

**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 4. **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 4. **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

(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).

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

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

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.

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.

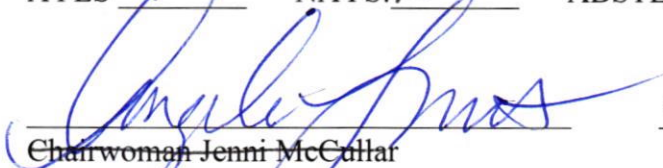
The next meeting will be September 13, 2023, at 5:00 PM.

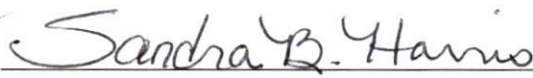
7. ADJOURNMENT

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 September 13, 2023, by a vote of:

AYES 7 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0


Chairwoman Jenni McCullar
Vice Chair Angela Lewis


ATTEST: