

**MINUTES OF THE
FERNLEY PLANNING COMMISSION MEETING
MARCH 13, 2024**

Chairwoman Jenni McCullar called the meeting to order at 5:00 pm.

1. INTRODUCTORY ITEMS

1.1. Pledge of Allegiance

1.2. Roll Call

Present: Chairwoman Jenni McCullar, Vice-Chair Angela Lewis, Commissioner Humayoon Lodhi, Commissioner Barry Williams, Commissioner Cody Wagner, Commissioner Jacob VanderHeiden, Commissioner Robert Flores, Alternate Commissioner Tessa Garvin, City Manager Ben Marchant, Deputy City Manager Lydia Altick, City Clerk Kim Swanson, Deputy City Clerk Brenda Gosser, Administrative Specialist I Sandy Harris, City Attorney Aaron Mouritsen, Planning Director Michele Rambo, Senior Planner Shay League, City Engineer Derek Starkey.

1.3. Public Forum

None at this time.

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE THE AGENDA WITH ITEM 2.1 MOVED TO AFTER ITEM 3.4. **Action:** Approved. **Moved by:** Commissioner Humayoon Lodhi, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi, Commissioner VanderHeiden, Commissioner Flores.

1.5. (Possible Action) Approval of Minutes

Motion: I MOVE TO APPROVE THE LAST MEETING MINUTES. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Vice-Chair Angela Lewis. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi, Commissioner VanderHeiden, Commissioner Flores.

2. GENERAL BUSINESS

2.1. Training presentation from Wayne Carlson of POOL/PACT regarding Ethics in Government (NRS 281A).

This item was heard after Item 3.4

Wayne Carlson from POOL/PACT reviewed Nevada's ethics law NRS 281A and how public officials can apply the law. As public officials, the Planning Commission should know these

laws and how to avoid conflicts of interest between their private interests and their public duties. This is the second training session for the Planning Commission in 2024.

2.2. Administer Oath of Office to new Planning Commissioner Tessa Garvin.

City Clerk Kim Swanson administered Oath of Office to Tessa Garvin.

3. PUBLIC HEARINGS

3.1. (For Possible Action) Discussion and possible action regarding a conditional use permit application (CUP24001) submitted by Dragonfly Energy to request relief from development standards required by Fernley Municipal Code §32.09.090 for intensification of a substandard development and to establish a general production facility in one quarter of a previously vacant existing structure located at 2275 East Newlands Drive (APN: 021-251-18).

Shay League, Senior Planner, presented this item. Dragonfly Energy has devised a new process to create electrode feedstock material for battery cell production in their Sparks laboratory space and intends to test production on a large scale using 25% of the existing building space on this site. This site is a substandard development, meaning that it was originally constructed in accordance with the applicable regulations but no longer meets the standards of our current development code. Because this substandard development has been vacant for 6 months or greater, any new use establishment is considered an intensification of use. An intensification of use on such a site requires the site be brought up to the current development code standards.

There was no public input.

Dominic Sinnott gave a brief background on Dragonfly Energy. They are a lithium-ion battery company that has been in the Northern Nevada community for over 10 years. Fernley will serve as their major step in onshoring the battery manufacturing process from Asia to North America and using American technology and local work force to do that. They will be processing the materials that go into batteries.

Commissioner Cody Wagner questioned if there would be any storing of hazardous chemicals that fall under Nevada Division of Environmental Protection compliance and the construction of sidewalks.

Dominic Sinnott stated that there will be storage of different solvents and they are fully aware of the regulations that need to be followed and compliance standards. They are in talks with general contractors to construct the sidewalk.

Motion: I MOVE TO APPROVE THE CONDITIONAL USE PERMIT ASSOCIATED WITH CUP24001, SUBJECT TO CONDITIONS OF APPROVAL 1 - 18 AS PRESENTED AND MOVE TO ADOPT FINDINGS A THROUGH F, AND THE FACTS SUPPORTING THESE FINDINGS, AS SET FORTH IN THE STAFF REPORT. **Action:** Approved. **Moved by:** Commissioner VanderHeiden, **Seconded by:** Vice-Chair Lewis. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi, Commissioner VanderHeiden, Commissioner Flores.

3.2. (For Possible Action) Discussion and possible action regarding a recommendation to City Council for an annexation application (ANX24001) submitted by Summit Engineering on behalf of Lansing Companies regarding a request to annex into the City of Fernley a ±177.7-acre parcel generally located west of Duffy Drive, east of Truck Inn Way, and northwest of Nevada Pacific Parkway at Interstate 80 (APN: 021-581-08).

Shay League, Senior Planner, presented that this parcel is contiguous to City of Fernley boundaries and the applicant has filed a petition of annexation. The subject parcel is directly north of the 155.6-acre parcel the applicant recently annexed, and both parcels are intended to be developed as a project with the working name of "Nevada Pacific Industrial Park". Alongside the previously annexed parcel, if this parcel is annexed, the area for this industrial project will become 333.3-acres in size. The parcel is currently vacant and surrounded by similarly vacant parcels but abuts land undergoing the development process as part of the Victory Logistics project. Completion of the Victory Logistics project will extend the City of Fernley's industrial core northward towards this parcel.

Commissioner Cody Wagner asked if there had been any thought about annexing everything north of I80 in Lyon County to the City of Fernley.

Shay League, Senior Planner, stated that there has been thought as to possibly annexing all the county isles in the City of Fernley boundaries, but there has not been a discussion about moving northward. The Area Plan does include areas that are Lyon County. It would need to be an annexation originated by the City Council and would require input from the Board of Commissioners.

There was no public input.

Motion: I MOVE TO ADOPT THE FINDINGS RELATED TO CONSIDERATIONS OF APPROVAL A THROUGH D AS PRESENTED BY STAFF. I FURTHER MOVE TO RECOMMEND CITY COUNCIL ADOPT AN ORDINANCE THAT APPROVES THE ANNEXATION PETITION ASSOCIATED WITH ANX24001, CONVERTS THE ZONING OF THE ASSOCIATED PARCEL FROM RR5 TO GR20, AND PROHIBITS DEVELOPMENT ON THIS PARCEL UNTIL THE NORTH FERNLEY AREA PLAN IS COMPLETE. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Humayoon Lodhi. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi, Commissioner VanderHeiden, Commissioner Flores.

3.3. (For Possible Action) Consideration and possible action regarding Resolution 24-005, and, if approved, a recommendation that City Council certify said resolution, for a master plan amendment application (MPA24001) submitted by Priority Engineering on behalf of VIA Real Estate to change the designated land use from Multi-Family Residential (MFR) to Commercial (C) at 1200 Fremont Street (APN: 021-271-03).

Shay League, Senior Planner, presented this item. The zone of this vacant parcel is Commercial, but the current designated land use is Multi-Family Residential (MFR). The applicant would like to develop a Tractor Supply on this parcel and has submitted a conditional use permit that will come before this Commission for consideration in April.

Kirt Anderson, Priority Engineering, and Greg Evangelatos, Nevada Planning Consultants, gave a brief presentation on the opportunities that Tractor Supply will bring to Fernley and Tractor Supplies background and foundation.

Commissioner Cody Wagner gave full disclosure in regard to knowing Mr. Evangelatos for several years. Mr. Evangelatos is a donor to the non-profit that he helps run and that he has no financial or other interest in this project that will affect his objectivity and he will be voting on this item.

Public input:

Neal McIntyre, Mayor, Fernley resident, stated that he is in favor of changing zone

William Shattnok, Fernley resident, stated that he is in favor of the zoning change.

Gary Fields, Fernley resident, stated that he is in favor of the zoning change.

Motion: I MOVE TO ADOPT RESOLUTION 24-005 AND RECOMMEND CITY COUNCIL CERTIFY THIS RESOLUTION AND APPROVE THE MASTER PLAN AMENDMENT APPLICATION ASSOCIATED WITH MPA24001. I FURTHER MOVE TO ADOPT FINDINGS A, B, AND C, AND THE FACTS SUPPORTING THESE FINDINGS, AS SET FORTH IN THE STAFF REPORT. **Action:** Approved. **Moved by:** Vice-Chair Angela Lewis, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi, Commissioner VanderHeiden, Commissioner Flores.

3.4. (For Possible Action) Consideration, discussion, and possible action to recommend that the City Council approve Bill #342, an Ordinance establishing a Development Agreement (DA22001) between the developer (Mark IV Capital) and the City of Fernley in association with the Victory Logistics District Planned Development relating to improvements of utilities, public services, streets, and other related items.

Aaron Mouritsen, City Attorney, introduced Chris Malena (Zoom) who will be presenting this development agreement on behalf of the City of Fernley. He is the City's outside legal planning attorney.

Chris Malena, outside council for the City of Fernley, gave a brief overview of what the Development Agreement is and why it is needed.

Michele Rambo, Planning Director, presented that the property owner, Mark IV Capital, and the City of Fernley have negotiated a Development Agreement to accompany the development of the Victory Logistics District Planned Development. This agreement outlines requirements for both the developer and the City to follow as the project develops over the next 20 years. Items discussed include a new fire station, how to address the need for future sewer infrastructure, traffic mitigation, and the need to move a City well if a railroad spur is expanded. In general, a Development Agreement is a contract between the City of Fernley and Mark IV Capital detailing the obligations of both parties for the development of the property. The proposed agreement outlines the timing and extent of public improvements to be installed by the Master Developer. It also provides the city with assurances that public services and infrastructure will be sufficient to protect the health, safety, and welfare of residents as the project grows.

No public input at this time.

Motion: I MOVE TO RECOMMEND THAT THE CITY COUNCIL APPROVE BILL #342, AN ORDINANCE ESTABLISHING A DEVELOPMENT AGREEMENT BETWEEN MARK IV CAPITAL AND THE CITY OF FERNLEY REGARDING THE IMPROVEMENTS OF UTILITIES, PUBLIC SERVICES, STREETS, AND OTHER RELATED ITEMS BASED ON THE FINDINGS OUTLINED IN THE STAFF REPORT. **Action:** Approved. **Moved by:** Commissioner Wagner, **Seconded by:** Commissioner Lodhi. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi, Commissioner VanderHeiden, Commissioner Flores.

Chairwoman McCullar called for a break 6:05 - 6:11.

4. CHAIR AND COMMISSION ITEMS

None at this time.

5. PLANNING DIRECTOR ITEMS

Michele Rambo, Planning Director, reported that the area plans should be available by the end of March or April; and the Planning Commissioners will be set up with City emails.

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 7:18 pm.

Approved by the Fernley Planning Commission on April 10, 2024, by a vote of:

AYES 7 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0



Vice-Chair Angela Lewis



ATTEST:

Official Public Comment Sign-in Sheet for the Record

FPC - 3/13/2024

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