



N E V A D A

AGENDA
Regular Meeting
Planning Commission

Wednesday, September 13, 2023 • 5:00 PM

Members

Jenni McCullar - Chairwoman
Angela Lewis - Vice Chair
Jan Hodges - Commissioner
Humayoon Lodhi - Commissioner
Barry Williams Sr. - Commissioner
Shellie Severa - Commissioner
Cody Wagner - Commissioner

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

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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. STAFF REPORTS

- 2.1. (For Possible Action) Consideration and possible action to uphold the decision of the Planning Director denying a Reasonable Accommodation request (RAD23001) to allow the keeping of livestock at 2836 South Fork Road.**

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) Consideration, discussion, and possible action to recommend that the City Council adopt Bill #332, an Ordinance to amend Section 32.07.020 (Accessory Dwellings) of the City of Fernley Development Code to conform with NRS Section 278.253 regarding tiny houses.**
- 3.2. (For Possible Action) Consideration, discussion, and possible action regarding MJD23002, a Major Deviation request from Lumos & Associates on behalf of Cari and Martin Bunyard to allow the creation of two, 2.5-acre lots in the Rural Residential, 5-acre minimum lot size (RR5) zone on a site ±5.00-acres size and approximately located at 1000 Jenny's Lane (APN: 020-351-03).**

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.)

6. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

7. PUBLIC FORUM

8. ADJOURNMENT

Next Meeting: October 11th @5pm

**MINUTES OF THE
FERNLEY PLANNING COMMISSION MEETING
AUGUST 9, 2023**

Chairwoman Jenni McCullar called the meeting of the Fernley Planning Commission to order at 5:00 PM.

1. INTRODUCTORY ITEMS

1.1. Pledge of Allegiance

1.2. Roll Call

Present: Chairwoman Jenni McCullar, Commissioner Jan Hodges, Commissioner Barry Williams, Commissioner Cody Wagner, Planning Director Michele Rambo, Senior Planner Shay League, City Attorney Aaron Mouritsen, Deputy City Clerk Brenda Gosser, Administrative Specialist I Sandy Harris, City Engineer Derek Starkey, Deputy City Manager Lydia Altick.

Absent: Vice-Chair Angela Lewis, Commissioner Hymayoon Lodhi, Commissioner Shellie Severa.

1.3. Public Forum

None at this time.

1.4. (For Possible Action) Approval of Agenda

Motion: MOVE TO APPROVE AGENDA FOR AUGUST 9, 2023. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Jan Hodges. **Vote:** Passed, **Summary:** Yes. **Yes:** Commissioner Hodges, Chairwoman McCullar, Commissioner Williams, Commissioner Wagner. **Absent:** Vice-Chair Lewis, Commissioner Lodhi, Commissioner Severa.

1.5. (Possible Action) Approval of Minutes

Motion: MOVE TO APPROVE THE MINUTES OF JULY 12, 2023. **Action:** Approved, **Moved by:** Commissioner Jan Hodges, **Seconded by:** Commissioner Cody Wagner. **Vote:** Passed, **Summary:** Yes. **Yes:** Commissioner Hodges, Chairwoman McCullar, Commissioner Williams, Commissioner Wagner. **Absent:** Vice-Chair Lewis, Commissioner Lodhi, Commissioner Severa.

2. PUBLIC HEARINGS

2.1. For Possible Action: CUP22001-EOT, Extension of Time request for a Conditional Use Permit Consideration, discussion, and possible action on an extension of time request (CUP22001-EOT) from Phelps Engineering Services to grant a one-year extension on a Conditional Use Permit for a 276-unit multi-family residential apartment complex development on a site ±9.52-acres located within the SMU (Suburban Mixed Use) zoning district. The project site is located at approximately 600 West Main Street (APN: 021-071-03).

Senior Planner Shay League presented that the applicant is requesting that the Planning Commission grant a one-year extension for this project. The extension would provide the applicant with some additional time to ensure that the project details, as well as the project's Conditions of Approval can be adequately addressed.

The applicant applied for an extension of time due to seeking a Conditional Letter of Map Revision

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(CLOMR) from the Federal Emergency Management Agency (FEMA) to alter drainage retention requirements. Also, presented was a brief on the five (5) Conditions of Approval from the Tentative Subdivision Map that must be met before a Final Subdivision Map can be recorded.

Robert Dunbar, Senior Planner for Phelps Engineering, apologized for missing the last meeting. They are currently working with FEMA. They have had to deal with the federal agencies, both FEMA, BOR, Lyon County and the City of Fernley. The company's staff has finished the road improvement plans and city staff will be seeing those plans very soon.

Commissioner Wagner asked if there still is a plan for the commercial part of the project and if the developer was working with the Red Hawk development in regards to the intersections.

Robert Dunbar stated that, depending on market conditions, which one goes first, could be the commercial or the apartments. They are working with Red Hawk development in regards to the intersections on Main Street.

Chairwoman McCullar asked for Public Input. There was no public input.

Corrina (zoom) stated that there was no sound on Zoom.

Motion: MOVE TO APPROVE A ONE-YEAR EXTENSION OF THE CONDITIONAL USE PERMIT ASSOCIATED WITH CUP22001. THE EXPIRATION DATE WILL BE EXTENDED TO MAY 11, 2024, AND NO ADDITIONAL EXTENSIONS SHALL BE GRANTED. **Action:** Approved. **Moved by:** Commissioner Jan Hodges, **Seconded by:** Commissioner Cody Wagner. **Vote:** Passed, **Summary:** Yes 4. **Yes:** Commissioner Hodges, Chairwoman McCullar, Commissioner Williams, Commissioner Wagner, **Absent:** Vice-Chair Lewis, Commissioner Lodhi, Commissioner Severa.

2.2. (For Possible Action) T1V23001 – Type I Vacation, Serenity Circle

Discussion and possible action regarding a request submitted by Denson Surveying on behalf of Genica Skyridge Estates for City of Fernley to abandon a portion of the public right-of-way known as “Serenity Circle” within the Skyridge Estates II subdivision.

Senior Planner Shay League stated that the public hearing was continued from the July 12, 2023 meeting to the August 9, 2023, meeting to allow the contracted City of Fernley surveyor to complete a review. The surveyor has since returned a review and the applicant is now working on making the requested changes to the abandonment document. Staff requests this item be continued to a non-specific date until all reviews and revisions are completed.

Chairwoman McCullar asked for public input. There was none.

Motion: MOVE TO CONTINUE THE PUBLIC HEARING FOR THIS ITEM UNTIL A FUTURE MEETING; THIS ITEM MAY RETURN ONCE STAFF HAS DETERMINED IT IS READY TO BE DISCUSSED ACTED UPON. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 4. **Yes:** Commissioner Hodges, Chairwoman McCullar, Commissioner Williams, Commissioner Wagner. **Absent:** Vice-Chair Lewis, Commissioner Lodhi, Commissioner Severa.

2.3. (For Possible Action) Discussion and possible action on three applications submitted by Christy Corporation, LTD on behalf of Nev Dev, LLC on a parcel ±26.55-acres in size and generally located south of Farm District Road, west of Desert Lakes Drive, and east of Donna Way (APN: 021-301-35).

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1. **MPA23001 – A master plan amendment application to redesignate the comprehensive master plan land use of the parcel from Single-Family Residential (SFR) to Commercial (C).**
2. **ZMA23001 – A zoning map amendment application to rezone the parcel from Single-Family Residential, 20,000 square foot minimum lot size (SF20) to General Commercial (C2).**
3. **CUP23005 – A conditional use permit application to establish the mini-warehouse use on a ±15.08-acre portion of the parcel to allow construction of a self-storage and vehicle-storage facility.**

City Attorney Aaron Mouritsen addressed item 2.3 (1) the master plan amendment requirement. Under NRS278.210 an approval of a master plan amendment must be made by an affirmative vote of not less than 2/3 of the total membership of the commission. The total membership of the Commission being 7 people, an affirmative vote would require 2/3 total membership which would be 5. There are only 4 members here, which is enough to make a quorum, but insufficient to make the 2/3 total membership. What that means is, even if it was affirmed 4 - 0, it would go before the City Council as a denial because there was not a 2/3 total membership vote.

Commissioner Wagner asked for clarification that part 1 would be a denial and part 2 and 3 would be a recommendation for approval even with the same vote.

City Attorney Mouritsen confirmed that was correct. The recommendation from Planning would be that those approvals are contingent upon approval of the first step.

Senior Planner Shay League stated that Christy Corporation submitted a master plan amendment, zoning map amendment, and conditional use permit on behalf of Nev Dev to allow construction of a self-storage facility at the rear of this parcel. The developer intends to reserve the front of the parcel for future neighborhood-style commercial development to serve the nearby Desert Lakes housing subdivision. Senior Planner League gave a brief overview of the goals and action strategies.

Chairwoman McCullar asked what the future neighborhood style commercial looks like.

Rebecca Bernier, West Tex Consulting, stated that they are looking at a coffee house or casino, they have lot of ideas but nothing is actually planned.

Chairwoman McCullar asked for public input. There was no public input.

Chairwoman McCullar asked council if they should have three votes. City Attorney Mouritsen stated that she should ask for 3 votes to keep it very clear, and vote separately on each item. That way, it can have an approval for the zoning map amendment or the conditional use permit if that is the way the Planning Commission decides to go and that is separate from the automatic technical denial in the master plan amendment.

Motion: MOVE TO ADOPT RESOLUTION 23-011 AND FORWARD A REQUEST OF CERTIFICATION TO CITY COUNCIL FOR THE COMPREHENSIVE MASTER PLAN AMENDMENT ASSOCIATED WITH MPA23001. **Action:** Denied, **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Barry Williams. **Vote:** Failed, **Summary:** Yes 4. **Yes:** Commissioner Hodges, Chairwoman McCullar, Commissioner Williams, Commissioner Wagner. **Absent:** Vice-Chair Lewis, Commissioner Lodhi, Commissioner Severa.

Motion: MOVE TO FORWARD A RECOMMENDATION OF APPROVAL TO CITY COUNCIL FOR THE ZONING MAP AMENDMENT ASSOCIATED WITH ZMA23001, CONTINGENT UPON

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MPA23001 PASSING. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 4. **Yes:** Commissioner Hodges, Chairwoman McCullar, Commissioner Williams, Commissioner Wagner. **Absent:** Vice-Chair Lewis, Commissioner Lodhi, Commissioner Severa.

Motion: MOVE TO APPROVE THE CONDITIONAL USE PERMIT ASSOCIATED CUP23005 SUBJECT TO CONDITIONS OF APPROVAL 1 THROUGH 26 AS SET FORTH IN THE STAFF REPORT. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 4. **Yes:** Commissioner Hodges, Chairwoman McCullar, Commissioner Williams, Commissioner Wagner. **Absent:** Vice-Chair Lewis, Commissioner Lodhi, Commissioner Severa.

2.4. (For Possible Action) Consideration and possible action to recommend that the City Council adopt Bill #331, an Ordinance to repeal and replace Section 32.06.140 (Planned Development) of the City of Fernley Development Code.

Planning Director Michelle Rambo reported that the Planned Development section of the City Code was last amended in 2020. Since that amendment, the interest in Planned Development throughout the City of Fernley has grown. The current Planned Development section is aimed at residential developments and does not include information on application requirements or an approval process. The proposed amendment has been written to not only include the missing processing information, but also to make it more applicable to non-residential developments. The proposed Code Amendment will make the requirements and process to approve a Planned Development much more clear to both City Staff and developers.

Commissioner Wagner asked what the advantage is to going this plan development route compared to the standard process that we usually go through.

Planning Director Rambo stated that plan developments are a tool the department uses to create a separate zoning category, where they may want to differ from parking standards or land use requirements. It does give a little more flexibility to the developer where the normal application of the development code would not.

Commissioner Hodges questioned whether a separate zone would need to be set up if a developer did not want to develop 40 acres and subdivides it for something else.

Planning Director Rambo stated that if the developer had not already got the DP approved then it would just be done as a regular development. If the development plan has been approved and then decide not to do the whole 40 acres, then the development plan would have to be modified, abandon it or come up with an alternative.

Chairwoman McCullar called for public input. There was none.

Motion: MOVE TO RECOMMEND THAT THE CITY COUNCIL APPROVE BILL #331 AMENDING SECTION 32.06.140 (PLANNED DEVELOPMENT) OF THE CITY OF FERNLEY DEVELOPMENT CODE AS PRESENTED BASED ON THE FINDINGS OUTLINED IN THE STAFF REPORT.

Action: Approved, **Moved by:** Commissioner Jan Hodges, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 4. **Yes:** Commissioner Hodges, Chairwoman McCullar, Commissioner Williams, Commissioner Wagner. **Absent:** Vice-Chair Lewis, Commissioner Lodhi, Commissioner Severa.

02.5. (For Possible Action) Consideration, discussion, and possible action regarding NRS Section

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278.253 (Ordinance for zoning of tiny homes) and how the Planning Commission would like to incorporate the requirement to allow tiny homes into the City of Fernley Development Code.

Planning Director Michele Rambo gave a presentation on tiny homes. During the 2021 Nevada Legislative Session, a bill was passed and signed by the governor requiring that all governing bodies within the state adopt regulations allowing tiny homes. This bill required that these regulations be adopted prior to January 1, 2023. As defined in the International Residential Code, a tiny home is 400 square feet or less excluding lofts, referred to as an Accessory Dwelling Unit (ADU). The City of Fernley already allows ADUs in most of the single-family residential zones. Section 32.07.020 of the Development Code contains regulations for ADUs that can be applied whether the ADU is more or less than 400 square feet. Modifying the existing section of the Development Code to specifically mention tiny homes would be fairly simple. The staff is looking for direct on which option the Planning Commission would like to pursue in the upcoming amendment to the Development Code. The Commission can recommend all three or just one. The options are: (A) designate at least one zoning district in which a tiny house may be located and classified as an accessory dwelling unit; (B) Designate at least one zoning district in which a tiny house is allowed to be located and classified as a single-family residential unit; or (C) designate at least one zoning district in which a tiny house may be located in a tiny house park.

Chairwoman McCullar asked if a pad was poured, put in water and sewer and parked an RV/fifth-wheel trailer there, would that be considered an ADU?

Planning Director Rambo stated that the International Building Code, in its definition for tiny homes, requires certain construction types. They are built much more like regular houses than RV's or fifth-wheelers. Technically, we could allow them or specifically prohibit those, depending on which way the Commission wants to go.

City Attorney Mouritsen stated that the NRS does specifically say that we must define a tiny house in accordance with the International Residential Code. RV's or fifth-wheelers would have to be done as something separate.

Commissioner Wagner would like to know where Lyon County stands on this.

Planning Director Rambo stated that Lyon County did do the ADU option.

Planning Director Rambo stated that by adopting one option we are not precluding other options, we can go back and change the options, whether it be 6 months from now or 5 years from now.

Chairwoman McCullar asked for public comment.

Public comment:

Fernley resident Debbie Skinner stated that she has experienced some tiny homes in her Desert Rose RV Park. They are mobile and very costly to transport. They do come on a trailer and axle, which makes them similar to a mobile home. Their construction is different. They are not designed to go down the road. They are making Park Models now which are very similar except they do not have holding tanks.

Motion: MOVE TO RECOMMEND TO THE CITY COUNCIL THAT STAFF PREPARE AN AMENDMENT TO THE DEVELOPMENT CODE INCORPORATING TINY HOUSES PER SECTION 278.253(2) WITH OPTION A PRESENTED BY STAFF OF THE NEVADA REVISED STATUTES, WITH THE ADDITIONAL RECOMMENDATION THAT ACCESSORY DWELLING UNITS BE CONSTRUCTED ON PERMANENT FOUNDATIONS. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 4. **Yes:** Commissioner Hodges, Chairwoman McCullar, Commissioner Williams, Commissioner Wagner. **Absent:** Vice-Chair Lewis, Commissioner Lodhi, Commissioner Severa.

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3. CHAIR AND COMMISSION ITEMS

Commissioner Wagner reminded everyone of the upcoming Fernstock on Saturday, August 12, 2023, that will be raising funds for the Community Response and Resource Center and the Boys and Girls Club.

4. PLANNING DIRECTOR ITEMS

Planning Director Michele Rambo informed the Commission that the department will have the revised by-laws ready for the September meeting. There will be a transportation master-plan presentation at the October meeting. There have been three proposals for the North Fernley area plan. There are interviews with all 3 groups on Tuesday, August 15, 2023.

5. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

There were none.

6. PUBLIC FORUM

There were none.

The next meeting will be September 13, 2023, at 5:00 PM.

7. ADJOURNMENT

There being no further business to come before it, the Fernley Planning Commission meeting adjourned at 6:13 PM.

Approved by the Fernley Planning Commission on _____, by a vote of:

AYES _____ NAYS: _____ ABSTENTIONS: _____ ABSENT: _____

Chairwoman Jenni McCullar

ATTEST:



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: September 13, 2023

REPORT TO: Fernley Planning Commission

REPORT FROM: Michele Rambo, Planning Director

FINANCIAL IMPACT:

Yes: No: X

CURRENTLY BUDGETED:

Yes: No: X

FUND/ACCOUNT:

N/A

ACTION REQUESTED: Motion

AGENDA ITEM:

(For Possible Action) Consideration and possible action to uphold the decision of the Planning Director denying a Reasonable Accommodation request (RAD23001) to allow the keeping of livestock at 2836 South Fork Road.

AGENDA ITEM BRIEF:

The owner of 2836 South Fork Road was the subject of a neighbor complaint for the three goats being kept on the property. Goats fall into the category of livestock, which is not permitted in the SF20 zoning district in which the property falls. To keep the goats, the property owner applied for a Reasonable Accommodation based on the claim that the goats are emotional support animals. The Planning Director carefully reviewed the application materials and determined (with the assistance of the City Attorney) that the requirements for a Reasonable Accommodation had not been met and denied the request. The applicant is now appealing this decision.

RECOMMENDED MOTION:

I move to uphold the decision of the Planning Director and deny RAD23001 based on Findings RAD2, RAD3, RAD4, and RAD5 not being met.

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:

Alternate Motion:

I move to reverse the decision of the Planning Director and City Attorney and approve RAD23001 based on the fact that all five findings can be made because _____. In addition, I move to add the following conditions of approval:

1. The approval of RAD23001 shall be rescinded upon the disabled person vacating the property.
2. The businesses (airbnb and selling of goat's milk products) being run out of this residence shall obtain business licenses and pay the appropriate taxes, including transient occupancy tax.

Alternate Motion 2:

I move to allow the applicant to keep the goats in question for a temporary period of 730 days. At the end of this time, the goats shall be removed from the property. In addition, I move to add the following conditions of approval:

1. The approval of RAD23001 shall be rescinded upon the disabled person vacating the property.
2. The businesses (airbnb and selling of goat's milk products) being run out of this residence shall obtain business licenses and pay the appropriate taxes, including transient occupancy tax.

(The City Attorney may provide more specific language during the meeting.)

BACKGROUND:

City of Fernley Animal Control received a complaint on May 2, 2023 regarding livestock being kept at 2836 South Fork Road. After an investigation, the City's Animal Control Officer sent a letter to the property owner dated June 1, 2023 informing the property owner that they would need to remove the goats from the property. The property owner then contacted the Planning Department to find out what they could do to keep the goats. Planning staff recommended that they apply for a Reasonable Accommodation. The application was received on June 29, 2023.

Section 32.03.100(d) of the City of Fernley Development Code outlines the purpose of a Reasonable Accommodation as:

"It is the policy of the City of Fernley to provide individuals with disabilities reasonable accommodation in its rules, policies, practices, and procedures to ensure the equal access to housing and facilitate the development of housing for individuals with disabilities in compliance with the Federal Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (referred to herein as the 'Federal Acts.') This section provides a procedure for making requests for reasonable accommodations in land use and zoning policies, practices, and procedures of the City of Fernley to comply fully with the intent and purpose of the Federal Acts. Nothing in this section requires persons with disabilities or operators of community residences for persons with disabilities acting or operating in accordance with applicable zoning, licensing, or land use laws or practices to seek reasonable accommodation under this section."

After reviewing the application and the findings (discussed below), the Planning Director determined that even though the applicant does have a disability, there is no evidence showing that allowing the goats on the property is the only accommodation possible to provide an equal benefit. In other words, there was nothing provided to show that any of the goats provide a benefit that another permissible animal or accommodation could not provide. Therefore, a letter dated July 7, 2023 was sent to the property owner denying their request for the Reasonable Accommodation.

ANALYSIS:

Section 32.02.030 of the City of Fernley Development Code defines livestock as "any animal generally used for

production, commercial or recreational purposes, including: All horses, mules, burros, asses, or animals of the equine species; all cattle or animals of the bovine species; all swine or animals of the porcine species, except Vietnamese potbellied pigs; **all goats** or animals of the caprine species; all poultry and large fowl birds (except as provided in Chapter 32.07); all sheep or animals of the ovine species; all llamas and animals of the llama species". Section 32.07.050(d) of the Development Code discusses the requirements for having livestock, which include a minimum lot size of one acre within the GR20, RR5, RR1, and RR ½ zoning districts. Section 32.07.050(d)(3) further states that "other than as provided above, it is unlawful to keep livestock for any purpose in any other zoning district of the city."

The property located at 2836 South Fork Road is zoned SF20 (Single-Family Residential – 20,000 square foot minimum lot size). Based on the information found in the City of Fernley Development Code discussed above, the keeping of livestock is not allowed on the subject property as a general rule. However, the City of Fernley is sensitive to the unique needs of disabled people and did extensive research regarding emotional support animals. What staff discovered is that there are guidelines for Reasonable Accommodations under the Fair Housing Act.

First, the City reviewed whether an accommodation is required under the Fair Housing Act. The U.S. Department of Housing and Urban Development issued a guidance document in January 2020 titled "Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act". This document proved helpful in determining if the three goats in question qualified as a reasonable accommodation. The document leads the reader through a series of questions (which will be discussed in depth at the Planning Commission meeting) that ultimately lead staff to the question of "Is the animal commonly kept in households?". If the answer is no, a reasonable accommodation is not required.

Second, staff had to examine whether or not the skills provided by these specific goats (what the HUD document referenced above considers "unique animals") can be provided by any other animal more commonly found in a household and whether those skills could be held by an animal that complies with the City's land use standards. Specifically:

- Is the animal individually trained to do work or perform tasks that cannot be performed by a dog?
- Does the person have allergies which prevent them from using a dog?
- Would the symptoms of the person's disability significantly increase without the unique animal?

The information provided by the applicant in their application does not show that these specific goats meet any of these criteria. The application does mention the need for goat's milk, but does not specify if it is one particular goat's milk or if benefits could be obtained from goat's milk bought in a grocery store. In addition, a goat producing milk is not a trained skill as required in the first criteria nor is it addressing the emotional health of the applicant.

During the Animal Control investigation, it was discovered that the goats are being used as part of two different businesses being operated out of the home. The applicant had posted a room for rent on a short-term rental site using the goats as an incentive for people to rent a room in her home. In those ads, and others found around the internet, the applicant is also selling products made from the goats' milk as a therapeutic and medicinal product. Neither of these businesses have the required City of Fernley licenses. In addition, any short-term rental is required to pay transient occupancy tax, which is not happening in this instance. If the Planning Commission reverses staff's decision and decides to grant the reasonable accommodation, Staff is recommending that a condition be added requiring that the property owner obtain the required business license(s) and pay appropriate taxes.

There is another important thing to consider in whether the reasonable accommodation is granted. The

Planning Commission would be setting a precedent that could have unintended consequences. By allowing one resident to have a “unique animal” as an emotional support animal, the Planning Commission is opening up the possibility of having to allow other livestock or exotic animals in similar residential zoning districts. While support animals, mostly dogs, are sometimes essential for a disabled person, zoning requirements are intended to protect neighborhoods from incompatible uses, including farm animals.

The requested accommodation would fundamentally alter the nature of the current zoning regulations for single-family residential districts. Single-family residential zones are generally considered to be urban in nature with small to medium lots and no agricultural activity. The allowance of livestock would change the character of the existing neighborhood and potentially cause additional concern from neighbors. Livestock creates noise, odor, and sanitation issues that are not appropriate for suburban residential neighborhoods.

The approval of this reasonable accommodation request would result in the need for a fairly substantial modification to the City of Fernley Development Code. As mentioned in the findings below, this would create an undue financial and administrative burden on the city in the form of costly public hearing notices and the use of staff time that could be spent on projects of higher priority that benefit every resident.

City Staff would be willing to consider alternative accommodations that do not fundamentally change or alter an essential city law. The applicant has proposed one alternative that the goats be allowed to stay on the property on a temporary basis for a period of two years, or 730 days. This alternative would still constitute a fundamental change and alter a city law. However, the Planning Commission would have the authority to potentially grant this request as a compromise.

FINDINGS:

In order to approve a Reasonable Accommodation request, Section 32.03.100(d) of the Development Code requires that the City must consider the following factors:

RAD1

Whether the housing, which is the subject of the request, will be used by one or more individuals with a disability as defined under the Federal Acts.

Based on the information received by the City of Fernley, there is evidence that the applicant has a disability.

RAD2

Whether the request for a reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Federal Acts.

The applicant has not proven that a reasonable accommodation is necessary. The applicant has not shown that alternative accommodations would not be sufficient to accommodate the disability. Additionally, according to the HUD document referenced above, goats do not qualify as a reasonable accommodation due to their “unique animal” status.

RAD3

Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city.

The requested accommodation would impose an administrative burden on the city to manage the regulatory change allowing goats in the area.

RAD4

Whether the requested accommodation would fundamentally alter the nature of a city program or law, including, but not limited to, land use and zoning.

The requested accommodation would fundamentally alter the nature of the current zoning regulations for single-family residential districts. The allowance of livestock would change the character of the existing neighborhood and potentially cause concern from neighbors. Livestock creates noise, odor, and sanitation issues that are not appropriate for suburban residential neighborhoods.

RAD5

If the city determines that the applicant's request would impose an undue financial or administrative burden on the city, or fundamentally alter a city program or law, it may propose an alternative accommodation that would provide an equal benefit. In the event the city makes a determination not to accommodate an applicant's initial request, this determination shall be documented.

The applicant has failed to show how alternative accommodations may be sufficient to provide an equal benefit. The City has been provided with insufficient information to evaluate whether there exist possible alternative accommodations that would do so without fundamentally altering city law.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

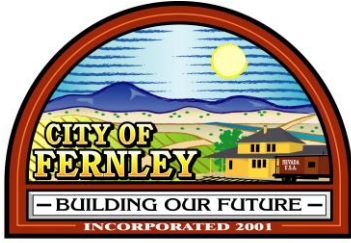
Fernley Development Code Section 32.02.030
Fernley Development Code Section 32.03.100(d)
Fernley Development Code Section 32.07.050(d)
Federal Fair Housing Act
Section 504 of the Rehabilitation Act
Americans with Disabilities Act

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. RAD23001 Decision Letter
2. 2023.7.31 ESA goats Appeal_



Planning Department

Permits
Planning
Development Review
Sustainability

July 7, 2023

Christopher and Brittnei Herlickson
2836 South Fork Road
Fernley, NV 89408

Re: Reasonable Accommodation Application (RAD23001)

Dear Mr. and Mrs. Herlickson:

The City of Fernley Planning Department, in coordination with the City Attorney, has reviewed your application for a Reasonable Accommodation to allow three goats to live on your property located at 2836 South Fork Road. Unfortunately, the City of Fernley cannot grant your request at this time.

Per Section 32.02 of the Fernley Development Code, goats fall under the definition of livestock. Section 32.07.050(d)(3) of the same code states that it is unlawful to keep livestock for any purpose in any area of the city other than the General Rural and Rural Residential zoning districts. Your property falls within a Single-Family Residential zoning district. Therefore, the keeping of goats is not allowed.

In order to approve a Reasonable Accommodation request, Section 32.03.100(d) of the Development Code requires that the City must consider the following factors:

1. Whether the housing, which is subject to the request, will be used by one or more individuals with a disability as defined under the Federal Acts.

Based on the information received by the City of Fernley, there is evidence that the applicant has a disability.

2. Whether the request for a reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Federal Acts.

The applicant has not proven that a reasonable accommodation is necessary. The applicant has not shown that alternative accommodations would not be sufficient to accommodate the disability. Additionally, two of the three goats do not meet the basic requirements to be an accommodation.

3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city.

The requested accommodation would impose an administrative burden on the city to manage the regulatory change allowing goats in the area.

4. Whether the requested accommodation would fundamentally alter the nature of a city program or law, including, but not limited to, land use and zoning.

The requested accommodation would fundamentally alter the nature of the current zoning regulations for single-family residential districts. Single-family residential zones are generally considered to be urban in nature with small to medium lots and no agricultural activity. The allowance of livestock would change the character of the existing neighborhood and potentially cause concern from neighbors. Livestock creates noise, odor, and sanitation issues that are not appropriate for suburban residential neighborhoods.

5. If the city determines that the applicant's request would impose an undue financial or administrative burden on the city, or fundamentally alter a city program or law, it may propose an alternative accommodation that would provide an equal benefit.

The applicant has failed to show how alternative accommodations may be sufficient to provide an equal benefit. The City has been provided with insufficient information to evaluate whether there exist possible alternative accommodations that would do so without fundamentally altering city law.

Therefore, having reviewed the information provided by the applicant for a reasonable accommodation, the City DENIES the accommodation request. The applicant has failed to show that such a fundamental change in the very nature of the city's land use plan and zoning requirements would be justified where no other alternative accommodations would be sufficient. Insufficient information has been provided for the City to determine if an alternative accommodation that did not include goats would be sufficient. The weight of factors weighs against the granting of such an accommodation.

You may appeal this decision to the Planning Commission. To do so, please provide a written request for an appeal within 20 days providing information to address the five factors outlined in this letter. Once received, the appeal will be scheduled for the next available Planning Commission meeting. Please note that the Planning Commission meets once a month on the second Wednesday. The soonest possible Planning Commission meeting would be August 9, 2023.

Sincerely,



Michele Rambo, AICP
Planning Director

ESA Goat Appeal

2836 south fork rd.

1. Based on the information received by the City of Fernley, there is evidence that the applicant has a disability.
2. Whether the request for a reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Federal Acts.

Without the accommodation, the disabled person in question is put under more physical, emotional, and financial strain being unable to have her ESAs housed along with her at 2836 south fork.

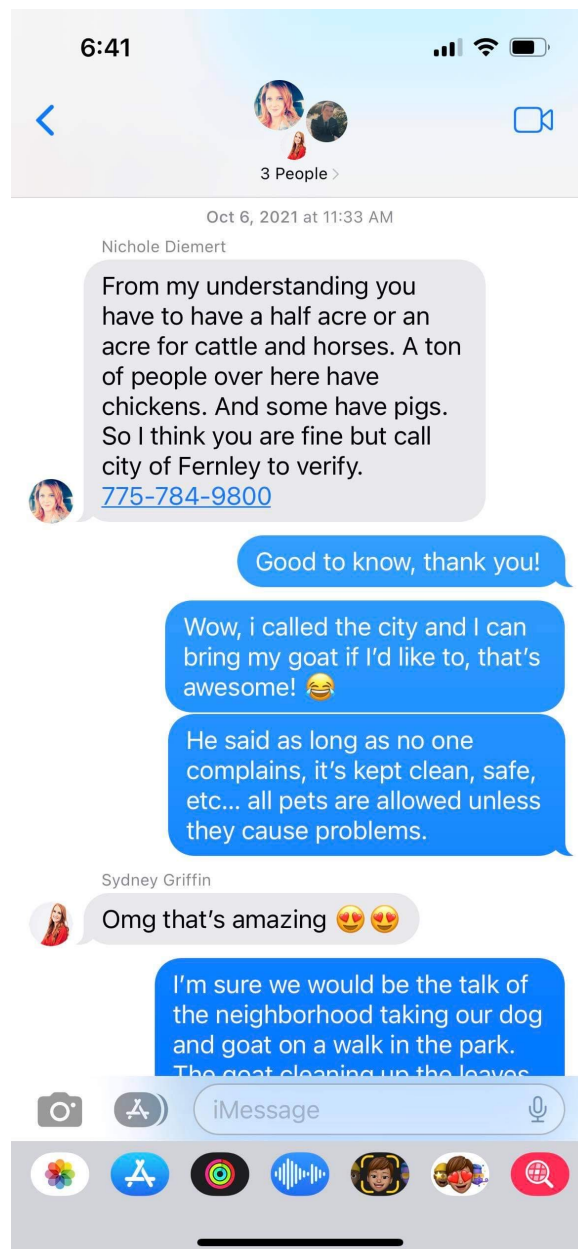
Physical, because another boarding facility has increased amounts of walking, uneven ground, and has increased general difficulties doing basic upkeep for the animals she needs. (Feeding, watering, cleaning of stall) the distance required to walk over uneven terrain to get a water hose, or use a wheelbarrow to dump compost, is nearly 10 times more than was required at 2836 south fork. This increases the chances of further injury to the disabled.

Emotional, because the animals are housed in an area that the disabled is not able to monitor to assure her ESAs safety from predators, increasing already present anxiety issues, the ESAs are also not easily available in times of acute episodes where she needs their calm grounding energy to come down from anxiety attacks, panic attacks, or overwhelming times of grief.

Financial, because now the disabled is having to pay a monthly boarding fee, use extra gas commuting to and from the boarding facility twice a day, and further challenges in attempting to find work that can accommodate the schedule. The disabled currently is unable to hold a job due to her physical limitations, and is working on overcoming them enough to be able to hopefully start part time work.

In addition to these reasons, we also contacted the city before purchasing our home at 2836 south fork, and specifically inquired about the address and if the goats would be allowed there. Here is the screenshot of the conversation with my realtor as proof, she gave me the number to the city, and I reported back on the

answer I received. We purchased our property with full assurance from the city planning department in October 2021 that our ESA goats would be allowed. If we would have been told goats were not allowed at 2836 south fork, we would not have purchased it, and would have instead purchased another property that they were allowed. Unfortunately interest rates have increased to the point that we can not afford to sell and purchase another property.





3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city.

The goats have been housed at 2836 south fork since November 2021 without posing any financial strain on the city. I am requesting accommodation for one property, I am not requesting that any laws or codes be changed for the general public. There is no indication that this lack of financial burden will change in the future.

4. Whether the requested accommodation would fundamentally alter the nature of a city program or law, including, but not limited to, land use and zoning.

You can not see the ESAs from the road, you must be in the driveway to see the ESAs night time shelter in the garage, and only if the garage is open. From the outside, the property continues to appear to be exactly like all the other surrounding properties. From video evidence on our security camera of the day we were reported, there is convincing evidence the report was filed by the UPS delivery person, who acted irregularly and appears to have entered our garage while it was open on May 2nd.

We also pose that the requested accommodation would not alter how the city of Fernley currently is, a drive through town will find agriculture animals all throughout its inner and outer city limits. There are horses on properties less than an acre (I will not be reporting them, because I do not see neglect to the animal.) I pose that I am being singled out, if the city is to impose these regulations on one disabled person who is in need of the animal, the city should impose these

regulations on the whole of the city with all the people who are not in need of these animals for their physical and mental well being.

Our Neighbors all adore the goats and are ready and willing to sign petitions to have them stay. If there ever is an issue with them becoming a nuisance to a neighbor, I would happily work to find a solution.

Dog feces is a much bigger issue than goat, because we use our goat poop as compost to further build up and make our soil more habitable to our garden plants. Dog poop on the other hand has to be picked up by hand and thrown away in the trash can, due to the dog's meat based diet, to avoid contaminating areas. When we moved here, the previous owners had 3 Great Danes, the side yard was hard packed dirt and covered in disgusting dog feces. Now our side yard has been slowly transformed into an area that we soon will be planting grasses and making a enjoyable outdoor space.

5. If the city determines that the applicant's request would impose an undue financial or administrative burden on the city, or fundamentally alter a city program or law, it may propose an alternative accommodation that would provide an equal benefit.

This fifth element looks to be something the city must provide to me, rather than a element that I must prove to the city.



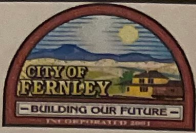
What had been previously set up in the garage as a safe nighttime sleeping area (currently moved to the goats current location)

My three little girls



Our very large back yard that they have access to in the daytime





Planning Department
595 Silver Lace Blvd, Fernley, NV 89408
Development Application

APPLICATIONS, PLANS, AND/OR SUPPORTING DOCUMENTATION THAT ARE INCOMPLETE OR ILLEGIBLE WILL NOT BE ACCEPTED.

Please complete all sections that apply to you and/or your project. Various applications are only accepted on the application deadline dates. Please call before you submit to verify that someone will be available to assist you at (775) 784-9810.

☐ ADMINISTRATIVE REVIEW (AR)	☒ APPEAL (APP)
☐ ANNEXATION (ANX)	☐ PLANNED DEVELOPMENT (PD)
☐ CONDITIONAL USE PERMIT (CUP)	☐ DEVELOPMENT AGREEMENT (DA)
☐ MAJOR DEVIATION (MJD)	☐ TEMPORARY USE PERMIT (TUP)
☐ MASTER PLAN AMENDMENT (MPA)	☐ VARIANCE (VAR)
☐ MINOR DEVIATION (MND)	☐ REASONABLE ACCOMMODATION (RAD)
☐ ZONING MAP AMENDMENT (ZMA)	☐ OTHER:

Applicant's Name: <u>Christopher J Herliokson</u>		Signature: <u>Christopher Herliokson</u>		Primary Contact? <u>Yes</u>	
Company Name:					
Address: <u>2836 South Fork Road</u>					
City: <u>Fernley</u>		State: <u>Nevada</u>		Zip Code: <u>89408</u>	
Phone No.:		Cell No.: <u>916-409-3229</u>		Email: <u>brittnigirl973@gmail.com</u>	
Fax No.:					

Property Owners Name: <u>Same as Applicant</u>				Primary Contact?	
Company Name:					
Address:					
City:		State:		Zip Code:	
Phone No.:		Cell No.:		Fax No.:	

Engineer / Representative: <u>N/A</u>				Primary Contact?	
Company Name:					
Address:					
City:		State:		Zip Code:	
Phone No.:		Cell No.:		Fax No.:	

Brief Project Type/Description (Attach Detailed Project Type / Description):
Appeal of staff's denial of RAD23001, a Reasonable Accommodation application to allow for 3 emotional support goats within a single-family residential neighborhood.

Subdivision/Project Name And/Or Phase: Truckee River Ranch Phase 2

Project Location (Street Address): 2836 South Fork Road, Fernley, NV 89408

Assessor's Parcel Number(s): 022-421-03

Current Zoning: SF20

Comprehensive Plan Land Use Designation: SFR

Total Project Acreage: <u>0.22</u>	% Commercial: <u>N/A</u>	CITY UTILITIES	
Number of Parcels Proposed: <u>N/A</u>	% Open Space: <u>N/A</u>	Water:	Sewer
		☒ Currently Served	☒ Currently Served
		☐ Proposed	☐ Proposed

Previous Applications For This Site? ☒ Yes ☐ No
List Previous Application No(s) And Names: RAD23001

2009 Flood Zone Designation: ☐ A ☐ AE ☐ AH ☐ AO N/A

FEMA Map No.: N/A

Application Filing Date:	Office Use Only	Application Fee: <u>\$0</u>
Application No.:	Development Review Meeting	Outsource Fee: <u>N/A</u>
Application Intake By:	Date: <u>N/A</u>	Noticing Fee: <u>N/A</u>
Planner:	Time: <u>N/A</u>	Total Due: <u>\$0</u>

Rev. May 20, 2020

This form may be revised without notification

LETTER OF AUTHORIZATION

This letter shall serve to notify and verify the I/we am/are the legal owner(s) of the property being considered under this application and do hereby authorize the above representative to file and represent my/our interest in this application.

I/we am/are the legal owner(s) of said property; have read the foregoing "Letter of Authorization" and know the contents thereof; and so hereby certify (or declare) under penalty of perjury under the laws of the State of Nevada that the information contained in this application is true and correct.

OWNER(S) OF RECORD: *(Include all signatures-provide extra sheets if necessary)*

<u>Christopher J Herlickson</u> (Print Name)	<u><i>Christopher Herlickson</i></u> (Signature)	<u>26 JUL 2023</u> (Date)
_____	_____	_____
(Print Name)	(Signature)	(Date)

I certify under penalty of perjury that I am the applicant and that the foregoing statements and answers contained herein and the information herein submitted, are in all respects true and correct. I grant permission to City staff and officials to enter the property to conduct inspections/site visits necessary for the review of the project. I also certify that all plans and submittal requirements are in accordance with the Nevada Revised Statutes and City Code, have been drawn to a standard engineering scale (e.g. 1"=20', 1"=50', 1"=100') or architectural scale (e.g. 1/4"=1', 1/8"=1') that is appropriate to the project size, and clearly define and identify all of the required information.

APPLICANT:

_____	_____	_____
(Print Name)	(Signature)	(Date)

APPLICANT'S ENGINEER/REPRESENTATIVE.

_____	_____	_____
(Print Name)	(Signature)	(Date)

City of Fernley Development Code, Section 32.03.030, Common Review Procedures: The City will not process incomplete applications. Review for completeness of application forms is solely to determine whether preliminary information required for submission with the application is sufficient to allow further processing. A determination of completeness shall not constitute a decision as to whether an application complies with the City's Development Code.

Note: Development review meetings are preliminary nature and comments expressed by staff should not be construed as being Conditions of Approval for any project application.

Chapters Therapeutic Counseling

1215 East 58th Street
Tacoma, Washington 98404
(253) 579-8422
julie.chapters@gmail.com
WA LH61025495
NV CP5146-R

June 4, 2023

I recently evaluated Brittini Herlickson's (DOB 12/04/1989) mental health and/or emotional need(s). I have a professional relationship with this client regarding the provision of healthcare and/or disability-related services and the information set forth in this letter is based upon personal knowledge of Brittini (i.e., knowledge used to diagnose, advise, counsel, treat, or provide health care or other disability-related services).

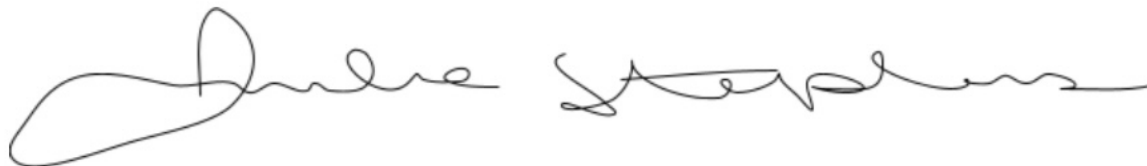
My client meets the definition of disability under the Fair Housing Act and the Rehabilitation Act of 1973. My client's mental health disorder, which is recognized in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) handbook, substantially limits one or more major life activities or major bodily functions, including the ability to care for one's self and work.

To help with these limitations, I am recommending up to three emotional support animals. These emotional support animals, three Nigerian Dwarf Goats named Magnolia, Aspen, Ginkgo, are necessary to provide therapeutic emotional support that alleviates symptoms of my client's diagnosis and to enhance my client's ability to function and live independently and fully use and enjoy the dwelling unit you own and/or administer. Magnolia provides calming and grounding. Aspen provides safety and security. Their other goat, named Ginkgo, helps with routine and motivation (executive functioning). My client's emotional support animals help them to cope with stress and unpredictability associated with their disability and leave the isolation of home. Please allow my client to live with their ESAs as a reasonable accommodation under The Fair Housing Amendments Act of 1988.

Please note that pursuant to guidance issued by the U.S. Department of Housing and for privacy reasons, details about the diagnosis or severity of my client's disability and medical records may not be disclosed.

In addition, if this letter is being presented to an airline that allows for ESA accommodations, please allow my client to be accompanied by their emotional support animals in the cabin of the aircraft.

Sincerely,



NPI 1437635612 This letter is valid for one year.



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: September 13, 2023

REPORT TO: Fernley Planning Commission

REPORT FROM: Michele Rambo, Planning Director

FINANCIAL IMPACT:

Yes: No: X

CURRENTLY BUDGETED:

Yes: No: X

FUND/ACCOUNT:

N/A

ACTION REQUESTED: Motion

AGENDA ITEM:

(For Possible Action) Consideration, discussion, and possible action to recommend that the City Council adopt Bill #332, an Ordinance to amend Section 32.07.020 (Accessory Dwellings) of the City of Fernley Development Code to conform with NRS Section 278.253 regarding tiny houses.

AGENDA ITEM BRIEF:

During the 2021 Nevada Legislative Session, a bill was passed and signed by the governor requiring that all governing bodies within the state adopt regulations allowing tiny homes. This bill required that these regulations be adopted prior to January 1, 2024. Based on direction received from both the City of Fernley Planning Commission and City Council, staff has prepared an amendment to Section 32.07.020 (Accessory Dwellings) allowing tiny homes on permanent foundations as accessory dwelling units.

RECOMMENDED MOTION:

I move to recommend that the City Council adopt Bill #332, an Ordinance to amend Section 32.07.020 (Accessory Dwellings) of the City of Fernley Development Code to incorporate tiny homes on permanent foundations.

BUSINESS IMPACT (per NRS Chapter 237):

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

See attached report for background, analysis, alternatives.

ALTERNATIVES:

I move to recommend that the City Council does not adopt Bill #332 to amend Section 32.07.020 (Accessory Dwellings) of the City of Fernley Development Code because _____.

BACKGROUND:

In 2021, the Nevada Legislature passed, and the governor signed, a bill enacting NRS Section 278.253 (Ordinance for zoning of tiny houses). This section requires that all jurisdictions in Nevada have provisions to allow tiny homes in their codes before January 1, 2024. Subsection 2 is relevant for the City of Fernley and states:

“2. A governing body of a county whose population is less than 100,000 or a governing body of a city whose population is less than 150,000 shall adopt an ordinance for the zoning of tiny houses that:

1. Designates at least one zoning district in which a tiny house may be located and classified as an accessory dwelling unit;
2. Designates at least one zoning district in which a tiny house is allowed to be located and classified as a single-family residential unit; or
3. Designates at least one zoning district in which a tiny house may be located in a tiny house park.”

As defined in the International Residential Code, a tiny home is 400 square feet or less excluding lofts. There is growing interest for tiny homes throughout the United States as the cost of housing continues to increase. Tiny homes are generally more affordable and, in some cases, can be moved around from place to place, avoiding the need to purchase land.

Subsection 4(a)(1) of NRS 278.253 allows each governing body to include other requirements for tiny homes that it determines necessary. Therefore, while NRS does require that tiny homes be allowed in every community, it allows each governing body to set restrictions on them. This could include parking, architectural design, access, setbacks, etc.

At recent meetings of both the Planning Commission and the City Council, staff was directed to amend the City of Fernley Development Code in conformance with Option A. This amendment consists of four changes.

1. Specifying the zoning district in which accessory dwelling units are allowed.
2. Adding RVs and travel trailers to the list of prohibited types of accessory dwelling units.
3. Specifying that tiny homes on permanent foundations are allowed as accessory dwelling units.
4. Restricting the size of tiny homes to the 400 square foot maximum as defined by the International Residential Code.

The Accessory Dwellings section already includes several regulations that apply to all accessory dwelling units, whether tiny homes or not. These include:

- One additional off-street parking space is required
- The property owner must live on the property as their primary residence
- Deed restrictions are required prohibiting the sale of the accessory dwelling
- The accessory dwelling is required to use the same water, electric, and gas meters as the primary residence

- Accessory dwellings are required to follow the same setbacks at the primary residence

Accessory dwellings can not get a separate address

RELEVANT LAWS, STATUTES, AND REGULATIONS:

Section 32.07.020 (Accessory Dwellings)

NRS Section 278.253

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Bill 332
2. Accessory Dwellings Master

BILL #332
CITY OF FERNLEY
ORDINANCE # _____

AN ORDINANCE AMENDING TITLE 32, CHAPTER 07, SECTION 020 (ACCESSORY DWELLINGS) OF THE FERNLEY MUNICIPAL CODE TO CONFORM WITH NRS SECTION 278.253 REGARDING TINY HOUSES, AND OTHER MATTERS RELATED THERETO.

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

Section 1. Chapter 32.07.020 is hereby amended as follows:

Sec. 32.07.020. - Accessory dwellings.

Purpose: Certain accessory structures may be converted to or developed for residential dwelling uses to promote efficient use of land. This section allows accessory dwelling units (ADUs) with standards to ensure that they do not change the residential character of the principal use. This provides affordable living options in prescribed zoning districts, while protecting their character and maintaining compatibility between uses. Examples of living arrangements for ADUs include seniors occupying a second family living unit or apartment, or families with elderly parents unable to live completely alone.

(a) *Applicability.* This section applies to any accessory dwelling unit ("ADU").

(b) *Where allowed.*

(1) An ADU may be located in those zoning districts shown in Table 32.06.150-2 (Use Table).

(2) An ADU may be:

- a. Constructed as a new building;
- b. Adapted from an existing building into an existing accessory structure on the same lot; or
- c. Adapted from part of the main structure.

(3) Only one ADU is allowed on a lot.

(4) An ADU is not allowed on a nonconforming lot.

(5) Mobile homes/RVs/Travel Trailers cannot be used as accessory dwelling units in any zoning district.

(6) A tiny home (as defined in the International Residential Code) with a permanent foundation is allowed for use as an ADU.

(c) *Standards.*

(1) Accessory dwellings shall not exceed a gross floor area of 1,000 square feet or more than 50 percent of the main structure's floor area, whichever is less.

- a. Tiny homes shall not exceed 400 square feet as defined in the International Residential Code.

(2) Where the unit is attached, a separate entrance to the accessory dwelling is allowed, but only one entrance may be visible from the front property line.

(3) The property owner must live on the property and maintain one of the units as the primary residence.

(4) Deed restrictions. Before obtaining a building permit, the property owner shall file with the county recorder a declaration or agreement of restrictions which has been approved by the city attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner stating that:

- a. The accessory dwelling unit shall be considered legal only so long as either the primary residence or the accessory dwelling is occupied by the owner of the property;
 - b. The accessory dwelling cannot be sold separately;
 - c. The restrictions shall be binding upon any successor in ownership of the property, and lack of compliance may result in legal action against the property owner.
- (5) The accessory dwelling shall be compatible with the primary dwelling in terms of architectural style and building materials.
- (6) On parcels of less than one acre, all accessory dwellings shall be single-story.
- (7) Accessory dwellings shall be in conformance with the setback requirements of the permissive main structure of the zoning district in which it is located.

- 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 #332 BEING HEREBY PROPOSED on the ____ day of _____, 2023.

BILL #3312 BEING HEREBY PASSED, APPROVED, and ADOPTED this ____ day of _____, 2023, 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

Sec. 32.07.020. - Accessory dwellings.

Purpose: Certain accessory structures may be converted to or developed for residential dwelling uses to promote efficient use of land. This section allows accessory dwelling units (ADUs) with standards to ensure that they do not change the residential character of the principal use. This provides affordable living options in prescribed zoning districts, while protecting their character and maintaining compatibility between uses. Examples of living arrangements for ADUs include seniors occupying a second family living unit or apartment, or families with elderly parents unable to live completely alone.

(a) *Applicability.* This section applies to any accessory dwelling unit ("ADU").

(b) *Where allowed.*

(1) An ADU may be located in those zoning districts shown in Table 32.06.150-2 (Use Table).

(2) An ADU may be:

- a. Constructed as a new building;
- b. Adapted from an existing building into an existing accessory structure on the same lot; or
- c. Adapted from part of the main structure.

(23) Only one ADU is allowed on a lot.

(34) An ADU is not allowed on a nonconforming lot.

(45) Mobile homes/RVs/Travel Trailers cannot be used as an accessory dwelling units in any zoning district.

(6) A tiny home (as defined in the International Residential Code) with a permanent foundation is allowed for use as an ADU.

(c) *Standards.*

(1) Accessory dwellings shall not exceed a gross floor area of 1,000 square feet or more than 50 percent of the main structure's floor area, whichever is less, ~~or have more than one bedroom.~~
a. Tiny homes shall not exceed 400 square feet as defined in the International Residential Code.

(2) ~~Parking requirements: A minimum of one off-street parking space must be provided in addition to any parking required for the main dwelling or principal use.~~

(3) Where the unit is attached, a separate entrance to the accessory dwelling is allowed, but only one entrance may be visible from the front property line.

(4) The property owner must live on the property and maintain one of the units as the primary residence.

(5) Deed restrictions. Before obtaining a building permit, the property owner shall file with the county recorder a declaration or agreement of restrictions which has been approved by the city attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner stating that:

- a. The accessory dwelling unit shall be considered legal only so long as either the primary residence or the accessory dwelling is occupied by the owner of the property;
- b. The accessory dwelling cannot be sold separately;
- c. The restrictions shall be binding upon any successor in ownership of the property, and lack of compliance may result in legal action against the property owner.

(6) The accessory dwelling shall be compatible with the primary dwelling in terms of architectural style and building materials.

(7) ~~The accessory dwelling shall utilize the same water, electric, and gas meters as the principal dwelling unit. If the site is served by a well or septic, all applicable NRS and NAC standards shall be met.~~

(8) On parcels of less than one acre, all accessory dwellings shall be single-story.

(9) Accessory dwellings shall be in conformance with the setback requirements of the permissive main structure of the zoning district in which it is located.

(10) ~~Accessory dwellings shall not obtain a separate address.~~
~~(Ord. No. 2020-005, § 1(Exh. A), 3-4-2020)~~



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: September 13, 2023

REPORT TO: Fernley Planning Commission

REPORT FROM: Shay League

FINANCIAL IMPACT:

Yes: No: X

CURRENTLY BUDGETED:

Yes: No: X

FUND/ACCOUNT:

N/A

ACTION REQUESTED: Motion

AGENDA ITEM:

(For Possible Action) Consideration, discussion, and possible action regarding MJD23002, a Major Deviation request from Lumos & Associates on behalf of Cari and Martin Bunyard to allow the creation of two, 2.5-acre lots in the Rural Residential, 5-acre minimum lot size (RR5) zone on a site ±5.00-acres size and approximately located at 1000 Jenny's Lane (APN: 020-351-03).

AGENDA ITEM BRIEF:

The applicants seek to file a tentative parcel map and final parcel map to subdivide their 5-acre property into two separate equally sized lots. Their lot may not currently be subdivided because it is zoned RR5. The Major Deviation would allow the reduction in lot size.

RECOMMENDED MOTION:

Approval

"I move to approve Major Deviation MJD23002 based on findings MJD1 - MJD4 and the facts supporting those findings as set forth 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 on information received in written materials and the public hearings on this matter I am unable to make the required finding(s) _____ as (it/they) relate(s) to _____. I move to deny Major Deviation MJD23002."

Note: Though no further motion language has been provided, all motions made in accordance with City of Fernley Planning Commission parliamentary procedure are appropriate.

BACKGROUND:

The subject parcel is surrounded by 1 to 2.5-acre parcels zoned Rural Residential, 1-acre minimum lot size (RR1). Apart from a few parcels to the southeast, it is the only RR5 lot in this general vicinity. In figure 1 below, the subject parcel is outlined in red at the center of the image.

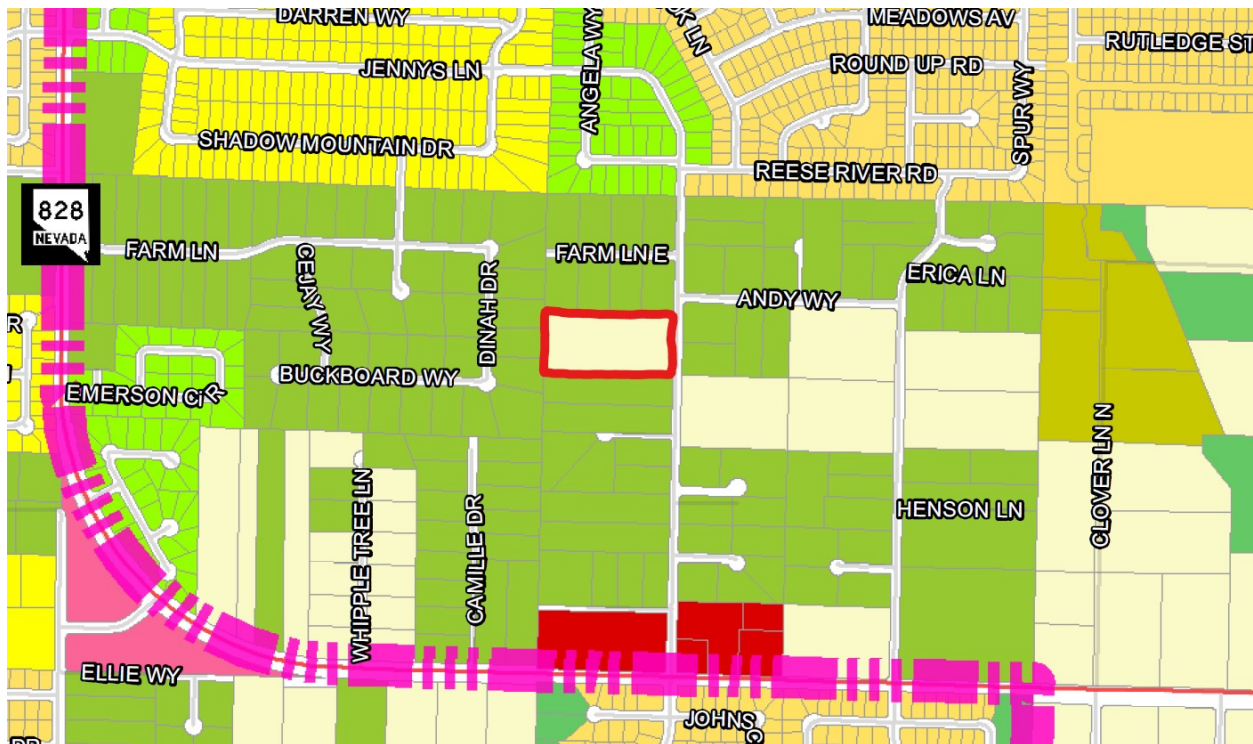


Figure 1 - Subject parcel is RR5 surrounded by RR1 parcels

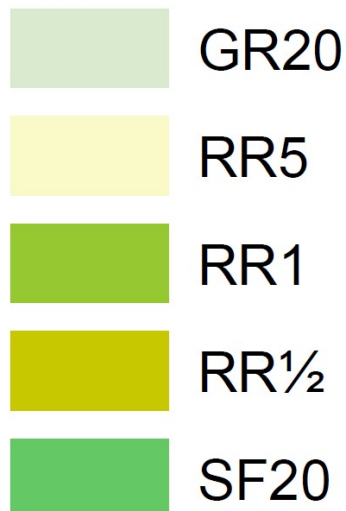


Figure 2 – Partial Zoning Map Legend

This area appears to have started off as primarily RR5 parcels and rezoned to RR1 over time as the need for extra housing developed. There have been no zoning map amendments or subdivisions in this neighborhood since the major 2018 comprehensive master plan and 2020 development code amendments.

This parcel, and all those neighboring, bear a designated land use of SFR (Single-Family Residential). Again, in Figure 3 (below), the subject parcel is centered and outlined in red.

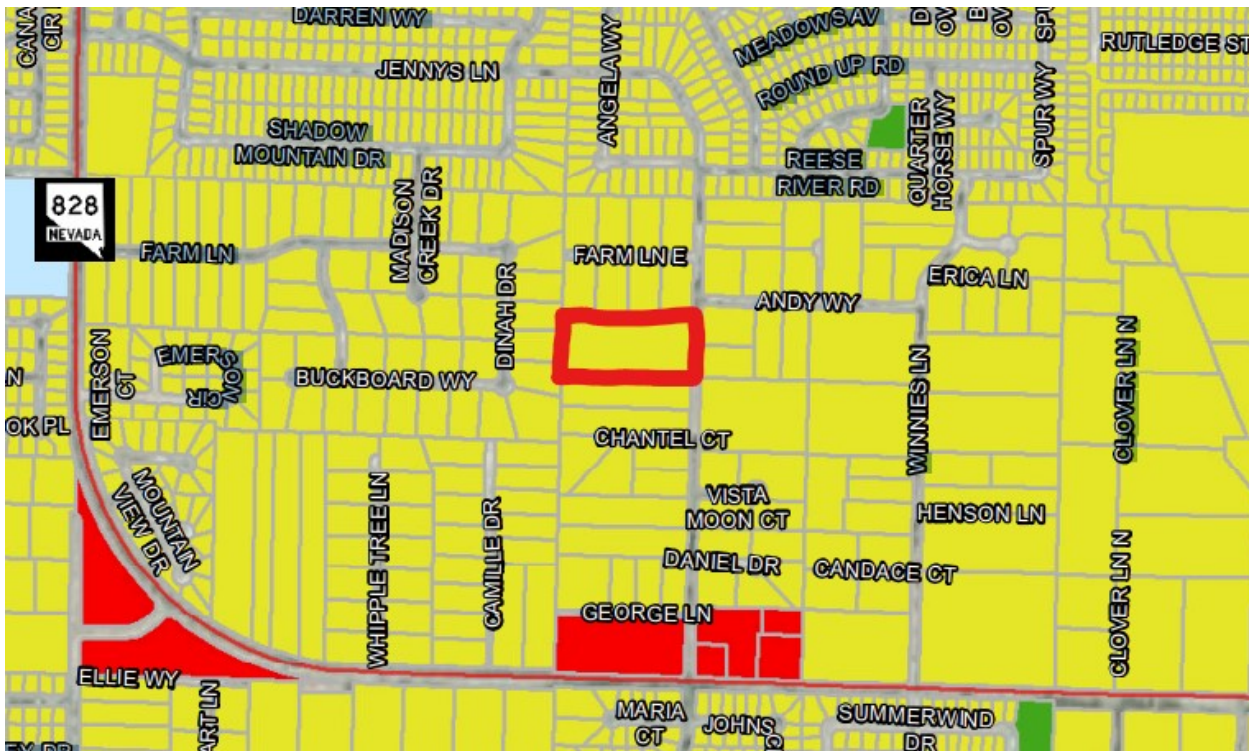


Figure 3 - Subject parcel and all neighboring parcels bear the SFR land use

Land Use

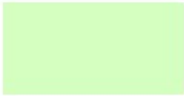
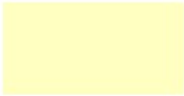
	General Rural (GR)
	Rural Residential (RR)
	Single-Family Residential (SFR)

Figure 4 – Partial Land Use Legend

RR1 is not an equivalent zoning district of the SFR land use. This prevents the applicant from rezoning to RR1, as nearly every single neighboring parcel has done.

Staff considered suggesting the applicant rezone to Single-Family Residential, 20,000 square-foot minimum lot size; however, in addition to 2.5-acre lots in a non-rural zone being inappropriate, such a zone change would

require the applicant to construct curb/gutter/sidewalk along the frontage of their property. That change would also be inappropriate for the neighborhood in its current condition, as Jenny's Lane has no existing curb, gutter, or sidewalk from the intersection of Farm District Road to the intersection of Reese River Road.

FINDINGS:

MJD1. The request is consistent with the stated purposes of title 32, zoning.

The stated purposes of title 32, zoning, are to regulate and restrict the use and improvement of land and control the location, soundness, and use of structures, to:

Promote the public health, safety, morals, convenience or general welfare of the community;

There is no indication that subdivision from one 5-acre lot two 2.5-acre lots will affect the public health, safety, morals, convenience, or general welfare of the community.

Preserve the quality of the air and water resources;

Air quality is expected to be unaffected by the change. This major deviation is conditioned to protect our water resources by requiring the applicant connect to City water and dedicate adequate water rights to do so. This area is just dense enough that it is inappropriate for both septic tanks and wells.

Promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment;

Infill development does promote the conservation of open space and the protection of other natural and scenic resources. Though our master plan has slated this area for even more intensive infill development, the property owner and immediately neighboring property owners are not yet ready for that change.

Enhance the aesthetics of the community;

Unless as part of an area redevelopment, requiring one parcel to develop single-family homes when the neighboring parcels are still rural would detract from the aesthetics of the immediate community.

Provide for recreational needs;

This item neither adds nor detracts to the recreational needs of the community.

Protect life and property in areas subject to floods, landslides and other natural disasters;

This property is in FEMA flood zone x, which is an area of minimal flood hazard. This property is not subject to concerns regarding floods, landslides, and other natural disasters.

Conform to the adopted population and master plans;

This deviation would not entirely comply with the adopted master plan; however, it would bring the parcel closer to being in compliance with the adopted master plan.

Develop a timely, orderly and efficient arrangement of transportation and public facilities and services;

This deviation is not expected to affect transportation or public facilities and services.

Take into account the relative suitability of the land for development, and to ensure that any development of the land is commensurate with the character and physical limitations of the land;

Allowing this deviation is commensurate with the current character of the neighborhood.

Lessen traffic congestion;

This item is not expected to affect traffic congestion.

Prevent overcrowding of land and undesirable concentrations of population.

This deviation will neither prevent nor cause overcrowding of land or undesirable concentrations of population.

MJD2. Granting the major deviation will not be materially detrimental to the public health, safety or welfare, or injurious to property or improvements in the vicinity.

There is no indication that granting the major deviation will be materially detrimental to the public health, safety or welfare, or injurious to property or improvements in the vicinity.

MJD3. Granting the major deviation is necessary for the preservation and enjoyment of a property right possessed by other property owners in the same vicinity and land use district and is denied to the property for which the major deviation is sought.

The key to compliance with this finding is the combination of “same vicinity” and “land use district”. The parcels in this vicinity designated as SFR are typically 1 to 2.5-acres in size.

MJD4. Granting of the major deviation does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which the property is located.

Again, the key to compliance with this finding is the combination of “same vicinity” and “land use district”. There are no other parcels in the area that have had to apply for this specific deviation, but there is no reason that such a request from the 3-6 remaining RR5 property owners would be denied. All the remaining property owners made the change from one rural residential zone to another before the current version of the master plan and development code were in effect.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

General

Nevada Revised Statutes (NRS) [Chapter 278 - Planning and Zoning](#)

City of Fernley [Comprehensive Master Plan, August 2018](#)

City of Fernley Municipal Code (FMC), [Title 32 - Development Code](#)

Specific

NRS [278.315](#) - Granting of variances, special and conditional use permits and other special exceptions by board of adjustment, planning commission or hearing examiner; appeal of decision.

FMC [Section 32.03.090\(a\)](#) - Administration - Modifications and appeals - Major deviations

FMC [Section 32.06.060](#) - Zoning Districts - General rural (GR20) and residential rural (RR5, RR1, and RR1/2)

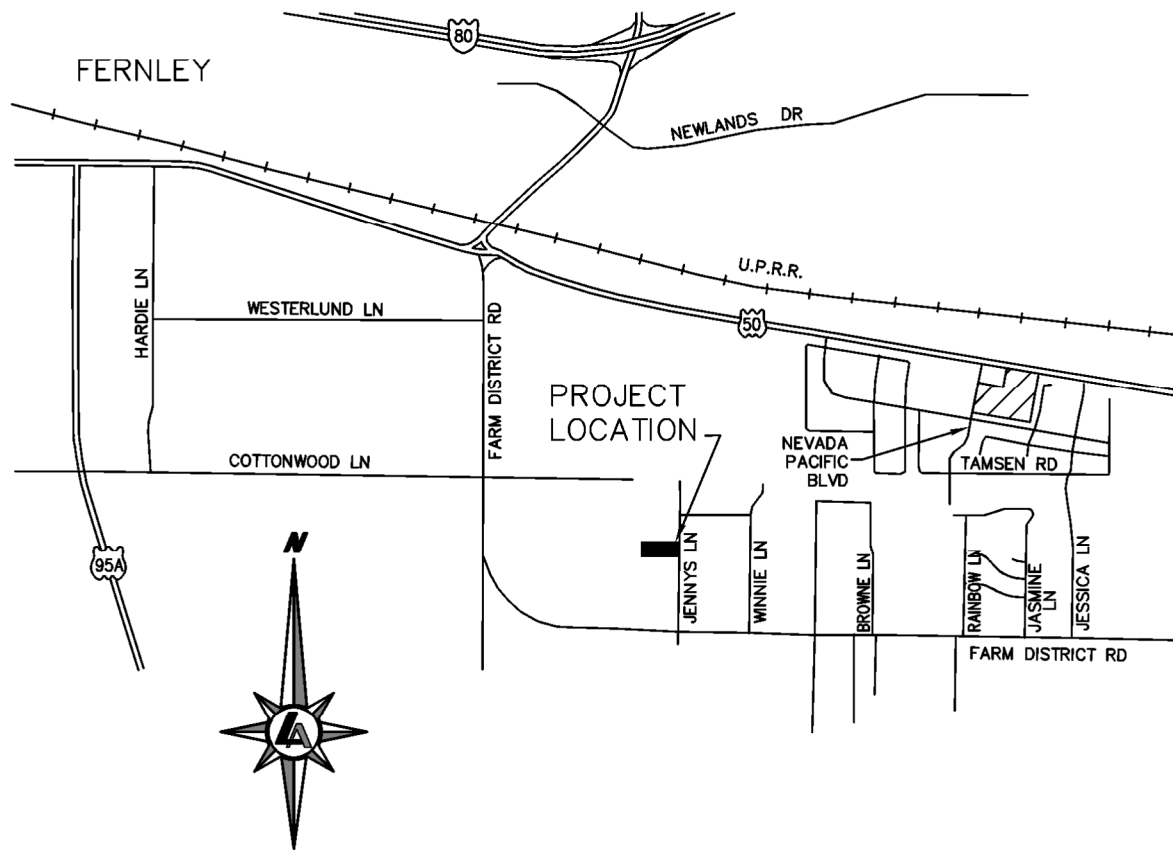
Note: Relevant laws, statutes, regulations, and the links provided for them in this section are for quick reference and are not all-inclusive. Planning department will ensure all links are operational through the 09/13/2023 meeting, but does not guarantee function or applicability after that date.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

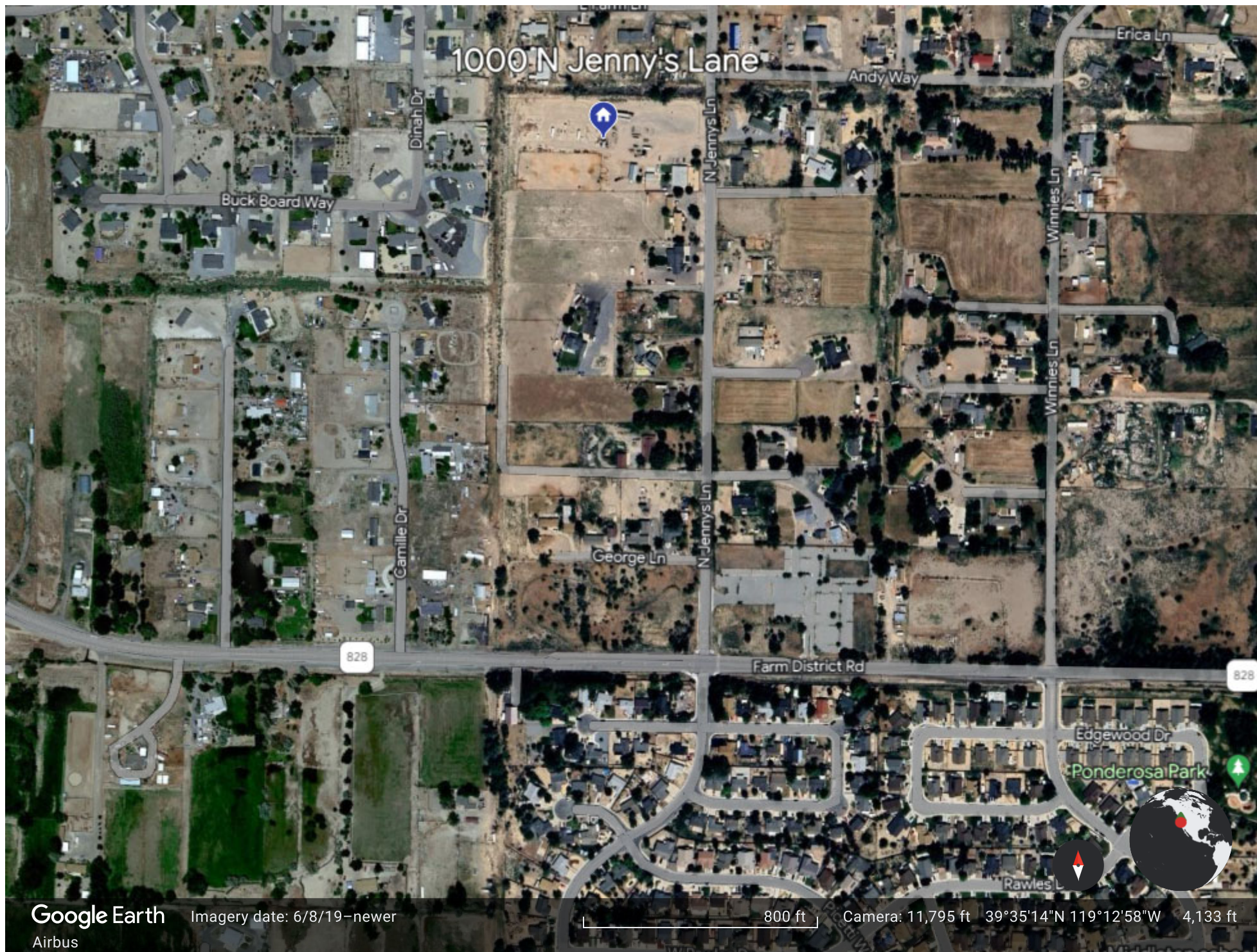
1. Vicinity Map
2. Aerial View
3. Parcel Map



LUMOS
 & ASSOCIATES 
 178 SOUTH MAINE STREET
 FALLON, NV 89406
 TEL (775) 423-2188

VICINITY MAP
LOT 6, FLYING CIRCLE RANCH ESTATES
FILE NO. 39323
PORTION OF SEC. 19, T20N, R25E, MDM
CITY OF FERNLEY, LYON COUNTY, NEVADA

Date: 06/2023
 Scale: N.T.S.
 Job No: 10807.000



OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT THE UNDERSIGNED, CARI S. BUNYARD AND MARTIN J. BUNYARD, ARE THE OWNERS OF THE TRACT OF LAND REPRESENTED ON THIS PLAT AND HAS CONSENTED TO THE PREPARATION AND RECORDATION OF THIS PLAT AND THAT THE SAME IS EXECUTED IN COMPLIANCE WITH AND SUBJECT TO THE PROVISIONS OF N.R.S. CHAPTER 278, AND THAT THE EASEMENTS AS SHOWN FOR ACCESS, UTILITY AND DRAINAGE ARE HEREBY GRANTED, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOREVER.

CARI S. BUNYARD AND MARTIN J. BUNYARD, WIFE AND HUSBAND, AS JOINT TENANTS, WITH THE RIGHT OF SURVIVORSHIP

BY: CARI S. BUNYARD, OWNER DATE

BY: MARTIN J. BUNYARD, OWNER DATE

STATE OF _____ } S.S.
COUNTY OF _____ }
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____

BY CARI S. BUNYARD AND MARTIN J. BUNYARD, PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, WHO ACKNOWLEDGED THAT THEY EXECUTED THE ABOVE INSTRUMENT.

NOTARY PUBLIC
(MY COMMISSION EXPIRES _____)

CITY SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE FINAL PARCEL MAP HAS BEEN REVIEWED AND APPROVED

CITY SURVEYOR DATE

PRINTED NAME: _____

LYON COUNTY FIRE DISTRICT

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS PARCEL MAP AND HAVE NO OBJECTIONS TO THE APPROVAL OF THIS MAP.

FIRE MARSHALL DATE

PRINTED NAME: _____

CITY OF FERNLEY CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PARCEL MAP IS IN SUBSTANTIAL COMPLIANCE WITH THE CITY OF FERNLEY WATER, WASTEWATER, ROADWAY AND DRAINAGE STANDARDS AND REGULATIONS AND THAT ALL REQUIRED IMPROVEMENTS HAVE BEEN COMPLETED OR PROPER FINANCIAL SECURITY HAS BEEN POSTED GUARANTEEING COMPLETION OF THIS PARCEL MAP AND ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED. THERE ARE NO PUBLIC ROADS OFFERED FOR DEDICATION AS PART OF THIS MAP.

CITY OF FERNLEY ENGINEER DATE

PRINTED NAME: _____

CITY OF FERNLEY DIRECTOR DATE

TITLE COMPANY CERTIFICATE

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS PLAT HAS BEEN EXAMINED AND THE SUBDIVIDERS OFFERING THIS PLAT ARE THE LAST TITLE HOLDER OF RECORD FOR ALL THE LANDS DELINEATED HEREON, AND THAT THAT THERE ARE NO HOLDERS OF SECURITY INTEREST CREATED BY MORTGAGE OR DEED OF TRUST AND THAT THERE ARE NO LIENS OF RECORD AGAINST THE LANDS DELINEATED HEREON FOR DELINQUENT STATE, COUNTY, MUNICIPAL, FEDERAL OR LOCAL TAXES OR ASSESSMENTS COLLECTED AS TAXES OR SPECIAL ASSESSMENTS.

STEWART TITLE COMPANY

BY: _____
TITLE: _____

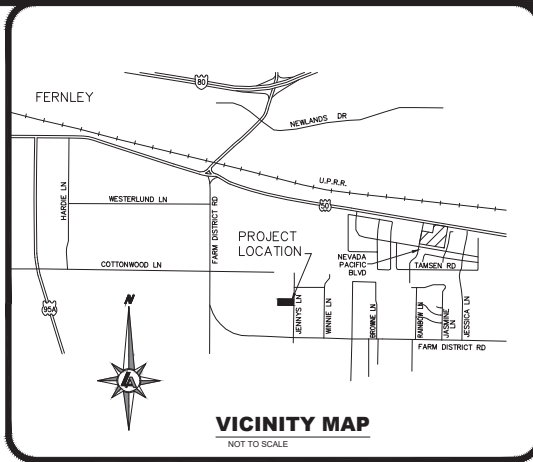
DIVISION OF ENVIRONMENTAL PROTECTION

THIS REVERSION TO ACREAGE MAP HAS BEEN REVIEWED AND APPROVED BY THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION WITH REGARD TO WATER POLLUTION AND SEWAGE DISPOSAL IN ACCORDANCE WITH NEVADA WATER POLLUTION CONTROL LAW.

BY: _____ DATE

NAME: _____

TITLE: _____



NOTES

1. LEGAL DESCRIPTION:
ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF LYON, STATE OF NEVADA, DESCRIBED AS FOLLOWS:
LOT 6, BLOCK 3, AS SHOWN ON THE OFFICIAL MAP OF FLYING CIRCLE RANCH ESTATES, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, NEVADA, ON AUGUST 2, 1978, AS DOCUMENT NO. 39323.

EXCEPTING THEREFROM AN UNDIVIDED ONE HALF INTEREST IN AND TO ALL OIL, GAS, PETROLEUM, NAPHTHA, AND OTHER HYDROCARBON SUBSTANCES AND MINERALS OF WHATEVER KIND AND NATURE IN, UPON, OR BENEATH THE PROPERTY HEREINABOVE DESCRIBED, AS RESERVED IN THE DEED FROM THE FEDERAL LAND BANK OF BERKELEY TO WM. CHRISTENSEN AND ZELDA CHRISTENSEN, RECORDED IN BOOK 31, PAGE 180, DEED RECORDS OF LYON COUNTY, NEVADA.

- PROPOSED PARCEL SIZE
PARCEL 1: 42.30 ACRES
PARCEL 2: 42.30 ACRES
TOTAL AREA: ±5.00 ACRES
- CURRENT ZONING -HRS (RESIDENTIAL - RURAL (5 ACRES MINIMUM)
CURRENT MASTER PLAN DESIGNATION - SINGLE-FAMILY RESIDENTIAL
- A PUBLIC UTILITY EASEMENT HEREBY GRANTED WITHIN EACH PARCEL FOR THE EXCLUSIVE PURPOSE OF INSTALLING AND MAINTAINING UTILITY SERVICE FACILITIES TO THAT PARCEL, WITH THE RIGHT TO EXIT THAT PARCEL WITH SAID UTILITY FACILITIES FOR THE PURPOSE OF SERVING OTHER PARCELS, AT LOCATIONS MUTUALLY AGREED UPON BY OWNER OF RECORD AT THAT TIME OF INSTALLATION AND THE UTILITY COMPANY.
- PUBLIC UTILITY EASEMENTS ARE HEREBY GRANTED AS DEPICTED HEREON.
- ALL PUBLIC UTILITY EASEMENTS SHALL INCLUDE CABLE TELEVISION.
- A PUBLIC UTILITY EASEMENT IS HEREBY GRANTED TO SOUTHWEST GAS CORPORATION WITHIN EACH PARCEL AS SHOWN FOR THE EXCLUSIVE PURPOSE OF INSTALLING AND MAINTAINING UTILITY SERVICE FACILITIES TO THAT PARCEL, WITH THE RIGHT TO EXIT THAT PARCEL WITH SAID UTILITY FACILITIES FOR THE PURPOSE OF SERVING ADJACENT PARCELS.
- THE CITY, COUNTY, SCHOOL DISTRICT AND SPECIAL DISTRICTS ARE NOT OBLIGATED TO FURNISH AND SERVICE, SPECIFICALLY MENTIONING FIRE PROTECTION AND ROADS TO THE LAND SO DIVIDED AND THAT ANY PUBLIC UTILITIES MAY BE SIMILARLY FREE OF OBLIGATION.
- ACCEPTANCE OF THIS MAP BY THE CITY IS NOT A COMMITMENT THAT A BUILDING PERMIT WILL BE ISSUED ON ANY OR ALL LOTS.
- PROVISIONS, RESERVATIONS, EASEMENTS AND THE EFFECT THEREOF, CONTAINED IN THE PATENT FROM THE UNITED STATES OF AMERICA, RECORDED ON JULY 23, 1902, BOOK N, PAGE 381, DEED RECORDS OF LYON COUNTY, NEVADA - NOT PLOTTABLE, BLANKET IN NATURE.
- RESERVATIONS AS CONTAINED IN A DEED, EXECUTED BY THE FEDERAL LAND BANK OF BERKELEY, A CORPORATION, RECORDED ON APRIL 9, 1941, IN BOOK 31, PAGE 180, AS FILE NO. 48333, DEED RECORDS OF LYON COUNTY, NEVADA - NOT PLOTTABLE, BLANKET IN NATURE.
- EASEMENT FOR WATER LINE, TREES AND CONNECTORS, AND INCIDENTAL PURPOSES, BY AN INSTRUMENT, RECORDED ON JULY 28, 1981 AS DOCUMENT NO. 61921, OFFICIAL RECORDS OF LYON COUNTY, NEVADA - DESCRIBES WATERLINES IN ROADWAYS.

G.I.S. CERTIFICATE

A DIGITAL COPY OF THIS MAP HAS BEEN DELIVERED TO THE CITY OF FERNLEY AND LYON COUNTY G.I.S. DEPARTMENTS.

CITY OF FERNLEY G.I.S. DEPARTMENT DATE
PRINTED NAME: _____

COUNTY OF LYON G.I.S. DEPARTMENT DATE
PRINTED NAME: _____

RIGHT TO FARM

THE LANDS SHOWN HEREON ARE SUBJECT TO THE RIGHT TO FARM ORDINANCE AS SET FORTH IN THE CITY OF FERNLEY CITY CODE, TITLE 10.

SURVEYOR'S CERTIFICATE

I, DAVID C. CROOK, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF NEVADA, AS AGENT FOR LUMOS & ASSOCIATES, INC., CERTIFY THAT:

- THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF CARI S. BUNYARD AND MARTIN J. BUNYARD.
- THE LANDS SURVEYED LIE WITHIN THE NE 1/4 OF SECTION 19, T.20 N., R.25 E., M.D.M., AND THE SURVEY WAS COMPLETED ON _____.
- THIS PLAT COMPLIES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE GOVERNING BODY GAVE ITS FINAL APPROVAL.
- THE MONUMENTS DEPICTED ON THE PLAT ARE OF THE CHARTER SHOWN, OCCUPY THE POSITIONS INDICATED AND ARE OF SUFFICIENT NUMBER AND DURABILITY.

FOR THE SURVEYOR ONLY



DAVID C. CROOK, P.L.S.
NEVADA CERTIFICATE No. 10838

UTILITY COMPANY'S CERTIFICATE

THE UTILITY EASEMENTS SHOWN ON THIS PLAT HAVE BEEN CHECKED, ACCEPTED, AND APPROVED BY THE UNDERSIGNED PUBLIC UTILITY AND CABLE TV COMPANIES.

SIERRA PACIFIC POWER CO. d/b/a NV ENERGY DATE
BY: _____
TITLE: _____

NEVADA BELL TELEPHONE CO. d/b/a AT&T NEVADA DATE
BY: _____
TITLE: _____

CHARTER COMMUNICATIONS DATE
BY: _____
TITLE: _____

SOUTHWEST GAS CORPORATION DATE
BY: _____
TITLE: _____

COUNTY CLERK'S CERTIFICATE

THE UNDERSIGNED HEREBY CERTIFIES THAT THERE ARE NO LIENS FOR UNPAID STATE, COUNTY, CITY OR LOCAL TAXES OR SPECIAL ASSESSMENTS AN THAT ALL TAXES FOR THE FISCAL YEAR HAVE BEEN PAID ON THE PROPERTY SHOWN HEREON.
A.P.N. 020-351-03

BY: LYON COUNTY CLERK / TREASURER DATE: _____

PRINTED NAME: _____

RECORDER'S CERTIFICATE

FILE No: _____

FEES: _____

FILE FOR RECORD AT THE REQUEST OF LUMOS & ASSOCIATES, INC.

ON THIS _____ DAY OF _____, 2022, AT _____ MINUTES
PAST _____ O'CLOCK, _____ M., OFFICIAL RECORDS OF LYON COUNTY, NEVADA.
COUNTY RECORDER

BY: _____
DEPUTY

PARCEL MAP

FOR

CARI S. BUNYARD AND MARTIN J. BUNYARD

A DIVISION OF LOT 6, BLOCK 3 AS SHOWN ON OFFICIAL MAP, FILE NO. 39323
SITUATE WITHIN A PORTION OF THE NE 1/4 OF SECTION 19
TOWNSHIP 20 NORTH, RANGE 25 EAST, M.D.M.

FERNLEY

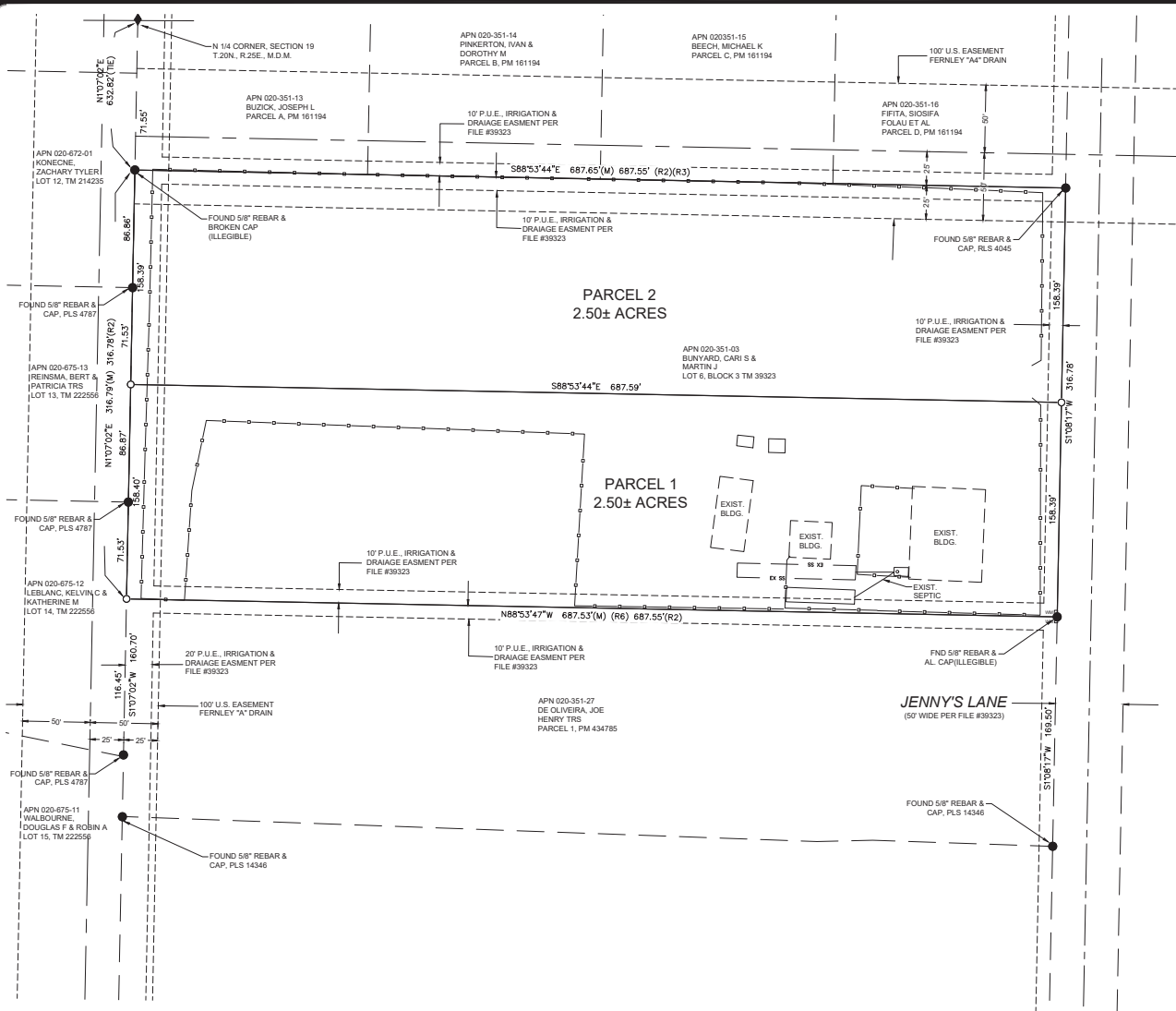
LYON COUNTY

STATE OF NEVADA



178 SOUTH MAINE STREET
FALLON, NV 89406
TEL (775) 423-2188
LUMOSINC.COM

Drawn By: DCC
Sheet: 1 of 2
Job No.: 15887.000
Drawing No.: 15887000SURVEY.DWG



REFERENCES

- (R1) A PRELIMINARY TITLE REPORT PREPARED BY STEWART TITLE COMPANY, DATED AS OF FEBRUARY 24, 2023, ORDER NO. 1980170.
- (R2) OFFICIAL MAP OF FLYING CIRCLE RANCH ESTATES, FILED AUGUST 2, 1978 AS FILE NO. 39323 IN THE OFFICIAL RECORDS OF LYON COUNTY, NEVADA.
- (R3) PARCEL MAP FOR DONALD & SANDRA TIBBALS, FILED MAY 12, 1993 AS FILE NO. 161194 IN THE OFFICIAL RECORDS OF LYON COUNTY, NEVADA.
- (R4) FINAL MAP OF FARM LANE ESTATES PHASE 1, FILED JANUARY 15, 1998 AS FILE NO. 214235 IN THE OFFICIAL RECORDS OF LYON COUNTY, NEVADA.
- (R5) FINAL MAP OF FARM LANE ESTATES PHASE 2, FILED AUGUST 20, 1998 AS FILE NO. 222556 IN THE OFFICIAL RECORDS OF LYON COUNTY, NEVADA.
- (R6) PARCEL MAP FOR JOE H. & MICHELE K. DEOLIVEIRA, FILED NOVEMBER 19, 2008 AS FILE NO. 434785 IN THE OFFICIAL RECORDS OF LYON COUNTY, NEVADA.



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NEVADA STATE PLANE COORDINATE SYSTEM, WEST ZONE NAD83(94), BEING N01°07'02"E BASED ON THE FOUND MONUMENTS ON THE WEST LINE OF THE NE 1/4 OF SECTION 19, T.20N., R.25E., M.D.M. AND DETERMINED FROM REAL TIME KINEMATIC GPS OBSERVATIONS, OBSERVED JANUARY 11, 2023 USING A SURVEY GRADE DUAL FREQUENCY GPS RECEIVER WITH TRIANGLE VRS CORRECTIONS FROM CONTINUOUSLY OPERATING REFERENCE STATION (CORS) FERNLEY MODIFIED BY A COMBINED FACTOR OF 1.00046, SCALED FROM 0.00N, 0.00E AND CONVERTED TO U.S. SURVEY FEET. ALL DIMENSIONS ON THIS MAP ARE GROUND DISTANCES.

LEGEND

- SUBJECT PARCEL LINE
- - - ADJOINING PARCEL LINE
- - - EXISTING BUILDING LINE
- - - FENCE LINE
- - - (P.U.E.) PUBLIC UTILITY EASEMENTS AS SHOWN
- FOUND 5/8" REBAR NO CAP/TAG UNLESS OTHERWISE NOTED
- SET 5/8" REBAR AND CAP, PLS 77777
- (M) MEASURED COURSE AND DISTANCE
- (R1) RECORD COURSE AND DISTANCE PER REFERENCED DOCUMENT

PARCEL MAP

FOR

CARI S. BUNYARD AND MARTIN J. BUNYARD

A DIVISION OF LOT 6, BLOCK 3 AS SHOWN ON OFFICIAL MAP, FILE NO. 39323
SITUATE WITHIN A PORTION OF THE NE 1/4 OF SECTION 19
TOWNSHIP 20 NORTH, RANGE 25 EAST, M.D.M.

FERNLEY LYON COUNTY STATE OF NEVADA



9222 PROTOTYPE DRIVE
RENO, NEVADA 89521
TEL: (775) 827-6111
LUMOSINC.COM

Drawn By: DCC
Sheet: 1 of 2
Job No.: 19807-000
Drawing No.: 19807000SURVEY.DWG

FOR REVIEW ONLY

