MINUTES OF THE
FERNLEY PLANNING COMMISSION MEETING
SEPTEMBER 13, 2023

Vice-Chair Angela Lewis called the meeting of the Fernley Planning Commission to order at 5:00PM.

1. INTRODUCTORY ITEMS

1.1. Pledge of Allegiance

1.2. Roll Call

Present: Chairwoman Jennie McCullar (Zoom), Vice Chair Angela Lewis, Commissioner Jan Hodges, Commissioner Humayoon Lodhi, Commissioner Barry Williams Sr., Commissioner Shellie Severa, Commissioner Cody Wagner, Mayor Neil McIntyre, City Manager Ben Marchant, Deputy City Manager Lydia Altick, City Attorney Aaron Mouritsen, Deputy City Clerk Brenda Gosser (zoom), Administrative Specialist II Reba Skinner, Administrative Specialist I Sandy Harris, Senior Planner Shay League, Public Works Director Barry Williams.

1.3. Public Forum

Vice Chair Lewis called for Public Input. There was none at this time.

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE TODAYS AGENDA. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Barry Williams Sr. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Hodges, Vice-Chair Lewis, Chairwoman McCullar, Commissioner Williams, Commissioner Severa, Commissioner Wagner, Commissioner Lodhi.

1.5. (Possible Action) Approval of Minutes

Motion: I MOVE TO APPROVE THE MINUTES OF AUGUST 9, 2023. **Action:** Approved. **Moved by:** Commissioner Jan Hodges, **Seconded by:** Commissioner Barry Williams Sr.. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Hodges, Vice-Chair Lewis, Commissioner Lodhi, Chairwoman McCullar, Commissioner Williams, Commissioner Severa, Commissioner Wagner.

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.

The owner of 2836 South Fork Road was the subject of a neighbor's complaint about 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. City Attorney Aaron Mouritsen reviewed the relevant laws, statutes and regulations (Fernley Development Code, Federal Fair Housing Act, Rehabilitation Act, and American with Disabilities Act). The City reviewed whether 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 that ultimately lead staff to the question of "Is the animal commonly kept in households?" 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. 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. There was an option provided to the appellant as an alternative, which is to allow her to keep the goats for 2 years and then end the accommodation. That would give her enough time before her family is transferred as part of the military to go somewhere else.

Commissioner Shellie Severa stated that the question regarding "housing providers" is an irrelevant question in this situation and unacceptable because they are the owners.
City Attorney Aaron Mouritsen stated that the HUD analysis is an encapsulation of Federal law. The HUD requirements take into account the Americans with Disabilities Act that is incorporated into their language when they discuss, for example, the service animals and their tiers for service animals.

Commissioner Cody Wagner asked what the process is if the applicant does not remove the goats after a given timeline.
City Attorney Aaron Mouritsen stated that Animal Control can move forward with a citation, that would go to the municipal court.

Commissioner Jan Hodges asked for consideration of setting a limit and if there were any sanitation issues inside the home.

Fernley City Resident, Brittni Herlickson stated that these Nigerian Dwarf Goats are a quarter of the size of the Vietnamese Potbelly Pigs that are allowed in the City and they are Emotional Support Animals (ESA). She gave a history of her disabilities (physical and emotional) and how the goats and goat milk have helped in her recovery. The goat milk is for her consumption only. She stated that she had contacted the City of Fernley Planning Department before purchasing the home and they informed her that she could have her goats. Her goats remain in her back and side yards. She uses their droppings for fertilizing her garden. She stated that the soap she makes is from a melt-and-pour glycerin-based soap, and it is not made from her goat milk.

Commissioner Cody Wagner asked if there is a situation where the goats could be boarded in an area near her that allows goats that would serve the same purpose.
Brittni Herlickson stated that, unfortunately, she does not have the physical ability to go back and forth twice a day, and the places she has looked at are smaller than her property.

Deputy City Clerk Brenda Gosser clarified that Brittni Herlickson is licensed to sell soap that she makes at her home, she is a crafter.

Vice Chair Lewis called for public comment:
Justine Cross (Zoom) stated that she knows Brittni and her goats. She purchased her goats from Brittni and she strongly recommends that Brittni keep her goats. This is her life and she does anything possible for her goats.

Motion: MOTION TO ALLOW THEM TO KEEP THE GOATS, THE ALTERNATIVE THAT THE CITY CAME UP WITH WORKING WITH THEM TO ALLOW THEM TO HAVE THE THREE GOATS ONLY FOR A 2-YEAR PERIOD WHILE THEY REMAIN AT THE RESIDENCE UNTIL THEIR JOB RESPONSIBILITY MOVES THEM TO A NEW LOCATION. **Action:** Approved. **Moved by:** Commissioner Shellie Severa, **Seconded by:** Commissioner Humayoon Lodhi. **Vote:** Passed, **Summary:** Yes 6, No 1. **Yes:** Commissioner Hodges, Vice-Chair Lewis, Commissioner Lodhi, Commissioner Williams, Commissioner Severa, Commissioner Wagner, **No:** Chairwoman McCullar.

3. PUBLIC HEARINGS

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.

Senior Planner Shay League presented that 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.

Vice Chair Lewis asked for public input and there was none.

Motion: I MOVE TO RECOMMEND THAT THE CITY COUNCIL ADOPT BILL #332, AN ORDIANCE TO AMEND SECTION 32.07.020 (ACCESSORY DWELLINGS) OF THE CITY OF FERNLEY DEVELOPMENT CODE TO INCORPORATE TINY HOMES ON PERMANENT FOUNDATIONS AND WITH THE MODIFICATIONS AND DELETIONS PRESENTED BY THE CITY. **Action:** Approved, **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Shellie Severa. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Hodges, Vice-Chair Lewis, Commissioner Lodhi, Chairwoman McCullar, Commissioner Williams, Commissioner Severa, Commissioner Wagner.

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).

Senior Planner Shay League presented that 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. The applicant asks for 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). 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.

For the purpose of full disclosure, Shay League stated that her parent owns property just outside of the noticing radius for this, and it does not affect her ability to be impartial about this item.
Vice-Chair Angela Lewis asked for any disclosures from any Commission Members:
*Commissioner Cody Wagner stated he does know the Bunyard's and that his primary residence is about 1/4 mile directly to the west of this parcel and neither of those will impact his impartial judgement.
*Vice-Chair Angela Lewis stated that she does know the applicant personally, owns property in that area, and her mother lives just up the street. This will not affect her ability to vote on this matter.
*Vice-Chair Angela Lewis read the disclosure for Chairwoman Jennie McCullar.

Senior Planner Shay League further presented the findings: MJD1 - The request is consistent with the stated purposes of title 32 zoning. 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. 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 tithe property for which the major deviation is sought.. 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.

Chairwoman Jenni McCullar asked about hooking up to city sewer or septic. It is mandatory to hook up to city water but not city sewer and a second septic would be allowed.
Senior Planner Shay League stated that the applicant could possibly choose to hook into city sewer if they want to, the zoning in this area does allow for septic tank, providing the property is one acre or larger.

Vice-Chair Angela Lewis asked for public comment and there were none.

Motion: I MOVE TO APPROVE MAJOR DEVIATION MJD23002 BASED ON FINDS MJD1 - MJD4 AND THE FACTS SUPPORTING THOSE FINDINGS AS SET FORTH IN THE STAFF REPORT. **Action:** Approved, **Moved by:** Commissioner Cody Wagner, **Seconded by:** Chairwoman Jenni McCullar. **Vote:** Passed, **Summary:** Yes 6, No 1. **Yes:** Commissioner Hodges, Vice-Chair Lewis, Commissioner Lodhi, Chairwoman McCullar, Commissioner Williams, Commissioner Wagner, **No:** Commissioner Severa.

4. CHAIR AND COMMISSION ITEMS

None at this time

5. PLANNING DIRECTOR ITEMS

Senior Planner Shay League reported that Kimberly Horn will be at the October meeting, giving a presentation on the specifics of the city's master transportation plan. At the last meeting, the Commission voted to make a recommendation on a code amendment regarding the city's plan development. Staff has proposed another change to that and rather than push it forward to Council without the Commission's recommendation, it will be brought back in October.

Vice-Chair Angela Lewis announced that this was the last meeting for Commissioner Jan Hodges and Mayor Neal McIntyre presented him with an award for service.
Commissioner Jan Hodges thanked the Mayor, Commission and citizens of Fernley.

6. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS
None at this time.

7. PUBLIC FORUM
None at this time.

8. ADJOURNMENT
There being no further business to come before it, the Fernley Planning Commission meeting adjourned at 6:03 PM.

Approved by the Fernley Planning Commission on October 11, 2023, by a vote of:

AYES 5 NAYS: Ø ABSTENTIONS: Ø ABSENT: 1

ATTEST:

Chairwoman Jenni McCullar

Please sign in

Fernley Planning Commission 9/13/2023

Name	Contact Information
Brithi Henderson	

Sandy Harris

From: noreply@civicplus.com
Sent: Thursday, September 7, 2023 6:40 AM
To: City Clerk
Subject: Online Form Submittal: Public Input Form

If you are having problems viewing this HTML email, click to view a Text version.

Public Input Form

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 for which you are submitting a comment, 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). Public comments are limited to three (3) minutes. Public Comments submitted prior to 4:00 pm the day of the meeting will be provided to City Council and added to the record but WILL NOT BE READ during the live meeting. Any public input received after 4 pm the day of the meeting will be included in the record but may not reach council members before action is taken.

Submitted by:*	Mariane VanDurden
Email Address:	marianevandurden@yahoo.com
Phone Number:	7077995433
Address:	220 Red Oak Dr
Meeting(s) where your concern should be expressed:*	Planning / Zoning ?
Meeting Date(s):*	next meeting if possible
Comments: *	I would like to address that the rental agency Investors Property Mgmt are renting to a corporation from Las Vegas that has a rotating construction crew in our residential neighborhood each with a vehicle and construction trucks. Every 3 weeks there are a new group of men coming and going all hours of the day and night. Very unsettling as it appears to be Vrbo or a long stay hotel. This is a family residence. We would like the City be aware that Southwest Meadows has several of these corporate construction rental homes that have changed our safe sub-division family environment with more traffic and uncertainty of the constant change in these homes. At this time there are 4 homes in our sub-division being used by corporations with rotating construction workers. I feel that there should be a limit to these types of rentals in a family residential neighborhood. I have contacted Investors Property Mgmt and sked how long this will continue their response was that they will continue to rent to them for as long as they pay the rent. What are the City's thoughts on this?

* indicates required fields.

View any uploaded files by signing in and then proceeding to the link below:
http://www.cityoffernley.org/Admin/FormHistory.aspx?SID=8394

The following form was submitted via your website: Public Input Form

Submitted by:: Mariane VanDurden

Email Address: : marianevandurden@yahoo.com

Phone Number:: 7077995433

Address: : 220 Red Oak Dr

Meeting(s) where your concern should be expressed:: Planning / Zoning ?

Meeting Date(s):: next meeting if possible

Comments: : I would like to address that the rental agency Investors Property Mgmt are renting to a corporation from Las Vegas that has a rotating construction crew in our residential neighborhood each with a vehicle and construction trucks. Every 3 weeks there are a new group of men coming and going all hours of the day and night. Very unsettling as it appears to be Vrbo or a long stay hotel. This is a family residence. We would like the City be aware that Southwest Meadows has several of these corporate construction rental homes that have changed our safe sub-division family environment with more traffic and uncertainty of the constant change in these homes. At this time there are 4 homes in our sub-division being used by corporations with rotating construction workers. I feel that there should be a limit to these types of rentals in a family residential neighborhood. I have contacted Investors Property Mgmt and sked how long this will continue their response was that they will continue to rent to them for as long as they pay the rent. What are the City's thoughts on this?

Additional Information:
Form submitted on: 9/7/2023 6:39:44 AM
Submitted from IP Address: 165.225.242.162
Referrer Page: No Referrer - Direct Link
Form Address: http://www.cityoffernley.org/Forms.aspx?FID=175