a. *Rural Adjacency.* The subdivision is not required to provide one-half (½) acre Transitional Edge Lots adjacent to parcels zoned RR1, or RR½ along that Common Boundary Line where Adequate Buffering is provided in accordance with this subsection. Adequate Buffering shall not replace the Transitional Edge Lot requirements applicable to parcels zoned GR20 or RR5.
 - b. *Subdivision-to-Subdivision Compatibility.* Boundary Lots adjacent to an existing subdivision along that Common Boundary Line are not required to (i) match rear setbacks, (ii) be limited to the height of existing structures, or (iii) meet the 50% minimum lot size compatibility standard, provided the Buffer Zone fully complies with this Section.
- (2) *Definitions.* For purposes of this subsection:
 - a. “Buffer Zone” means a separate lot, parcel, common area, easement, or dedicated area within the subdivision that is intended to provide physical and/or visual separation between development and an adjacent parcel or subdivision.
 - b. “Common Boundary Line” means a shared property line segment between the subdivision and an adjacent parcel or platted lot.
 - c. “Adequate Buffering” means a Buffer Zone and associated improvements meeting the requirements of this subsection.
- (3) *Adequate Buffering Standards.* Adequate Buffering shall meet all of the following minimum standards:
 - a. *Minimum Width and Continuity.*

1. *Width*. The Buffer Zone shall be a minimum of thirty (30) feet wide, measured perpendicular from the Common Boundary Line inward to the subdivision.
 2. *Continuity*. The Buffer Zone shall be continues along the full length of the applicable Common Boundary Line, except where interrupted by streets, public access connections, or necessary utility crossing.
- b. *Required Buffer Zone Improvements*. The Buffer Zone shall include at least two (2) of the following improvements, designed to function together as an integrated separation feature:
1. *Trail/Path Corridor*. A paved or unpaved trail or path, with appropriate access control, wayfinding, and safety features as required by the City.
 2. *Drainageway or Drainage Facility*. An open channel, swale, naturalized drainageway, or similar facility, including stabilized slopes and erosion control.
 3. *Landscaping*. A continuous landscape screen using drought-tolerant and/or native plantings, with irrigation where required to ensure establishment and long-term viability.
 4. *Berms or Grade Separation*. Berming or grade changes designed to provide visual screening and/or physical separation; may be combined with landscaping and fencing.
 5. *Common Open Space Amenity*. Park space, common open space, community garden, or similar subdivision amenity designed to serve as separation area and not merely as residual land.
 6. *Decorative Wall/Fence*. A wall or fence designed to provide privacy and separation; when used, it shall be combined with either landscaping or berming.

(4) *Use Restrictions*.

- a. The Buffer Zone shall not be used for private yards, private storage, private accessory structures, driveways, or parking.
- b. The Buffer Zone may contain only those improvements necessary to serve the Buffer Improvements (e.g., trails, drainage structures, landscaping, lighting, benches, small shade structures, utilities, and similar appurtenances), as approved with the subdivision.

(5) *Ownership and Maintenance*.

- a. The Buffer Zone shall be placed in common ownership (i.e., conveyed to a HOA or a landscape maintenance district), a conservation easement, or similar legal mechanism approved by the City that provides for perpetual maintenance and repair.
- b. The Buffer Zone shall be subject to recorded covenants, conditions, easements, map notes, or similar instruments prohibiting encroachments inconsistent with the buffering standards in this subsection and requiring maintenance in perpetuity.
- c. *Maintenance Responsibility*. The owner, homeowners association, landscape maintenance district, conservation easement holder, or other entity responsible for maintenance of the Buffer Zone pursuant to subsection (e)(5)(a) shall maintain all required Buffer Zone improvements in a safe, functional, and operable condition. Responsibility for Buffer Zone maintenance shall run with the land and shall be assigned to a legally responsible party at all times. No maintenance mechanism established pursuant to this Section shall be dissolved, terminated, or otherwise rendered inactive unless an alternative maintenance mechanism acceptable to the City is established and

assumes responsibility for the Buffer Zone. Failure to maintain a required Buffer Zone in accordance with the approved plans, recorded maintenance documents, or the requirements of this Section shall constitute a violation of this Code and may be subject to enforcement pursuant to applicable City regulations.

- d. **Failure to Maintain.** If the entity responsible for maintenance of the Buffer Zone fails to maintain the Buffer Zone in accordance with the approved plans, recorded maintenance documents, or the requirements of this Section, the City may provide written notice identifying the required corrective action. The responsible entity shall correct the violation or retain a qualified person or contractor to complete the required maintenance within thirty (30) days after the date of the notice, or within such other period established by the Administrator based on the nature and severity of the violation. If the responsible entity fails to complete the required corrective action within the prescribed period, the City may pursue any enforcement remedy authorized by this Code or other applicable law.

- (6) **Credit for existing separation areas.** Existing public rights-of-way, dedicated open space, drainage facilities, trail corridors, or similar separation areas located between the subdivision and the adjacent parcel or subdivision may be credited toward the width requirement in this subsection if the Administrator determines such areas function as part of the buffer and are reasonably comparable in separation effect.

(f) *Adjacency standards for multiple-family residential, commercial, and mixed-use development.*

- (1) **Purpose.** This subsection is intended to minimize visual, privacy, and scale impacts where multifamily residential development, commercial development, or mixed-use development abuts single-family residential lots by requiring increased setbacks, upper-level stepbacks, and/or a height plane based on existing grade on the single-family side of the shared property line.

- (2) **Standards.**

- a. **Upper-level stepback.** An upper-level stepback of 10' for all portions of the building greater than 24' in height shall be provided along any shared property line. This setback is in addition to any setback required by the applicable zoning district regulations. Building projections such as balconies, eaves, and similar appurtenances may project up to 5' into the required combined total setback.
- b. **Articulation and human scale.** To limit the appearance of bulk and scale, vertical or horizontal modulation, changes in color or materials, fenestration, and/or architectural appurtenances shall be provided on all facades facing adjoining rural residential or single-family residential zoning districts to the approval of the administrator.
- c. **Operational Impacts.** Where multiple-family residential, commercial, or mixed-use development is adjacent to rural residential or single-family residential zoning districts, site design shall consider and minimize potential impacts associated with outdoor dining areas, gathering spaces, loading areas, refuse collection areas, mechanical equipment, amplified sound, outdoor events, lighting, noise, odor, and similar operational activities. The Administrator may require additional setbacks, screening, noise attenuation measures, operational limitations, odor mitigation measures, or other mitigation measures to reduce impacts on adjacent residential properties.
- d. **Alternative approaches** may be approved by the administrator provided the overall objective of these standards can be satisfied.

(g) *Lot adjacency standards—Industrial development.*

(1) *Purpose.* This subsection is intended to minimize visual, privacy, and scale impacts where industrial development abuts residential zoning districts by implementing buffers and site orientation

(2) *Standards.*

- a. *Site Orientation.* Industrial development shall be oriented on the site to minimize off-site adverse impacts of noise, glare, smoke, dust, exhaust, vibration, etc., and protect the privacy of adjacent nonindustrial developments to the extent practicable.
- b. *Appurtenances.* Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside of an enclosed building shall be located away from abutting residential zoning districts, schools, parks and other nonindustrial zoning districts as practicable; and
- c. *Public Safety and Operational Impacts.* Industrial development adjacent to residential zoning districts, schools, parks, or other sensitive land uses shall be designed to minimize potential impacts associated with hazardous materials, truck traffic, emergency access, noise, odor, vibration, smoke, dust, and similar operational characteristics. The Administrator shall require consultation with the North Lyon Fire Protection District or other reviewing agencies and may require additional buffering, setbacks, circulation improvements, screening, operational limitations, or other mitigation measures to address identified impacts.
- d. *Buffering.* A buffer with a minimum width of 20 feet is required between industrial development and any adjacent residential zoning district. The buffer shall provide landscaping to screen the development from residential development. The buffer shall not contain trash receptacles or be used for the storage of equipment, materials, vehicles, etc. The city may require a larger landscape buffer of a specific width, or other visual and/or sound barrier (fence, wall, landscaping, or combination of such measures), to mitigate any potential adverse impacts identified by the administrator.

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 #377 BEING HEREBY PROPOSED on the 9th day of September, 2026.

BILL #377 BEING HEREBY PASSED, APPROVED, and ADOPTED this 7th day of October, 2026, 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: September 9, 2026

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: Motion

AGENDA ITEM:

(For possible action) Discussion and possible action on a Conditional Use Permit (CUP26006) request by Premier Design Build Group to complete tenant improvements within an existing industrial warehouse building located at 1740 N Nevada Pacific Parkway (021-242-21) in the Victory Logistics District. The 28,543 square feet of tenant improvements will create classrooms, instructional laboratories, offices, conference rooms, student support areas, restrooms, and associated building services.

AGENDA ITEM BRIEF:

The applicant proposes the completion of 28,543 square feet of tenant improvements to create classrooms, instructional labs, offices, conference rooms, student areas, restrooms, and building services within an existing industrial warehouse building located at 1740 N Nevada Pacific Parkway (021-242-21) in the Victory Logistics District Planned Development area. The facility will be utilized for workforce development, vocational education, safety training, technical instruction, and academic programs supporting employers located within the Victory Logistics District and the surrounding Northern Nevada region.

RECOMMENDED MOTION:

Approval

"I move to approve Conditional Use Permit 26006 subject to the Conditions of Approval 1 through 12 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:

Denial

"I move to deny the Conditional Use Permit associated with CUP26006 subject to Conditions of Approval as presented by staff because I am unable to make the following Finding(s)_____."

Note:

Though no further language has been provided, all motions possible under the Planning Commission parliamentary procedure are appropriate.

BACKGROUND:

Premier Design + Build Group on behalf of Mark IV Victory 2 LLC is requesting approval of a Conditional Use Permit to allow the operation of a Vocational and Academic Training Center within an existing industrial warehouse building located at 1740 N. Nevada Pacific Parkway in the Victory Logistics District. The facility will be utilized for workforce development, vocational education, safety training, technical instruction, and academic programs supporting employers located within the Victory Logistics District and the surrounding Northern Nevada region.

The proposed project consists of 28,543 square feet of tenant improvements within the existing building to create classrooms, instructional labs, offices, conference rooms, student areas, restrooms, and building services.

There is no proposed expansion or modifications affecting the site's character including existing site circulation, access, parking, landscaping, utilities, drainage and grading.

ANALYSIS:

Findings for approval:

1)The proposed conditional use will be in compliance with the Comprehensive Master Plan.

The City of Fernley Comprehensive Master Plan designates these parcels as Industrial (I). The zoning on these parcels is also Industrial (I). The purpose of the Industrial designation is to "provide areas appropriate for both low and high-intensity industrial work processes such as manufacturing, warehousing, construction, and small-scale commercial uses. These districts are intended to create an environment in which industrial operations may be conducted with minimal impact on the natural environment and surrounding land uses.

The project supports the goals of the Fernley Master Plan by promoting employment opportunities, workforce development, economic diversification, and investment in existing industrial infrastructure.

The proposed use is compatible with the Industrial zoning designation because the training activities directly

support industrial, manufacturing, warehouse, distribution, and logistic operations which are the primary targeted uses within the Victory Logistics District.

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

The surrounding properties are developed with industrial, warehouse, logistics, and distribution facilities.

The adjacent properties have the following:

North – Mark IV owns – Zoned Industrial

South – Western Ceramic – Zoned Industrial

East – Mark IV owns – Zoned Industrial & Southwest Gas – Zoned M1

West – Mark IV owns – Zoned Industrial & Sherwin Williams – Zoned Industrial

Other neighboring properties include Blue Amazon, Lowes, Agru America, MSC Corporation, and Trex. All of these companies fit into the industrial, warehouse, logistics, and distribution facility uses.

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

There are no known natural resources that will be impaired on the subject parcel as the project is a tenant improvement within an existing industrial warehouse building.

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

The proposed project does not include a residential component. The parcel is designated for industrial use and the proposed project is an allowed use with a Conditional Use Permit.

5. The Conditional Use Permits impacts have been conditioned to address identified impacts.

The project as designed has addressed all necessary standards.

6. Public notice has been given and a public hearing held per the requirements of the development code and the Nevada Revised Statutes.

Public notice has been given as required in the NRS and the City of Fernley Development Code. The public hearing to be held on September 9, 2026, will fulfill the requirement for a public hearing. The public noticing was completed on August 24, 2026, in the Reno Gazette Journal and by mail.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

RELEVANT LAWS, STATUTES, AND REGULATIONS:

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

Fernley Municipal Code (FMC) – Title 32 – Development Code

FMC 32.09.120 – Parking and loading

FMC 32.02.030 – Definitions

FMC 32.06.150 – Use Table

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Center of Excellence
2. CUP26006 Conditions of Approval_Final



Conditions of Approval - CUP26006

CONDITIONAL USE PERMIT – CENTER OF EXCELLANCE

SCOPE AND DURATION OF APPROVAL

1. APPROVAL:

This Conditional Use Permit is approved as conditioned herein. Any substantive change shall require review and approval by the Planning Commission as an amendment to this Conditional Use Permit.

2. PROJECT DESCRIPTION:

The project approval pertains to complete 28,543 square feet of tenant improvements to create classrooms, instructional laboratories, offices, conference rooms, student areas, restrooms, and building services within an existing industrial warehouse building located at 1740 N Nevada Pacific Parkway in the Victory Logistics District. The facility will be utilized for workforce development, vocational education, safety training, technical instruction, and academic programs supporting employers located within the Victory Logistics District and the surrounding Northern Nevada region.

3. EXPIRATION DATE:

The Conditional Use Permit shall expire one (1) year from 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.

4. GOVERNING DOCUMENTS:

All City of Fernley Municipal Code (FMC) or Development Code references herein pertain to the most recent version unless otherwise noted. The developer may substitute requirements established in future FMC updates, if approved by the Administrator.

The developer shall also comply with all standards found within the “City of Fernley Department of Public Works Design Standards & Review Guidelines” of March 2024, the “City of Fernley Standard Details for Public Works Construction” of July 2022, and the “City of Fernley Comprehensive Master Plan” of April 2024.

DESIGN STANDARDS

5. DESIGN STANDARDS:

The developer shall comply with the design standards and regulations as set forth in the Planned Development Handbook (PD23001). If a specific design standard or regulation is not addressed in the Planned Development Handbook, the developer shall comply with the City of Fernley Municipal Code. If there is any conflict with other local or state regulations, the more stringent regulation will take precedence. The developer shall follow Fernley Municipal Code (FMC) requirements for the use “college, technical school” as defined by FMC Section 32.06.150.

Conditions of Approval - CUP26006
CONDITIONAL USE PERMIT – CENTER OF EXCELLANCE

6. LANDSCAPING MAINTENANCE:

All landscaping shall be maintained in good condition at all times including proper irrigation and replacement of dead landscaping.

CONSTRUCTION PHASE

7. CONSTRUCTION MAINTENANCE:

The developer shall locate a sufficient number of trash containers on site to be used during the construction of the project to maintain the project site in a clean and orderly state, to the approval of the Administrator.

8. PROJECT CONTACT:

The developer shall designate to the Administrator a project contact person responsible for and authorized to correct problems regarding the project on a 24-hour/7-day-per-week basis. The developer shall designate the project contact person to the Administrator prior to issuance of a grading permit or site improvement permit.

9. CONSTRUCTION HOURS:

The developer shall limit all construction and construction-related activities to between the hours of 7:00 am and 7:00 pm, seven days per week. The developer shall install signs at all access points to the project that clearly indicate the hours of on-site activity prior to the start of any construction-related activities, subject to the approval of the Administrator. The developer shall maintain these signs in good repair for the duration of the construction of the project. Once construction is finished, the developer shall remove these signs.

BUILDING PERMIT INSPECTION REQUIREMENTS

10. BUILDING PERMIT:

The developer shall submit a building permit application for each phase of the project for review and approval by the Building Official prior to beginning construction.

REGULATORY AGENCIES

11. NORTH LYON COUNTY FIRE PROTECTION DISTRICT:

The developer shall comply with all requirements of the North Lyon County Fire Protection District.

12. FEDERAL, STATE, AND LOCAL AGENCIES:

The developer shall comply with all requirements of any federal, state, or local agency, department, or licensed professional with jurisdiction over the project including, but not limited to: the Bureau of Reclamation (BOR), the Nevada Department of Transportation (NDOT), the Nevada Department of Environmental Protection (NDEP), the Nevada Division of Water Resources (NDWR), the Nevada State Environmental Commission, Truckee Carson Irrigation District (TCID), the City of Fernley Building

Conditions of Approval - CUP26006
CONDITIONAL USE PERMIT – CENTER OF EXCELLANCE

Official, the City of Fernley Public Works Department, and the City of Fernley professional land surveyor.



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: September 9, 2026

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: Motion

AGENDA ITEM:

(For possible action) Discussion and possible action on a Conditional Use Permit (CUP26004) application request by 21st Century Environmental Management to construct a new facility for processing and recycling of aerosol containers. The new facility will be located in the northeast corner of the property which is located at 2095 E. Newlands Drive (APN:021-25-06) in an Industrial (I) zone.

AGENDA ITEM BRIEF:

The applicant proposes the construction of a 9,569 square foot building for the processing and recycling of aerosol containers.

RECOMMENDED MOTION:

Based on the information provided in the staff report and as presented in the staff presentation, I move to approve Conditional Use Permit CUP26004 subject to Conditions of Approval 1 through 30.

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:

Denial

Based on the information provided in the staff report and as presented in the staff presentation, I move to deny

the Conditional Use Permit associated with CUP26004 because I am unable to make Finding(s)
_____.”

Note:

Though no further language has been provided, all motions possible under the Planning Commission parliamentary procedure are appropriate.

BACKGROUND:

The site is owned by 21st Century Environmental Management and Clean Earth Environmental Solutions Inc has been operating at this location since 1986.

The proposed construction of a 9,569 square foot building at the northeast corner of the parcel will supplement the existing facility that is currently operating on this parcel; herein referred to the Fernley Facility. The Fernley Facility included administrative offices, an onsite laboratory, process areas, container storage areas, and treatment and above-ground storage tanks. The Fernley Facility processes organic and inorganic non-hazardous and hazardous waste as a commercial hazardous waste treatment, storage, and recycling facility.

The proposed building will house an aerosol processing unit (APU). Aerosol cans will be sorted in the facility building before being processed by the APU. The building will contain a container staging area for inbound aerosol cans, a receiving and packing line, a magnetic sorting station, and a tote storage area for waste liquids generated by the process. The aerosol containers will then be transferred to the APU where they will be crushed and processed.

ANALYSIS:

Findings for approval:

1)The proposed conditional use will be in compliance with the Comprehensive Master Plan.

The City of Fernley Comprehensive Master Plan designates these parcels as Industrial (I). The zoning on these parcels is also Industrial (I). The purpose of the Industrial designation is to “provide areas appropriate for both low and high-intensity industrial work processes such as manufacturing, warehousing, construction, and small-scale commercial uses. These districts are intended to create an environment in which industrial operations may be conducted with minimal impact on the natural environment and surrounding land uses.

The use for the proposed building will be established with the Conditional Use Permit. This use is an appropriate use for the zoning district and complies with the Comprehensive Master Plan.

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

The surrounding properties are developed with industrial, warehouse, logistics, and distribution facilities.

The adjacent properties have the following:

North – Agru America owns – Zoned Industrial

South – Deceuninck North America – Zoned Industrial

East – 21st Century Environmental Management – Zoned Industrial

West – Agru America owns – Zoned Industrial

Other neighboring properties include Western Ceramics, Trex, and MSC Corporation. All of these companies fit into the industrial, warehouse, logistics, and distribution facility uses.

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

There are no known natural resources that will be impaired on the subject parcel as the project is a tenant improvement within an existing industrial warehouse building.

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

The proposed project does not include a residential component. The parcel is designated for industrial use and the proposed project is an allowed use with a Conditional Use Permit.

5. The Conditional Use Permits impacts have been conditioned to address identified impacts.

The project as designed has addressed all necessary standards.

6. Public notice has been given and a public hearing held per the requirements of the development code and the Nevada Revised Statutes.

Public notice has been given as required in the NRS and the City of Fernley Development Code. The public hearing to be held on September 9, 2026, will fulfill the requirement for a public hearing. The public noticing was completed on August 24, 2026, in the Reno Gazette Journal and by mail.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

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

Fernley Municipal Code (FMC) – Title 32 – Development Code

FMC 32.09.120 – Parking and loading

FMC 32.02.030 – Definitions

FMC 32.06.150 – Use Table

FMC 32.07.090 – Storage/processing of hazardous materials

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Clean Earth
2. CUP26004 Conditions_Draft

E. Newlands Drive

10.32
ACRES

NEW 10" FIRE LINE FOR
FOAM SYSTEM RISER
NEW CITY WATER
LINE TO BUILDING
NEW WATER LINE
TO NEW HYDRANT

NEW 6" HDPE STORM
DRAINAGE TO EX BASIN

NEW 7" NATURAL GAS LINE

10" FIRE LINE

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Conditions of Approval CUP26004
CONDITIONAL USE PERMIT CLEAN EARTH AEROSOL RECYCLING
FACILITY

SCOPE AND DURATION OF APPROVAL

1. APPROVAL:

This Conditional Use Permit is approved as conditioned herein. Any substantive change shall require review and approval by the Planning Commission as an amendment to this Conditional Use Permit.

2. PROJECT DESCRIPTION:

The project approval pertains to the construction of a new 9,569 Square foot building for the processing and recycling of aerosol containers located on the northeast corner of the property, supplementing the existing recycling facility on the parcel located at 2095 E Newlands Dr (APN: 021-251-06) in an Industrial (I) zoning district.

3. EXPIRATION DATE:

The Conditional Use Permit shall expire one (1) year from 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.

4. GOVERNING DOCUMENTS:

All City of Fernley Municipal Code (FMC) or Development Code references herein pertain to the most recent version unless otherwise noted. The developer may substitute requirements established in future FMC updates, if approved by the Administrator.

The developer shall also comply with all standards found within the "City of Fernley Department of Public Works Design Standards & Review Guidelines" of March 2024, the "City of Fernley Standard Details for Public Works Construction" of July 2022, and the "City of Fernley Comprehensive Master Plan" of April 2024.

DESIGN STANDARDS

5. DESIGN STANDARDS:

The developer shall comply with the design standards and regulations set forth in the City of Fernley Municipal Code, unless in conflict with other local or state regulations, in which case the more stringent regulation will take precedence. The developer shall follow Fernley Municipal Code (FMC) requirements for the use "storage/processing of hazardous materials" as defined by FMC Section 32.07.090.

6. LANDSCAPING/IRRIGATION PLANS:

The developer shall submit a landscaping and irrigation plan in accordance with FMC Section 32.09.090 with the building permit application. The preliminary landscaping plan presented with the Conditional Use Permit application meets FMC Section

Conditions of Approval CUP26004
CONDITIONAL USE PERMIT CLEAN EARTH AEROSOL RECYCLING
FACILITY

32.09.090-1; however, the final landscaping plan will be reviewed again when it is submitted with the building permit application.

7. LANDSCAPING MAINTENANCE:

All landscaping shall be maintained in good condition at all times including proper irrigation and replacement of dead landscaping to be in compliance with the landscaping that was approved with the application.

8. PHOTOMETRIC PLAN:

The developer submitted a photometric plan with the Conditional Use Permit application that meets the lighting requirements per FMC Section 32.09.100.

9. PARKING:

The use of this project is described as “storage/processing of hazardous materials” with a combined total of 86,569 square feet of buildings with the expansion. Per FMC Section 32.09-120-2 – Parking ratio, the project will require one (1) parking space per 2,000 square feet for a total of 43 parking spaces. The project meets parking requirements as it provides 45 parking spaces.

10. ARCHITECTURE/BUILDING ELEVATIONS:

The development of the subject site shall be in substantial conformance with the architectural building elevations submitted as part of this application. Unless required by these Conditions of Approval, substantial changes to the elevations shall require review and approval by the Administrator prior to issuance of a building permit.

11. TRASH ENCLOSURES:

As required by FMC Section 32.09.090(i), all trash enclosures must be permanent in nature and architecturally compatible with the project by incorporating building materials and colors consistent with the primary building.

All trash enclosures shall be constructed of masonry, concrete block, or other durable opaque material on three sides and a solid opaque metal gate on the fourth side.

The developer shall locate and install trash enclosures to the approval of a solid waste disposal provider and the Administrator, including the appropriate size and location.

12. UTILITY SCREENING:

The developer shall work in conjunction with the utility companies to locate utility equipment such as electrical, gas and water junction boxes, transformer boxes, vaults, and electrical panels, in areas where the equipment is screened by either architectural elements that match the main structure's colors and materials or by adjusting the approved landscaping to compensate. This condition is subject to the approval of the Administrator prior to issue of a certificate of occupancy for each individual building.

Conditions of Approval CUP26004
CONDITIONAL USE PERMIT CLEAN EARTH AEROSOL RECYCLING
FACILITY

The mechanical equipment shall be screened from view of the parking lot, adjacent public streets, and public areas by using an architectural element of the building consisting of same, durable materials of the building, to the approval of the Administrator. Any trash compaction and/or dumpster(s) shall be screened from the view of parking lots and public areas. Screening shall be reviewed and approved by the Administrator prior to issue of a building permit for each individual building.

DIMENSIONAL STANDARDS

13. BUILDING HEIGHT:

Developer shall comply with FMC Section 32.06-110.-1 industrial density/intensity standards which require the maximum height shall not exceed 65 feet for any structure within this industrial project. The existing building as well as the proposed building are less than 65 feet; therefore, the proposed project meets requirements for building height.

GRADING PERMIT REQUIREMENTS

14. 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.

15. GRADING PERMIT:

The developer shall submit a grading plan for any phase of the project, to the approval of the City Engineer. Prior to issue of a grading permit for the development, the developer shall post a surety bond for regrading and reclamation of the site. 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.

The developer shall provide verification of a Storm Water Discharge Permit from the Nevada Department of Environmental Protection as well as a Surface Area Disturbance Permit, prior to issue of a grading permit. This requirement is subject to the approval of the City Engineer.

16. STORM WATER TREATMENT AND DRAINAGE:

The developer shall provide a final drainage report for the project in conformance with City of Fernley Municipal Code and the Public Works Design Manual for review and approval by the City Engineer. The developer shall utilize structural controls for the treatment of storm water runoff, in accordance with best management practices.

Prior to issue of a building permit for any phase of the project, drainage conveyance

Conditions of Approval CUP26004

CONDITIONAL USE PERMIT CLEAN EARTH AEROSOL RECYCLING FACILITY

facilities and other improvements must be constructed and functional. Design and construction of all drainage conveyance facilities is subject to approval of the Administrator, the City Engineer, and the Public Works Director.

All internal storm drain infrastructure shall be maintained by the property owner.

CIVIL PERMIT CONDITIONS

17. DRIVEWAY ACCESS:

Developer shall coordinate with the 2022 City of Fernley Access Management Policy regarding driveway access, to the approval of the City Engineer.

A Public Infrastructure Permit through Engineering will be required at a minimum for the sidewalk and driveway work along Newlands Drive to the approval of the City Engineer, the Public Works Director, and the Administrator.

18. IMPROVEMENT PLANS SECURITY:

With the submittal of any Final Subdivision Map application for the project, the developer shall construct all required public improvements or provide a security in accordance with the provisions set forth in Title 32, (Improvements and Agreements) of the City of Fernley Municipal Code and complete the minimum improvements identified in Title 32.03.060 of the City of Fernley Municipal Code.

19. WATER AND SEWER MAINS AND SERVICES:

The developer shall comply with all standards, codes, and requirements regarding connection to the City of Fernley sanitary sewer and potable water systems, including but not limited to, associated fees, easements, design standards, system looping, development code requirements, and state requirements.

Along with the submittal of a Final Subdivision Map for any phase of the project, the developer shall provide the City of Fernley with a utility plan for water and sanitary sewer that is in conformance with the Nevada Administrative Code 445A, the City of Fernley Municipal Code, and the Public Works Design Manual to the approval of the Administrator, the City Engineer, and the Public Works Director.

20. WATER AND SEWER SYSTEM MODELING:

Through the Public Infrastructure Permit process, the developer shall complete water and sewer modeling and construct any improvements identified as necessary to serve the project in accordance with state and local regulations. This requirement is subject to approval of the City Engineer and the Public Works Director.

21. UTILITY EASEMENTS:

The developer shall provide easements to the City of Fernley for the maintenance of the water mains, meter boxes and sewer mains being installed on private property.

Conditions of Approval CUP26004
CONDITIONAL USE PERMIT CLEAN EARTH AEROSOL RECYCLING
FACILITY

The easements shall include the City of Fernley standard easement language.

22. MASTER UTILITY PLAN:

The developer shall provide Engineering and Utilities Departments with a master utility plan illustrating existing water service lines from property line throughout the site and include all water equipment (i.e. meters, backflows, hydrants). If multiple services lines are present, please label each service as either domestic, fire, and/or irrigation.

23. HYDROLOGY REPORT:

The developer shall provide a proper hydrology report that addresses how the drainage for imperious areas is being routed to the drainage basin(s) to the approval of the Utilities Director, the City Engineer, the Public Works Director, and the Administrator.

CONSTRUCTION PHASE

24. CONSTRUCTION MAINTENANCE:

The developer shall locate a sufficient number of trash containers on site to be used during the construction of the project to maintain the project site in a clean and orderly state, to the approval of the Administrator.

25. PROJECT CONTACT:

The developer shall designate to the Administrator a project contact person responsible for and authorized to correct problems regarding the project on a 24-hour/7-day-per-week basis. The developer shall designate the project contact person to the Administrator prior to issuance of a grading permit or site improvement permit.

26. CONSTRUCTION HOURS:

The developer shall limit all construction and construction-related activities to between the hours of 7:00 am and 7:00 pm, seven days per week. The developer shall install signs at all access points to the project that clearly indicate the hours of on-site activity prior to the start of any construction-related activities, subject to the approval of the Administrator. The developer shall maintain these signs in good repair for the duration of the construction of the project. Once construction is finished, the developer shall remove these signs.

BUILDING PERMIT INSPECTION REQUIREMENTS

27. BUILDING PERMIT:

The developer shall submit a building permit application for review and approval by the Building Official prior to beginning construction.

Conditions of Approval CUP26004
CONDITIONAL USE PERMIT CLEAN EARTH AEROSOL RECYCLING
FACILITY

REGULATORY AGENCIES

28. NORTH LYON COUNTY FIRE PROTECTION DISTRICT:

The developer shall comply with all requirements of the North Lyon County Fire Protection District, including but not limited to: developing a plan to provide adequate emergency access throughout the site, developing a master fire hydrant and fire flow plan, developing a master fire department connection (FDC) plan, and installing fire suppression and/or alarm systems, to the approval of the Fire Marshal, prior to issue of a building permit.

29. FEDERAL, STATE, AND LOCAL AGENCIES:

The developer shall comply with all requirements of any federal, state, or local agency, department, or licensed professional with jurisdiction over the project including, but not limited to: the Bureau of Reclamation (BOR), the Nevada Department of Transportation (NDOT), the Nevada Department of Environmental Protection (NDEP), the Nevada Division of Water Resources (NDWR), the Nevada State Environmental Commission, Truckee Carson Irrigation District (TCID), the City of Fernley Building Official, the City of Fernley Public Works Department, and the City of Fernley professional land surveyor.

30. NEVADA DIVISION OF ENVIRONMENTAL PROTECTION:

The developer shall comply with all requirements of the Nevada Division of Environmental Protection Bureau of Air Pollution Control, 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, the City Engineer, and the Public Works Director.

The developer shall participate in any programs administered by, and shall comply with any other requirements of, the Nevada Division of Environmental Protection (NDEP) including, but not limited to, the Resource Conservation and Recovery Act (RCRA) and the Chemical Accident Prevention Program (CAPP).



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: September 9, 2026

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: Receive/File

AGENDA ITEM:

Update on City Council actions from August 19, 2026 and September 2, 2026.

AGENDA ITEM BRIEF:

The Acting Planning Director will review the Planning-related actions taken by the City Council on August 19, 2026 and September 2, 2026.

RECOMMENDED MOTION:

None

BUSINESS IMPACT (per NRS Chapter 237):

N/A

See attached report for background, analysis, alternatives.

ALTERNATIVES:

None

BACKGROUND:

None

RELEVANT LAWS, STATUTES, AND REGULATIONS:

None

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

None



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: September 9, 2026

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: Receive/File

AGENDA ITEM:

General Planning Department updates and announcements.

AGENDA ITEM BRIEF:

The Acting Planning Director will update the Planning Commission on any updates or announcements related to the Planning Department. A copy of the August Planning Department monthly report and the August issue of Zoning Practice are also attached for information.

RECOMMENDED MOTION:

None

BUSINESS IMPACT (per NRS Chapter 237):

None

See attached report for background, analysis, alternatives.

ALTERNATIVES:

None

BACKGROUND:

None

RELEVANT LAWS, STATUTES, AND REGULATIONS:

None

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. Monthly Report - August 2026
2. APA Zoning Practice – Balancing Short-Term Rentals: Community Character and Tourism – August 2026

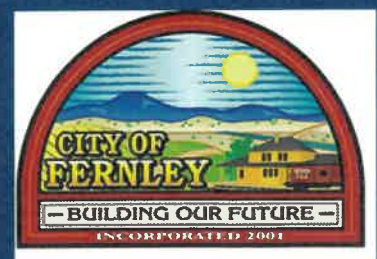
August - Valley of Fire State Park



MONTHLY REPORT

AUGUST 2026

PLANNING DEPARTMENT
MICHELE RAMBO, AICP
CHIEF DEVELOPMENT OFFICER



Projects Submitted

Temporary Use Permits

TUP26019 – Jordan World Circus (issued) (scheduled September 24, 2026)

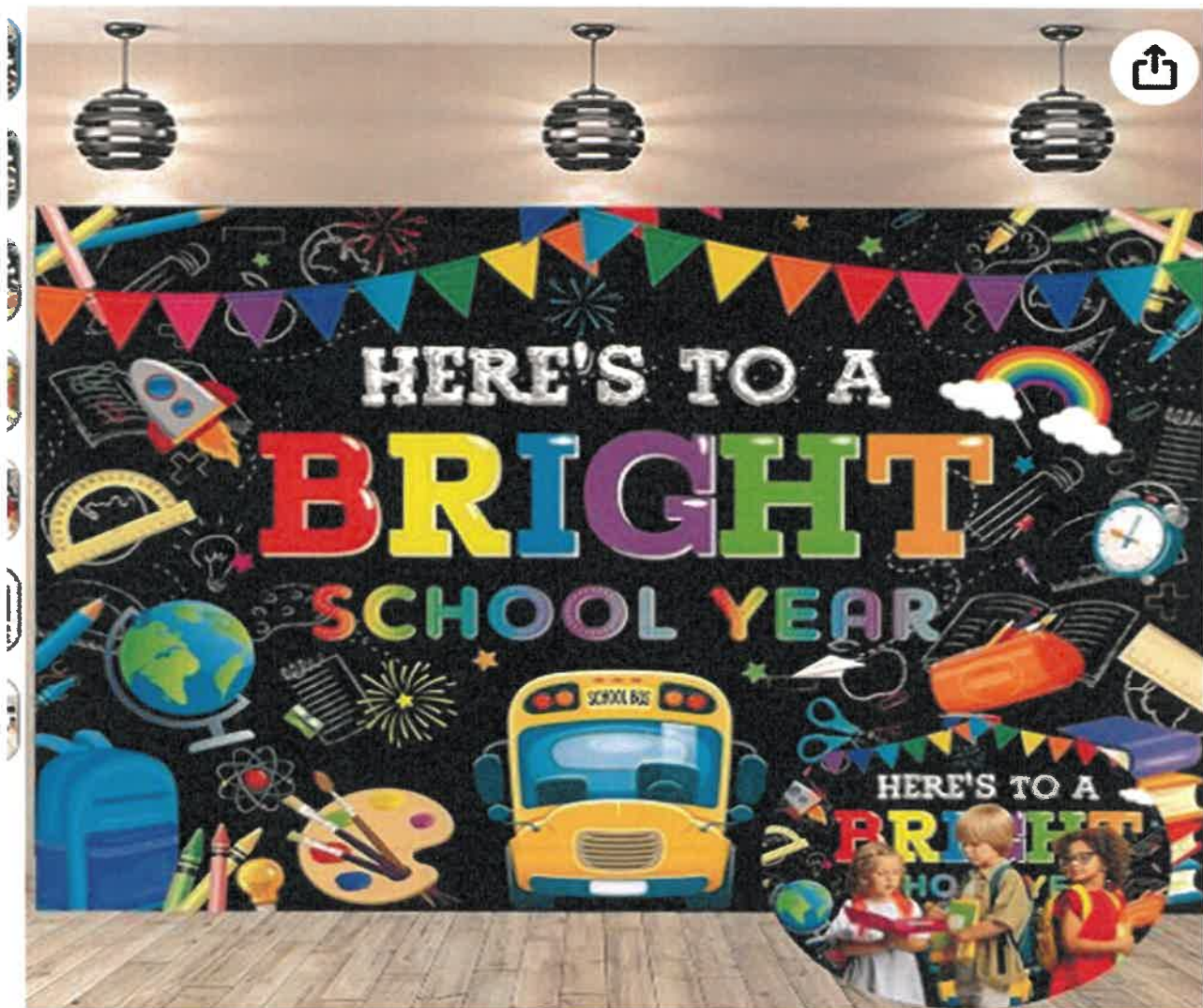
TUP26020 – Wigwam Summer Events (issued) (multiple dates)

TUP26027 – Food Trucks, Brews, and Tunes (issued) (multiple dates)

TUP26029 – Pinnacle Medical Health Fair (issued) (scheduled September 12, 2026)

TUP26033 – All Points Grill August Events (issued) (multiple dates)

TUP26034 – Free Movie Night At The Park (issued) (scheduled September 12, 2026)

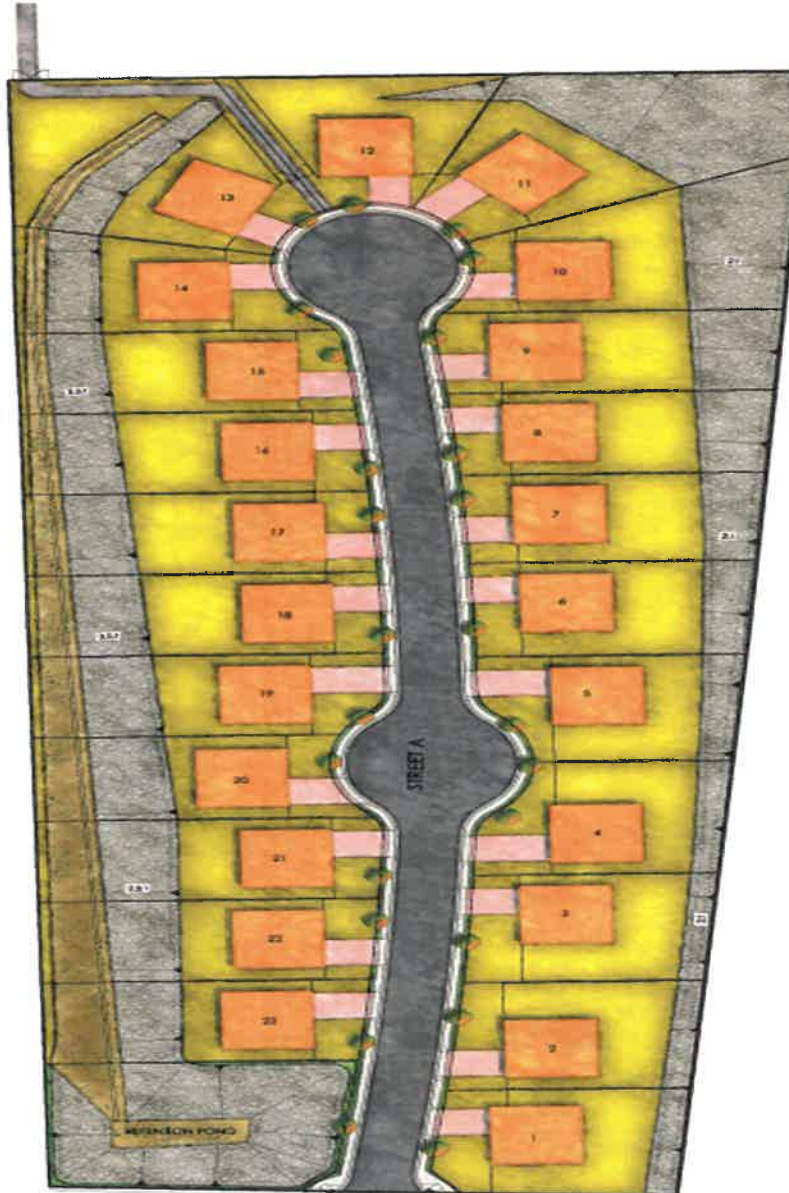


A Final Parcel Map application request by Farm District LLC. to divide a 26.55-acre parcel into 4 parcels resulting in Parcel #1-14.45-acres, Parcel #2-73,067sf, Parcel #3-71,432sf, and Parcel #4-5.42-acres located at Farm District Rd. (APN 021-301-35) in a Commercial (C-2) zone.



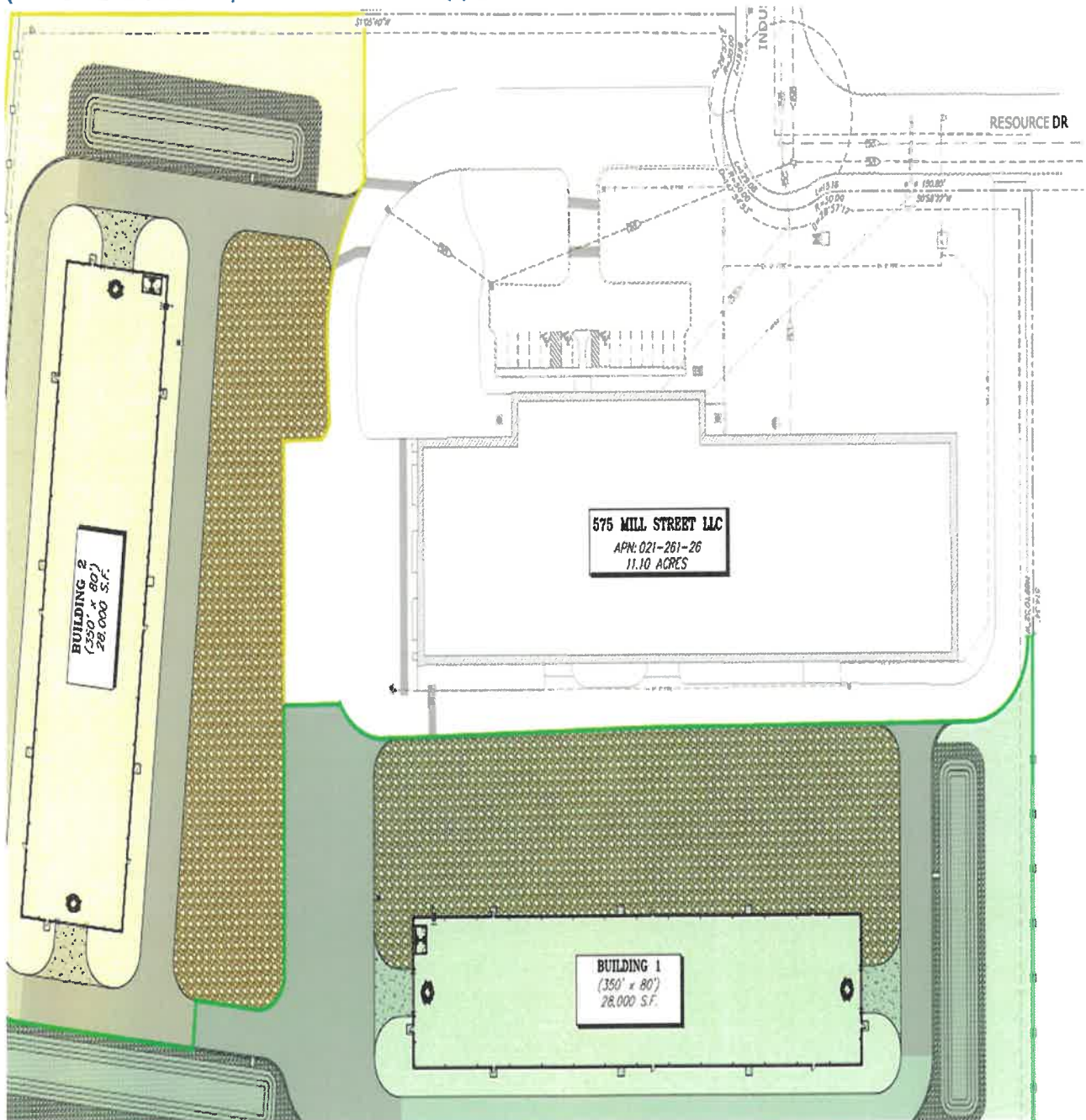
TENTATIVE SUBDIVISION MAP EXTENSION OF TIME – TSM22006EOT – DESERT SHADOWS

An Extension of Time request by RC Herrera for a two (2) year extension of time on the Tentative Subdivision Map (TSM22006) for a 23-lot single-family residential community located at 610 Desert Shadows Ln (APN: 021-541-56) in a Single-Family Residential (SF12) zone.



ADMINISTRATIVE REVIEW – AR26002 – WESTERN UTILITY EXPANSION

An Administrative Review application request by Miles Construction on behalf of Western Utility/Telecom Inc. to construct two new 28,000 square foot manufacturing buildings to expand the existing production facility located at 375 Industrial Drive (APN: 021-261-26) in an Industrial (I) zone.



DEVELOPMENT AGREEMENT – DA26001 – WILSON LANDING

A Development Agreement application request by Ryder Homes to allow for an additional extension of time to change the expiration date for TSM20003 to December 31, 2032, to allow for the recordation of the Final Subdivision Map of a 37-lot single-family subdivision located north of Scott Drive, south of Crimson Road, west of Ricci Lane, and east of Opal Way (APNs: 021-171-24 and 021-171-50) in a Single-Family Residential (SF9) zone.



Statistics

Active Projects

Total = 18

Entitlements (Admin. Review, Conditional Use Permit) = 4

Land Division (Subdivision, Parcel Map, BLA, etc.) = 9

Legislative (Master Plan/Zoning Amendment, Planned Development, etc.) = 4

Miscellaneous (Deviation, TUP, Variance, Vacation, Waiver) = 1

Processing Time

Overall Average = 2.4 Months

Entitlements (Admin. Review, Conditional Use Permit) = 1.5 Months

Land Division (Subdivision, Parcel Map, BLA, etc.) = 2.5 Months

Legislative (MP/Zoning Amend., Planned Development, etc.) = 2.5 Months

Miscellaneous (Deviation, Variance, Vacation) = 2 Months

Temporary Use Permits = 15 Days

Pre-Application Meetings

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
2024	3	6	3	8	2	4	4	3	6	7	4	3	53
2025	6	2	1	4	5	5	5	3	6	6	4	1	48
2026	6	2	6	4	5	3	6	3	-	-	-	-	35

Customer Contacts

2026 to date = 4,906

August = 746

Top Three Inquiries

Information Requests

- Zoning
- Signs
- Accessory Structures



Ongoing Planning Activities

Development Impact Fees

- Staff is in the process of developing impact fees for new development (streets, utilities, parks, public services, and more)
- Capital Improvement Advisory Committee created on May 1, 2024
- Capital Improvement Plan/Impact Fee Study underway

Development Code Update

- Updating to modernize it and clean it up
- Draft of Chapters 1-3 complete
- Small updates being made regularly

Process Streamlining

- Staff is working to streamline the application process/permitting process between the Planning, Building, and Engineering Departments
- Revising applications, updating/creating checklists, standardizing the process with predictable steps
- Participating with other development-related departments to work as a more cohesive group

Ongoing Projects

Comprehensive Master Plan

- Consultant – Matrix
- Public engagement to begin in September

Infrastructure Plan(s) North and Southwest Areas

- Consultant – Kimley-Horn
- Draft Plan expected in October

Capital Improvement Plan & Impact Fee Study

- Consultant – Kimley-Horn
- Draft Plan/Impact Fee Study expected in December

South Area Plan

- Consultant – Kimley-Horn
- Approved/Adopted at City Council Public Hearing August 19, 2026

Upcoming Public Hearings

Planning Commission Meeting 9/9/26

CUP26004 – Clean Earth Aerosol Recycling Facility

CUP26005 – VLD Power Plant

CUP26006 – Center of Excellence

CA25012 – Adjacency Standards

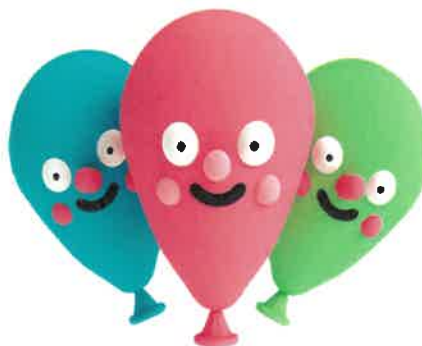
City Council Meeting 9/16/26

CA26003 – Short-term Rentals

In Other Planning News...

INCOMPLETE APPLICATIONS

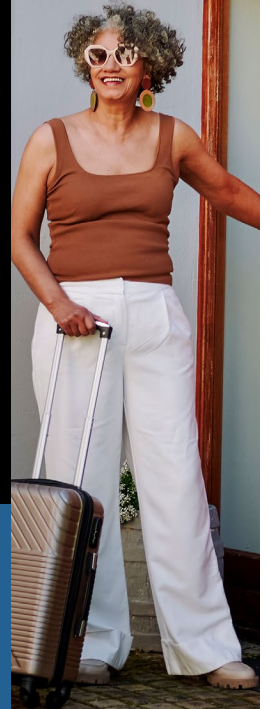
***WE WILL NO LONGER BE ACCEPTING INCOMPLETE APPLICATIONS. ALL ITEMS INCLUDED IN THE APPLICATION CHECKLIST MUST BE PART OF THE SUBMITTAL PACKAGE. IF ANY ITEMS ARE MISSING INCLUDING PAYMENT, THE APPLICATION WILL AUTOMATICALLY BE DEEMED INCOMPLETE AND WILL BE REJECTED. ***



ZONING PRACTICE

Unique Insights | Innovative Approaches | Practical Solutions

Balancing Short-Term Rentals: Community Character and Tourism



In this Issue: [Reframing the Short-Term Rental Debate](#) | [Lessons from New Orleans](#)
| [A Replicable Framework](#) | [Conclusion](#)

Balancing Short-Term Rentals: Community Character and Tourism

By Alexandra “Alex” Gelpi Carter, AICP, with Evelyn Campo, CFM, Tara Lambeth, AICP, CFM, PHD; Kara Dudek-Mizel, AICP, Matt Wilson, Hannah Rachlis, CFM, Jessi Kenney, PHD, and Jared Carter

Nearly 20 years after the launch of Airbnb, cities, towns, and counties across the United States continue to grapple with how to regulate short-term rentals (STRs) and other forms of transient lodging. These debates are often framed as conflicts between housing affordability and tourism or between residents and visitors. While these tensions are real, they obscure the underlying planning issue: transient lodging is fundamentally a land use question.

In many instances, transient uses replace long-term residents with short-term occupants, altering patterns of occupancy, investment, and daily life. When these uses cluster in specific areas, they exacerbate these impacts. Neighborhoods may experience reduced housing availability, increased speculative activity, and diminished social cohesion. This leads to a key planning principle: for transient lodging uses, zoning regulations should address

distribution and intensity, not just permission.

This issue of *Zoning Practice* presents a replicable zoning framework for short-term rentals. It begins by suggesting a new framework to debate the role of short-term rentals in local communities before highlighting lessons learned from previous regulatory experiences and detailing each component of a sound approach to zoning for short-term rentals and other transient lodging uses.

A New Orleans' Mardi Gras float referencing shifting short-term rental regulations (Credit: Alexandra Carter)



Reframing the Short-Term Rental Debate

In many cities, towns, and counties, transient lodging regulations and policies have evolved reactively, becoming more restrictive as transient lodging has grown in popularity. These regulations range from zoning-district-specific allowances and restrictions to size-based requirements and outright bans on short-term rentals.

Numerous jurisdictions permit only owner-occupied short-term rentals. Others allow short-term rentals but impose a range of permitting requirements, including 24-hour on-site management, compliance with building and fire codes, licensing and certification, registration and tax payments, liability and property insurance, record retention, and periodic permit renewals.

Multiple jurisdictions institute zoning and land use restrictions in addition to use standard requirements and restrictions for bed and breakfasts, hotels and motels, and other transient lodging uses. Many municipalities also apply additional zoning and land use restrictions, such as density caps, prohibitions on certain building types, and minimum or maximum stay requirements for short-term rentals and other transient lodging uses. Some communities additionally regulate short-term rental hosting platforms by requiring them to review listings for compliance and submit reports to local government agencies.

This reactive and varied framework has resulted in frustration for both businesses and residents. Businesses find it complicated to invest in uncertain or constantly evolving regulatory conditions, and residents experience the impacts of increased development and tourism, including potential nuisances, on their neighborhood fabric and community character.

The need to balance economic opportunity and community character is the underlying tension of the transient lodging and short-term rental debate. Therefore, it is important to examine STRs in both their form and function.

At its core, zoning regulations should stipulate where—and at what intensity—temporary occupancy is appropriate. Sound regulations acknowledge the STR issue by evaluating the full spectrum of

lodging types, from small-scale STRs to large hotels, and situating them within a unified zoning framework. This unified zoning framework takes the guesswork out of the regulatory environment, providing a solution to both businesses and residents that is grounded in the community's comprehensive plan, reflected in the community's zoning regulations, and reinforced by understandable and neighborhood-focused zoning and design standards.

This approach shifts the conversation from whether STRs should exist to how they should be integrated into the built environment to align with neighborhood context, zoning intent, and community goals. This offers a perspective that moves the conversation beyond whether STRs should be allowed, toward a more precise question: *How much transient occupancy can an area absorb before its character—and function—begins to change?*

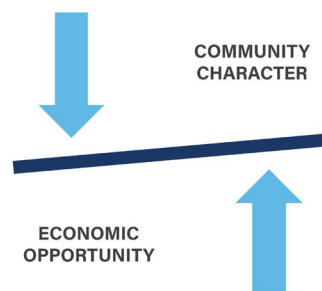
Answering this question enables municipalities to create and enforce transient lodging regulations that address both the physical form and operational impacts of these uses, while aligning with the community's built environment and the needs of the local community.

Lessons from New Orleans

In January 2025, the New Orleans City Planning Commission contracted with Desire Line to study land use and zoning issues in New Orleans related to transient lodging, including *commercial short-term rentals* (§26.6), across the city. New Orleans has a unique character that is rooted in culture and history, and the study's

Balancing community character and economic opportunity
(Credit: Desire Line)

General Finding



"A simple solution (such as an outright ban or a broad approval of transient lodging uses) will not resolve divergent perspectives and land use conflicts amongst owner and non owner cohorts," the report said. "A reasonable compromise is needed."



The Lakeview neighborhood in New Orleans (Credit: Desire Line)

findings reflect the importance of preserving local neighborhoods. Through [this study](#), the project team identified several key lessons for any community contemplating new or updated zoning regulations for short-term rentals.

The project team found that, like many uses, overconcentration intensifies impacts, and that community character reflects both the functional and demographic composition of local neighborhoods. In response, the team developed a new zoning framework for transient lodging that emphasizes clear definitions with graphics, density-based classifications, alignment with zoning district intent, management of concentration, consideration of neighborhood context,

enforceability, and the flexibility to adapt over time.

The planning commission adopted the study with minor revisions in January 2026. As of June 2026, New Orleans's city council is considering legislation to implement the study findings (which may differ from the study's recommendations upon final adoption).

Overconcentration Drives Impacts

A central finding of the New Orleans study is that the primary driver of impacts is not the presence of transient lodging—but its concentration.

Rather than relying on binary approaches—allow or prohibit—communities can manage impacts through tools such as **block-level caps, limits within buildings, and distance requirements**. These mechanisms directly address clustering, which is the condition most strongly associated with negative outcomes.

This shift has direct demographic implications. Neighborhoods that once supported stable, long-term populations begin to experience higher rates of turnover, fewer full-time residents, and reduced continuity in social and economic activity.

“Because fewer people actually live here, no one sits on their porch anymore. People don’t know each other, and it is much, much less safe. Community has been broken.”

– *Community Member, City of New Orleans*

The study's mapping of STR density and nuisance complaints reinforces this relationship. Areas with the highest concentration of STRs—where temporary occupancy is most dominant—also show the highest clustering of disturbance complaints.

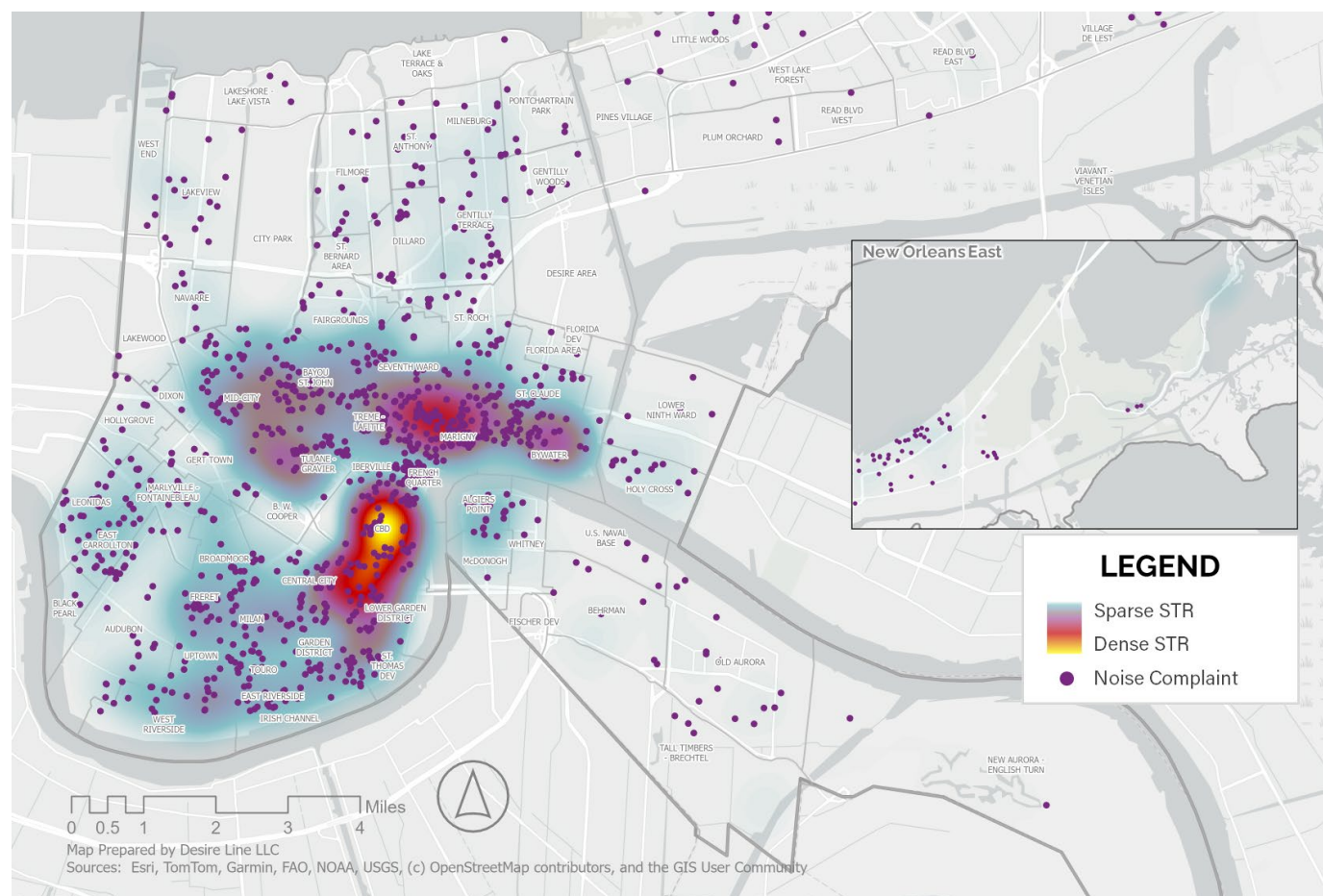
Therefore, the study recommended block limitations for most transient lodging uses. The limitations specified that there could be no more than one transient lodging use per block in most zoning districts. The study further recommended that there could be only one short-term rental in small buildings, only four short-term rentals or 25 percent of units, whichever is less, in medium-sized buildings, and greatly limited the presence of whole building short-term rentals in the city by only allowing them in the Maritime Mixed-Use District (§8.1B), where hosting whole-home vacation rentals was historically more common and acceptable.

Perfect Data is Not a Prerequisite

Communities should not wait for perfect data to regulate emerging or evolving land uses. Like many jurisdictions, New Orleans faced incomplete datasets, inconsistent records, pandemic related distortions, and rapidly evolving conditions based on multiple studies and subsequent rulemaking over the last 10-plus years. Rather than delaying action, the study made information related to data shortcomings, inconsistencies, and challenges accessible; then combined available quantitative data with qualitative insights from community engagement to support findings and recommendations.

The project team garnered input from community members utilizing three specific topic areas: affordable housing and community character, economic development, and permitted uses and nuisance regulations. Communities should consider specific topics to understand the nuances,

Noise complaints in New Orleans between 2021 and 2025 overlaid with a heatmap of short-term rentals (Credit: Desire Line)



Transient Lodging Use Type	Block-Level Caps	Building Limits	Guestroom Limits	Distance Requirements
Bed and Breakfast	1 per lot and block	Single-family dwelling	5 maximum	N/A
Small Commercial Short-Term Rental	1 per lot and block	Two-family or multifamily dwelling with 4 units maximum; 1 per building	2 guest rooms; 4 occupants maximum	Block measured at 300 linear feet
Medium Commercial Short-Term Rental	3 per lot and block in high-intensity commercial areas; 1 per lot and block in all other areas	Multifamily dwelling or mixed-use, multi-story building; 4 or 25% of units, whichever is less, per building	2 guest rooms; 6 occupants maximum	Block measured at 300 linear feet
Large Commercial Short-Term Rental	1 per building, lot, and block	Whole home single-family dwelling; 1 unit only	7 guest rooms; 20 occupants maximum	Block measured at 300 linear feet
Hostel	N/A	Building designed for hostel accommodations	2 occupants per room	N/A
Neighborhood Hotel/Motel	N/A	Single-family dwelling or traditional hotel	20 rooms maximum	N/A
Large Hotel/Motel	N/A	Large hotel structure	21 rooms or more	N/A

impacts, and potential solutions to land use issues.

This approach emphasizes that perfect data is not a prerequisite for sound planning. Consistent patterns, observable trends, and stakeholder input can provide a sufficient basis for policy decisions, particularly when paired with an iterative framework that allows for adjustment over time.

Community Character Includes Function

“Community character” is often described in subjective terms, like how a place looks or feels. The study offers a more operational definition, where an area’s “character” includes the everyday presence of long-term residents and local businesses—people who regularly live in, work in, and use a place.

The study further acknowledges that transient lodging can change this pattern

by increasing turnover and reducing the number of permanent occupants. Over time, this can weaken the stability and social fabric of a neighborhood, negatively impacting community character.

People often think of community character as solely aesthetic or design based. Maintaining community character, however, requires preserving a critical mass of long-term residents and business owners. This reframes character as not wholly aesthetic, but also as functional and demographic.

Iterative Policy Development is Valuable

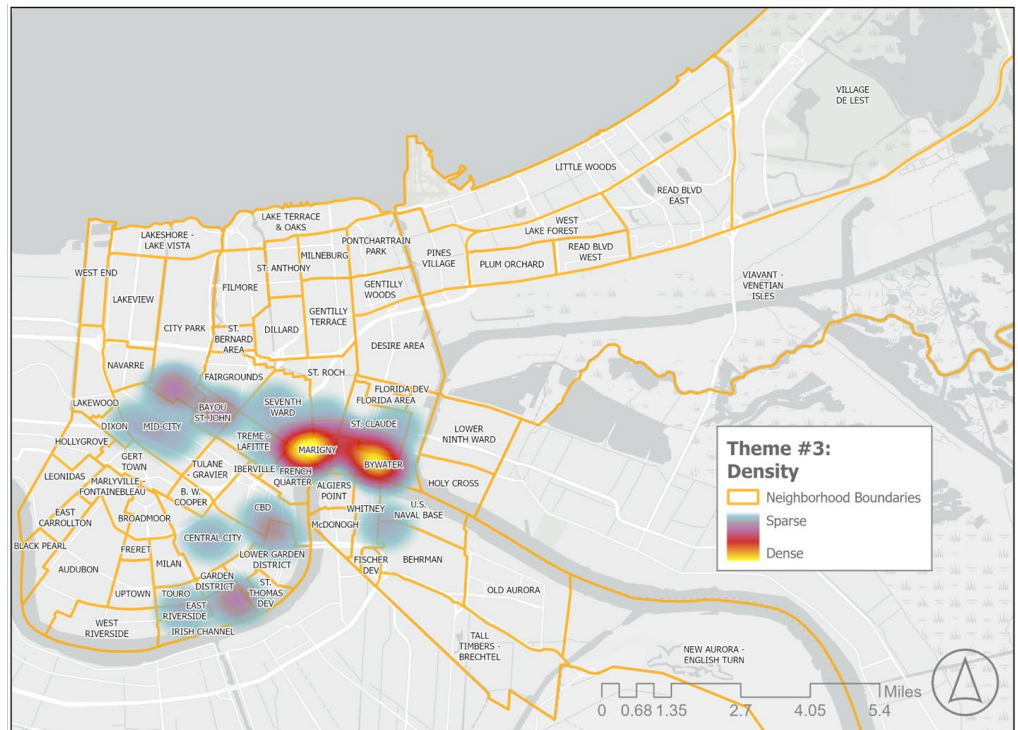
It is important for planners to think of land use policies as iterative, not static. This includes building from existing regulations, using past policies to identify gaps and contradictions, and working with the public towards reform that is transparent and mutually beneficial.

OUTREACH ANALYSIS

Narrative Theme 2: Density of STRs in the Community

Concerns: Clusters of STRs impact neighborhood stability and community character.

Impacted Neighborhoods:
Bywater, Marigny, Bayou St. John, Mid-City, Irish Channel, Lower Garden District



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, City of New Orleans GIS, Map Prepared by Desire Line LLC

Transient lodging policy in New Orleans has evolved over more than a decade and includes significant prior reforms—particularly in residential areas. Following years of policy development and litigation, the city established strict limits on short-term rentals in residential neighborhoods, including a one-per-block cap implemented through a lottery system. However, incremental reforms had produced a fragmented regulatory framework with inconsistent definitions and overlapping rules, which prompted the city to initiate the study.

The study proposes a temporary prohibition on new commercial STRs; focuses on nonresidential areas, where regulatory gaps and inconsistencies remained; and advances a more cohesive, citywide zoning framework. Importantly, the study builds on prior city efforts to develop policy recommendations grounded in experience (including local political and market conditions) and makes recommendations to simplify standards, increase land use predictability, and better protect neighborhood character.

A Replicable Framework

The New Orleans approach can be translated into a clear process for other jurisdictions. This framework emphasizes structure and adaptability, allowing communities to respond to evolving conditions without losing coherence.

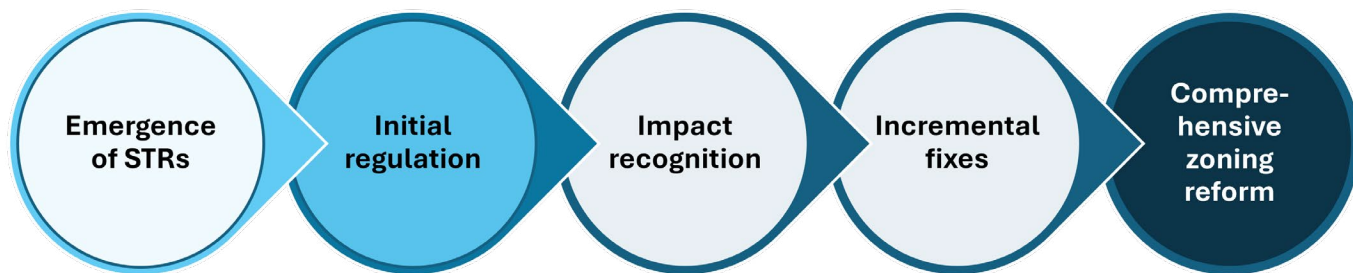
Define Transient Lodging as a Land Use Compatibility Issue

It is important to establish a land use management system that allows for consistent evaluation of transient lodging uses. To achieve this, local jurisdictions should streamline and clarify transient lodging definitions and standards by first

Outreach analysis of the density of short-term rentals in the New Orleans (Credit: Desire Line)

“The question is not whether transient lodging is allowed, but where and at what intensity it belongs.”

– Alex Carter, AICP, President & CEO, Desire Line



*Typical policy evolution cycle
(Credit: Desire Line)*

identifying transient lodging uses (e.g., bed and breakfast, hotel, or short-term rental) and the type of structure that each operates within (e.g., single-family home, multifamily building, or large commercial structure). Then define the number of guest rooms or units and the maximum occupancy for each use.

Streamlining standards includes clearly defining requirements for bathroom facilities, kitchens and cooking amenities, and ancillary uses such as bars, restaurants, and event spaces. For example, a hotel may have a bar or restaurant as an ancillary use, but a small commercial structure would not. Similarly, a hostel may have shared bathroom spaces, but a hotel would not.

For short-term rentals in particular, management and security standards are especially important. These standards should identify who is responsible for addressing complaints, whether management or security personnel must be on-site, and when they must be available. Establishing these requirements improves enforcement, enhances the safety of guests and neighbors, and helps reduce nuisances associated with transient lodging uses.

Classify Uses by Intensity

Most zoning codes treat STRs as a single use category. This simplification masks meaningful differences in scale and impact. The New Orleans study instead recommends defining a spectrum of transient lodging types **based on operational intensity**. Small-scale, lower-impact uses—such as operator-occupied rentals—can be distinguished from whole-home vacation rentals, and larger operations that function more like hotels. Similarly, distinctions can be made within traditional lodging types.

This tiered framework allows jurisdictions to permit lower-intensity uses in or near some residential or mixed-use areas, while directing higher-intensity uses to more commercial areas. It also improves clarity for both enforcement and public understanding, reducing ambiguity that often undermines compliance.

Creating regulations for small, medium, and large short-term rentals, and specifying proper locations and buildings for all transient lodging uses, allows these uses to fit within the framework of the city and to coexist with its existing residents and businesses.

Align Uses with Zoning District Intent

In many communities, STR regulations evolve outside the core zoning framework, resulting in overlays, exceptions, and temporary measures that lack coherence and predictability. Aligning transient lodging permissions with the intent of zoning districts is a more defensible, fair, and consistent approach.

A community's comprehensive plan is an intentional guide to planning for the future, and planners can look to their plan for goals and objectives related to specific policy issues. In New Orleans, for example, the city's [comprehensive plan](#) emphasizes the preservation of neighborhoods as well as the importance of economic development and tourism. The city's [zoning district purposes](#) range from protecting neighborhood character, to attracting and serving residents and local visitors, to allowing a wide variety of commercial and industrial activities.

Planners should evaluate their comprehensive plans and the purpose statements of their residential districts to determine if it may be appropriate to accommodate limited, low-intensity uses

Residential-scaled short-term rental uses (Credit: Desire Line)

Establish an appropriate land use spectrum and scale to manage the variety of transient, temporary lodging land uses in and near residential areas.



B&B
Bed and Breakfast

5 guestrooms max



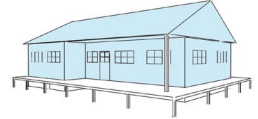
CSTR-S
Commercial Short Term Rental – Small

1 unit, 2 guest rooms, 4 occupants max



CSTR-M
Commercial Short Term Rental – Medium

4 units, 2 guest rooms, 6 occupants max

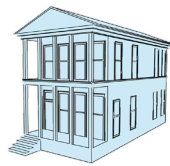


CSTR-L
Commercial Short Term Rental – Large

1 unit, 7 guestrooms, 20 occupants max

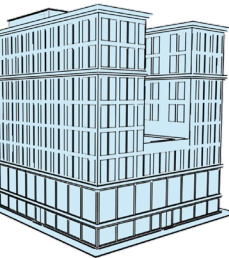
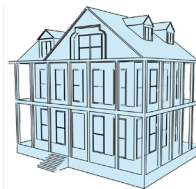
Commercial-scaled short-term rental uses (Credit: Desire Line)

Establish an appropriate land use spectrum and scale appropriate for commercial areas and 24/7 onsite operators.



Hotel/Motel
Neighborhood

20 units max
2 guest bedrooms/unit max
24/7 on site operator
Includes ancillary uses if allowed in the zoning district



Hotel/Motel
Large

21 units or more
Allows more than 2 guestrooms per unit

that are compatible with long-term living patterns, such as bed and breakfasts and small-scale STRs. Allowing these uses in some areas can foster redevelopment of cost-prohibitive sites, including historic structures, where traditional financing mechanisms have not proven successful.

Planners should take a similar approach to recommendations for mixed-use districts that could support moderate levels of transient activity, such as smaller boutique hotels, STR units located above ground-floor retail, or within a multifamily complex, and commercial areas that could handle more intense uses such as hotels and higher-intensity STR operations, including STR operations that have more

than four units in a building and hotels with more than 21 units.

Apply Density Controls to Manage Concentration

Even well-managed transient lodging can disrupt neighborhoods if it becomes too prevalent. For this reason, density controls and use permissions are essential.

Clear, measurable limits—such as caps per block, maximum percentages within buildings, or 24-7 on-site operators, are important to avoid overconcentration and to address potential operational disturbances. These tools maintain a baseline of long-term occupancy and on-site accountability, help prevent the

tipping point at which temporary uses begin to dominate, while also providing limited economic opportunities that can be instrumental in spurring redevelopment of blighted properties and stabilizing neighborhoods that have historically experienced disinvestment.

The New Orleans study builds on the city's existing regulatory framework—particularly the one-per-block density limits already established for residential STRs—and evaluates how similar principles can be applied and adapted to mixed-use and commercial districts. These density limits advance the goals of the comprehensive plan and the intent of the city's zoning districts by incorporating one-per-block limitations in residential districts, while allowing more transient lodging uses in mixed-use and commercial districts.

When establishing density limitations in commercial areas, it may be tempting to allow the market to guide development decisions. The study found that wherever STRs are permitted, they tend to be developed, and that such development can take the form of an entire block face or streetscape, effectively

transforming active pedestrian spaces and vibrant commercial character into intermittent dead zones of inactivity. This was especially apparent during the month of August when tourist season in New Orleans traditionally ebbs due to excessive heat. For this reason, density controls in commercial districts should be thought of as protecting the variety of commercial uses in a commercial area.

It is also not uncommon for residences to be located within commercial districts and for the property owners who live in these residences to not realize they are zoned commercial. Planners should be especially mindful of this because the character of these areas may be more sensitive to an overconcentration of STRs than the commercial zoning district designation may suggest.

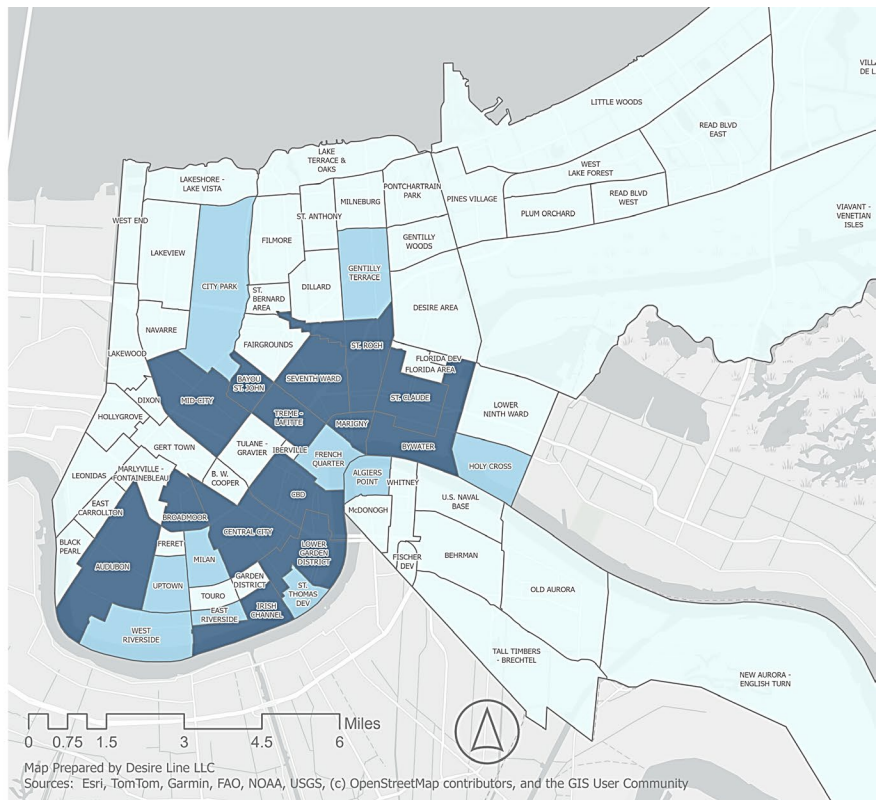
Incorporate Neighborhood Context Through Typologies

Establish **structured neighborhood typologies** to strike a balance between uniform regulations and highly localized rules. A fully standardized approach can ignore meaningful differences between neighborhoods, while overly tailored

Study
neighborhood
typology
descriptions and
map (Credit:
Desire Line)

Neighborhood Typologies Analyzed In Detail

- Higher Impact** (most transient lodging units *and* high engagement)
 - Bywater
 - Central City
 - Marigny
 - Seventh Ward
- Moderate Impact** (most transient lodging units *or* high engagement)
 - Algiers Point
 - East Riverside
 - French Quarter
 - Uptown
- Lower Impact** (all others)
 - Garden District
 - Lake Catherine
 - Lakeview



systems can become too complex and difficult to administer.

By grouping areas based on shared characteristics—such as existing development patterns, market pressures, and observed STR impacts—communities can apply differentiated rules within a coherent framework. The approach in the study used three neighborhood typologies to adjust policies that respond to local conditions, data, and public feedback, without sacrificing clarity or consistency at the citywide level.

The neighborhood typologies included **higher-impact neighborhoods** that had a high concentration of transient lodging units *and* high public engagement with the study process, **moderate-impact neighborhoods** that included *either* a high concentration of transient lodging units *or* high public engagement with the study process, and **lower-impact neighborhoods** that did not have a high concentration of units or high public engagement with the study process.

The neighborhood typologies resulted in a regulatory framework that began with initial zoning alignment, based on the purpose and function of a zoning district; then incorporated land use alignment, where residential uses were targeted to residential areas and commercial uses were targeted to commercial and industrial

areas; and lastly, integrated community engagement, where lower- and moderate-impact neighborhood regulations relied on both use classification and zoning district and higher-impact neighborhood regulations included more restrictions on and prohibitions of transient lodging uses.

“You do not need a unique rule for every neighborhood—but you do need a structured way to account for differences.”

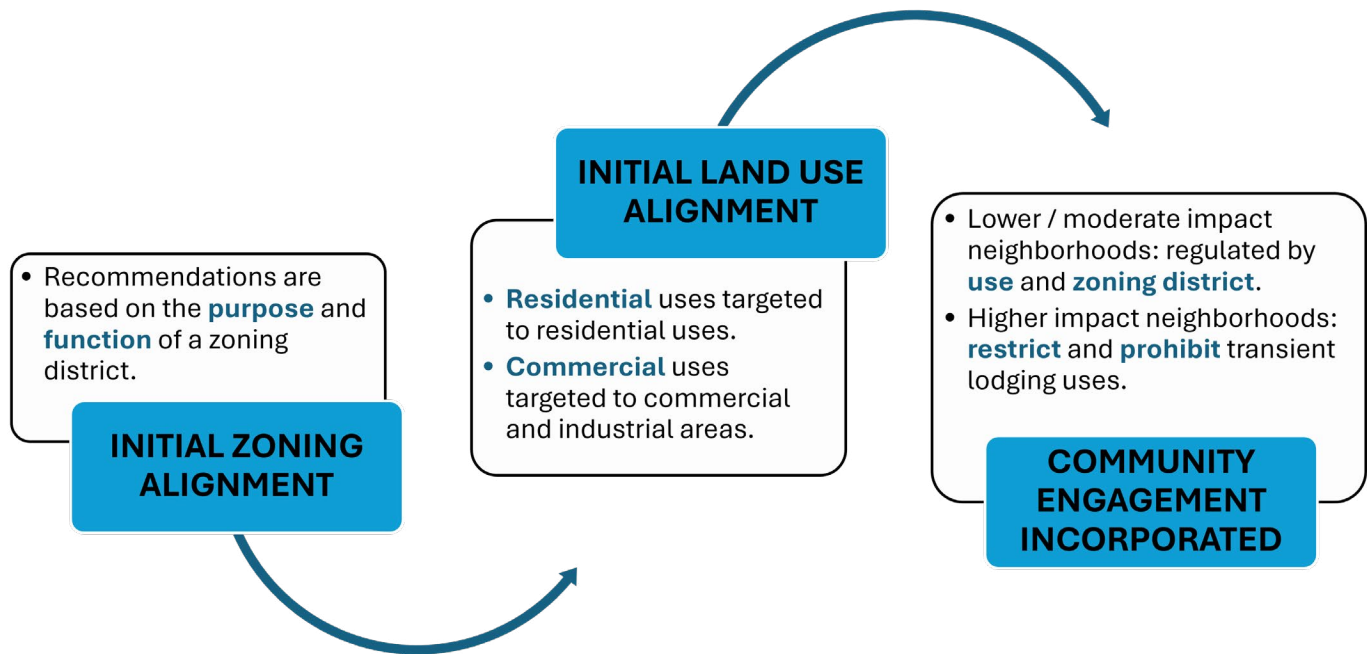
– Evelyn Campo, CFM, Deputy CEO, Desire Line

Align and Support Enforceable Systems

Across engagement efforts, one message was consistent: enforcement determines whether regulations succeed.

The study found widespread concern about noncompliant operations and a strong desire to prioritize enforcement over additional rulemaking. Without effective monitoring and compliance systems, even well-designed zoning frameworks will fail.

Initial zoning alignment, initial land use alignment, and community engagement incorporated (Credit: Desire Line)



Key findings included a large number of noncompliant STRs operating outside regulations and strong public support for targeting noncompliant operators before adopting new rules.

Key components of an effective enforcement system include management and security requirements, platform accountability, clear licensing requirements, real-time data access, and dedicated staffing. Examples of enforcement elements include requiring all transient lodging to have a permitted operator available 24 hours a day, seven

days a week; penalizing violations and revoking permits; monitoring listings on online platforms and requiring permit information to be listed on those platforms; and providing clear permitting processes for all transient lodging use permit types.

These elements ensure that regulations are not only adopted but implemented in practice. However, they need to be supported by dedicated staff that monitor listings, research violations, and follow through on code enforcement processes.

Monitor and Adjust Over Time

There is no single perfect approach to regulating transient lodging uses. Even well-researched, community-focused, and comprehensive zoning regulations may require future adjustments as conditions and community needs evolve.

Communities can monitor several indicators to determine when it may be necessary to adjust transient lodging regulations. Rising nuisance complaints, increased tourism activity, or a growing number of illegal listings on online platforms may signal that existing regulations no longer meet local needs and should be reevaluated. Communities can monitor these trends through code enforcement data, listings on vacation rental platforms,

and information provided by local tourism bureaus.

If changes are needed, communities can revise and clarify use standards, adjust use classifications or density controls, engage community members to better understand current issues and potential solutions, and update code enforcement procedures to more effectively address violations.

Conclusion

Communities are unlikely to resolve transient lodging debates through extreme approaches such as total bans or unrestricted growth. A more effective path lies in consistently applying core planning principles with clarity and discipline.

Communities can look to their comprehensive plans, zoning district purpose statements, existing regulations, enforcement procedures, and engagement with the community to refine these regulations to effectively protect and preserve local community character.

This includes defining uses precisely, classifying uses by intensity, aligning uses with zoning district intent, managing their concentration, incorporating neighborhood context, and ensuring that regulations are enforceable in practice. It also requires an iterative mindset, recognizing that policies can (and should) evolve over time.

The goal is not to eliminate transient lodging, but to ensure it does not overwhelm the permanent residents and businesses that give neighborhoods their identity.

Instead of eliminating transient lodging, including STRs, it is better to integrate these land uses in a way that supports visitors and tourism while preserving housing and sustaining the local community character that make cities worth visiting.

“If the city is not going to inspect...and enforce the rule. I think it’s a waste to a lot of people’s time if it’s not going to be enforced and inspected.”

– *Community Member, City of New Orleans*

About the Author



Alexandra Carter, AICP, is an artist, urban planner, and founder and CEO of Desire Line: a New Orleans-based planning and resilience firm. With over 16 years of

experience in both the public and private sectors, she specializes in creative land use policy, locally responsive zoning and code development, modern outreach and engagement methods, innovative grants and disaster recovery, and adaptive flood risk mitigation, project design, and strategy implementation.

Contributors

Evelyn Campo, CFM, is Deputy CEO of Desire Line. She has over 14 years of planning, floodplain management, and multi-departmental governmental coordination experience.

Tara Lambeth, AICP, CFM, PHD, is Desire Line's Planning and Floodplain Management Director.

Kara Dudek-Mizel, AICP, is Desire Line's Planning and Engagement Director.

Matt Wilson is a Planner II and GIS Analyst with Desire Line.

Hannah Rachlis, CFM, is a Planner II and Grants Analyst with Desire Line.

Jessi Kenney, PHD, is Desire Line's Chief Administrative Officer.

Jared Carter is Desire Line's Chief Operations Officer and 16-year retired Captain of the New Orleans Fire Department.



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