



N E V A D A

AGENDA  
Regular Meeting  
Planning Commission

Wednesday, July 12, 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

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Fernley City Council Chambers, 595 Silver Lace Boulevard, Fernley, NV 89408

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**Zoom information:**

Please click the following link to join the webinar: <https://us02web.zoom.us/j/82966343247>, or one tap\_mobile: 12532158782, Dial: 669 900 9128, Webinar ID: 829 6634 3247

**Public Notice:** This agenda has been physically posted in compliance with 241.020 at Fernley City Hall, 595 Silver Lace Blvd. In addition, this agenda has been electronically posted in compliance with NRS 241.020(3) at [www.cityoffernley.org](http://www.cityoffernley.org) and NRS 232.2175 at <https://notice.nv.gov/> To obtain further documentation regarding posting, please contact the City Clerk's Office at (775) 784-9830 or [cityclerk@cityoffernley.org](mailto:cityclerk@cityoffernley.org)

**Public Comment:** Those wishing to address the Planning Commission may submit public comment through the [online public comment form](#), or by sending an email to [cityclerk@cityoffernley.org](mailto:cityclerk@cityoffernley.org). Comments received prior to 4:00 pm the day of the meeting will be provided to the 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:** City Council 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](http://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 City Council 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. Roll Call**
- 1.2. Public Forum**
- 1.3. (For Possible Action) Approval of Agenda**
- 1.4. (Possible Action) Approval of Minutes**

## **2. 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

- 2.1. (For Possible Action) Request for continuation of public hearing for T1V23001 regarding the vacation of a right-of-way on Serenity Circle within Skyridge Estates II.**
- 2.2. (For Possible Action) Request for continuation of public hearings for MPA23001, ZMA23001, and CUP23005 related to the development of a personal storage facility and future neighborhood commercial on APN: 021-301-35, which is generally located south of Farm District Road, west of Desert Lakes Drive, and east of Donna Way.**
- 2.3. (For Possible Action) CUP22001-EOT, Extension of Time for a Conditional Use Permit**  
Consideration 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).
- 2.4. Consideration and possible action on Major Deviation 23001 submitted by D.R. Horton to allow the reduction of the lot sizes of APNs 022-471-01, 022-471-02, and 022-471-03.**
- 2.5. (For Possible Action) Tentative Subdivision Map application (TSM23001) from Wood Rodgers on behalf of Clements Ranching LLC to create 241 single-family detached lots on a site ±72.54 acres in size and generally located north of Farm District Road at the intersection of Clearwater Parkway (APN: 021-341-18).**

## **3. 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.)

## **4. PLANNING DIRECTOR ITEMS**

(ACTIVITY SUMMARY OR UPDATES ON PROJECTS THAT HAVE BEEN PREVIOUSLY REVIEWED BY THE PLANNING COMMISSION. THIS ITEM IS TO PROVIDE GENERAL INFORMATION TO THE COMMISSION AND PUBLIC. NO DISCUSSION SHALL TAKE PLACE AND NO ACTION WILL BE TAKEN.)

## **5. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS**

## **6. PUBLIC FORUM**

## **7. ADJOURNMENT**

**Next Meeting: August 9th @ 5pm**



**MINUTES OF THE  
FERNLEY PLANNING COMMISSION MEETING  
JUNE 14, 2023**

**1. INTRODUCTORY ITEMS**

**1.1. Roll Call**

**Present:** Chairwoman Jenni McCullar, Vice Chair Angela Lewis, Commissioner Barry Williams, Commissioner Shellie Severa, Commissioner Cody Wagner, Staff: City Clerk Kim Swanson, Administrative Specialist 1 Sandy Harris, Senior Planner Shay League, Assistant Planner Lisa Warner, Planning Director Michele Rambo, City Engineer Derek Starkey, Deputy City Attorney Aaron Mouritsen, Deputy City Manager Lydia Altick. **Absent:** Commissioner Lodhi.

**1.2. Public Forum**

There was none.

**1.3. (For Possible Action) Approval of Agenda**

Senior Planner Shay League requested to hear Item 5 before conducting general business.

**Motion:** MOTION TO APPROVE AGENDA WITH ITEM 5 BEING MOVED IN THE AGENDA. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Vice-Chair Angela Lewis. **Vote:** Passed, **Summary:** Yes 6, **Yes:** Commissioner Williams, Commissioner Hodges, Commissioner Severa, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner.

**1.4. (Possible Action) Approval of Minutes**

**Motion:** MOTION TO APPROVE THE MINUTES OF APRIL 12, 2023, MEETING. **Action:** Approved. **Moved by:** Vice-Chair Angela Lewis **Seconded by:** Commissioner Shellie Severa. **Vote:** Passed, **Summary:** Yes 6. **Yes:** Commissioner Williams, Commissioner Hodges, Commissioner Severa, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner.

**2. GENERAL BUSINESS**

**2.1. Discussion regarding "City of Fernley Planning Commission By-laws".**

Senior Planner League did not have a presentation at this time because it was not ready for a vote. Specific items that should be considered are (1) the question of residency; (2) the definition of residency in the Nevada Revised Statutes that define who is eligible to hold office; (3) doing away with Secretary. Would like feedback on establishing a closer relationship with the council.

Chairwoman McCullar is fine with 2 members being non-residents of Fernley. She would also like a closer relationship with the City Council.

Commissioner Wagner will abstain from the discussion of non-residency, as it potentially applies to him. He does like the idea of defining residency in NRS because then situations can be clearly black and white. Commissioner Wagner would like an onboarding process for new commissioners.

Vice-Chair Lewis is fine with 2 non-residence members; she is concerned about positions being voluntary and as the city grows, more time will be involved.

### 3. PUBLIC HEARINGS

#### **3.1. (For Possible Action) Discussion and possible action regarding an administrative review appeal (AR22004-APP) submitted by Reno Engineering Corporation on behalf of MOHR Pilot Road LLC, regarding the conditions of approval for a 446,940 square-foot warehouse at 1000 Pilot Road (APN: 021-061-32) on a parcel ±27.83 acres in size in the Industrial zone.**

Senior Planner League gave a presentation on conditions of approval that the applicant asked for review.

Condition 30: Request that the applicant submit a development agreement.

Condition 31: The signal light plan for the intersection was submitted to NDOT. The applicant is requesting they be allowed to contribute a set dollar amount to a fund to go towards that light. Staff requested that the Planning Commission leave the condition as is but also allow them, if they can provide an official letter of refusal or other such document from NDOT, they may instead provide the remaining funds for the needed intersection improvements to allow City of Fernley to construct the necessary improvements when NDOT allows it.

Condition 32: Secondary access to the project site was determined to be necessary by the North Lyon County Fire Protection District. Staff is requesting to leave this condition as is but also add the same language. If NDOT says "no light", then we will work with the secondary access point.

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

Justyn Farley, of Reno Engineering Corporation, gave a presentation, and also noted the traffic report from NDOT. In regard to the stop light, there is a certain traffic count that is needed to meet signal warrants so that you are allowed to install a signal. They are more than willing to contribute towards that signal, but at this point, per the traffic report, that signal will no longer be warranted until this project is built out plus, the wording is "this would not technically meet the 8 hour 4hour peak hour signal warrant criteria under baseline plus project conditions". It is anticipated that these warrants will be met under future plus project conditions.

Commissioner Wagner expressed concerned that just because it does not meet the traffic count does not mean a light is not warranted there.

Commissioner Hodges stated that there needs to be more traffic analysis. Commissioner Williams agrees that a traffic light is most definitely warranted there.

Commissioner Wagner asked for recommendations in regards to Condition 30. He asked if the developers had access to the 60ft right of way from the entrance to the Pilot station to the main road, and just further up they are struggling to get the 60ft.

City Engineer Starkey stated the benefit of the 60ft right-of-way section is more roadway width and space. It gives the ability to strip lanes with a center turn lane. His recommendation was to keep it.

Vice-Chair Lewis asked what the development agreement looks like in the future. She stated that the city does not have the funds to go after NDOT or fight those.

Senior Planner League stated that the development agreement proposed would be just for the question of the 50ft vs 60ft right-of-way. Our recommendation is that they still do the 60ft right-of-way if they can obtain it, then come back to council with a development agreement to say that they are going to build it to the 60ft and put this money aside for council to try to go after that extra 10ft. Regarding the intersection and the associated fire entry, my recommendation was not for the development agreement but to keep that as a requirement in case NDOT comes back and says they are not approving the signal light, that we still allow them to contribute funds towards that, but we allow them to do the alternate fire entry.

Justyn Farley stated there will be no sidewalk as proposed except for where they can tie into the existing sidewalk. They like the idea of red-stripping the entire thing, and will have no issue stripping it for 3 lanes, the issue will come into that there will be no room for a bike lane.

Fire Marshal stated that the second entrance is acceptable.

Deputy City Attorney Aaron Mouritsen suggested a development agreement.

Commissioner Williams agrees that they need 60 ft at the intersection and then 50 feet, and would like to wait on the vote for more clarification.

**Motion:** MOVE TO CONTINUE THE ITEM ON THE AGENDA AND DIRECT STAFF TO WORK WITH APPLICANT ON A DEVELOPMENT AGREEMENT THAT WILL BE PRESENTED AT A FUTURE MEETING TO ADDRESS BOTH THE REDUCTION IN RIGHT OF WAY AND THE SIGNAL AT PILOT ROAD. **Action:** Approved, **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 6. **Yes:** Commissioner Wagner, Commissioner Williams, Commissioner Hodges, Commissioner Severa, Chairwoman McCullar, Vice-Chair Lewis.

**3.2. (For Possible Action) Discussion and possible action on a tentative subdivision map application (TSM23001) submitted by Wood Rodgers on behalf of the Clements Family to allow for the development of a 241-lot single-family detached subdivision named "Clements Ranch" on a ±69.2-acre portion of the larger ±83.90-acre parcel generally located north of Farm District Road at the intersection of Clearwater Parkway (APN: 021-341-18).**

Senior Planner Shay League reported that they have not constructed what staff feels is an appropriate set of conditions of approval to set before the commission.

Commissioner Severa stated this item should be tabled.

Derek Kirkland, representing the Clements family, stated they would be back on July 12, 2023 to do a presentation.

No public input

**Motion:** MOVE TO CONTINUE THIS PROJECT UNTIL THE JULY 12, 2023, MEETING. **Action:** Approved, **Moved by:** Vice-Chair Angela Lewis, **Seconded by:** Commissioner Jan Hodges. **Vote:** Passed, **Summary:** Yes 6. **Yes:** Commissioner Williams, Commissioner Hodges, Commissioner Severa, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner.

**3.3. (For Possible Action) Discussion and possible action regarding a conditional use permit (CUP23003) application submitted by Morton & Pitalo on behalf of Fernley QOF, LLC to allow for the development of a 91-room hotel on the ±12.66-acre parcel zoned General Commercial**

**(C2) and generally located southeast of Stanley Drive, north of Newlands Drive East, and west of the Newlands Drive East / Lyon Drive intersection (APN: 021-232-53); this is phase one of the project known as the "Fernley Promenade" and proposed for a 3.5-acre site within the parcel.**

Assistant Planner Lisa Warner gave a presentation and stated the conditional use permit request is solely for the one parcel which is where the hotel is expected to be. The parcel is to be split into two lots, one for the hotel and the other for future proposed commercial use.

No public input

Senior Planner Shay League clarified that the hotel may be 4 stories and wanted to know if the commission had any concerns in regards to fire.

Greg Bardinie, Morton & Pitalo (Zoom), wanted to let the commission know that they appreciate the opportunity to bring this before the commission and are excited to bring this project to Fernley.

**Motion:** MOVE TO APPROVE THE CONDITIONAL USE PERMIT ASSOCIATED WITH CUP23002, ADOPTING FINDINGS CU1 - CU6 AND THE FACTS SUPPORTING THESE FINDINGS AS SET FORTH IN THE STAFF REPORT AND SUBJECT TO THE CONDITIONS OF APPROVAL 1-33 AS LISTED IN THE STAFF REPORT. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Severa. **Vote:** Passed, **Summary:** Yes 6. **Yes:** Commissioner Williams, Commissioner Hodges, Commissioner Severa, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner.

**3.4. (For Possible Action) Discussion and possible action regarding a conditional use permit (CUP23004) application submitted by Westex Engineers on behalf of Stor-All, LLC for ±32,909 square feet of mini-warehouse storage space on a portion of a parcel zoned General Commercial (C2), ±11.32-acres in size, and generally located west of 95A, south of Shadow Lane, east of White Eagle Lane, and north of Sunshine Lane (APN:021-132-64).**

Senior Planner Shay League presented the preliminary site plan and proposed elevations. The owner and applicant have decided that they want to build this project in 3 phases. The first phase is the storage facility, the second phase has the possibility of some commercial, and then maybe some multi-family units. Tonight, is the discussion for Phase 1 storage. Public notice has been given and a public hearing held per the requirements of the Development Code and the Nevada Revised Statutes. One of the conditions of approval in question is Condition 7 regarding residential district adjacent setbacks. In accordance with Fernley Municipal Code Section 326100 all side or rear portions of the facility abutting a residential district must have a setback equal to that of the building height. The setback applies to the west and south-west portions of the facility. Fernley Planning Commission finds that a masonry wall as described by condition of approval 6 sufficiently meets the need to screen between residential and non-residential uses and hereby waives both the setback and planting requirements listed.

David Meinecke with Jordan Architects (zoom) gave a presentation on the project and stated that the square footage is 132,909, and the height of the building along the residential line will be 12 ft plus or minus. He introduced Todd Whear, an operating member and heads up the Nevada Self-Storage Association. Christopher Moltz, a licensed professional engineer for Westtexas, was also in attendance.

Commissioner Wagner asked about the second access. David Meinecke stated that the second access

will be completed with Phase 2.

Public input:

Fernley City resident Erin Ferretto was concerned about how high the masonry wall would be because her property sits higher than the project site, and concerned about run-off from her property.

**Motion:** MOVE TO APPROVE THE CONDITIONAL USE PERMIT ASSOCIATED WITH CUP23004, ADOPTING FINDINGS CU1 THROUGH CU6 AND THE FACTS SUPPORTING THESE FINDINGS AS SET FORTH IN THE STAFF REPORT AND SUBJECT TO THE CONDITIONS OF APPROVAL 1 THROUGH 33 AS SET FORTH BY STAFF IN THE STAFF REPORT. REGARDING CONDITIONS 7, 8, AND 9 I MOVE TO ADOPT THE CONDITIONS AS REQUESTED BY THE DEVELOPER. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Jan Hodges. **Vote:** Passed, **Summary:** Yes 6. **Yes:** Commissioner Williams, Commissioner Hodges, Commissioner Severa, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner.

4. CHAIR AND COMMISSION ITEMS

Commissioner Cody Wagner thanked Senior Planner Shay League and Deputy City Manager Lydia Altick for holding things together and keeping the city afloat.

5. PLANNING DIRECTOR ITEMS

Senior Planner Shay League introduced the new Planning Director Michele Rambo. Planning Director Michele Rambo gave a brief introduction of herself.

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 7:01 PM.

Approved by the Fernley Planning Commission on July 12, 2023, by a vote of:

AYES \_\_\_\_\_ NAYS: \_\_\_\_\_ ABSTENTIONS: \_\_\_\_\_ ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Chairwoman Jenni McCullar

\_\_\_\_\_  
Attest:



# CITY OF FERNLEY

## Planning Commission AGENDA REPORT

**Meeting Date: July 12, 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):**

(For Possible Action) Request for continuation of public hearing for T1V23001 regarding the vacation of a right-of-way on Serenity Circle within Skyridge Estates II.

**AGENDA ITEM BRIEF:**

Staff requests a continuation of the public hearing scheduled for this item.

**RECOMMENDED MOTION:**

Approval

"I move to continue the public hearing for T1V23001 until the August 9, 2023 Planning Commission meeting."

**BUSINESS IMPACT (per NRS Chapter 237):**

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

**See attached report for background, analysis, alternatives.**

**ALTERNATIVES:**

Denial

"I move to deny the request to continue the public hearing for T1V23001 until the August 9, 2023 Planning Commission meeting. Because this item is not ready for discussion tonight, staff will re-notice this item when it is ready for discussion and possible action."

Note: Though no further language has been provided, all motions consistent with City of Fernley Planning

Commission parliamentary procedure are appropriate.

**BACKGROUND:**

Denson Surveying submitted this application on behalf of Genica Skyridge Estates LLC. They are asking to abandon an easement that does not follow the road as it was ultimately constructed. Following that, they will work with the Engineering Department to re-dedicate a correct easement to City of Fernley. Planning Staff is still awaiting review by our contract surveyor and requires more time to bring this forward to Planning Commission. Staff anticipate this item will be ready for the August 9, 2023 PC meeting.

**RELEVANT LAWS, STATUTES, AND REGULATIONS:**

General:

- [Nevada Revised Statutes \(NRS\), Chapter 241](#) - Meetings of State and Local Agencies
- [Nevada Revised Statutes \(NRS\), Chapter 278](#) - Planning and Zoning
- [Fernley Municipal Code \(FMC\), Title 32](#) - Development Code

Specific References:

- [NRS 278.050](#) - Meetings; rules; records; continuances
- [FMC Section 32.03.020](#), Table 32.03.020-1 - Development Code, Administration, Review and decision-making bodies, Summary Table of Development Review Procedures
- [FMC Section 32.03.030\(b\)](#) - Development Code, Administration, Common review procedures, Notice
- [FMC Section 32.03.080\(a\)](#) - Development Code, Administration, Vacations, Type I vacations

Note: This list is provided for reference and is not all-inclusive. The City of Fernley Planning Department will ensure all links operate until the 07/12/2023 Planning Commission meeting but does not guarantee link function and accuracy after that date.

**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

None



# CITY OF FERNLEY

## Planning Commission AGENDA REPORT

Meeting Date: July 12, 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):**

(For Possible Action) Request for continuation of public hearings for MPA23001, ZMA23001, and CUP23005 related to the development of a personal storage facility and future neighborhood commercial on APN: 021-301-35, which is generally located south of Farm District Road, west of Desert Lakes Drive, and east of Donna Way.

**AGENDA ITEM BRIEF:**

Staff requests a continuation of the public hearing scheduled for this item.

**RECOMMENDED MOTION:**

Approval

"I move to continue the public hearings for MPA23001, ZMA23001, and CUP23005 until the August 9, 2023 Planning Commission meeting."

**BUSINESS IMPACT (per NRS Chapter 237):**

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

See attached report for background, analysis, alternatives.

**ALTERNATIVES:**

Denial

"I move to deny the request to continue the public hearing for MPA23001, ZMA23001, and CUP23005 until the August 9, 2023 Planning Commission meeting. Because this item is not ready for discussion tonight, staff will re-notice this item when it is ready for discussion and possible action."



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

**BACKGROUND:**

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. They intend to reserve the front of the parcel for future neighborhood-style commercial development to serve the nearby Desert Lakes housing subdivision. Planning Staff is awaiting approval of suggested conditions for the conditional use permit. Staff anticipate this item will be ready for the August 9, 2023 PC meeting.

**RELEVANT LAWS, STATUTES, AND REGULATIONS:**

General:

- [Nevada Revised Statutes \(NRS\), Chapter 241](#) - Meetings of State and Local Agencies
- [Nevada Revised Statutes \(NRS\), Chapter 278](#) - Planning and Zoning
- [Fernley Municipal Code \(FMC\), Title 32](#) - Development Code

Specific References:

- [NRS 278.050](#) - Meetings; rules; records; continuances
- [FMC Section 32.03.020](#), Table 32.03.020-1 - Development Code, Administration, Review and decisionmaking bodies, Summary Table of Development Review Procedures
- [FMC Section 32.03.030\(b\)](#) - Development Code, Administration, Common review procedures, Notice

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**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

None



# CITY OF FERNLEY

## Planning Commission AGENDA REPORT

**Meeting Date: July 12, 2023**

**REPORT TO:** Fernley Planning Commission

**REPORT FROM:** Lisa Warner

**FINANCIAL IMPACT:**

Yes: No: X

**CURRENTLY BUDGETED:**

Yes: No: X

**FUND/ACCOUNT:**

N/A

**ACTION REQUESTED:** Motion

**AGENDA ITEM: (For Possible Action):**

(For Possible Action) CUP22001-EOT, Extension of Time for a Conditional Use Permit  
Consideration 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).

**AGENDA ITEM BRIEF:**

The applicant is requesting a one-year Extension of Time (EOT) for the 600 W. Main Street project (CUP22001), which was initially approved by the Planning Commission on May 11, 2022.

**RECOMMENDED MOTION:**

Motion to Approve

"I 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."

Motion to Deny

"I move to deny an extension of time for the Conditional Use Permit associated with CUP22001."

**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:**

N/A

**BACKGROUND:**

Two applications are associated with this Conditional Use Permit application. A Zoning Map Amendment (ZMA22002) application was approved by City Council on April 20, 2022, allowing for a zoning change from split General Commercial (C2) and Single Family (SF6) to Suburban Mixed Use (SMU). A Tentative Subdivision Map (TSM22001) application was approved by City Council on April 20, 2022, allowing for the division of a ±28.42-acre parcel to be split into nine (9) separate parcels.

The Conditional Use Permit (CUP22001) application was approved by Planning Commission on May 11, 2022, to allow a ±9.52-acre portion of the ±28.42-acre parcel to be developed into a 276-unit multi-family residential apartment complex.

The applicant requested a one-year extension for the Conditional Use Permit (CUP22001) on May 8, 2023. The applicant is currently pursuing the permitted use and has submitted the Hydrologic Conditional Letter of Map Revision to both FEMA and the City of Fernley with the intent of submitting a grading permit application and the civil improvement plan application within the next 30-60 days.

**ANALYSIS:**

The 600 W. Main Street project was approved with a series of conditions, one of which pertained to the expiration date:

"THE SHALL EXPIRE WITHIN ONE (1) YEAR OF THE DATE OF APPROVAL, UNLESS THE PERMITTED USE HAS BEEN ESTABLISHED OR CONSTRUCTION TO ACCOMMODATE THAT USE HAS BEGUN AND IS BEING DILIGENTLY PURSUED. A ONE-YEAR EXTENSION MAY BE GRANTED BY THE [PLANNING COMMISSION] IF REQUESTED PRIOR TO THE EXPIRATION DATE OF THE APPROVAL."

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. Should an extension be granted, the project approval expiration date will be extended to May 11, 2024, and no additional extensions shall be granted.

**RELEVANT LAWS, STATUTES, AND REGULATIONS:**

Nevada Revised Statutes (NRS), Chapter 278 - Planning and Zoning  
Fernley Municipal Code (FMC), Title 32 - Development Code

Specific Reference:  
Fernley Municipal Code (FMC) Chapter 32.03.050 - Entitlements

**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

1. West Main CUP Extension Request May 9th 2023

2. 2022-06-30 CUP22001 PC Staff Report



May 8, 2023

City of Fernley Planning Staff  
**Attn: Lisa Warner, MBA**  
Assistant Planner  
775-784-9819  
[lwerner@cityoffernley.org](mailto:lwerner@cityoffernley.org)

RE: West Main CUP Extension Request

Lisa,

Phelps Engineering on behalf of the Applicant would like to request an extension for the West Main Station Project CUP. Specifically, Condition of Approval states,

***THE DESIGN REVIEW SHALL EXPIRE WITHIN ONE (1) YEAR OF THE DATE OF APPROVAL, UNLESS THE PERMITTED USE HAS BEEN ESTABLISHED OR CONSTRUCTION TO ACCOMMODATE THAT USE HAS BEGUN AND IS BEING DILIGENTLY PURSUED. A ONE-YEAR EXTENSION MAY BE GRANTED BY THE ADMINISTRATOR IF REQUESTED PRIOR TO THE EXPIRATION DATE OF THE DESIGN REVIEW APPROVAL.***

As you may know, an extension was granted to May 11, 2023.

The City's current code language is that "construction to accommodate" a "permitted use" is being "diligently pursued". It is our understanding this requirement was previously interpreted by staff as a quick check at the expiration date to ensure that either the use has been established or the developer has obtained any type of engineering or building permit (i.e., grading, civil improvement, building, etc.).

Staff has since changed their view on CUP extensions because market conditions have drastically changed and staff reviews so far behind the City does not feel it makes sense to continue to holding developers to the one year + one year extension for establishing their use anymore. In keeping with the intent of the code, while still allowing for a commonsense interpretation, it is our understanding the City is now going to allow an entitlement to stand if, at the time of expiration, the applicant has at least *applied* for any type of building or engineering permit.

Phelps Engineering has been and currently is pursuing this permitted use and we have submitted to FEMA and the City the Hydrologic CLOMR for our West Main project and at the same time have had extensive coordination with the Redhawk development to the south. Furthermore, it is our intent to submit our Grading Permit Application and the Civil Improvement Plan Application within the next 30-60 days.



If you have any questions please contact me at 303.669.2314.

Sincerely,

A handwritten signature in black ink, appearing to read "Lonny E Phelps".

Lonny E Phelps, PE

President

[lphelps@phelpsengineering.net](mailto:lphelps@phelpsengineering.net)

on behalf of the Applicant:

Vertex West Main, LLC

A handwritten signature in black ink, appearing to read "Matt Hurley".

Matt Hurley, Member



# CITY OF FERNLEY

## PLANNING COMMISSION

### AGENDA REPORT

Meeting Date: May 11, 2022

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                |                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| <b>REPORT TO:</b> Planning Commission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                |                             |
| <b>REPORT BY:</b> Nikil Manayathara, Assistant Planner                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                |                             |
| <b>REVIEWED BY:</b> Tim Thompson, Planning Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                |                             |
| <b>FINANCIAL IMPACT:</b><br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>CURRENTLY BUDGETED:</b><br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A | <b>FUND/ACCOUNT:</b><br>N/A |
| <b>ACTION REQUESTED:</b><br><input type="checkbox"/> Consent <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance<br><input type="checkbox"/> Presentation <input type="checkbox"/> Receive/File <input type="checkbox"/> Resolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                |                             |
| <b>AGENDA ITEM: (For possible action) Public Hearing, CUP22001 – Conditional Use Permit</b><br>Consideration and possible action on a Conditional Use Permit request to allow for the development of a 276-unit multi-family residential apartment complex located within the MU (Mixed Use) zoning district. The site is ±9.52 acres and is located at 600 West Main Street (APN: 021-071-03).                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                |                             |
| <b>AGENDA ITEM BRIEF:</b><br>The applicant has requested approval for a Conditional Use Permit on a 276-unit apartment complex consisting of multiple 3-story buildings, located on a ±9.52-acre parcel of land, within the MU (Mixed Use zoning district). This parcel is a part of the larger ±28.42-acre Tentative Subdivision Map (TSM22001) which was recently approved at the April 20 <sup>th</sup> , 2022 City Council Meeting.                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                |                             |
| <b>RECOMMENDED MOTIONS:</b><br><b><u>Motion to Approve</u></b><br>“I move to approve the Conditional Use Permit associated with CUP22001, adopting Finding CU1 through CU6 and the facts supporting these Findings as set forth in the staff report and subject to the Conditions of Approval 1 through 42 as listed in the staff report.”<br><br><b><u>Motion to Deny:</u></b><br>“Based on information received in written materials and the public hearings on this matter, I move to deny the Conditional Use Permit request associated with CUP22003, because I am unable to make the following required Conditional Use Permit Findings:<br>I am unable to make Finding(s) _____ as it relates to _____. Therefore, I cannot approve the Conditional Use Permit.” |                                                                                                                                |                             |
| <b>Business Impact (per NRS Chapter 237):</b><br><br><input type="checkbox"/> A Business Impact Statement is Attached.<br><br><input checked="" type="checkbox"/> 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.

## PROJECT SUMMARY

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|                             |                                                                                                                                                                                                               |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CASE NUMBER(S):</b>      | <ul style="list-style-type: none"><li>• CUP22001</li></ul>                                                                                                                                                    |
| <b>REQUESTED ACTION(S):</b> | <ul style="list-style-type: none"><li>• Conditional Use Permit</li></ul>                                                                                                                                      |
| <b>PROJECT DESCRIPTION:</b> | <ul style="list-style-type: none"><li>• A proposed 276-unit multifamily residential apartment complex, to be located within the MU (Mixed Use, maximum 30 dwelling units per acre) zoning district.</li></ul> |
| <b>PROPERTY OWNER(s):</b>   | <ul style="list-style-type: none"><li>• Betty M. Jackson Trust</li></ul>                                                                                                                                      |
| <b>APPLICANT:</b>           | <ul style="list-style-type: none"><li>• Phelps Engineering Services</li></ul>                                                                                                                                 |
| <b>LOCATION:</b>            | <ul style="list-style-type: none"><li>• 600 West Main Street (APN: 021-071-03)</li></ul>                                                                                                                      |
| <b>SITE SIZE:</b>           | <ul style="list-style-type: none"><li>• ±9.52 acres</li></ul>                                                                                                                                                 |
| <b>EXISTING ZONING:</b>     | <ul style="list-style-type: none"><li>• MU (Mixed Use)</li></ul>                                                                                                                                              |
| <b>EXISTING LAND USE:</b>   | <ul style="list-style-type: none"><li>• SMU (Suburban Mixed Use)</li></ul>                                                                                                                                    |
| <b>WARD INFORMATION:</b>    | <ul style="list-style-type: none"><li>• Ward 4 – Councilmember Albert Torres</li></ul>                                                                                                                        |

**\*A PUBLIC HEARING IS REQUIRED**

## POLICY REFERENCE

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Nevada Statutes:                  | NRS 278A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Fernley Municipal Code:           | Title 32                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Policies & Procedure Manual:      | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Community Assessment:             | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| City of Fernley Development Code: | <a href="#"><i>Chapter 32.03.050 – Entitlements</i></a><br><a href="#"><i>Chapter 32.06.090 – Mixed Use Zoning</i></a><br><a href="#"><i>Chapter 32.09.035 – Dedication of Water Rights</i></a><br><a href="#"><i>Chapter 32.09.090 – Landscaping &amp; Screening</i></a><br><a href="#"><i>Chapter 32.09.102 – Parking &amp; Loading</i></a><br><a href="#"><i>Chapter 32.09.150 – Utilities</i></a><br><a href="#"><i>Chapter 32.12.010 – Adequate Public Facilities</i></a><br><a href="#"><i>Chapter 32.13.030 – Improvements, security, and inspection</i></a> |



## BACKGROUND

The parcel of land proposed for development is currently zoned MU (Mixed Use) and was recently rezoned from a split zoned C2 (General Commercial) and SF6 (Single Family, 6,000 sq. ft. minimum lot size) in April 2022. The site is located northeast of Main Street and east of the Rancho Estates Mobile Home Park. The entire site currently consists of two parcels  $\pm 28.42$  acres in size, and these parcels are currently in the process of being subdivided into nine (9) distinct parcels. Seven (7) of these parcels will be commercial parcels fronting main-street, one (1) parcel is expected to be a dedicated drainage channel, and one (1)  $\pm 9.52$ -acre parcel will be created for the multi-family housing development.

The conditional use permit is requested solely for the multi-family housing parcel, and separate approval has occurred for both the rezone of the project site from SF6 & C2 Zoning to MU (Mixed Use), and the tentative parcel split into 9 distinct parcels. The applicant will be required to submit and receive approval for a Final Subdivision Map for the parcel split as well. This site is situated between commercial and industrial development to the west and high density housing in the form of mobile home parks to the east. The project site's land use designation is Suburban Mixed-Use (SMU). This property was acquired by David D. and Betty M. Jackson from the Truckee-Carson Irrigation District (TCID) on March 10, 1952.

## ANALYSIS

This applicant is seeking approval for a Conditional Use Permit to allow for the construction and development of a 276-unit Modular Apartment complex. This will generally consist of approximately 10 three-story buildings on a site  $\pm 9.52$  acres in size. This proposed project would be constructed behind 7 parcels intended for commercial development that total  $\pm 9.68$  acres. Surrounding both the commercial and multi-family residential is a  $\pm 4.93$ -acre parcel devoted to a drainage channel, open space, and a pedestrian trail for community use.

The purpose of the Conditional Use Permit is to promote *"the public health, safety and general welfare by providing for special safeguards in the location and design of certain uses in certain zoning districts."* A Conditional Use Permit is a discretionary permit requiring a decision-making body to exercise judgment prior to its approval, conditional approval, or denial. The process encourages public review and evaluation of a proposed use's operating characteristics and/or site development features and is intended to ensure that proposed conditional uses will not have a significant adverse impact on surrounding uses or the community-at-large.

The focus of this report and the Conditional Use Permit process is determining whether the proposed project is consistent with the existing surrounding land uses and ensuring there are adequate public facilities to serve the development. Schools, parks, public safety, sewer, water, storm drainage, and transportation facilities were all considered.

Students residing within this development will attend Fernley Elementary School, Fernley Intermediate School, Silverland Middle School, and Fernley High School. According to the 2016 LCSD (Lyon County School District) Master Facilities Plan, the most recent data available for the Lyon County School District, most of Fernley's Schools are expected to reach or exceed 95-100% capacity by 2025. For this development however, the Fernley High School will be the only school that is expected to exceed 100% capacity by 2025, with a projected utilization rate of 106%. The other three schools that are expected to serve this project, Fernley Elementary, Fernley Intermediate, and Silverland Middle School are expected to have 2025 utilization rates of 91%, 96%, and 86% respectively. If necessary, the applicant shall work with the Lyon County School District to ensure that the project can be served by School District facilities.

The project site is located approximately 0.6 miles from the In-town Park, and one of the parcels fronting Main Street is tentatively expected to contain a dog park, as shown in the Tentative Map submission for the larger ±28.42-acre project site.

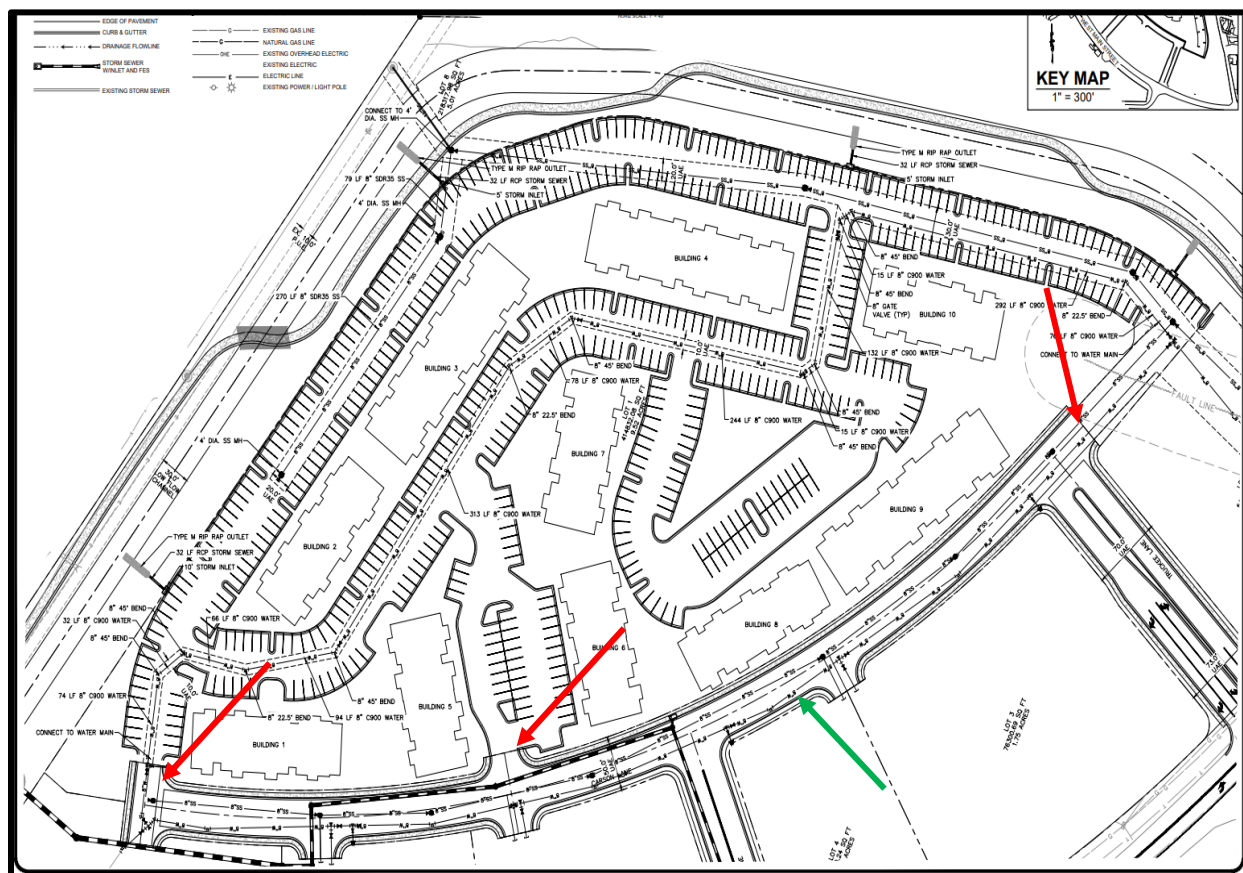
The Lyon County Sherriff's office provides law enforcement services and the North Lyon County Fire Protection District provides Fire Protection. The project site is located approximately 0.6 miles from the North Lyon County Fire Protection station on Main Street, and the Sherriff's Office is located roughly 1.0 mile from the project site.

Sewer and Water discoveries were made by the applicant during the development process. Given that the project is proposed to be rezoned to the MU (Mixed Use) district, connecting to City water and sewer services are required, as is stated within the City of Fernley Development code. The development will utilize the existing 12" diameter sewer main located along the north property line, adjacent to the Union Pacific Railroad right-of-way. It is understood that this Sewer Line has existing capacity to serve the development, though upgrades and improvements may be required in the near future. Sewage collected from the project site will flow east, first to the West Lift Station, and ultimately to the East Wastewater Treatment Plant. An 8-inch sanitary sewer main is proposed to connect to the 12-inch main at the northern property line and run down the eastern property boundary, adjacent to the irrigation/drainage ditch. From there, the 8-inch sewer line will be undergrounded through the project's interior roadway and branch out into each individual lot. Both 6-inch and 4-inch sewer laterals will serve each individual lot, with sewer line diameter depending on the specific land use and occupancy for each lot. Water connections will also be utilized through an existing water main.

For water connection, an 8-inch main will connect to the 12-inch water line located underneath W. Main Street and will then be routed northwards to the projects' interior roadway, whereby it will travel east-west through the project site, and branch out at various lot entryways, to serve each lot. The proposed water line will be 'looped', ensuring that the branched line reconnects to back on to W. Main Street, to the 20-inch main further west. The specific diameter of each water line within the lots will be dependent on the specific land use and occupancy of the parcel.

The developer is required to dedicate sufficient water rights to serve the project. The developer shall comply with all standards, codes, and requirements regarding connection to the City's sanitary sewer and potable water systems, including but not limited to associated fees, easements, design standards, system looping, development code requirements, and state requirements.

Ingress/Egress for the multifamily development will be through three (3) driveways, that are all expected to be off of the ±28.42-acre project site's main **backbone roadway**. The project site's ingress/egress points are highlighted on the following page, via the **Red Arrows**. The driveways serving the project site are all expected to be privately owned and maintained by the property owner and will generally have a right-of-way width ranging from 20-30 feet. The proposed roadways used to access this multi-family development from W. Main Street will likely remain private because the "roadways" do not provide access for the public's benefit. Rather, the "roadways" only serve this development. The site plans provided by the applicant additionally indicate that the parking for the project site will be located along the project driveways, and a Condition of Approval will be added to ensure that the final design of the project meets the City's minimum parking requirements for multifamily developments – *"1.5 spaces per 1-bedroom/studio units, 2 per unit for 2-bedroom and up, plus 0.25 guest spaces per dwelling unit."*



A Traffic Study was provided by the applicant as it was expected that the proposed development would generate greater than 100 peak hour trips. The 600 W. Main project as a whole is expected to generate an additional 322 AM peak hour trips, and 584 additional PM peak hour trips. These values were generated according to the ITE (Institute of Transportation Engineers) 2018 Land Use standards, and it was found that an additional 6,623 Average Daily Trips would be generated as a result of this project. Both the City of Fernley as well as the Nevada Department of Transportation identify LOS (Level of Service) D as the minimum service threshold for which traffic and roadway improvements need to be made. Level of Service D is generally defined as:

*“Approaching unstable flow. Speeds slightly decrease as traffic volume slightly increase. Freedom to maneuver within the traffic stream is much more limited and driver comfort levels decrease. Vehicles are spaced about 160 ft(50m) or 8 car lengths. Minor incidents are expected to create delays. Examples are a busy shopping corridor in the middle of a weekday, or a functional urban highway during commuting hours. It is a common goal for urban streets during peak hours, as attaining LOS C would require prohibitive cost and societal impact in bypass roads and lane additions.”*

This means that any roadway intersection equal to or higher than LOS D (D, C, B, A) may not require any significant infrastructure improvements, while those below LOS D (E, F) will require improvements. While

some of the intersections around W. Main Street are not anticipated to be overly impacted by the project, the 2 new access driveways (Truckee Lane extension and Humboldt Lane) are expected to create significant traffic conditions at the point where they intersect with W. Main Street. The traffic study identified that the project would require some level of infrastructure improvements, related to signage, striping, and traffic control improvements. The full recommendations of the provided traffic study for the 600 W. Main Street development are stated below:

- *"It is recommended that any required signage, striping, or traffic control improvements comply with the Nevada Department of Transportation and City of Fernley Requirements."*

- *"It is recommended that the West Main/Truckee Lane East Driveway intersection be designed to include a minimum of one left turn lane and one shared through-right turn lane at both the north driveway and south Truckee Lane approaches and an exclusive right turn lane with a minimum of 215 feet of deceleration length at the east approach. It is recommended that a traffic signal be installed at the West W. Main Street/Truckee Lane -East Driveway intersection when warranted."*

- *"It is recommended that the West W. Main Street/West Driveway (Humboldt Lane) intersection be designed to operate with limited left-in/right-in/right-out movements and contain stop sign control at the driveway approach and an exclusive right turn lane with a minimum of 215 feet to deceleration length at the east approach."*

Given that the project area is located within Flood Zone level AE, a drainage and hydrology report was provided by the applicant as well. Drainage and retention for the project site will generally be handled via the aforementioned drainage channel that will run along the northern and eastern project boundaries. The project area has a gentle slope, with an approximate gradient of 0.5% to the west-northwest of the site. Flows and runoff collected by the channel will flow to the northwestern site of the project, where a retention pond will be constructed to hold runoff, as well as allow infiltration of runoff into the soil. The proposed retention pond will be approximately 57,350 cubic feet in volume and will be constructed according to the City of Fernley Public Works Design Standards. It is estimated that infiltration will occur at an approximate rate of 8.0 inches per hour. Given the large size of the project area, Storm Drains and additional piping will also be constructed to provide additional runoff for the project area. These additions will tie into some of the goals and strategies outlined within the City of Fernley's Storm Drain Master Plan.

**Should the Planning Commission determine the project, as submitted and conditioned, is consistent with the development code, will not have a significant adverse impact on the existing surrounding uses, promotes the public health, safety, and general welfare, and can make the applicable Findings, the Planning Commission can approve the item with the attached Conditions of Approval.**

**If the Planning Commission cannot make some or all the applicable Findings and determines the project, as submitted and conditioned, is not consistent with the development, will have a significant adverse impact on the existing uses, and/or does not promote the public health, safety and general welfare, the Planning Commission can deny the application. The motion to deny should be based on information received in written materials and at the public hearings on this matter and the Planning Commission's inability to make any Finding(s) should be explicitly described.**

## **FINDINGS**

**CU1. The proposal, as submitted and conditioned, is in compliance with the City’s Comprehensive Master Plan**

Relationship to the Master Plan

1. MU (Mixed Use)

The proposed project is located within an area designated as SMU (Suburban Mixed Use) in the City of Fernley’s Comprehensive Master Plan. The Suburban Mixed Use land use identifies five (5) equivalent Zoning districts – **MDR14** (Medium density residential, 7-14 dwelling units per acre), **MF30** (Multifamily, 21-30 dwelling units per acre), **MU** (Mixed Use), and **C1** (Neighborhood Commercial). Per the Comprehensive Master Plan Document, the Suburban Mixed-Use designation focuses on a mix of residential and commercial uses, highlighting medium-high density residential development within proximity to commercial services and employment. A greater emphasis is placed on higher density housing, such as single family-attached homes, townhomes, live-work dwellings, and apartment buildings. The Comprehensive Master Plan goes on to state that Suburban Mixed-Use areas are typically located adjacent to the City’s Downtown core and are highly encouraged along Main Street. Municipal Services such as connection to the City’s Water and Sewer systems are required, and SMU areas are additionally highly encouraged to be connected through sidewalks or trail systems. Furthermore, the vertical and horizontal mixing of land uses is additionally permitted within Suburban Mixed-Use areas.

2. The Land Use Plan Goals and Action Strategies in the 2018 Comprehensive Master Plan that are relevant to this proposal include:

Population, Housing, & Employment

**HP.1.1 Enhance Fernley’s vitality as a community by providing a variety of housing types, density, and costs that accommodate the needs, desires, and financial abilities of the current and future households.**

HP.1.1.1 Encourage higher densities in the downtown core as a part of master planned communities that also provide a mixture of job generating and commercial land uses within the overall development.

HP.1.1.2 Encourage large-scale housing development that incorporates efficient land use techniques and creates a distinct sense of place and neighborhood diversity.

**HP.1.2 Encourage housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to services and public facilities such as parks, and resource efficient design & construction.**

HP.1.2.1 Foster flexibility in the division of land and the siting of buildings and other improvements to reduce new development’s impact on environmentally sensitive areas.

**HP.1.4 Provide opportunities for high density residential development near the downtown core and elsewhere in the community where appropriate.**

HP.1.4.1 Multi-family land should be dispersed throughout the community near employment centers and transportation corridors, rather than being concentrated in a few areas.

Land Use

**LU.1.1 Encourage and plan for new development in areas where adequate public services and facilities can be provided efficiently**

- LU.1.1.1 Require new development to provide its proportionate share of improvements to avoid a degradation of services for existing residents. This requirement will be applied regardless of project size in order to avoid incremental erosion of services and facilities.
- LU.1.1.2 Encourage development of vacant or underutilized lands within the community core where adequate infrastructure and facilities currently exist.
- LU.1.1.3 Require new development to provide certified, stamped studies demonstrating the impact proposed development will have on existing infrastructure and to provide other improvements and/or funding in lieu of in proportion to the impacts of the proposed projects on the city's roadway, sewer, and water systems.

**LU.1.2 Encourage new development to be in conformance with the Comprehensive Master Plan land use category, and other land use controls to accomplish community principles.**

- LU.1.2.1 Monitor development applications that intend to utilize the underlying zoning. Modify the Development Code as necessary to ensure development that reflects the community goals envisioned in the master plan.

**LU.1.3 Provide a balanced distribution of population and employment**

- LU.1.3.1. Encourage land use development, which maintains a balance of population, housing, and employment.
- LU.1.3.2. Maintain adequate supplies of developable land for both residential and commercial land uses.

**LU.1.4 Ensure existing and future land uses are compatible.**

- LU.1.4.1. Projects shall be evaluated with the intent to promote land use compatibility - community design measures can increase compatibility among adjoining land uses.
- LU.1.4.5. Require development plans to address conditions unique to the developing area and minimize impacts to adjacent properties
- LU.1.4.6. Review all projects in relation to their geographic location, impacts to adjacent communities, fiscal impact and mitigation measures to protect natural and cultural resources. Apply specific conditions of approval tailored for each development proposal.

**LU.1.5 Promote infill development**

- LU.1.5.1. Encourage the intensification of land use in the existing community core.
- LU.1.5.4. Adopt development regulations that recognize the relationship between land use timing and the provision of services and facilities.

**LU.1.6 Create a growth pattern that assures flexible, feasible and efficient projects.**

- LU.1.6.1. Support for developmental approval of projects that provide an appropriate balance of population.
- LU.1.6.2. The land use designations include minimum service standards that shall apply to proposed developments and land use changes.

Other goals and action strategies that may be relevant to this project are:

HP.1.8, HP.1.8.1, LU.1.1.12, LU.1.12.1, T.1.1, T.1.1.1, T.1.1.6, T.1.3, T.1.3.1, T.1.3.2, T.1.3.4, T.1.3.5, PSF.1.1, PSF.1.1.3, PSF.1.1.4, PSF.1.2, PSF.1.4, PSF.1.4.1, PSF.2.1, PSF.2.1.1, PSF.2.1.2, PSF.2.1.3, PSF.2.1.4, PSF.2.1.5, PSF.3.3.1, PSF.3.3.2.

The proposed project is generally consistent with the goals and policies identified within the City's Comprehensive Master Plan. Through review by City Staff, it was determined that the project site as a whole provides a broad mix of Commercial and Residential uses, which is the primary use for developments within the SMU (Suburban Mixed Use) Land use, as stated within the City's Comprehensive Master Plan.

The proposed project provides a housing product type that serves to better diversify the housing stock within the city. The project site is an underutilized and mostly vacant site within the City's core service area, thus promoting infill development. The proposed project has been conditioned to ensure adequate public facilities are provided in timely, orderly, and efficient manner to support the development.

As development projects are considered in conjunction with the master plan, decision makers must weight each goal and policy as it relates to an individual development. Projects may not necessarily meet each and every goal or policy in the Comprehensive Master Plan but should be in substantial conformance plan. Decision makers have discretion to determine which goals and policies are more pertinent to a development project based on individual circumstances.

**CU2. The application, as submitted and conditioned, is compatible with the existing or permitted uses of adjacent properties.**

| <b>SURROUNDING LAND USES AND ZONINGS (OF PROJECT SITE)</b> |                                                            |                                                                                       |
|------------------------------------------------------------|------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <b>Direction</b>                                           | <b>Land Use</b>                                            | <b>Zoning</b>                                                                         |
| <b>NORTH</b>                                               | <b>Union Pacific Railroad R.O.W</b>                        | <b>N/A</b>                                                                            |
| <b>SOUTH</b>                                               | <b>NDOT Facility + Proposed Red Hawk Ranch Subdivision</b> | <b>C2 (General Commercial) and SF6 (Single Family, 6,000 sq ft. minimum lot size)</b> |
| <b>EAST</b>                                                | <b>Fernley RV Park and Rancho Estates Mobile Home Park</b> | <b>C2 (General Commercial)</b>                                                        |
| <b>WEST</b>                                                | <b>Fernley Self Storage &amp; Comfort Suites Hotel</b>     | <b>C2 (General Commercial)</b>                                                        |

As mentioned previously, the table within the Land Use Chapter of the City's Comprehensive Master Plan for the SMU (Suburban Mixed Use) land use designation identifies a mix of residential and commercial uses, with a high concentration of residential uses adjacent to employment and services. Specific housing types are not required, but the broad requirement identifies medium to higher density residential development.

The proposed multi-family residential use is a permitted use within the Mixed-Use zoning district, with the approval of a Conditional Use Permit. The general purpose of a Conditional Use Permit is to promote *“the public health, safety, and general welfare by providing for special safeguards in the location and design of certain uses in certain zoning districts.”* A Conditional Use Permit is a discretionary permit that requires a decision-making body to exercise judgement prior to its approval, conditional approval, or denial. The process encourages public review and evaluation of a proposed use’s operating characteristics and/or site development features and is intended to ensure that proposed conditional uses will not have a significant impact on surrounding uses or the community at large.

It is not uncommon for multifamily residential and commercial development to coexist adjacent to single family residential development, provided potential impacts have been adequately addressed. Traffic, noise, light pollution, parking, and building adjacency may all affect the reasonable enjoyment of a single-family residence. Standards within the development code are implemented in order to suppress these concerns. Although the specific project for which this Conditional Use Permit is being submitted does not incorporate a mix of residential and commercial space, the overall ±28.42-acre project site does employ a combination of both residential and commercial development, with commercial development proposed for the parcels fronting Main Street, and residential development proposed on the larger parcel, behind the aforementioned commercial space.

The Planning Commission may determine whether the project as proposed and conditioned is compatible with the existing or permitted uses of adjacent properties based on whether the project mitigates identified impacts to surrounding properties.

**CU3. The potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment has been considered.**

This is a Conditional Use Permit to allow for a multi-family residential development. The project site is currently vacant, and has been so throughout its history, with no buildings or permanent structures on its property. At one time, the project was utilized for agricultural purposes. Given the project site’s proximity to nearby available services and facilities, the area was identified in the 2018 Comprehensive Master Plan as an area for increased density and redevelopment. The potential impairment of natural resources and the total population which available natural resources will support without unreasonable impairment was considered in conjunction with the 2018 Comprehensive Master Plan update.

**CU4. The availability of and need for affordable housing in the community, including affordable housing that is accessible to persons with disabilities has been considered.**

This is a Conditional Use Permit to allow for a multi-family residential development. The proposed project would provide additional housing resources within the community. Although the proposed project is not an affordable housing project per Housing and Urban Development (HUD) regulations, the project will provide additional housing units to support affordability. The availability of and need for affordable housing in the community, including affordable housing that is accessible to persons with disabilities may be enhanced as a result of this proposal.

**CU5. The application, as submitted and conditioned, will address identified impacts.**

The project as conditioned is intended to ensure adequate public facilities are provided in a timely, orderly, and efficient manner to support the development. All sewer, water, drainage, and transportation



facilities shall be reviewed and approved prior to the approval of a building permit, or if the property is re-subdivided, prior to the approval and recordation of a final map for the project.

#### Design Standards

Prior to the issuance of any building permit for this project, the applicant must demonstrate the project complies with the design standards listed in §32.06.080 of the City's Development Code.

#### Adjacency Standards

Prior to the issuance of any building permit for the project, the applicant must demonstrate the project complies with the adjacency standards listed in §32.09.030 of the City's Development Code.

#### Landscaping

Prior to the issuance of any building permit for the project, the applicant must demonstrate that the project complies with the landscaping standards listed in §32.09.090 of the City's Development Code.

#### Parking

Prior to the issuance of a building permit for the project, the applicant must demonstrate the project complies with the parking requirement listed in §32.09.120 of the City's Development Code.

#### Access/Circulation/Traffic

The main roadway that this project and the surrounding commercial projects will utilize is West Main Street, which is an NDOT (Nevada Department of Transportation) owned Right-of-way. As a result, the developer is required to construct any project improvements on this roadway to NDOT access management standards, as well as the City of Fernley Standards highlighted within the City's Development Code and Public Works Design Manual. The main interior roadway that serves the project site additionally may be required to be extended to 60 -foot right-of-way width if the developer intends to dedicate that roadway to the City.

#### Municipal Services

The project will be required to connect to the City's water and wastewater systems, as is stated within the City of Fernley Development Code and the Comprehensive Master Plan for projects within the SMU (Suburban Mixed Use) land use designation.

#### **CU6. Public notice was given, and a public hearing held per the requirements of the Development Code, and Nevada Revised Statutes.**

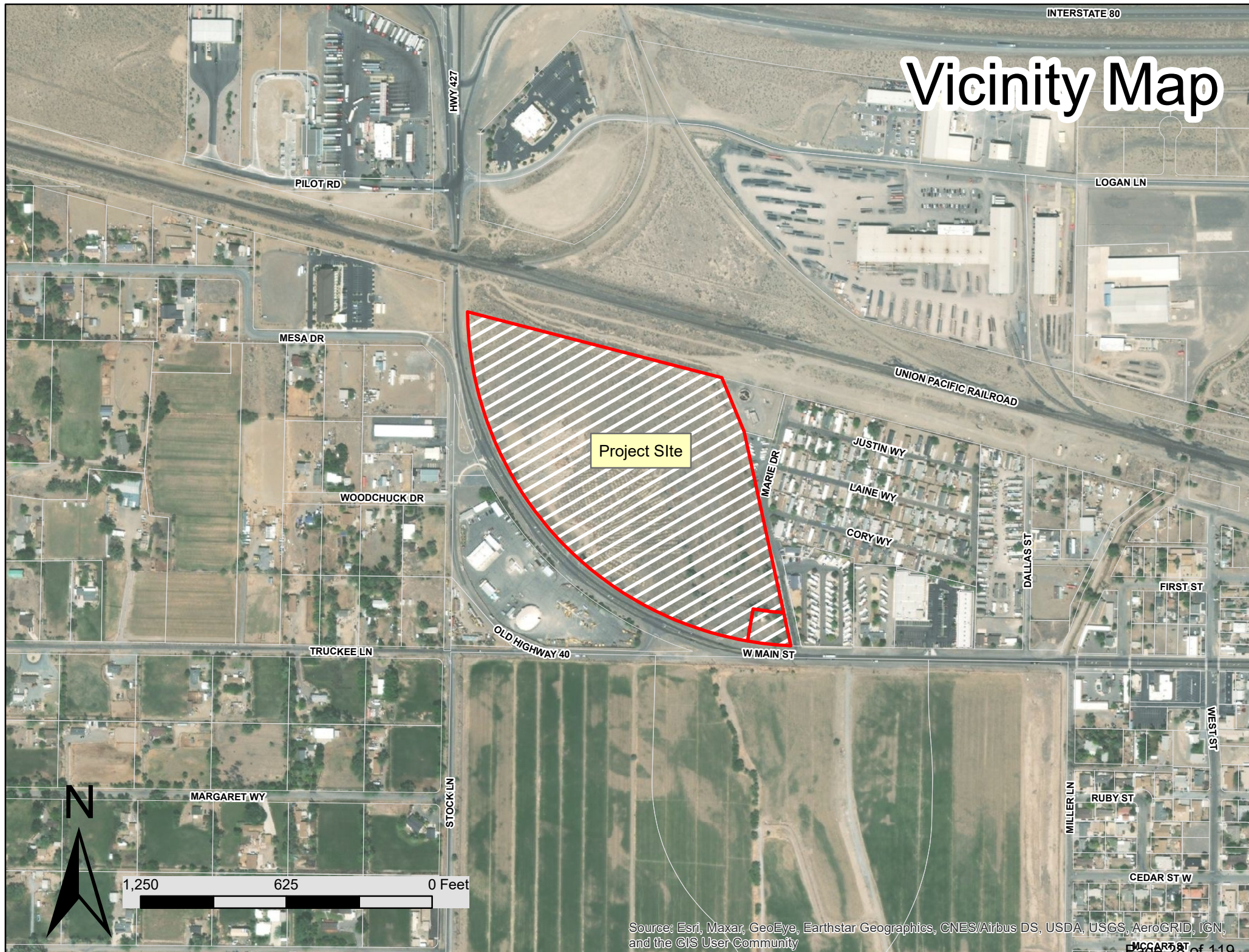
A public hearing is scheduled to be held at the May 11<sup>th</sup>, Planning Commission Meeting, and public notice was provided in the Reno Gazette Journal. Additionally, notices were sent out to the surrounding neighbors, meeting all the requirements of Fernley Municipal Code and Nevada Revised Statutes.

#### **ATTACHMENTS**

1. Conditions of Approval – CUP22001
2. Vicinity Map
3. Conceptual Elevations
4. Preliminary Landscape Plans
5. Civil Plans



# Vicinity Map





EXTERIOR + INTERIOR



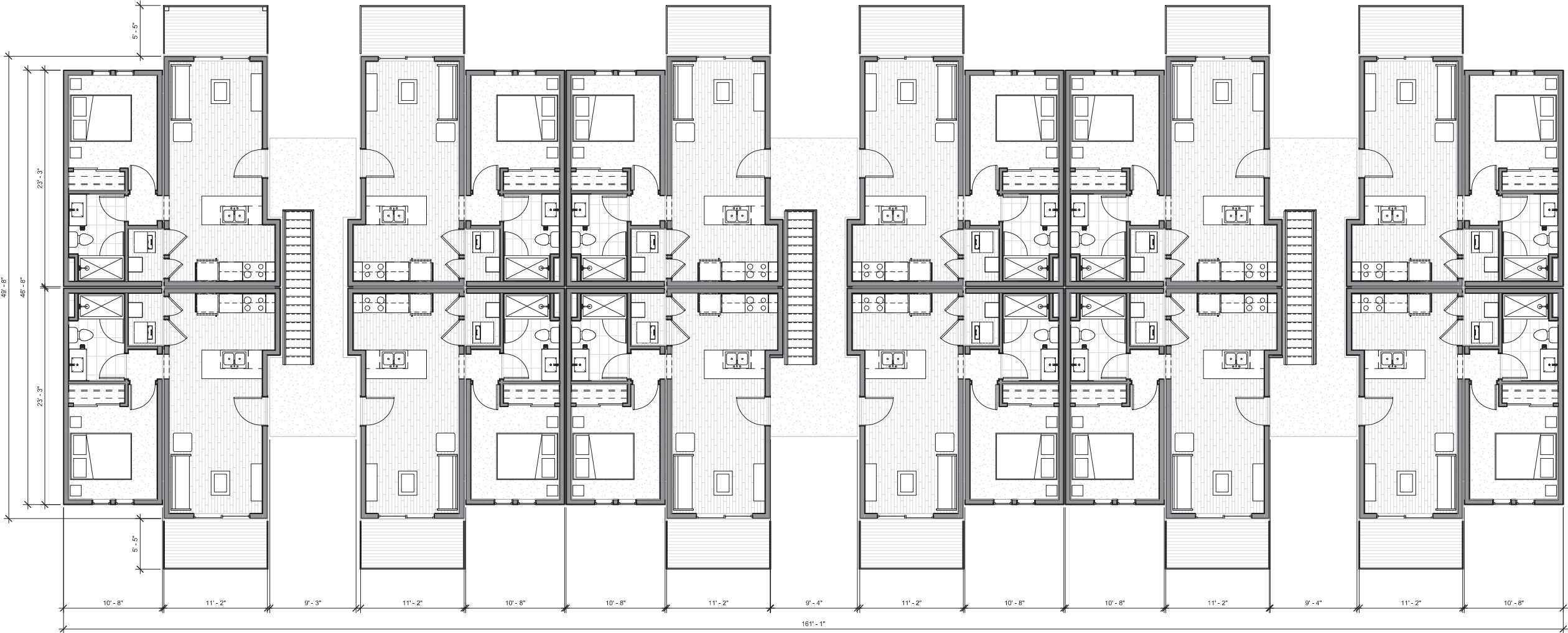
4 | MODULAR APARTMENTS





FLOORPLAN

5 | MODULAR  
APARTMENTS

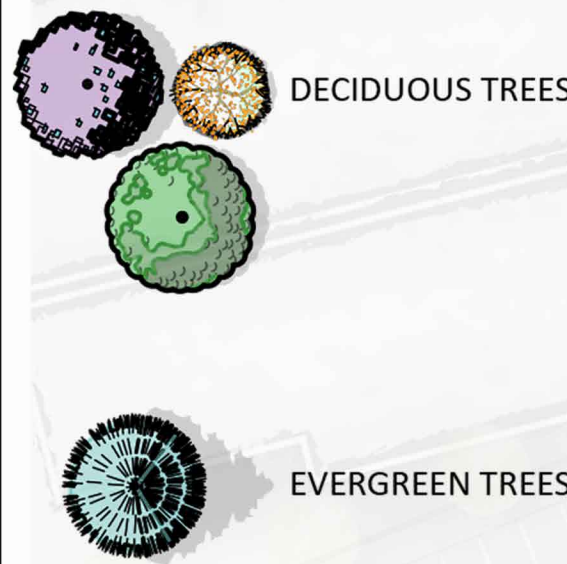


1 PLAN  
3/16" = 1'-0"

MULTIFAMILY BUILDING  
SAMPLE PLAN



PLANT LEGEND



GENERAL NOTES:

1. ALL PLANTING AND IRRIGATION SHALL BE INSTALLED PER LOCAL GOVERNING CODES.
2. TREES
  - a. SECTION 32.09.090, D.5 "Evergreen trees shall be at least 6 feet in height at time of planting. Fifty percent (50%) of deciduous trees shall be a minimum caliper of one inch and 50% shall be a minimum caliper of two inches at time of planting"
  - b. ADDITIONAL TREES, BEYOND THOSE REQUIRED BY CODE, MAY BE REDUCED IN SIZE AT INSTALLATION.
3. FINAL PLANT SELECTION AND LAYOUT WILL BE BASED ON SOUND HORTICULTURAL PRACTICES REALTING TO MICRO-CLIMATE, SOIL AND WATER REGIMES. ALL TREES WILL BE STAKED SO AS TO REMAIN UPRIGHT AND PLUMB FOLLOWING INSTALLATION. PLANT SIZE AND QUALITY AT TIME OF PLANTING WILL BE PER THE AMERICAN STANDARD FOR NUSERY STOCK (ANSI Z60.1-1990).
4. ALL SHRUB BEDS WILL RECEIVE 4" DEPTH MULCH WITH WEED CONTROL
5. ALL LANDSCAPING WILL BE AUTOMATICALLY IRRIGATED. CONTAINER PLANTINGS WILL BE DRIP IRRIGATED BASED ON THE SPECIFIC HORTICULTURAL REQUIREMENTS OF EACH SPECIES. A REDUCED-PRESSURE-TYPE BACKFLOW PREVENTOR WILL BE PROVIDED ON THE IRRIGATION SYSTEM AS REQUIRED PER CODE.
6. PLAN IS CONCEPTUAL. PLANT QUANTITIES INDICATED ARE PER CITY OF FERNLEY CODE REQUIREMENTS. PLANT LOCATION, FINAL SPECIES SELECTION AND SIZE AT PLANTING SHALL BE DETERMINED DURING DEVELOPMENT OF THE FINAL CONSTRUCTION DOCUMENTS.

LANDSCAPE DATA:

LANDSCAPE REQUIREMENTS BASED ON CITY OF FERNLEY DEVELOPMENT CODE (VERSION – APRIL 9, 2021)

**SITE AREA:** 9.52 ACRES (414,691 SF)

**ZONING:** COMMERCIAL  
**APN:** 021-071-03  
**ADDRESS:** 600 W. MAIN ST.  
**PROPOSED UNITS:** 276

**REQUIRED LANDSCAPE AREA:** 62,204 SF MIN.  
• 15% OF SITE AREA

**PROVIDED LANDSCAPE AREA:** 65,000 SF MIN.

**TREES REQUIRED:** 182  
• 1 TREE PER 500 SF OF REQ. LANDSCAPE AREA = 125  
• 1 TREE PER 10 PARKING SPACES (563 SPACES PROVIDED) = 57

**TREES PROVIDED:** 182 MIN.

**SHRUBS REQUIRED:** 1,244 MIN  
• 1 SHRUB PER 50 SF

**LAWN AREA MAXIMUM ALLOWED:** 49,764 SF  
• 80% OF REQ'D LANDSCAPE AREA

**AMENITIES REQUIRED:** 6 (FOR >200 UNITS)

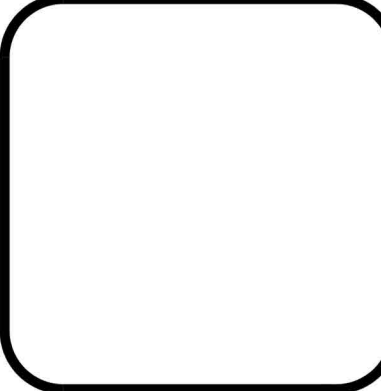
**AMENITIES PROVIDED COULD INCLUDE:**  
• DOG PARK  
• PLAY STRUCTURE  
• OPEN LAWN AREAS  
• BENCHES/SEATING AREAS  
• PICNIC & BBQ AREA  
• WALKING TRAIL



| REVISIONS |  | DATE | BY |
|-----------|--|------|----|
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Know what's below.  
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NOT TO SCALE IF SHEET  
SIZE OTHER THAN 24"x36"

DESIGNED BY: KRM  
DRAWN BY: KRM  
CHECKED BY: CTT

600 WEST MAIN  
PRELIMINARY LANDSCAPE PLAN  
LYON COUNTY  
FERNLEY, NEVADA

1/10/2021  
PROJECT NO.: 21103

L1



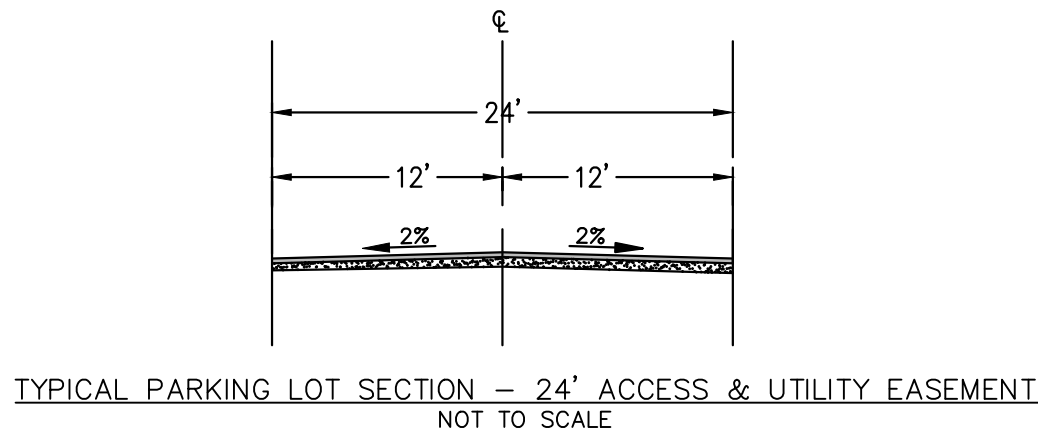
Drawing name: S:\Entitlement\_Engineering\2103 -- 600 West Main\08 -- CAD\Engineering\Sheets\Tentative Map\21103 -- COVER.dwg 1 COVER SHEET (CUP) Jan 10, 2022 3:20pm by: JPucillo

# 600 WEST MAIN

## CONDITIONAL USE PERMIT

A.P.N. 021-071-03

### CITY OF FERNLEY, LYON COUNTY, NEVADA



#### PROJECT INFORMATION

TOTAL LOTS: 1  
DENSITY: 0.5 FAR  
ZONING: SPLIT: C2 (GENERAL COMMERCIAL), SF6(SINGLE FAMILY, MIN. 6,000 SF LOT SIZE)  
COMPREHENSIVE PLAN: SMU (SUBURBAN MIXED USE)

#### LAND DATA

APN 021--071--03 27.9 AC

#### DEVELOPMENT STANDARDS AND NOTES

1. MINIMUM LOT SIZE.....6000 SF
2. MINIMUM AVERAGE LOT WIDTH.....30 FT.
3. SETBACKS.....FRONT; 10 FT  
SIDE (CORNER): 0 OR 10 FT  
SIDE (INTERIOR): 0 OR 10 FT  
REAR: 0 OR 10 FT.
4. THIS DEVELOPMENT IS IN ZONE "X" ACCORDING TO THE FLOOD INSURANCE RATE MAP PANEL 32019C0082E (EFFECTIVE JANUARY 16, 2009) ZONE "X" IS IDENTIFIED AS AREAS DETERMINED TO BE OUTSIDE THE 500--YEAR FLOOD PLAIN.
5. HISTORICALLY, THE PROJECT SITE WAS A VACANT FIELD/OPEN SPACE.
6. DOMESTIC WATER SUPPLIED FROM COMMUNITY WATER SYSTEM.
7. DOMESTIC SEWAGE DISPOSAL BY COMMUNITY SEWER SYSTEM, ESTIMATED AMOUNT OF SEWAGE CONTRIBUTED IS 150 GAL/DAY/DU (MULTI--FAMILY) & 17,672 GAL/DAY (COMMERCIAL)
8. ALL UTILITIES TO BE PLACED UNDERGROUND
9. ALL STREET AND UTILITY IMPROVEMENTS WILL BE CONSTRUCTED TO CITY STANDARDS
10. STORM DRAINAGE WILL BE RETAINED ON SITE
11. WATER RIGHT SHALL BE IN ACCORDANCE WITH CITY ORDINANCE #714 BILL 696 PASSED 12--21--04
12. THE DISTANCE FROM THE SUBDIVISION TO THE COMMUNITY SEWAGE SYSTEM IS APPROXIMATELY 100 FEET.

#### UTILITIES:

|                                                                                      |                                                                                                  |                                                                                             |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| CHARTER COMMUNICATIONS<br>9335 PROTOTYPE DRIVE<br>RENO, NV. 89511<br>(775) 850--7243 | SOUTHWEST GAS CORPORATION<br>400 EAGLE STATION LANE<br>CARSON CITY, NV. 89702<br>(775) 887--2720 | FERNLEY PUBLIC WORKS DEPT.<br>595 SILVER LACE LANE<br>FERNLEY, NV. 89408<br>(775) 575--2307 |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|

|                                                                                              |                                                                                        |
|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| SBC NEVADA BELL<br>645 E. PLUMB LANE<br>P.O. BOX 11010<br>RENO, NV. 89520<br>(775) 333--4363 | SIERRA PACIFIC POWER CO.<br>346 N. MAIN STREET<br>FALLON, NV. 89406<br>(775) 423--3636 |
|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|

#### BASIS OF BEARINGS:

THE BASIS OF BEARING FOR THIS MAP IS THE NEVADA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD 83/94 OBTAINED BY GPS OBSERVATIONS. COMBINED SCALE FACTOR 1.000269496.

#### BASIS OF ELEVATIONS:

THE BASIS OF ELEVATIONS FOR THIS SURVEY ARE NAVD88 BASED ON CITY OF FERNLEY CONTROL POINT MATT ELEVATION = 4153.93



VICINITY MAP  
SCALE: 1" = 6,000'

#### PROJECT CONTACTS:

##### DEVELOPER

VERTEX WEST MAIN, LLC  
LOVELAND, CO  
MATT HURLEY  
(720) 544--1820

##### OWNER

BETTY M. JACKSON TRUST  
CARE OF RICHARD JACKSON  
P.O. BOX 451  
FERNLEY, NV. 89408--0000

##### ENGINEER

PHELPS ENGINEERING SERVICES, LLC  
155 COUNTRY ESTATES CIRCLE  
SUITE 300  
RENO, NV. 89511  
(775) 399--2200

##### SURVEYOR

PHELPS ENGINEERING SERVICES, LLC  
155 COUNTRY ESTATES CIRCLE  
SUITE 300  
RENO, NV. 89511  
(775) 399--2200

#### CITY APPROVAL:

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF  
FERNLEY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

#### PUBLIC WORKS

#### COMMUNITY DEVELOPMENT

#### CITY ENGINEER

#### NORTH LYON COUNTY FIRE PREVENTION DISTRICT

#### TRUCKEE-CARSON IRRIGATION DISTRICT

ATTEST: CITY CLERK

#### Sheet List Table

| Sheet Number | Sheet Title               |
|--------------|---------------------------|
| 1            | COVER SHEET (CUP)         |
| 2            | 2 GENERAL NOTES (CUP)     |
| 3            | EXISTING CONDITIONS (CUP) |
| 4            | SITE PLAN (CUP)           |
| 5            | GRADING PLAN (CUP)        |
| 6            | UTILITY PLAN (CUP)        |

#### LEGAL DESCRIPTION (MULTI-FAMILY LOT 1):

FROM THE POINT OF COMMENCEMENT;  
THENCE S 75° 25' 17.4" W FOR A DISTANCE OF 351.71 FEET TO A POINT ON A LINE;  
THENCE N 14° 34' 33.1" E FOR A DISTANCE OF 105.49 FEET TO A POINT ON A LINE; TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING;  
THENCE S 75° 24' 24.9" E FOR A DISTANCE OF 827.87 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 36° 18' 00.0", HAVING A RADIUS OF 181.50 FEET, AND WHOSE LONG CHORD BEARS S 57° 15' 24.6" E FOR A DISTANCE OF 113.08 FEET;  
THENCE S 39° 08' 24.3" E FOR A DISTANCE OF 76.20 FEET TO THE BEGINNING OF A CURVE,  
SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 28° 04' 08.0", HAVING A RADIUS OF 181.50 FEET, AND WHOSE LONG CHORD BEARS S 25° 04' 20.3" E FOR A DISTANCE OF 88.03 FEET;  
THENCE S 11° 02' 16.3" E FOR A DISTANCE OF 226.00 FEET TO A POINT ON A LINE;  
THENCE S 11° 02' 16.3" E FOR A DISTANCE OF 204.41 FEET TO THE BEGINNING OF A CURVE,  
SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 28° 35' 36.7", HAVING A RADIUS OF 294.50 FEET, AND WHOSE LONG CHORD BEARS S 03° 15' 32.1" W FOR A DISTANCE OF 145.45 FEET;  
THENCE S 17° 33' 20.5" W FOR A DISTANCE OF 27.79 FEET TO A POINT ON A LINE;  
THENCE N 68° 58' 51.3" W FOR A DISTANCE OF 168.44 FEET TO A POINT ON A LINE;  
THENCE N 23° 45' 42.8" E FOR A DISTANCE OF 50.09 FEET TO A POINT ON A LINE;  
THENCE N 66° 14' 17.2" W FOR A DISTANCE OF 77.91 FEET TO THE BEGINNING OF A CURVE,  
SAID CURVE TURNING TO THE RIGHT THROUGH 29° 57' 38.2", HAVING A RADIUS OF 1075.00 FEET, AND WHOSE LONG CHORD BEARS N 51° 15' 28.1" W FOR A DISTANCE OF 555.75 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE,  
SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 91° 50' 14.0", HAVING A RADIUS OF 12.00 FEET, AND WHOSE LONG CHORD BEARS N 09° 38' 28.0" E FOR A DISTANCE OF 17.24 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE;  
THENCE N 34° 26' 25.0" W FOR A DISTANCE OF 44.16 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE,  
SAID CURVE TURNING TO THE RIGHT THROUGH 91° 50' 14.0", HAVING A RADIUS OF 12.00 FEET, AND WHOSE LONG CHORD BEARS N 78° 31' 18.0" W FOR A DISTANCE OF 17.24 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE,  
SAID CURVE TURNING TO THE RIGHT THROUGH 16° 20' 09.3" HAVING A RADIUS OF 1075.00 FEET, AND WHOSE LONG CHORD BEARS N 24° 26' 06.3" W FOR A DISTANCE OF 305.46 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE,  
SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 91° 06' 18.1", HAVING A RADIUS OF 12.00 FEET, AND WHOSE LONG CHORD BEARS N 29° 17' 07.4" E FOR A DISTANCE OF 17.13 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE;  
THENCE N 15° 09' 43.6" W FOR A DISTANCE OF 41.00 FEET TO A POINT ON A LINE;  
THENCE S 74° 50' 16.4" W FOR A DISTANCE OF 37.01 FEET TO A POINT ON A LINE;  
THENCE N 15° 09' 43.9" W FOR A DISTANCE OF 61.02 FEET TO A POINT ON A LINE;  
THENCE N 14° 34' 33.1" E A DISTANCE OF 29.17 FEET TO THE POINT OF BEGINNING.

"I HEREBY AFFIRM THAT THESE FINAL CONSTRUCTION PLANS FOR THE 600 WEST MAIN PROJECT WERE PREPARED UNDER MY DIRECT SUPERVISION, IN ACCORDANCE WITH ALL APPLICABLE CITY OF FERNLEY AND STATE OF NEVADA STANDARDS AND STATUTES, RESPECTIVELY; AND THAT I AM FULLY RESPONSIBLE FOR ALL DESIGN AND REVISIONS TO SAID PLANS".

LONNY E. PHELPS  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF NEVADA NO. 25230  
PHELPS ENGINEERING

DATE

PHELPS ENGINEERING ASSUMES NO RESPONSIBILITY FOR UTILITY LOCATIONS. THE UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. IT IS, HOWEVER, THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE SIZE, MATERIAL, HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.



Know what's below.  
Call 811 before you dig.

NOT TO SCALE IF SHEET  
SIZE OTHER THAN 24"x36"

DESIGNED BY: JJP

DRAWN BY: JJP

CHECKED BY: LEP

COVER SHEET

600 WEST MAIN  
CONDITIONAL USE PERMIT  
LYON COUNTY  
FERNLEY, NEVADA

1/11/2022

PROJECT NO.: 21103

1 of 6

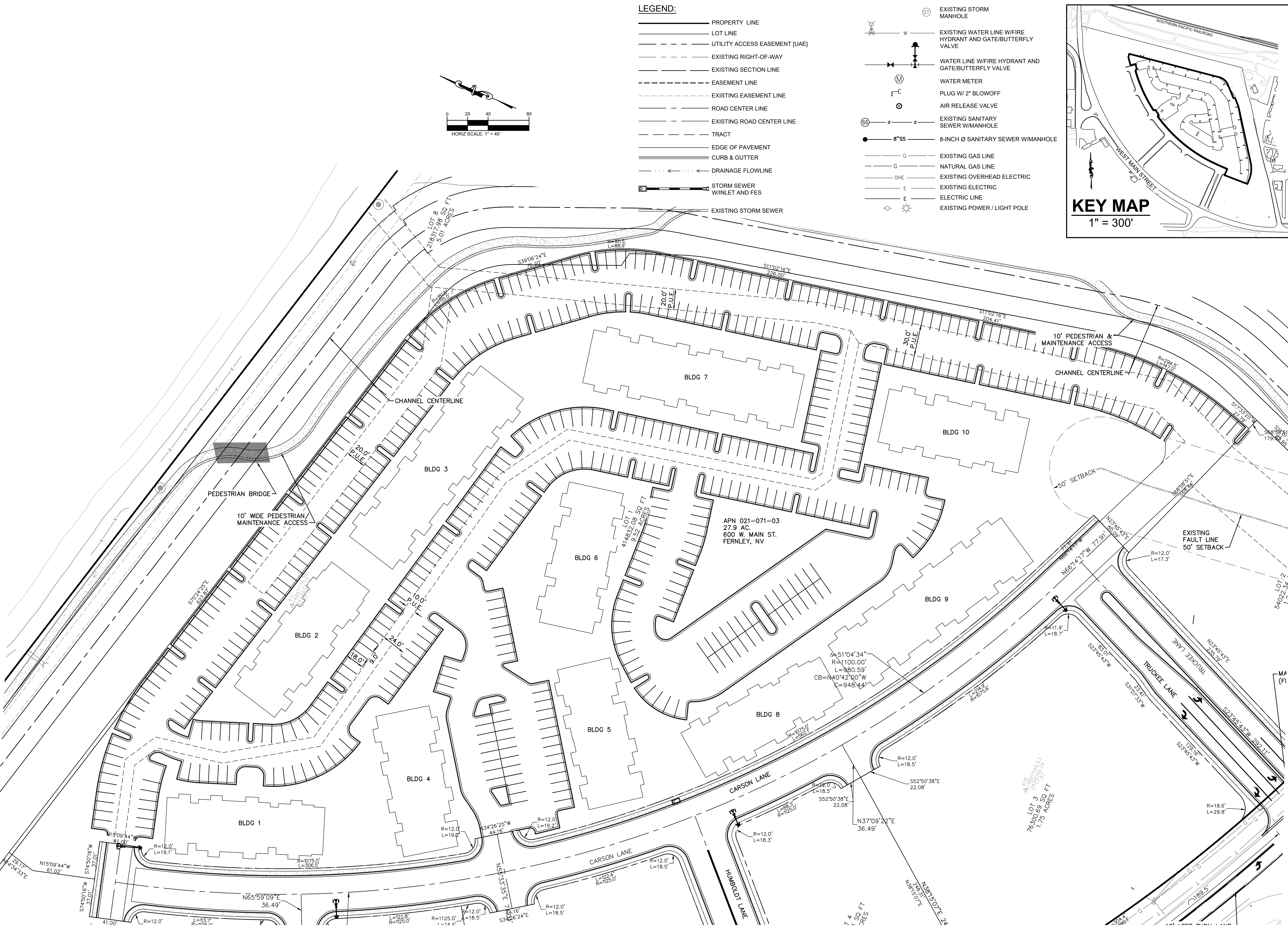


## Page 33 of 119







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[www.phelpsengineering.net](http://www.phelpsengineering.net)



**811**

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SIZE OTHER THAN 24"x36"

DESIGNED BY: JJP

DRAWN BY: JJP

CHECKED BY: LEP

|                              |                              |
|------------------------------|------------------------------|
| PROJECT NO.: 21103<br>4 of 6 | 1/11/2022<br>SITE PLAN (CUP) |
|------------------------------|------------------------------|

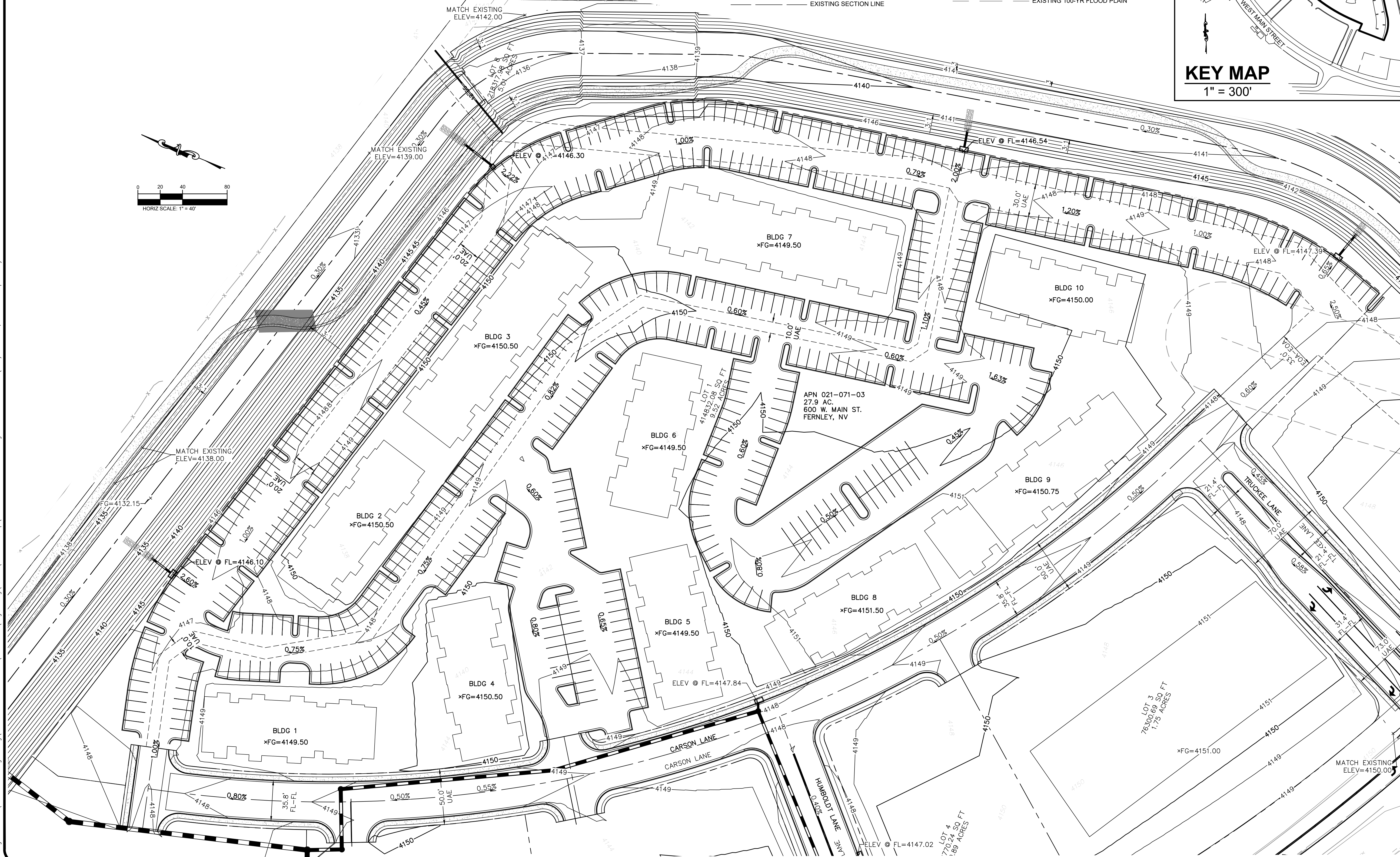
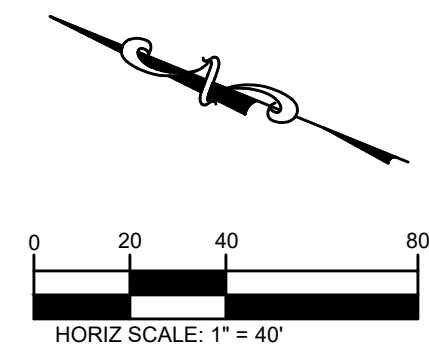
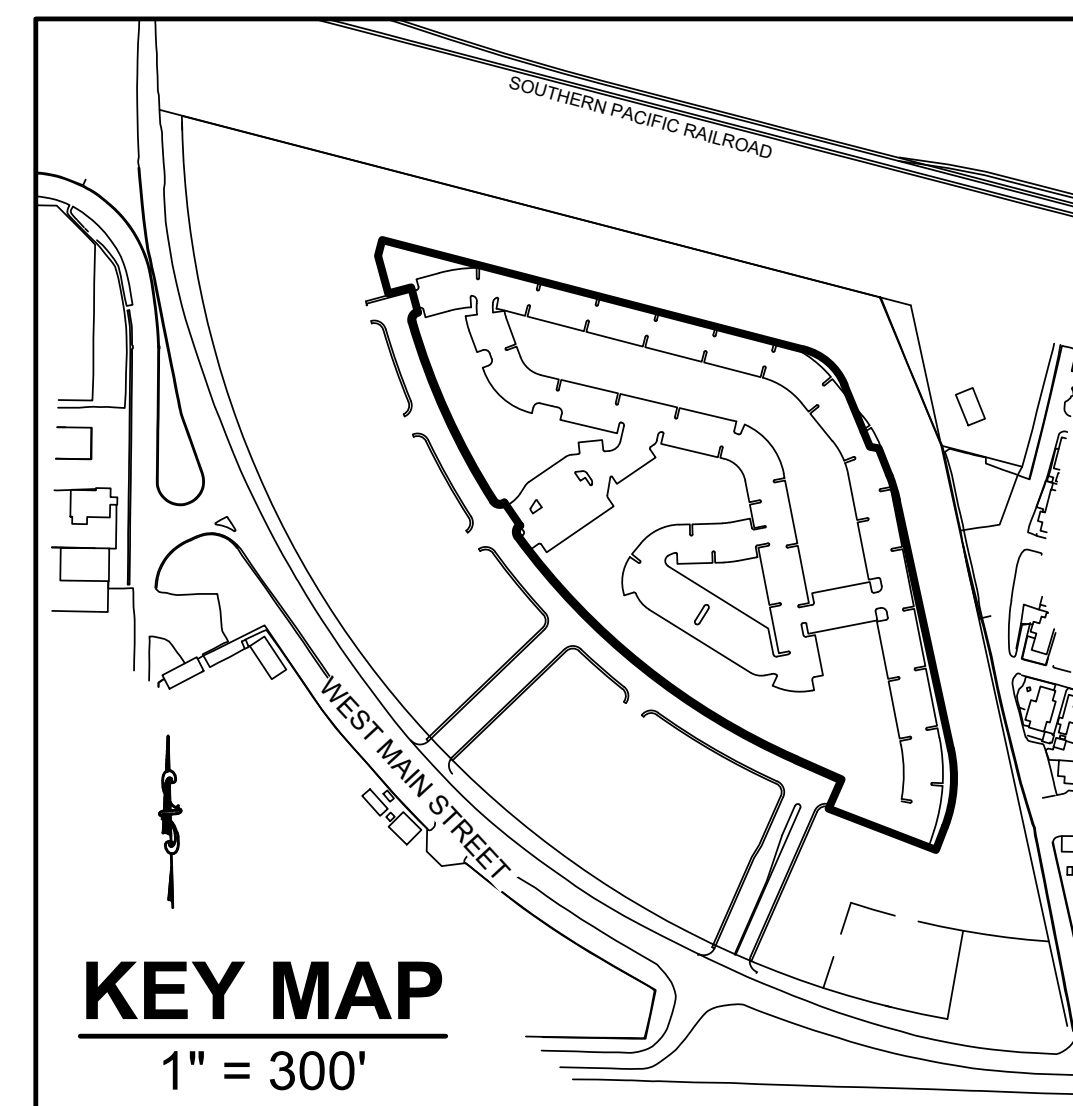


| Name           | Cut Factor   | Fill Factor | 2d Area    | Cut              | Fill              | Net                     |
|----------------|--------------|-------------|------------|------------------|-------------------|-------------------------|
| Volume Surface | <b>1.000</b> | 1.070       | 25.31acres | 20651.16 Cu. Yd. | 182424.69 Cu. Yd. | 161773.53 Cu. Yd.<Fill> |
| Totals         |              |             | 25.31acres | 20651.16 Cu. Yd. | 182424.69 Cu. Yd. | 161773.53 Cu. Yd.<Fill> |

THE BASIS OF BEARING FOR THIS MAP IS THE NEVADA STATE PLANE  
COORDINATE SYSTEM, WEST ZONE, NAD 83/94 OBTAINED BY GPS  
OBSERVATIONS. COMBINED SCALE FACTOR 1.000269496.

THE BASIS OF ELEVATIONS FOR THIS SURVEY ARE NAVD88 BASED ON CITY  
OF FERNLEY CONTROL POINT MATT ELEVATION = 4153.93

|  |                        |  |                             |
|--|------------------------|--|-----------------------------|
|  | EXISTING CONTOURS      |  | EASEMENT LINE               |
|  | PROPOSED CONTOURS      |  | EXISTING EASEMENT LINE      |
|  | LOT LINE               |  | ALIGNMENT CENTER LINE       |
|  | SETBACK LINE           |  | EXISTING ROAD CENTER LINE   |
|  | RIGHT-OF-WAY           |  | EDGE OF PAVEMENT            |
|  | EXISTING RIGHT-OF-WAY  |  | PROPOSED CURB & GUTTER      |
|  | PROPERTY LINE          |  | STORM SEWER WINLET AND FES  |
|  | EXISTING BOUNDARY LINE |  | DRAINAGE FLOWLINE           |
|  | EXISTING SECTION LINE  |  | 100-YR FLOOD PLAIN          |
|  |                        |  | EXISTING 100-YR FLOOD PLAIN |

[illegible]

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Reno, NV 89511 (775) 398-7200  
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GRADING PLAN (CUP)

600 WEST MAIN  
CONDITIONAL USE PERMIT  
LYON COUNTY  
FERNLEY, NEVADA

1/11/2022  
PROJECT NO.: 21103

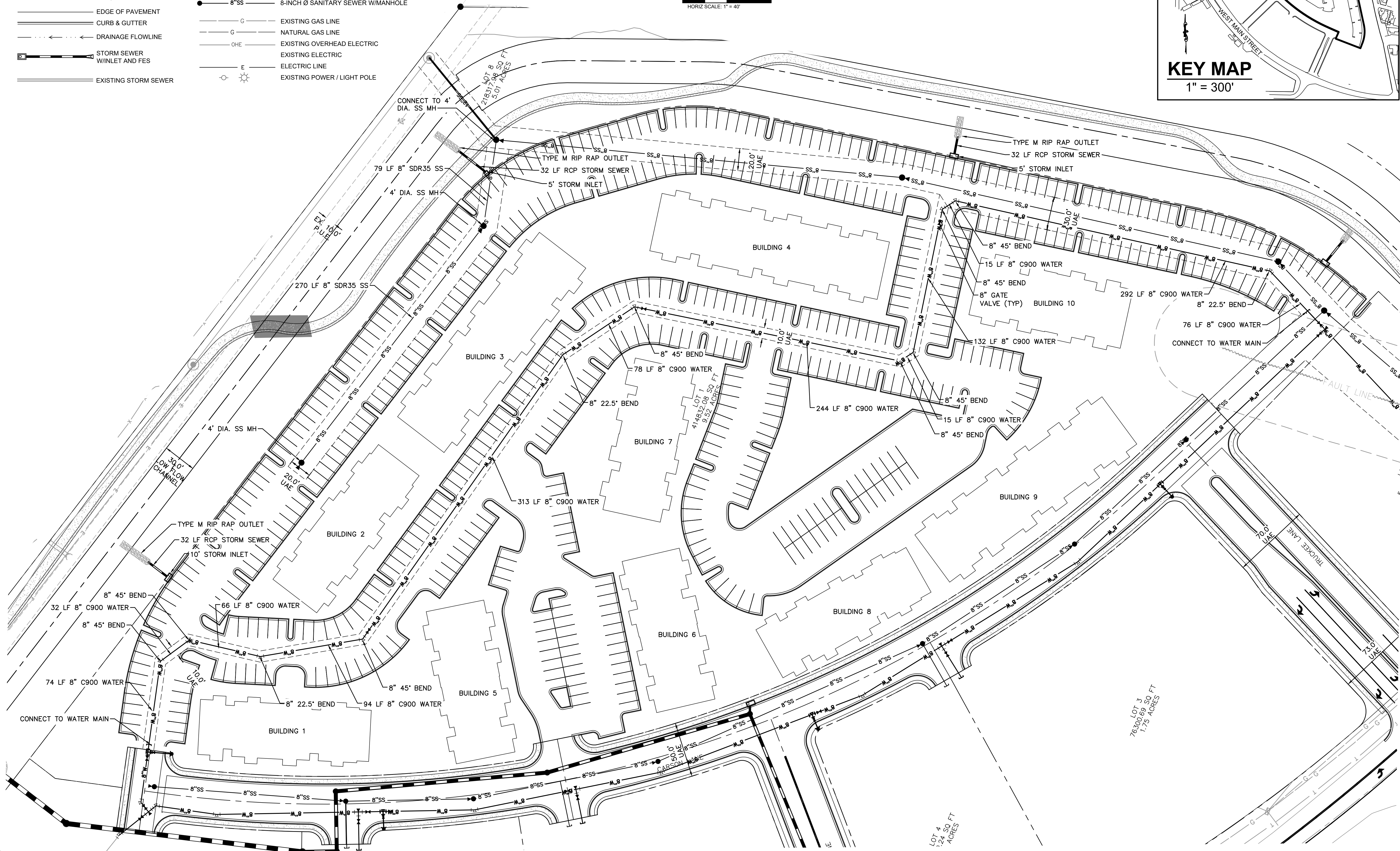
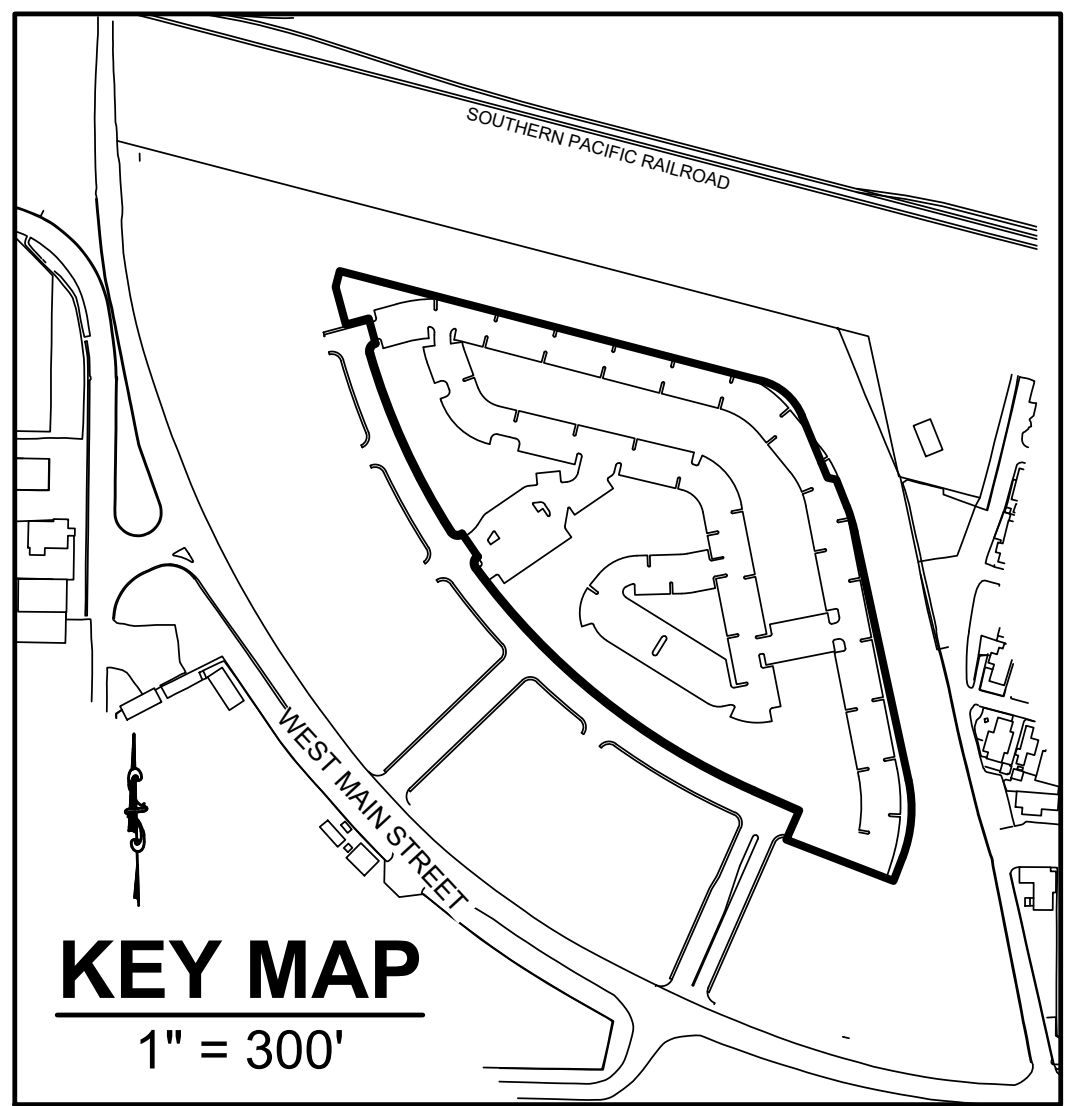
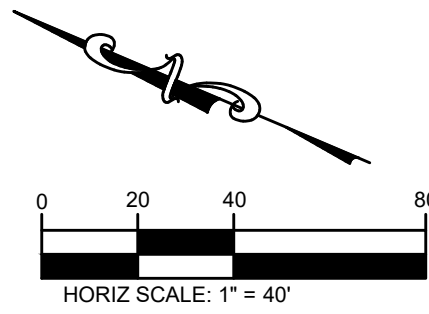
5 of 6



Drawing name: S:\Entitlement Engineering\2103 - 600 West Main\08 - CAD\Engineering\Sheets\Tentative Map\2103 - UTILITY PLAN (CUP) 6 UTILITY PLAN.dwg 6 UTILITY PLAN (CUP) Jan 10, 2022 3:21pm by jPucillo

LEGEND:

- |       |                               |   |                                                             |
|-------|-------------------------------|---|-------------------------------------------------------------|
| —     | PROPERTY LINE                 | — | EXISTING STORM MANHOLE                                      |
| - - - | LOT LINE                      | — | EXISTING WATER LINE W/FIRE HYDRANT AND GATE/BUTTERFLY VALVE |
| - - - | UTILITY ACCESS EASEMENT [UAE] | — | WATER LINE W/FIRE HYDRANT AND GATE/BUTTERFLY VALVE          |
| - - - | EXISTING RIGHT-OF-WAY         | — | WATER METER                                                 |
| - - - | EXISTING SECTION LINE         | — | PLUG W/ 2" BLOWOFF                                          |
| - - - | EASEMENT LINE                 | — | AIR RELEASE VALVE                                           |
| - - - | EXISTING EASEMENT LINE        | — | EXISTING SANITARY SEWER W/MANHOLE                           |
| - - - | ROAD CENTER LINE              | — | 8"SS 8-INCH Ø SANITARY SEWER W/MANHOLE                      |
| - - - | EXISTING ROAD CENTER LINE     | — | G EXISTING GAS LINE                                         |
| - - - | TRACT                         | — | G NATURAL GAS LINE                                          |
| —     | EDGE OF PAVEMENT              | — | OHE EXISTING OVERHEAD ELECTRIC                              |
| —     | CURB & GUTTER                 | — | E EXISTING ELECTRIC                                         |
| —     | DRAINAGE FLOWLINE             | — | E ELECTRIC LINE                                             |
| —     | STORM SEWER WINLET AND FES    | — | EXISTING POWER / LIGHT POLE                                 |
| —     | EXISTING STORM SEWER          |   |                                                             |



|                                                                           |  |                                             |      |
|---------------------------------------------------------------------------|--|---------------------------------------------|------|
|                                                                           |  | REVISIONS                                   | DATE |
| NOT FOR CONSTRUCTION                                                      |  | No.                                         |      |
| 811                                                                       |  | Know what's below. Call 811 before you dig. |      |
| NOT TO SCALE IF SHEET SIZE OTHER THAN 24"x36"                             |  |                                             |      |
| DESIGNED BY: JJP                                                          |  |                                             |      |
| DRAWN BY: JJP                                                             |  |                                             |      |
| CHECKED BY: LEP                                                           |  |                                             |      |
| UTILITY PLAN (CUP)                                                        |  |                                             |      |
| 600 WEST MAIN<br>CONDITIONAL USE PERMIT<br>LYON COUNTY<br>FERNLEY, NEVADA |  |                                             |      |
| 1/11/2022<br>PROJECT NO.: 21103                                           |  |                                             |      |
| 6 of 6                                                                    |  |                                             |      |





# CITY OF FERNLEY

## Planning Commission AGENDA REPORT

**Meeting Date: July 12, 2023**

**REPORT TO:** Fernley Planning Commission

**REPORT FROM:** Michele Rambo, Planning Director

**FINANCIAL IMPACT:**

Yes: No: X

**CURRENTLY BUDGETED:**

Yes: No:

**FUND/ACCOUNT:**

N/A

**ACTION REQUESTED:** Motion

**AGENDA ITEM: (For Possible Action):**

Consideration and possible action on Major Deviation 23001 submitted by D.R. Horton to allow the reduction of the lot sizes of APNs 022-471-01, 022-471-02, and 022-471-03.

**AGENDA ITEM BRIEF:**

The applicant is requesting a Major Deviation to reduce three lots in the Ponderosa subdivision from the minimum required lot size within the SF20 zoning district. Instead of the required 20,000 square feet, the lots would range from 13,875 square feet to 14,444 square feet. This reduced lot size would be created to accommodate the stormwater retention pond and associated infrastructure that the applicant will be reconstructing.

**RECOMMENDED MOTION:**

I move to approve Major Deviation 23001 based on the findings and facts 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:**



Approve with Conditions  
Deny

**BACKGROUND:**

**PROJECT INFORMATION:**

Project Number: MJD23001  
APN: 022-471-01, 022-471-02, and 022-471-03  
Location: 1461, 1463, and 1467 Jenny's Lane  
Existing Zoning: SF20 (Single Family Residential – Minimum 20,000 square foot lots)  
Existing Land Use: Single Family Residential

**BACKGROUND:**

The Ponderosa subdivision is located generally south of Farm District Road and east of Jenny's Lane. The three subject parcels are currently vacant and undeveloped.

A stormwater retention pond was constructed when the subdivision was initially developed in 2006. However, this retention pond (which was not built per the approved improvement plans) is located across the backyards of the three subject parcels. No easements or maintenance responsibility was provided for the retention pond, leaving it the responsibility of the individual homeowners. Since it was built, no maintenance has occurred and the pond has deteriorated.

In addition, again because the pond was not built per the approved improvement plans, the capacity of the existing pond is only approximately one quarter of the intended size. This causes flooding and erosion issues in the surrounding area. The applicant would now like to reconstruct the retention pond to comply with the approved improvement plans and designate maintenance responsibility to the Ponderosa Flats Limited Purpose Association. In order to do this, a new parcel is proposed behind the three subject parcels which would make the three parcels smaller than allowed by the City of Fernley Development Code.

**ANALYSIS:**

Section 32.03.090(b) of the Fernley Development Code provides for Major Deviations for differences between 10 percent and 50 percent from land use requirements. The applicant is requesting reductions in the required minimum lot size between 27.8 percent and 30.6 percent.

The lots in question are Zoned SF20 (Single Family Residential – Minimum 20,000 square foot lots). This was done to provide the required buffer between the larger lot sizes to the west of the subdivision and the smaller SF6 (Single-Family Residential – Minimum 6,000 square foot lots) parcels found within the interior of this subdivision. The reduction of these three lots to create a new parcel to their rear will not change the distance between the bigger parcels to the west and the new houses to be built, so the buffer will remain intact. Therefore, the intent of the Fernley Development Code is not impacted by the reduced lot sizes.

The reconstruction of the stormwater retention pond that results from the reduction in lot size will also have positive impacts to the neighborhood as a whole, including the parcels to the west which are outside of the Ponderosa subdivision. The new retention pond will be much larger in capacity and will be consistently maintained, resulting in a much better handling of stormwater to include less risk of flooding. Reducing the size of three lots may potentially benefit hundreds of residents, in allowing all of the homeowners to enjoy the safer use of their property.

Staff has determined that the proposed Major Deviation will not be detrimental to public health, safety, or welfare and that the request supports the guidelines as outlined in the City's Master Plan. Staff recommends

approval of this Major Deviation to reduce the lot sizes of the three subject parcels below the minimum required in the City of Fernley Development Code.

**FINDINGS:**

To approve the Major Deviation, the following findings must be met:

MJD1

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

The three lots in question were zoned SF20 with the purpose of providing a buffer between the larger developed lots to the west and the smaller lots in the interior of this subdivision. Reducing the size of the subject parcels and creating a dedicated parcel behind them for the retention pond will still provide the needed buffer required in Title 32.

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.

The Ponderosa subdivision's current retention pond is not constructed as designed and has not been maintained. This can result in several adverse impacts to public health and safety. By reducing the lot size of the three subject parcels and reconstructing the retention pond, the risk of flooding, erosion, and water pollution will be minimized because the pond will better handle any heavy rainfall events.

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.

As currently configured, the stormwater retention pond spans across the three subject parcels, which are private property, which creates issues with monitoring and maintaining the pond infrastructure. Reducing the size of these three lots and creating a new lot for the pond allows for the operation and maintenance of the pond to be transferred to the Ponderosa Flats Limited Purpose Association instead of the individual property owners. By doing this, the property owners of the three subject parcels will not have to contend with workers and maintenance crews on their property, thereby allowing them to enjoy their property in the same manner as the rest of the lots in the subdivision.

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.

Reducing the size of the three subject parcels does not grant them any special privilege that would be inconsistent with other nearby properties. Instead, reducing the lot sizes to accommodate the retention pond parcel has an overall benefit to the neighborhood. By having a separate parcel, the retention pond can be reconstructed to conform with approved improvement plans and can be maintained by an entity other than the owners of three subject parcels. Between the reconstruction and better maintenance of the retention pond, it will be able to operate better than it currently does and provide a benefit to surrounding properties.

**RELEVANT LAWS, STATUTES, AND REGULATIONS:**

Fernley Master Plan



Development Code (Section 32.03.090(b))  
NRS 278

**FINANCIAL IMPLICATIONS:**

N/A

**ATTACHMENTS:**

1. Ponderosa\_MDA\_final
2. Noticing Certification
3. Noticing List

# Major Deviation Application for **Ponderosa Subdivision**

Submitted to City of Fernley

May 16, 2023

**Prepared for**

**D.R. Horton Inc. - NNV**

5190 Neil Road, Suite 310

Reno, NV 89502

**Prepared by**



**WOOD RODGERS**

DEVELOPING INNOVATIVE DESIGN SOLUTIONS

5440 Reno Corporate Drive Tel: 775.823.4068

Reno, NV 89511 Fax: 775.823.4066



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# Section 1





**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.

|                                                                |                                                              |
|----------------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> ADMINISTRATIVE REVIEW .....(AR)       | <input type="checkbox"/> APPEAL .....(APP)                   |
| <input type="checkbox"/> ANNEXATION .....(ANX)                 | <input type="checkbox"/> PLANNED DEVELOPMENT .....(PD)       |
| <input type="checkbox"/> CONDITIONAL USE PERMIT .....(CUP)     | <input type="checkbox"/> DEVELOPMENT AGREEMENT .....(DA)     |
| <input checked="" type="checkbox"/> MAJOR DEVIATION .....(MJD) | <input type="checkbox"/> TEMPORARY USE PERMIT .....(TUP)     |
| <input type="checkbox"/> MASTER PLAN AMENDMENT.....(MPA)       | <input type="checkbox"/> VARIANCE .....(VAR)                 |
| <input type="checkbox"/> MINOR DEVIATION .....(MND)            | <input type="checkbox"/> REASONABLE ACCOMMODATION .....(RAD) |
| <input type="checkbox"/> ZONING MAP AMENDMENT.....(ZMA)        | <input type="checkbox"/> OTHER: .....                        |

|                                              |                        |                                                                                    |                                |
|----------------------------------------------|------------------------|------------------------------------------------------------------------------------|--------------------------------|
| <b>Bobbie Merrigan, Entitlements Manager</b> |                        |  | <b>Yes</b>                     |
| Applicant's Name                             |                        | Signature                                                                          | Primary Contact?               |
| Company Name: D.R. Horton Inc. - NNV         |                        |                                                                                    |                                |
| Address: 5190 Neil Road, Suite 310           |                        |                                                                                    |                                |
| City: Reno                                   | State: Nevada          | Zip Code: 89502                                                                    | Email: rsmerrigan@drhorton.com |
| Phone No.: 775-856-8448                      | Cell No.: 775-813-7850 | Fax No.: n/a                                                                       |                                |

|                                            |               |                  |
|--------------------------------------------|---------------|------------------|
| <b>Rusty D. Ameter, Division President</b> |               | <b>No</b>        |
| Property Owners Name                       |               | Primary Contact? |
| Company Name: D.R. Horton Inc. - NNV       |               |                  |
| Address: 5190 Neil Road, Suite 310         |               |                  |
| City: Reno                                 | State: Nevada | Zip Code 89502   |
| Phone No.: 775-856-8450                    | Cell No.: n/a | Fax No.: n/a     |

|                                  |                        |                  |
|----------------------------------|------------------------|------------------|
| <b>Derek Kirkland</b>            |                        | <b>No</b>        |
| Engineer / Representative        |                        | Primary Contact? |
| Company Name: Wood Rodgers, Inc. |                        |                  |
| Address: 1361 Corporate Drive    |                        |                  |
| City: Reno                       | State: NV              | Zip Code 89502   |
| Phone No.: 775-828-7742          | Cell No.: 775-771-0066 | Fax No.:         |

Brief Project Type/Description (Attach Detailed Description): Request for a Major Deviation to reduce the lot sizes of APNs 022-471-01 (Lot 1), 022-471-02 (Lot 2), and 022-471-03 (Lot 3) to dedicate a new public parcel that will accommodate and provide access to a stormwater retention pond. The subject lots are zoned SF-20 and will be reduced to 27.8, 29.7, and 30.6 percent under the minimum quantitative lot size requirement. The new parcel that will host the reconstructed stormwater retention pond, the existing water facilities, and the storm drain will be dedicated to the Ponderosa Flats Limited Purpose Association after improvements are completed to the City's design standards.

Subdivision/Project Name And/Or Phase: Unit 10 of the Upland Ranch Estates Subdivision (Ponderosa)

Project Location (Street Address): 1461, 1463, and 1467 Jenny's Lane

Assessor's Parcel Number(s): 022-471-01, 022-471-02, and 022-471-03

|                               |                                         |                                                                                                                                                                                                                                                  |
|-------------------------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Current Zoning: SF-20         | Comprehensive Plan Land Use Designation | Single-Family Residential (SFR)                                                                                                                                                                                                                  |
| Total Project Acreage: 1.58   | % Commercial: 0                         | <b>CITY UTILITIES</b><br><b>Water:</b><br><input checked="" type="checkbox"/> Currently Served<br><input type="checkbox"/> Proposed<br><b>Sewer</b><br><input checked="" type="checkbox"/> Currently Served<br><input type="checkbox"/> Proposed |
| Number of Parcels Proposed: 4 | % Open Space: 0                         |                                                                                                                                                                                                                                                  |

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

|                                                                                                                                             |                            |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 2009 Flood Zone Designation: <input type="checkbox"/> A <input type="checkbox"/> AE <input type="checkbox"/> AH <input type="checkbox"/> AO | FEMA Map No.: 32019C0105E  |
| Application Filing Date:                                                                                                                    | Office Use Only            |
| Application No.:                                                                                                                            | Development Review Meeting |
| Application Intake By:                                                                                                                      | Date:                      |
| Planner:                                                                                                                                    | Time:                      |
|                                                                                                                                             | Application Fee:           |
|                                                                                                                                             | Outsource Fee:             |
|                                                                                                                                             | Noticing Fee:              |
|                                                                                                                                             | Total Due:                 |

# MAJOR DEVIATION

## APPLICATION CHECKLIST

### City of Fernley, Nevada

The following items shall be submitted as a part of the Major Deviation application:

- ✓ 1. **Application Fee:** The application fee is due at the time of the application submittal. See **FEE SCHEDULE** for correct amount. Application fee may be made in the form of a check or money order payable to "City of Fernley" or by e-check (no fee) or by Visa/Mastercard/Discover (4% fee) either remotely or in person.
- ✓ 2. **Proof of Ownership:** Must be original signatures or the application may be rejected. If the person signing the owner's affidavit is not listed as the property owner in the most recent records of the Lyon County Assessor, proof of ownership acceptable to the administrator must be submitted with the application. If the signer is an agent of the owner, written documentation of that fact acceptable to the administrator must be submitted. If in Corporate ownership, a list of all Corporate Officers must be provided.
- ✓ 3. **Review Packet: 1 (one) digital copy containing the following:**
  - ✓ a. Completed DEVELOPMENT APPLICATION form
  - N/A ☐ b. Completed Residential or Non-Residential Project Data Sheet
  - ✓ c. A written narrative of:
    - the request of the Major Deviation
    - explain why the Major Deviation is necessary
    - explain why other solutions would not work
  - ✓ d. A written narrative addressing the following findings:
    - The request is consistent with the stated purposes of Title 20, Zoning Code;
    - 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;
    - 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; and
    - Granting of the major deviation does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use districts in which the property is located.
  - ✓ e. Full Size Site Plan Copies, (\*include parking and landscape plans)
  - N/A ☐ f. Full Size Building Elevations, if applicable
  - N/A ☐ g. Full Size Floor Plan, if applicable
  - ✓ h. Vicinity Map depicting the respective site and including surrounding roadways
  - ✓ i. Property Tax Receipt
  - ✓ j. Miscellaneous, as requested, and all required items as outlined in Appendix A of the City of Fernley's Development Code.
  - ✓ k. If drawings larger than 8½" x 11" are included with the application, one 8½" x 11" or 11" x 17" color reproduction of each must be provided.
- ✓ 4. **Original PDF documents of the application, broken down into individual sections, including all documents, maps, plans, and technical analyses, shall be provided on a USB flash drive or alternative method as determined by the Administrator.**

**NOTE:** Applications filed under Chapter 32.03 of the City of Fernley's Development Code must include the information required by Appendix A of the same code and is not complete until all required items are submitted. The Planning Department or other reviewing departments or agencies may request that additional application materials be submitted depending on the specific project request. The application materials required above shall serve as the minimum requirements necessary to make application submittal to the City of Fernley Planning Department.



## 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)*

Rusty D. Ameter

(Print Name)



(Signature)

5-15-23

(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:

Bobbie Merrigan

(Print Name)



(Signature)

5-15-23

(Date)

APPLICANT'S ENGINEER/REPRESENTATIVE:

Derek Kirkland

(Print Name)



(Signature)

5/16/23

(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.

**FIRST AMERICAN TITLE INSURANCE COMPANY  
PRELIMINARY REPORT**

Your No. 22027649-COM-1

Our No. 22027649-COM UPDATED

TO: D.R. HORTON  
Attn: Susawn Powell, Land Acquisition Coordinator

In response to the above referenced application for a policy of title insurance, First Centennial Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Exhibit A attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the policy forms should be read. They are available from the office which issued this report.

**Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.**

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of April 27, 2023 at 07:30 AM.

---

Tammy Pruzzo



## PRELIMINARY REPORT

(Continued)

The form of policy of title insurance contemplated by this report is:

### PRELIMINARY REPORT ONLY

The estate or interest in the land hereinafter described or referred to covered by this Report is:

#### Fee Simple

Title to said estate or interest at the date hereof is vested in:

#### D.R. Horton, Inc. - NNV, a Delaware corporation

The land referred to in this Report is situated in the State of Nevada, County of Lyon, and is described as follows:

SEE EXHIBIT A ATTACHED HEREWITH FOR LEGAL DESCRIPTION.

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. This Preliminary Title Report is intended only as a solicitation of an offer to issue a Policy of Title Insurance. It is not intended for any other purpose and the Company expressly disclaims all liability for any use or purpose other than as stated herein. The company reserves the right to make further requirements or exceptions in the event issuance of a Policy of Title Insurance is hereafter requested. The total liability of First Centennial Title Company of Nevada, Inc., and First American Title Insurance Company shall not exceed the total fee paid for the herein Preliminary Title Report. Any reliance placed upon the matter expressed herein shall have not value or liability exceeding the above said fee and any liability extended by the herein report shall not extend beyond the date hereof.
2. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
3. (a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.  
(b) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
4. Any facts, rights, interests, or claims which are not shown by the Public Records but that could be ascertained by an inspection of the Land or which may be asserted by persons in possession of the Land.
5. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
6. Any encroachment, encumbrance, violation, variation, or adverse circumstances affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in Patents or in Acts authorizing the issuance thereof; (c) water rights, or claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.
8. Any lien or right to a lien for services, labor or material not shown by the Public Records.

## PRELIMINARY REPORT

(Continued)

9. General and Special Taxes for the fiscal year 2022-2023, including any secured personal property taxes and any district assessments, a lien due and payable.

Total Tax for this fiscal year: \$500.82  
1st ¼ Due by 8/15/2022: \$125.82, Paid  
2nd ¼ Due by 10/3/2022: \$125.00, Paid  
3rd ¼ Due by 1/2/2023: \$125.00, Unpaid  
4th ¼ Due by 3/6/2023: \$125.00, Unpaid  
Assessor's Parcel No.: 022-471-01

10. General and Special Taxes for the fiscal year 2022-2023, including any secured personal property taxes and any district assessments, a lien due and payable.

Total Tax for this fiscal year: \$500.82  
1st ¼ Due by 8/15/2022: \$125.82, Paid  
2nd ¼ Due by 10/3/2022: \$125.00, Paid  
3rd ¼ Due by 1/2/2023: \$125.00, Unpaid  
4th ¼ Due by 3/6/2023: \$125.00, Unpaid  
Assessor's Parcel No.: 022-471-02

11. General and Special Taxes for the fiscal year 2022-2023, including any secured personal property taxes and any district assessments, a lien due and payable.

Total Tax for this fiscal year: \$500.82  
1st ¼ Due by 8/15/2022: \$125.82, Paid  
2nd ¼ Due by 10/3/2022: \$125.00, Paid  
3rd ¼ Due by 1/2/2023: \$125.00, Unpaid  
4th ¼ Due by 3/6/2023: \$125.00, Unpaid  
Assessor's Parcel No.: 022-471-03

12. General and Special Taxes for the fiscal year 2022-2023, including any secured personal property taxes and any district assessments, a lien due and payable.

Total Tax for this fiscal year: \$500.82  
1st ¼ Due by 8/15/2022: \$125.82, Paid  
2nd ¼ Due by 10/3/2022: \$125.00, Paid  
3rd ¼ Due by 1/2/2023: \$125.00, Unpaid  
4th ¼ Due by 3/6/2023: \$125.00, Unpaid  
Assessor's Parcel No.: 022-471-04

13. Any additional tax that may be levied against said land due to the supplemental tax roll, by reason of a change in ownership or completion of new construction thereon.
14. Any liens that may be levied for Water and Sewer Assessments by reason of said lands lying within the boundaries of the City of Fernley.
15. Any Liens, Assessments, Bonds, or Charges levied by the Truckee-Carson Irrigation District, by reason of said land lying within its boundaries.
16. Any unpaid charges for delinquent garbage fees, plus any interest and/or penalties, which would create a lien and attach to said premises, pursuant to Nevada Revised Statutes Section 444.520.
17. Easements, dedications, reservations, provisions, relinquishments, recitals, building set back lines, certificates, and any other matters as provided for or delineated on the Subdivision Map and Certificate of Amendment for Upland Ranch Estates Unit No. 10 referenced in the legal description contained herein.



## PRELIMINARY REPORT

(Continued)

Reference is hereby made to said Plat for particulars. If one is not included herewith, one will be furnished upon request.

18. Covenants, conditions and restrictions, set forth in a Declaration of Restrictions, recorded December 4, 2006, as Document No. 396516, Official Records, Lyon County, Nevada; but omitting any covenants or restrictions, if any, but not limited to those based on race, color, religion, sex, sexual orientation, familial status, marital status, disability handicap, national origin, ancestry, or source of income as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
19. Terms and Conditions as set forth and contained in a document entitled "Mineral Deed", recorded June 9, 2022, as Document No. 658553 and rerecorded June 15, 2022 as Document No. 658749, of Official Records.
20. An encroachment of a portion of the northerly lot line of Lot 1 of Upland Ranch Estates Unit No. 10 Subdivision Map No. 393096, encroaching upon a portion of the southerly lot line of Lot 73 of Upland Ranch Estates Unit No. 9 Subdivision Map No. 393096, as disclosed by a Record of Survey, recorded October 31, 2022, as Document No. 663833, of Official Records.
21. Terms and Conditions as set forth in a Covenant To Share Costs for Maintenance of Retention Basin executed by D.R. Horton, Inc., a Delaware corporation, recorded April 18, 2023, as Document No. 668827, Official Records, Lyon County, Nevada.

## **PRELIMINARY REPORT**

(Continued)

### **EXHIBIT A**

THE LAND REFERRED TO HEREIN BELOW IS DESCRIBED AS FOLLOWS:

Lots 1 through 4, inclusive as shown on the Final Map of Upland Ranch Estates, Unit No. 10, according to the Map thereof, filed in the office of the County Recorder of Lyon County, Nevada, on October 12, 2006 as Document No. 393096, Official Records, and as amended by Certificate of Amendment recorded January 3, 2007 as Document No. 398147, Official Records.

EXCEPTING THEREFROM all rights contained in Mineral Deed recorded June 9, 2022 as Document No. 658553 and rerecorded June 15, 2022 as Document No. 658749, , Official Records.

APN's: 022-471-01, 022-471-02, 022-471-03, 022-471-04



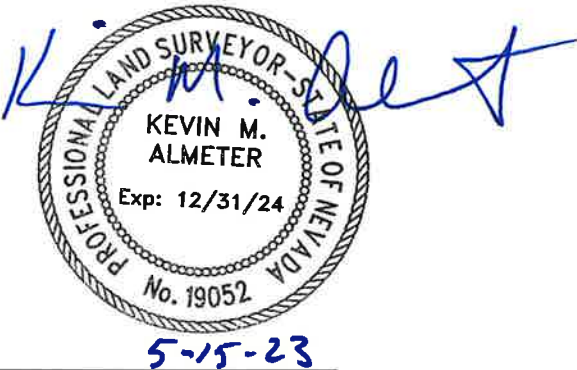
**LEGAL DESCRIPTION FOR  
DEVIATION LOTS**

All that certain real property situate within a portion of the Southeast One-Quarter (SE 1/4) of Section Nineteen (19), Township Twenty (20) North, Range Twenty-Five (25) East, Mount Diablo Meridian, City of Fernley, County of Lyon, State of Nevada, and being more particularly described as follows:

BEING Lot 1 through Lot 3 of the Official Plat of "Upland Ranch Estates Subdivision Unit No. 10", Subdivision Map No. 393096, recorded on October 12, 2006, filed in the Official Records of Lyon County, Nevada;

APNs: 022-471-01, 022-471-02 & 022-471-03

Prepared by:  
Wood Rodgers, Inc.  
1361 Corporate Blvd.  
Reno, NV 89502



Kevin M. Almeter, P.L.S.  
Nevada Certificate No. 19052



## Tax Account 022-471-01

### Owners

### Account Summary

|               |                           |
|---------------|---------------------------|
| Account ID    | 022-471-01                |
| Account Type  | Real Estate               |
| Location      | 1461 JENNYS LN<br>FERNLEY |
| Balance       | \$0.00                    |
| Currently Due | \$0.00                    |

No payment currently due.

This account has a balance of \$0.00.  
No payment can be made.

### Current Year

|                     |                             |
|---------------------|-----------------------------|
| Description         | 2022/2023 REAL ESTATE TAXES |
| Original            | \$500.82                    |
| Total               | \$500.82                    |
| Paid                | \$500.82                    |
| Balance             | \$0.00                      |
| Due                 | \$0.00                      |
| Ad Valorem Tax Rate | 3.6127                      |
| Tax District        | 6.0 (City of Fernley)       |
| Tax Cap             | 100% High 8.0%              |

### Current Year Installments

| # | Due Date   | Penalty Date | Status | Original Total | Penalty | Total    | Paid     | Total Due |
|---|------------|--------------|--------|----------------|---------|----------|----------|-----------|
| 1 | 08/15/2022 | 08/26/2022   | Paid   | \$125.82       | \$0.00  | \$125.82 | \$125.82 | \$0.00    |
| 2 | 10/03/2022 | 10/14/2022   | Paid   | \$125.00       | \$0.00  | \$125.00 | \$125.00 | \$0.00    |
| 3 | 01/03/2023 | 01/16/2023   | Paid   | \$125.00       | \$0.00  | \$125.00 | \$125.00 | \$0.00    |
| 4 | 03/06/2023 | 03/17/2023   | Paid   | \$125.00       | \$0.00  | \$125.00 | \$125.00 | \$0.00    |

### Past Years

| Description                 | Original | Penalty | Paid     | Balance | Due    | Tax Rate | Tax District |
|-----------------------------|----------|---------|----------|---------|--------|----------|--------------|
| 2021/2022 REAL ESTATE TAXES | \$498.07 | \$0.00  | \$498.07 | \$0.00  | \$0.00 | 3.6160   | 6.0          |
| 2020/2021 SECURED TAXES     | \$477.33 | \$4.81  | \$482.14 | \$0.00  | \$0.00 | 3.6131   | 6.0          |





## Tax Account 022-471-02

### Owners

### Account Summary

|               |                           |
|---------------|---------------------------|
| Account ID    | 022-471-02                |
| Account Type  | Real Estate               |
| Location      | 1463 JENNYS LN<br>FERNLEY |
| Balance       | \$0.00                    |
| Currently Due | \$0.00                    |

No payment currently due.

This account has a balance of \$0.00.  
No payment can be made.

### Current Year

|                     |                             |
|---------------------|-----------------------------|
| Description         | 2022/2023 REAL ESTATE TAXES |
| Original            | \$500.82                    |
| Total               | \$500.82                    |
| Paid                | \$500.82                    |
| Balance             | \$0.00                      |
| Due                 | \$0.00                      |
| Ad Valorem Tax Rate | 3.6127                      |
| Tax District        | 6.0 (City of Fernley)       |
| Tax Cap             | 100% High 8.0%              |

### Current Year Installments

| # | Due Date   | Penalty Date | Status | Original Total | Penalty | Total    | Paid     | Total Due |
|---|------------|--------------|--------|----------------|---------|----------|----------|-----------|
| 1 | 08/15/2022 | 08/26/2022   | Paid   | \$125.82       | \$0.00  | \$125.82 | \$125.82 | \$0.00    |
| 2 | 10/03/2022 | 10/14/2022   | Paid   | \$125.00       | \$0.00  | \$125.00 | \$125.00 | \$0.00    |
| 3 | 01/03/2023 | 01/16/2023   | Paid   | \$125.00       | \$0.00  | \$125.00 | \$125.00 | \$0.00    |
| 4 | 03/06/2023 | 03/17/2023   | Paid   | \$125.00       | \$0.00  | \$125.00 | \$125.00 | \$0.00    |

### Past Years

| Description                 | Original | Penalty | Paid     | Balance | Due    | Tax Rate | Tax District |
|-----------------------------|----------|---------|----------|---------|--------|----------|--------------|
| 2021/2022 REAL ESTATE TAXES | \$498.07 | \$0.00  | \$498.07 | \$0.00  | \$0.00 | 3.6160   | 6.0          |
| 2020/2021 SECURED TAXES     | \$477.33 | \$4.81  | \$482.14 | \$0.00  | \$0.00 | 3.6131   | 6.0          |



## Tax Account 022-471-03

### Owners

### Account Summary

|               |                           |
|---------------|---------------------------|
| Account ID    | 022-471-03                |
| Account Type  | Real Estate               |
| Location      | 1467 JENNYS LN<br>FERNLEY |
| Balance       | \$0.00                    |
| Currently Due | \$0.00                    |

No payment currently due.

This account has a balance of \$0.00.  
No payment can be made.

### Current Year

|                     |                             |
|---------------------|-----------------------------|
| Description         | 2022/2023 REAL ESTATE TAXES |
| Original            | \$500.82                    |
| Total               | \$500.82                    |
| Paid                | \$500.82                    |
| Balance             | \$0.00                      |
| Due                 | \$0.00                      |
| Ad Valorem Tax Rate | 3.6127                      |
| Tax District        | 6.0 (City of Fernley)       |
| Tax Cap             | 100% High 8.0%              |

### Current Year Installments

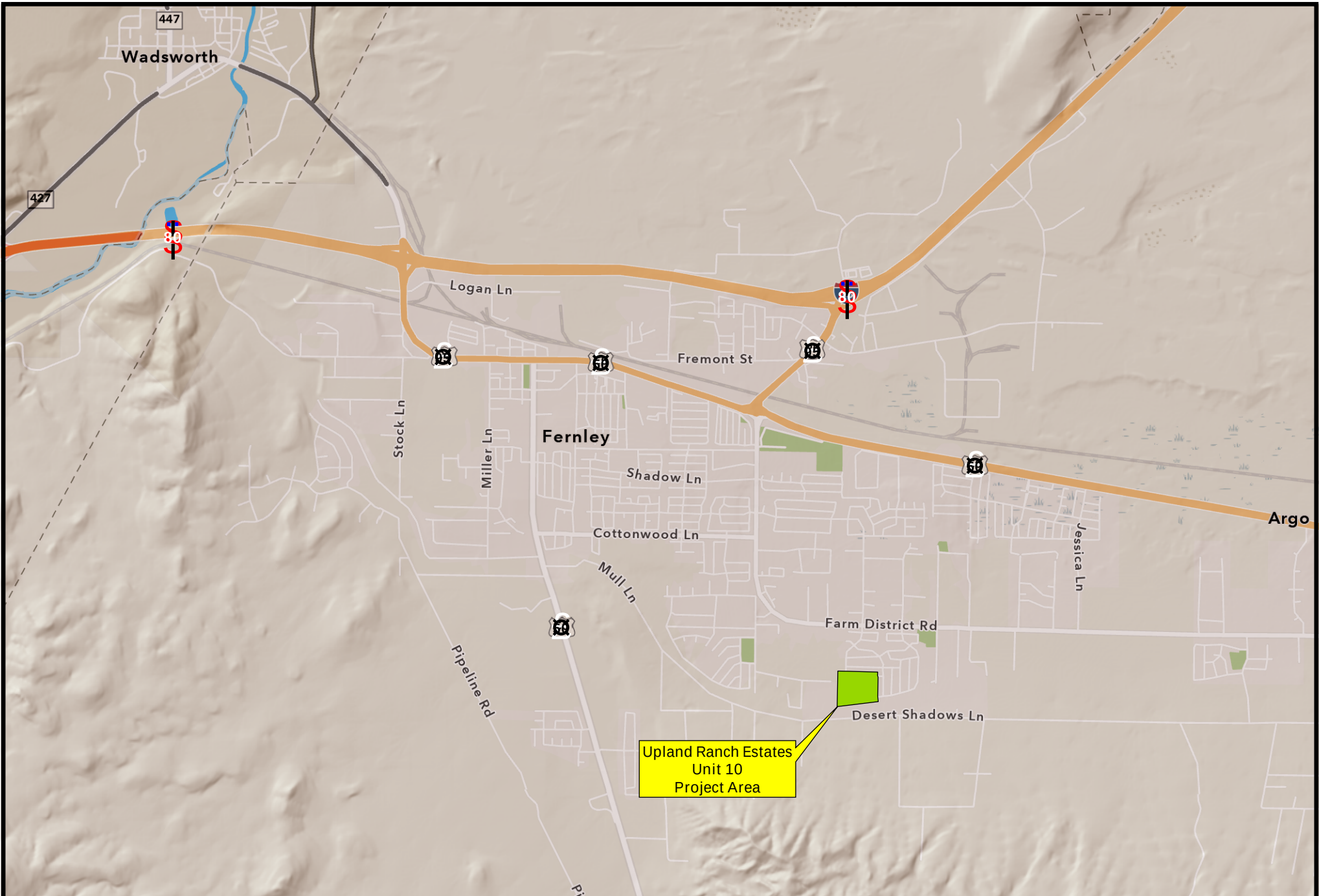
| # | Due Date   | Penalty Date | Status | Original Total | Penalty | Total    | Paid     | Total Due |
|---|------------|--------------|--------|----------------|---------|----------|----------|-----------|
| 1 | 08/15/2022 | 08/26/2022   | Paid   | \$125.82       | \$0.00  | \$125.82 | \$125.82 | \$0.00    |
| 2 | 10/03/2022 | 10/14/2022   | Paid   | \$125.00       | \$0.00  | \$125.00 | \$125.00 | \$0.00    |
| 3 | 01/03/2023 | 01/16/2023   | Paid   | \$125.00       | \$0.00  | \$125.00 | \$125.00 | \$0.00    |
| 4 | 03/06/2023 | 03/17/2023   | Paid   | \$125.00       | \$0.00  | \$125.00 | \$125.00 | \$0.00    |

### Past Years

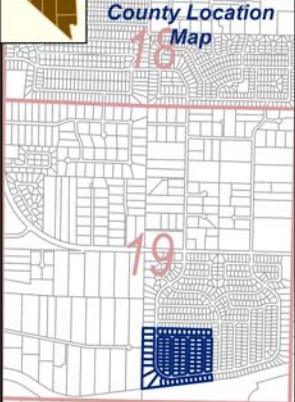
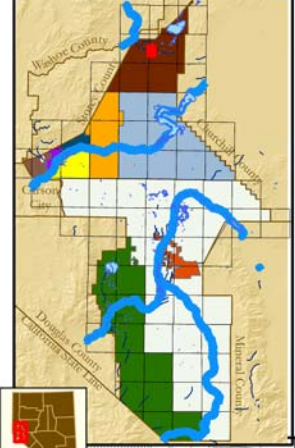
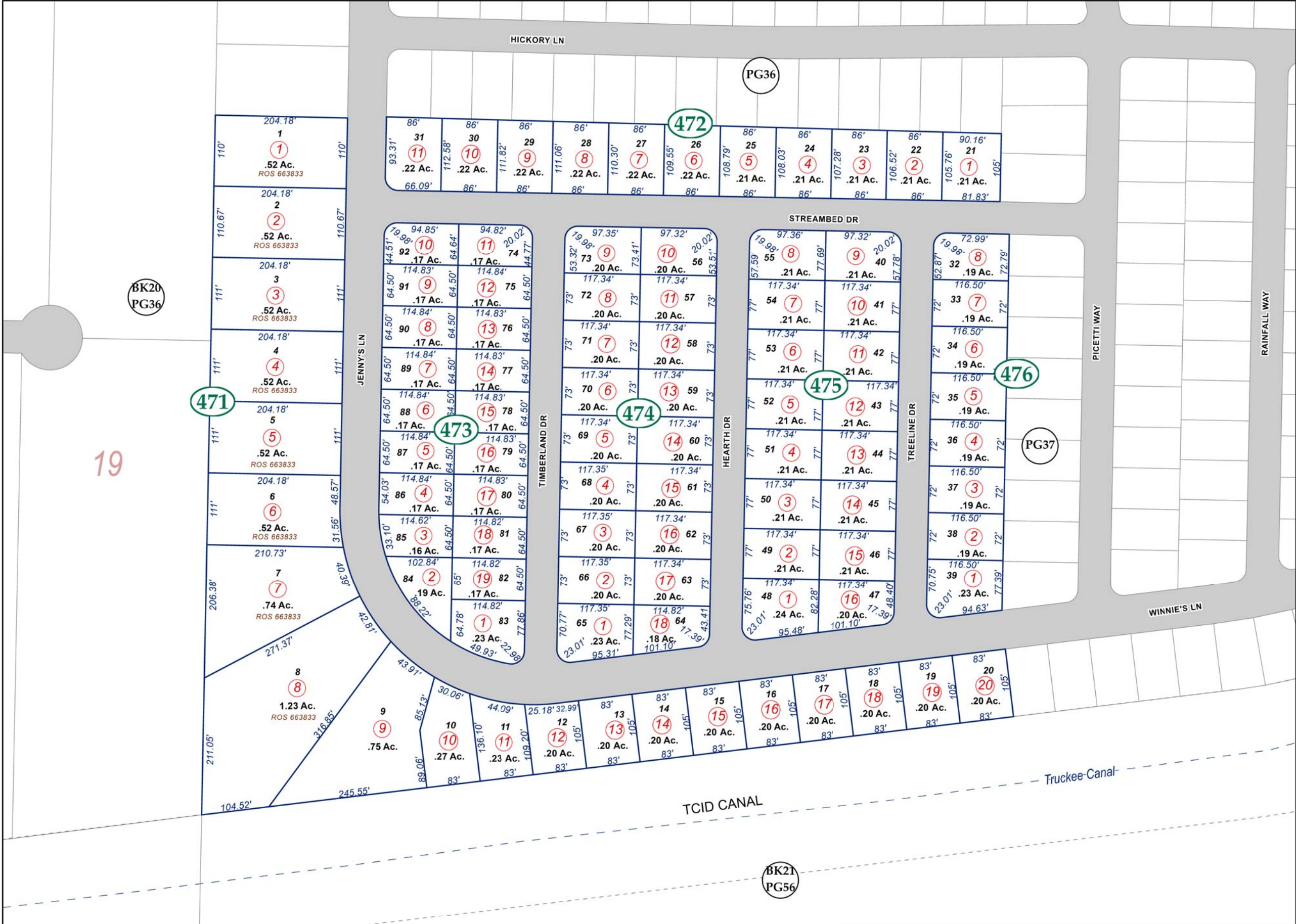
| Description                 | Original | Penalty | Paid     | Balance | Due    | Tax Rate | Tax District |
|-----------------------------|----------|---------|----------|---------|--------|----------|--------------|
| 2021/2022 REAL ESTATE TAXES | \$498.07 | \$0.00  | \$498.07 | \$0.00  | \$0.00 | 3.6160   | 6.0          |
| 2020/2021 SECURED TAXES     | \$477.33 | \$4.81  | \$482.14 | \$0.00  | \$0.00 | 3.6131   | 6.0          |

# Section 2









**Map Elements**

- 1/4 Corner Section
- Section Ties
- 300' Dimensions
- 1 Parcel Lot
- 3 Parcel Number
- 0.13 Ac. Acreage of Parcel
- PM 136149 Recorded Map Image
- Parcel Boundaries
- 411 Block Number
- BK12 PG06 Parcel Book & Page Number
- PG24 Page Number

**Cities & Townships**

- Dayton
- Dayton Valley
- Fernley
- Mark Twain
- Mason Valley
- Mound House
- Silver City
- Silver Springs
- Smith Valley
- Stagecoach
- Yerington

Scale: 1" = 150'  
Revised: February 8, 2023

LYON COUNTY

NOTE: This is for assessment use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon. Use of this plat for other than assessment purposes is forbidden unless approved by the Lyon County Assessor's Office.





Aerial Map - Existing Ponderosa Subdivision  
Ponderosa Subdivision Major Deviation

May 2023

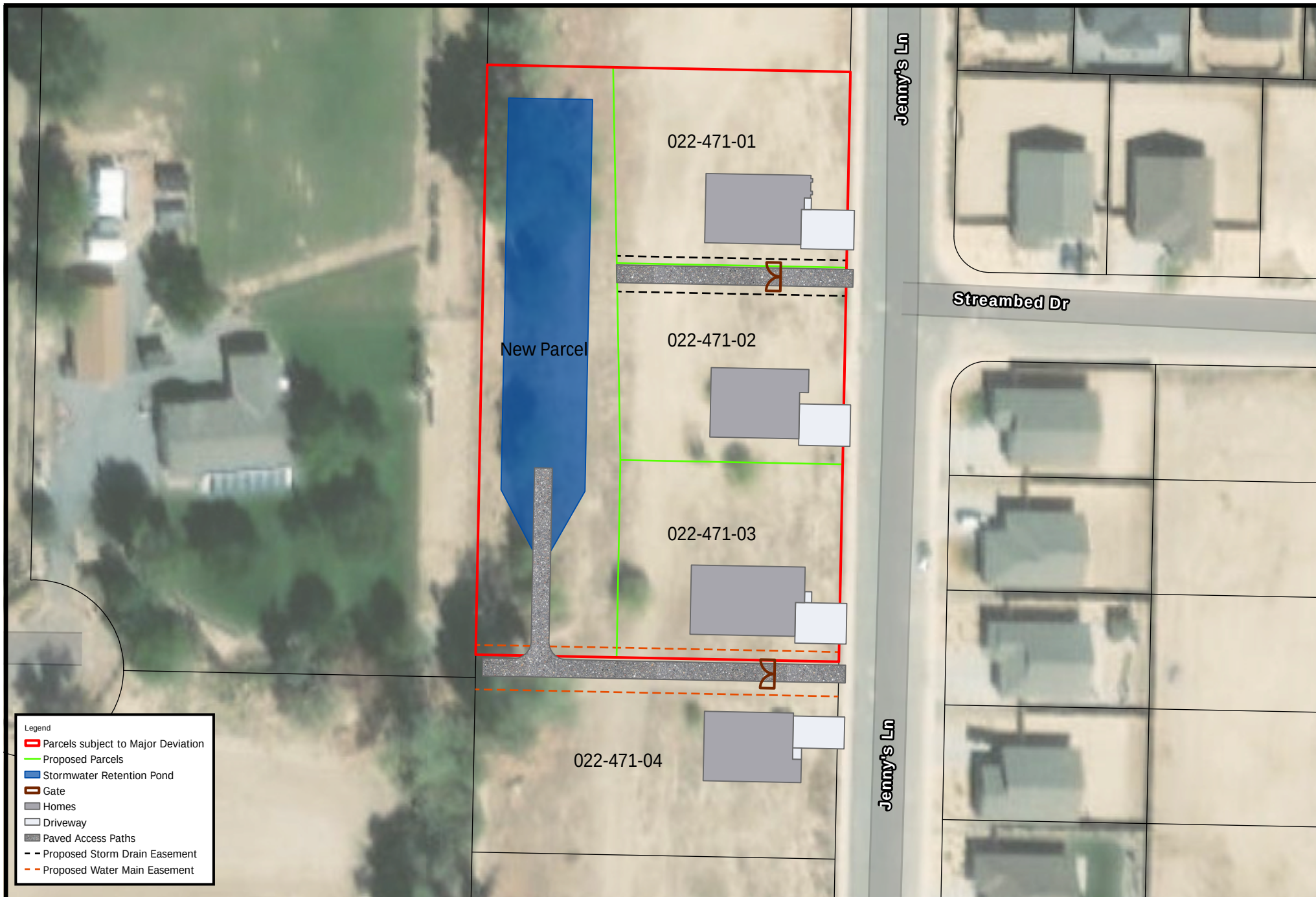


**WOOD RODGERS**  
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME  
1361 Corporate Boulevard Tel: 775.823.4068  
Reno, NV 89502 Fax: 775.823.4066

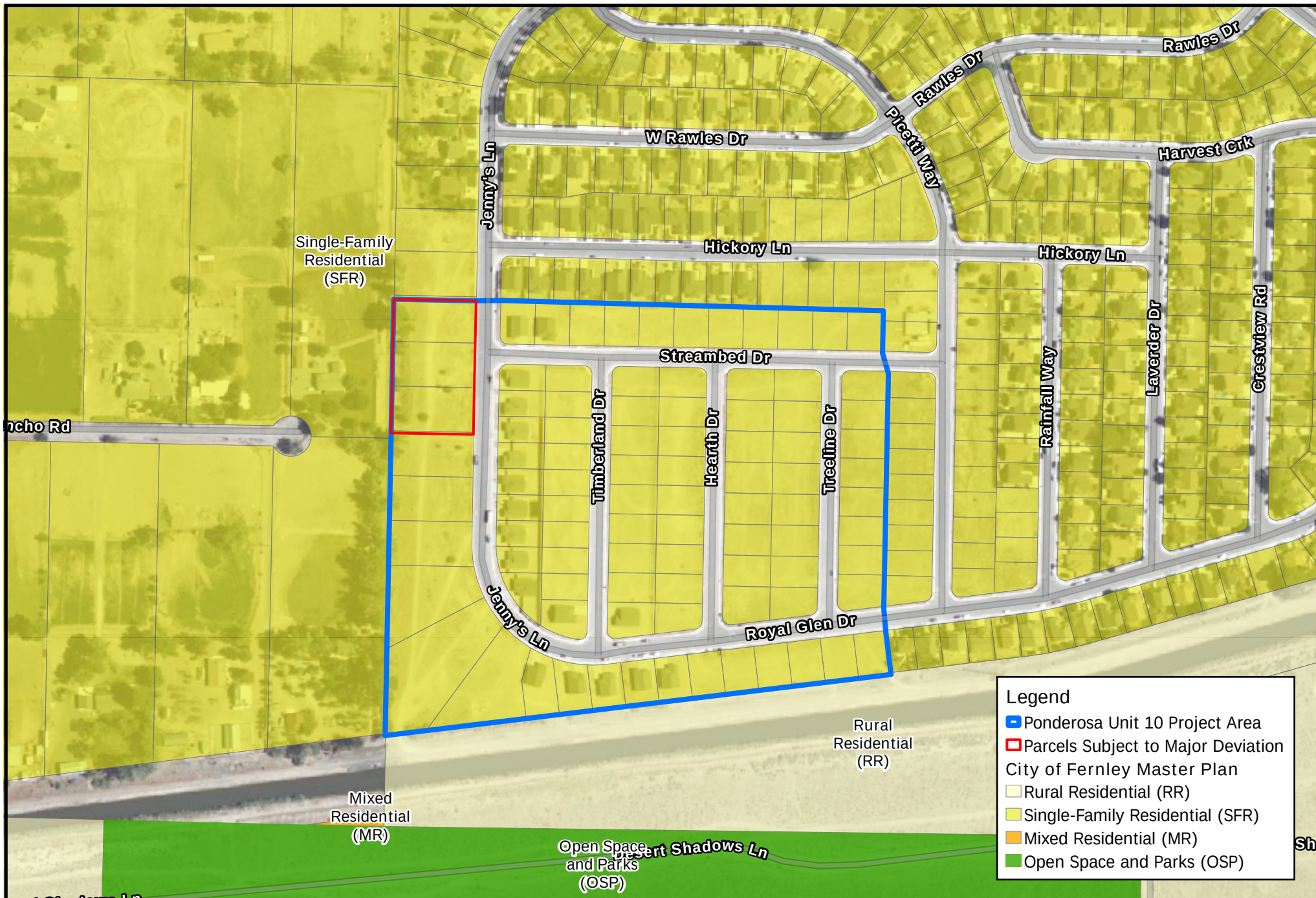








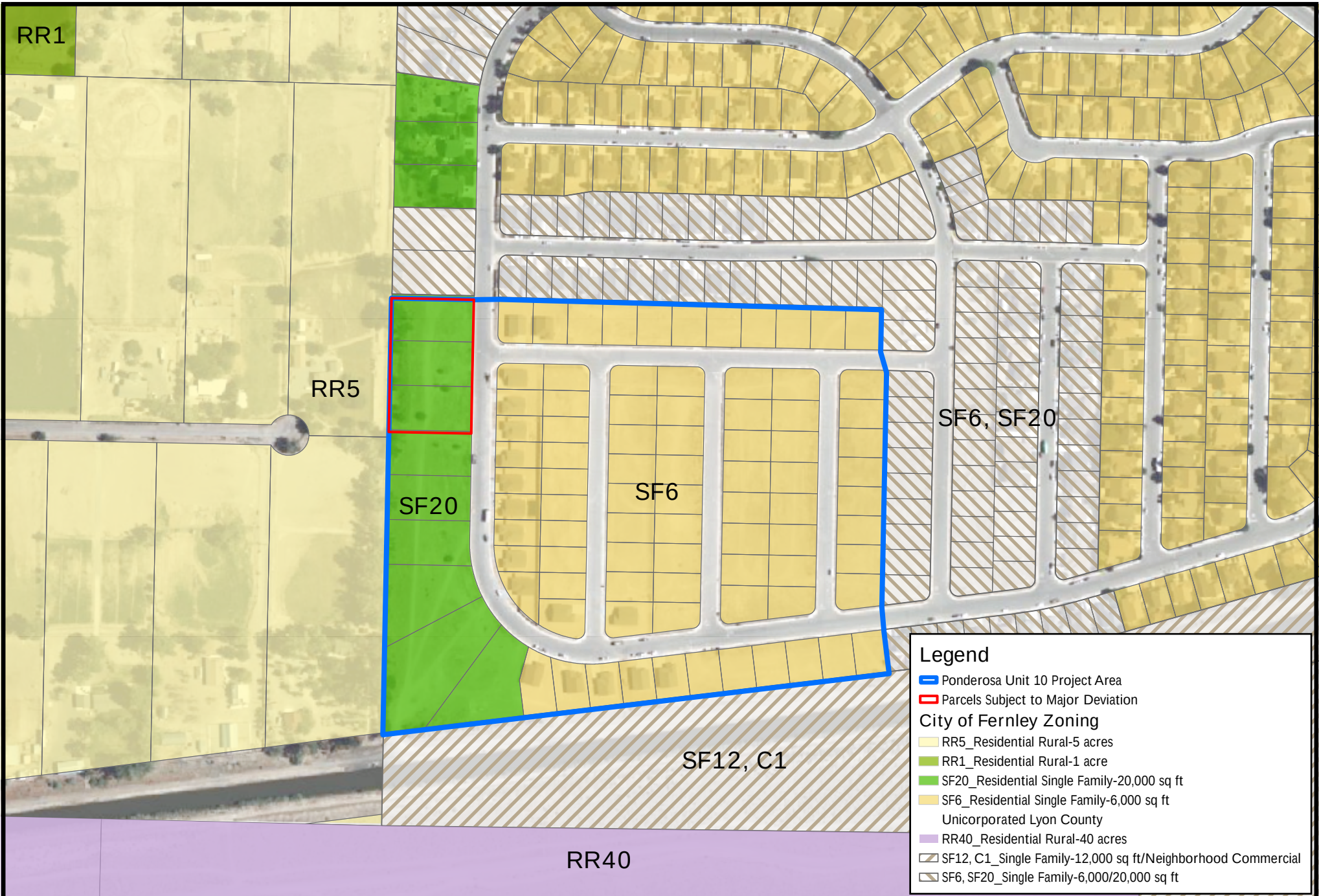




**Legend**

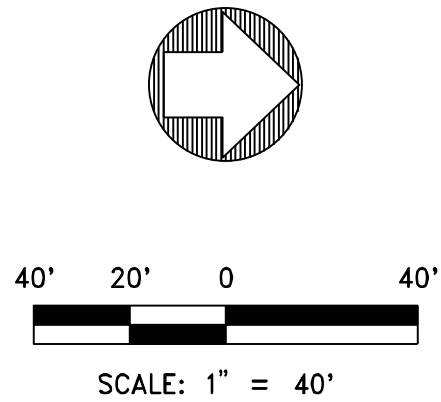
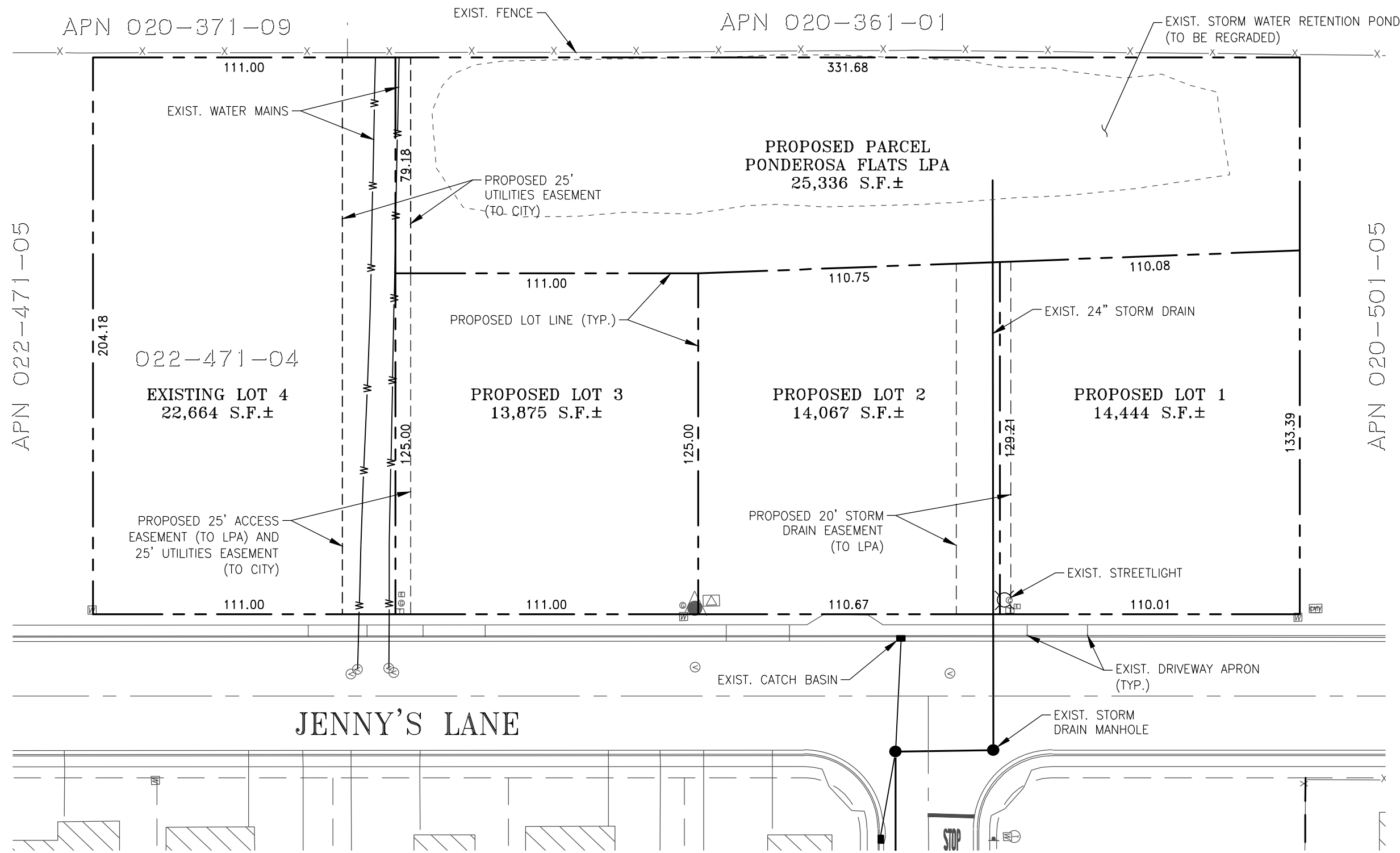
- Ponderosa Unit 10 Project Area
- Parcels Subject to Major Deviation
- City of Fernley Master Plan
- Rural Residential (RR)
- Single-Family Residential (SFR)
- Mixed Residential (MR)
- Open Space and Parks (OSP)





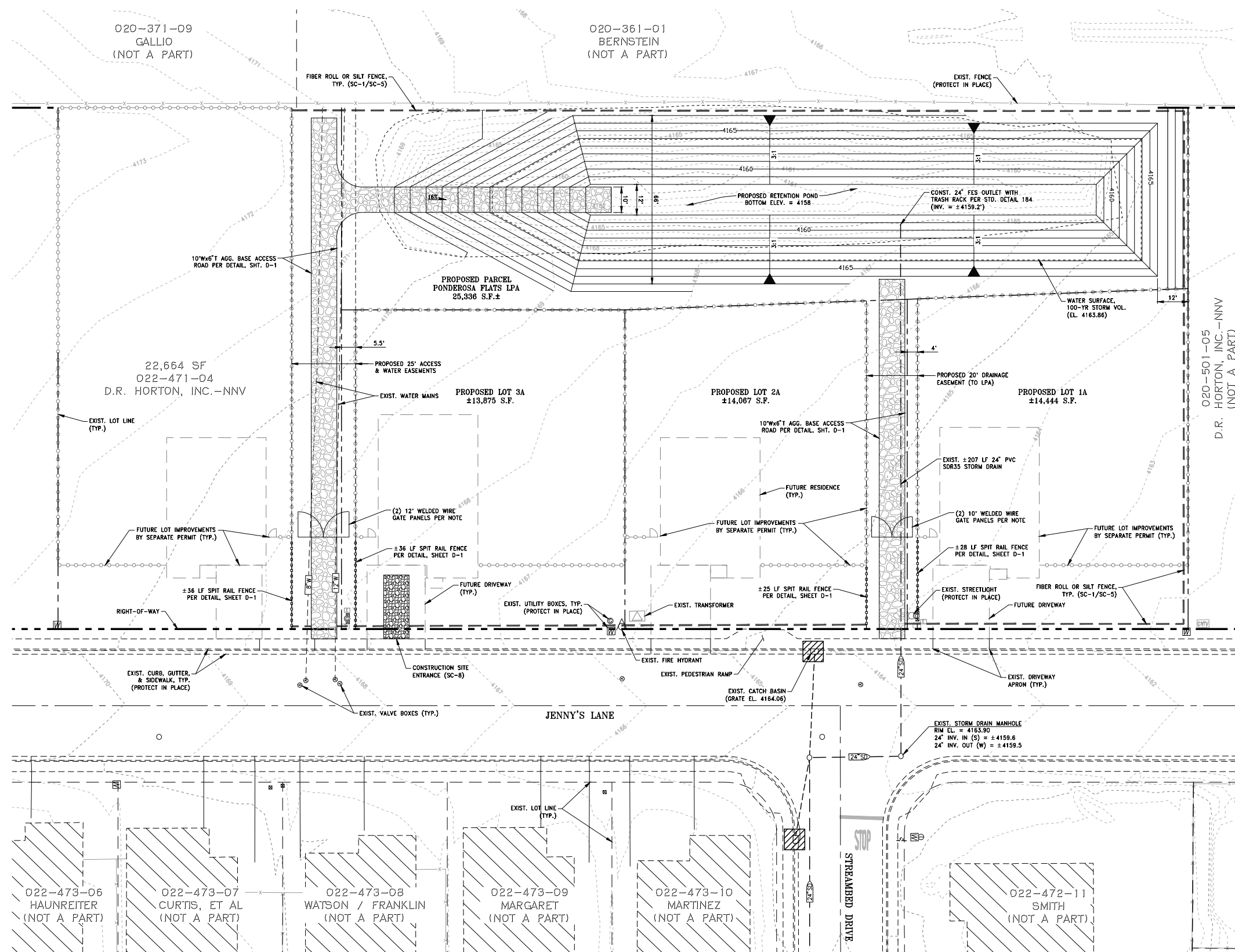
PROPOSED LOT RECONFIGURATION  
**PONDEROSA LOTS 1-4, UNIT 10**

*D.R. HORTON, INC.*  
FERNLEY NEVADA  
MAY 2, 2023



**WOOD RODGERS**  
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME  
1361 Corporate Boulevard Tel 775.823.4068  
Reno, NV 89502 Fax 775.823.4066





## GRADING NOTES

1. ALL GRADING SHALL CONFORM WITH THE REQUIREMENTS AND RECOMMENDATIONS OF THE PROJECT GEOTECHNICAL REPORT (REFER TO "GRADING AND MATERIAL" NOTE 1 ON SHEET N-1). CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH SAID REPORT PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION IMMEDIATELY FOR A DETERMINATION TO BE MADE.
2. ALL SLOPES ARE 3:1 (HORIZONTAL TO VERTICAL) OR FLATTER UNLESS NOTED OTHERWISE.

### EROSION CONTROL NOTES

1. THE TOTAL DISTURBED AREA IS APPROXIMATELY 0.75 ACRES.
2. THE CONTRACTOR OR ITS AGENT SHALL EACH DAY REMOVE ALL SEDIMENT, MUD, CONSTRUCTION DEBRIS, AND OTHER POTENTIAL POLLUTANTS THAT MAY HAVE BEEN DISCHARGED TO, OR ACCUMULATED IN, PUBLIC RIGHTS-OF-WAY AS A RESULT OF CONSTRUCTION ACTIVITIES ASSOCIATED WITH THIS CONSTRUCTION PROJECT. SUCH MATERIALS SHALL BE PREVENTED FROM ENTERING THE STORM DRAIN SYSTEM.
3. ADDITIONAL CONSTRUCTION SITE BEST MANAGEMENT PRACTICES (BMPs) MAY BE REQUIRED OF THE CONTRACTOR OR ITS AGENT DUE TO UNFORESEEN EROSION OR POLLUTION PROBLEMS.
4. THE CONTRACTOR OR ITS AGENT SHALL IMPLEMENT TEMPORARY OR PERMANENT BEST MANAGEMENT PRACTICES ON DISTURBED AREAS AS SOON AS PRACTICABLE AND NO LATER THAN 14 DAYS AFTER THE START OF CONSTRUCTION ACTIVITY. THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CHANGED. SOME EXCEPTIONS MAY APPLY; REFER TO STORM WATER GENERAL PERMIT NVR1000000, SECTION 3.6.
5. AT A MINIMUM, THE CONTRACTOR OR ITS AGENT SHALL INSPECT ALL DISTURBED AREAS, ALL BMPs, ALL VEHICLE ENTRANCE AND EXIT LOCATIONS, AND ALL AREAS OF EROSION, SEDIMENTATION AND CUMULATIVE EROSION ARE EXPOSED TO PRECIPITATION WEEKLY, PRIOR TO A FORECASTED RAIN EVENT, AND WITHIN 24 HOURS AFTER ANY ACTUAL RAIN EVENT. SOME EXCEPTIONS TO WEEKLY INSPECTIONS MAY APPLY, SUCH AS FROZEN GROUND CONDITIONS OR SUSPENSION OF ALL CONSTRUCTION ACTIVITIES. REFER TO STORM WATER GENERAL PERMIT NVR1000000, SECTION 3.5.
6. ACCUMULATED SEDIMENT IN BMPs SHALL BE REMOVED WITHIN SEVEN DAYS AFTER A STORM WATER RUNOFF EVENT OR PRIOR TO THE NEXT ANTICIPATED STORM EVENT, WHICHEVER IS EARLIER. SEDIMENT MUST BE REMOVED WHEN BMP DESIGN CAPACITY HAS BEEN REDUCED BY 30 PERCENT OR MORE.
7. ALL GRADED AREAS STILL UNDER CONSTRUCTION SHALL BE WATERED DAILY OR AS NEEDED, OR TREATED WITH A DUST PALLIATIVE.
8. ALL AREAS CLEARED OF VEGETATION WHERE CONSTRUCTION HAS CEASED AND REMAINS UNIMPROVED FOR LONGER THAN 21 DAYS SHALL HAVE MULCH APPLIED (EC-3) OR SEEDED WITH NATIVE VEGETATION AND IRRIGATED.
9. REFER TO THE "TRUCKLE MEADOWS CONSTRUCTION SITE BMP HANDBOOK" FOR DESCRIPTIONS, INSTALLATION, INSPECTION, AND MAINTENANCE OF BMPs, INCLUDING BUT NOT LIMITED TO THE IDENTIFICATION ON THIS PLAN AND SHEET 0-1, STOCKPILE MANAGEMENT (GM-2), SPILL PREVENTION (GM-6), AND EQUIPMENT MAINTENANCE AND FUELING (GM-8).

### EROSION CONTROL LEGEND

-  FIBER ROLL/SILT FENCE (SC-1/SC-5)  
 CONSTRUCTION SITE ENTRANCE (SC-8)  
 STORM DRAIN INLET PROTECTION (DP-3)  
 (AT ALL CATCH BASINS)

GATE PANELS SHALL BE TARTER WATCHMAN WIRE MESH GATE, OR APPROVED EQUAL. INSTALL GATE & POSTS PER MFR. RECOMMENDATIONS. COLOR SELECTION BY OWNER.

NOTE: BASE TOPOGRAPHIC MAP PREPARED BY WOOD RODGERS, INC. (RENO, NV)  
FLIGHT DATE = MAY 17, 2022.

[illegible]

DATE: MAY 2023

SCALE: 1" = 20"

DRAWN BY: JH

DESIGNED BY: CEN

CHECKED BY: CEN



**STORM WATER BASIN REGRADING  
LOTS 1-3, PONDEROSA FLATS UNIT 10**

## GRADING PLAN

\\Jobs\4030\_Ponderosa\_Upland\_Ranch\DR\_Horton\_OA\Civil\Qaq\Ponderosa Pond\C04\_PUR\_POND\_G01.dwg 5/7/2023 9:31 PM Evon Nkief

# Section 3



## EXECUTIVE SUMMARY

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Name:               | Ponderosa Subdivision Major Deviation                                                                                                                                                                                                                                                                                                                                                                                                             |
| Site Location:              | ±28.06-acre subdivision is located approximately 1,400 feet south of the intersection of Farm District Road and Jenny's Lane in Fernley, NV. The addresses of the lots proposed for reconfiguration are 1461, 1463, and 1467 Jenny's Lane, Fernley, NV 89408.                                                                                                                                                                                     |
| APN Numbers:                | 022-471-01, 022-471-02, and 022-471-03                                                                                                                                                                                                                                                                                                                                                                                                            |
| Applicant:                  | D.R. Horton Inc. - NNV                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Applicant's Representative: | Wood Rodgers, Inc., Attention: Derek Kirkland, AICP                                                                                                                                                                                                                                                                                                                                                                                               |
| Owner:                      | D.R. Horton Inc. - NNV                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Request:                    | This application is a request for a Major Deviation to: <ul style="list-style-type: none"> <li>1) Reduce the lot sizes of APNs 022-471-01 (Lot 1), 022-471-02 (Lot 2), and 022-471-03 (Lot 3) to dedicate a new private parcel that will accommodate the regraded stormwater retention pond. The subject lots are zoned SF-20 and will be reduced to 27.8, 29.7, and 30.6 percent under the minimum quantitative lot size requirement.</li> </ul> |
| Land Use Classification:    | Single-Family Residential [±22.3 acres]                                                                                                                                                                                                                                                                                                                                                                                                           |
| Zoning:                     | Single-Family Residential, {20,000 sq. ft. minimum} [SF-20] [±5.84 acres] and Single-Family Residential, {6,000 sq. ft. minimum} [SF-6] [±16.46 acres]                                                                                                                                                                                                                                                                                            |
| Flood Zone Designation:     | Zone X                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Gross Site Area:            | ±28.06 acres                                                                                                                                                                                                                                                                                                                                                                                                                                      |

## PROJECT ANALYSIS

### Background and Existing Conditions

The Ponderosa Subdivision (±28.06 acres) is located approximately 1,400 feet south of the intersection of Farm District Road and Jenny's Lane in Fernley, NV (*Refer to the vicinity map provided in Section 2 of this application package*). The subject parcels (APNs 022-471-01, 022-471-02, and 022-471-03) are currently vacant and undeveloped, with the exception of utility stubs.

D.R. Horton, Inc. is currently developing 116 existing lots in Units 9 and 10 of the Upland Ranch Estates subdivision for single-family residences. Lots in the development, commonly known as the "Ponderosa" subdivision, are zoned as either SF-20 (Single-family, 20,000 square foot minimum lot size) or SF-6 (Single-family, 6,000 square foot minimum lot size). As part of the initial development in 2006, a stormwater retention pond was constructed, which spans across the backyards of APNs 022-471-01, 022-471-02, and 022-471-03 (i.e., Lots 1-3 in Unit 10). The existing pond has a storage volume of approximately 16,830 cubic feet at the 1-foot freeboard with a maximum storage capacity of approximately 21,610 cubic feet. The approved improvement plans called for a pond capacity of 73,000 cubic feet, which translates to the current pond being undersized by approximately 70.4%. There are no easements designated for the pond itself, access to the pond, the storm drain that directs stormwater runoff from Jenny's Lane to the retention pond, or the water main extensions that intersect with APN 022-471-04. No fencing was installed to visibly shield or prevent unauthorized access to the pond, despite fencing being called for on the approved plans.

**Project Request**

Wood Rodgers, on behalf of D.R. Horton Inc.-NNV, is submitting a request for a Major Deviation to:

- 1) Reduce the lot sizes of APNs 022-471-01 (Lot 1), 022-471-02 (Lot 2), and 022-471-03 (Lot 3) to dedicate a new private parcel that will accommodate the regraded stormwater retention pond that is to be owned and maintained by the Ponderosa Flats Limited Purpose Association. The subject lots are zoned SF-20 and will be reduced to 27.8, 29.7, and 30.6 percent under the minimum quantitative lot size requirement.

**Justification for Request**

D.R. Horton Inc.-NNV must improve the retention pond located on lots 1-3 in order to allow for future development of the Ponderosa Subdivision. The retention pond will be reconstructed to the City of Fernley's design standards for runoff storage volume and include access to the site via dedicated easements and security improvements.

**Proposed Project**

The applicant is requesting to reduce the lot sizes of APNs 022-471-01 (Lot 1), 022-471-02 (Lot 2), and 022-471-03 (Lot 3) to dedicate a new private parcel to accommodate an improved stormwater retention pond. The subject lots are zoned Single-Family Residential, {20,000 sq. ft. minimum} [SF-20] and will be reduced to 27.8, 29.7, and 30.6 percent under the minimum quantitative lot size requirement. The lots were zoned SF-20 to provide a buffer or transition between larger lots zoned RR5 to the west and the smaller lots zoned SF-6 to the east. The new private lot spanning across the rear boundaries of reduced-sized lots 1-3 will be 25,336 square feet in area, so the intent of the zoning will not be compromised.

D.R. Horton Inc.-NNV will reconstruct the retention pond to increase its capacity to sufficiently manage runoff from the 100-year design storm. To provide maintenance access to the pond, all-weather roads will be installed over the existing storm drain on APN 022-471-02 and over the existing water main extensions on APN 022-471-04. To accommodate the access roads, storm drain, and two water mains, specific easements will be established. The easement for the storm drain will extend across the parcel boundaries of APNs 022-471-01 and 022-471-02, while the easement for the water mains will extend across the parcel boundaries of APNs 022-471-03 and 022-471-04. To secure the site, the perimeter of the new private parcel and maintenance access roads will be fenced and gated. A 6-foot-tall, solid, wood privacy fence will be installed on the residential lot lines and easement boundaries on side yards, while split-rail fences will be installed on easement boundaries in the front yards.

After the required improvements are made, the new parcel that will contain the reconstructed stormwater retention pond and associated easements will be dedicated to the Ponderosa Flats Limited Purpose Association as a homeowners' association (HOA) has not been established for the routine upkeep of drainage facilities in the subdivision. The Ponderosa Flats Limited Purpose Association will be responsible for the long-term maintenance and security of the stormwater retention pond facilities. Allocating a separate parcel for the retention pond and providing access to its infrastructure will enable better maintenance and protection from any disturbance, modification, encroachment, or neglect that might occur if it were on an individual's property. The Ponderosa Flats Limited Purpose Association will handle the operation and maintenance of the pond, which is preferred over dividing the responsibility among homeowners if it were to remain on their lots. The completion of this project will help the City of Fernley achieve its goal of installing stormwater retention ponds for the benefit of its residents and the protection of the environment and property.

| Major Deviation Lot Size Comparison |                |                  |                |
|-------------------------------------|----------------|------------------|----------------|
| APN                                 | FMC Minimum    | Proposed Minimum | Percent Change |
| 022-471-01                          | 20,000 sq. ft. | 14,444 sq. ft.   | 27.8%          |
| 022-471-02                          | 20,000 sq. ft. | 14,067 sq. ft.   | 29.7%          |
| 022-471-03                          | 20,000 sq. ft. | 13,875 sq. ft.   | 30.6%          |



### Comprehensive Master Plan and Zoning Designations

The Comprehensive Master Plan land use designation for lots 1-3 in the Ponderosa Subdivision is Single-Family Residential (SFR), which allows single-family detached residences.

The zoning designation for lots 1-3 is Residential - Single-Family (20,000 sf min.) [SF20]. The SF20 zoning designation allows up to  $\pm 2.18$  dwelling units per acre.

The lots were zoned SF-20 to provide a buffer or transition between larger lots zoned RR5 to the west and the smaller lots zoned SF-6 to the east. The new private lot spanning across the rear boundaries of reduced-sized lots 1-3 will be 25,336 square feet in area, so the intent of the zoning and buffer will not be compromised.

| Adjacent Land Use and Zoning                                                     |                         |                                         |
|----------------------------------------------------------------------------------|-------------------------|-----------------------------------------|
| Adjacent Properties                                                              | Current Zoning District | Comprehensive Plan Land Use Designation |
| <b><u>North</u></b><br>Undeveloped lot of existing subdivision                   | SF6, SF20               | SFR                                     |
| <b><u>West</u></b><br>Single-Family residences                                   | RR5                     | SFR                                     |
| <b><u>East</u></b><br>Single-Family residences of existing Ponderosa subdivision | SF6                     | SFR                                     |
| <b><u>South</u></b><br>Undeveloped lot of existing Ponderosa subdivision         | SF20                    | SFR                                     |

### Sewer, Water, and Utilities

There is adequate capacity for utilities to support future development. The necessary backbone infrastructure and utility connections already exist for the subject lots and throughout the subdivision.

## MAJOR DEVIATION FINDINGS

1. The request is consistent with the stated purposes of Title 32, zoning;

**Response:** Lots 1-3 in the project site have land use designations of Single-Family Residential (SFR) and zoning designations of Residential - Single-Family (20,000 sf min.) [SF20]. The purpose of the request for a Major Deviation is to reduce the lot sizes of APNs 022-471-01 (Lot 1), 022-471-02 (Lot 2), and 022-471-03 (Lot 3) to dedicate a new private parcel that will accommodate a stormwater retention pond. The subject lots are zoned SF-20 and will be reduced to 27.8, 29.7, and 30.6 percent under the minimum quantitative lot size requirement. The lots were zoned SF-20 to provide a buffer or transition between larger lots zoned RR5 to the west and the smaller lots zoned SF-6 to the east. The new private lot spanning across the rear boundaries of reduced-sized lots 1-3 will be 25,336 square feet in area, so the intent of the zoning will not be compromised.

With the exception of lots 1-3 being under the minimum quantitative lot size requirement, the proposed project is entirely consistent with all minimum standards of the zoning district regulations.

2. 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;

**Response:** The proposed request will not have any adverse impacts to nearby properties. The subject lots were zoned SF-20 to provide a buffer or transition between larger lots zoned RR5 to the west and the smaller lots zoned SF-6 to the east. The new private lot spanning across the rear boundaries of reduced-sized lots 1-3 will be 25,336 square feet in area, so the intent of the zoning and buffer will not be compromised. Allocating a separate parcel for the retention pond and providing maintenance access to its infrastructure can increase the property values of nearby homes. A well-maintained retention pond will prevent stormwater runoff from damaging adjacent properties, which can make the neighborhood more desirable for potential homebuyers.

Currently, the Ponderosa Subdivision's stormwater retention pond is not constructed as designed and it has not been maintained, which can result in flooding, erosion, and water pollution. Reconstructing the stormwater retention pond will help ensure that runoff water from rainfall is stored properly and released at a controlled rate into the underlying soil. The Ponderosa Flats Limited Purpose Association will be responsible for operating and maintaining the pond. This includes performing regular cleaning, vegetation management, and sediment removal to help prevent clogs, ensure optimal water flow, and improve the pond's overall performance. By implementing these measures, the pond's effectiveness will be improved, and it will be better equipped to handle heavy rainfall events, reducing the risk of flooding in the subdivision.

3. 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; and

**Response:** Granting the major deviation will provide the community with a stormwater retention pond that is constructed to the City's design standards and can be adequately maintained. The creation of a new private parcel will benefit the entire community by providing an essential service and promoting the safe and sustainable development of the area.

Moreover, granting the major deviation will not significantly impact the surrounding area's land use or the property owners' existing property rights. Instead, it will promote the efficient use of land and resources. By having a dedicated parcel for the pond, it becomes easier to monitor and maintain the infrastructure, ensuring that it is always in excellent working condition. This approach also eliminates the risk of any disturbance or modification that may occur if it were located on an individual's property. Providing maintenance access to the

*retention pond infrastructure means that the maintenance crew can easily access and maintain the infrastructure without causing any damage or disturbance to surrounding properties. This access also allows the maintenance crew to respond quickly to any issues that may arise, such as clogs, sediment buildup, or damage to the pond.*

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

**Response:** *Granting the deviation to enable the creation of a parcel for the stormwater retention pond is not a special privilege that would be inconsistent with the limitations on other properties in the vicinity or land use districts. With the Unit 10 final subdivision map and improvements constructed to serve Unit 10 lots, an easement was originally supposed to be granted for the pond and its access; this action was not completed at the time. This deviation does not confer any unique advantages on the property owners in the area. Instead, it is an effort to preserve and promote the public interest by mitigating flooding and other stormwater-related issues.*

*In addition to the benefits to the community, the retention pond will reduce the risk of erosion and improve the quality of water flowing into nearby waterways. A maintenance access road will be provided to ensure that the infrastructure of the retention pond is easy to maintain and protect, ensuring that it operates at optimal levels and continues to benefit the surrounding properties.*

*This deviation aligns with the City's planning objectives and regulations for managing stormwater runoff properly. By creating a parcel for the retention pond, the City is taking a step toward sustainable development practices while also protecting the environment and property.*



**NRS 278.0217 - Certain documents to be retained by governing body or other entity that causes notices of hearing to be provided.**

If a governing body or other entity causes notice of a hearing to be provided pursuant to NRS 278.0215, 278.147, 278.260, 278.315, 278.4789 or 278.480, the governing body or other entity shall retain:

1. A copy of the notice;
2. A list of the persons or governmental entities to which the notice was addressed; and
3. A record of the date on which the notice was deposited in the United States mail, postage prepaid, or, if applicable, sent by electronic means.

Per NRS 278.0217(3), I certify that the notice for MJD23001 Ponderosa Unit 10 Deviation was postmarked and deposited in the United States mail on June 22, 2023.

*Rosa Warner*  
*Assistant Planner*  
*6/22/23*

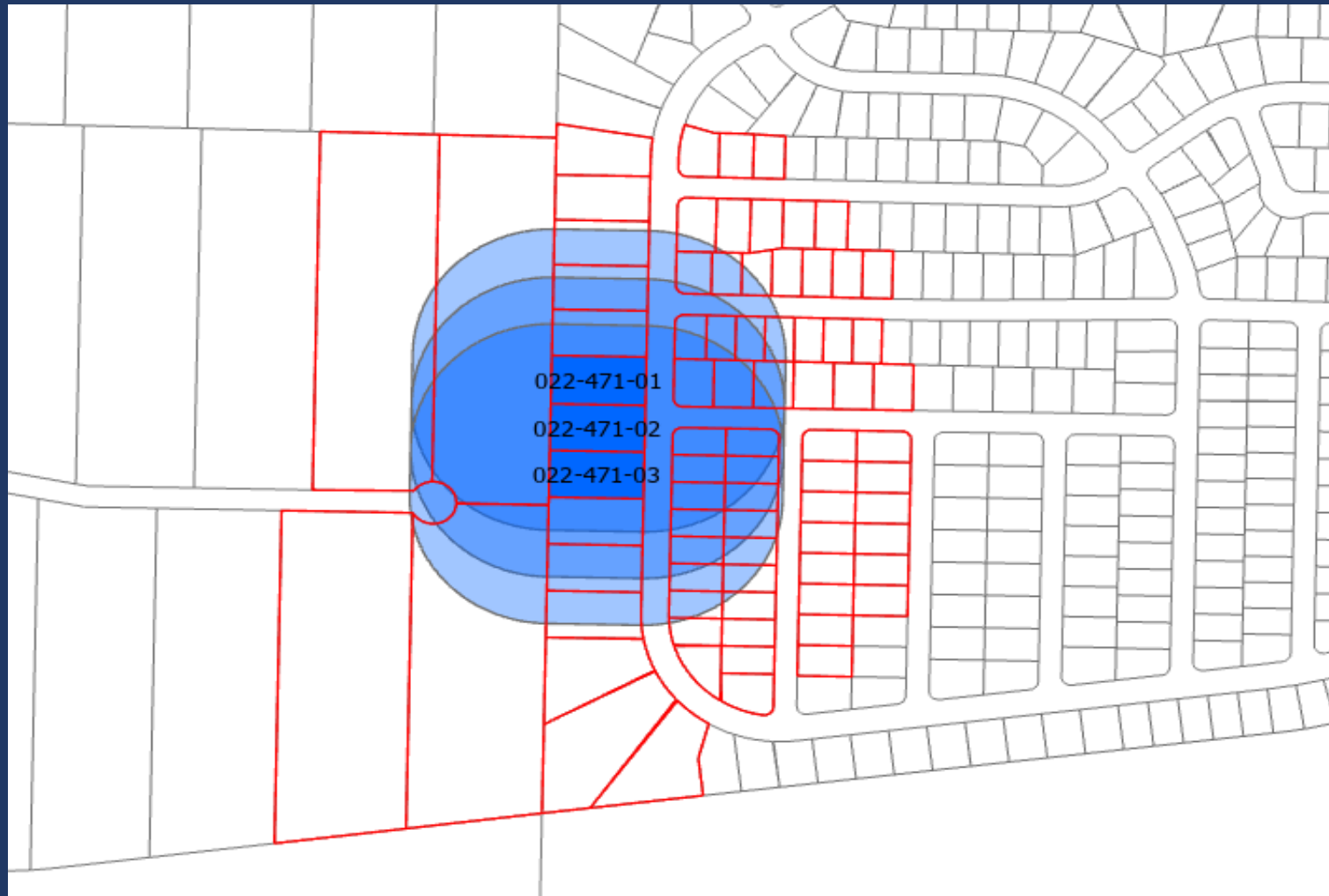
# MJD 23001 Ponderosa Unit 10 - 79 Parcels Within 500 feet Buffer of APN's: 022-471-01, 02 & 03

| APN        | Phy. Addr. Street Number | Phy. Addr. Street Name | Acres | Owner Name                              | Mailing Address #1       | Mailing City | Mailing State | Mailing Zip Code |
|------------|--------------------------|------------------------|-------|-----------------------------------------|--------------------------|--------------|---------------|------------------|
| 020-502-02 | 1943                     | RAWLES DR W            | 0.25  | ANDERSON, JENNIFER R                    | 1943 W RAWLES DR         | FERNLEY      | NV            | 89408-0000       |
| 022-473-01 | 1794                     | TIMBERLAND DR          | 0.228 | AUSTIN, KATHLEEN TRS                    | P O BOX 6479             | RENO         | NV            | 89513-000        |
| 020-361-01 | 1480                     | RANCHO RD              | 5.03  | BERNSTEIN, EARL D & SHEILA W            | P O BOX 2283             | FERNLEY      | NV            | 89408-0000       |
| 022-361-10 | 1832                     | HICKORY LN             | 0.169 | BRANDENBURG, BRYAN & KRISTY             | 1832 HICKORY LN          | FERNLEY      | NV            | 89408-0000       |
| 020-501-01 | 1451                     | JENNY'S LN             | 0.5   | CERESOLA, CYNTHIA FAIR ET AL            | P O BOX 1492             | FERNLEY      | NV            | 89408-0000       |
| 022-362-07 | 1833                     | HICKORY LN             | 0.156 | COMISH, ADAM S & VIRGINIA M             | 1833 HICKORY LN          | FERNLEY      | NV            | 89408-0000       |
| 020-501-02 | 1445                     | JENNY'S LN             | 0.5   | COOK, BRYAN W & JODEE                   | 1445 JENNY'S LN          | FERNLEY      | NV            | 89408-0000       |
| 022-473-07 | 1472                     | JENNYS LN              | 0.17  | CURTIS, TSUYOSHI M ET AL                | 1472 JENNY'S LN          | FERNLEY      | NV            | 89408            |
| 022-362-05 | 1837                     | HICKORY LN             | 0.156 | D'AMBRA, CHRISTOPHER / HELLMAN, ALLISON | 4402 MENTONE ST UNIT 107 | SAN DIEGO    | CA            | 92107            |
| 020-501-04 | 1455                     | JENNY'S LN             | 0.517 | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-471-02 | 1463                     | JENNYS LN              | 0.519 | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-474-10 | 1750                     | HEARTH DR              | 0.196 | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-471-05 | 1471                     | JENNYS LN              | 0.52  | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-474-14 | 1758                     | HEARTH DR              | 0.197 | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-474-15 | 1760                     | HEARTH DR              | 0.197 | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-471-06 | 1477                     | JENNYS LN              | 0.523 | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-471-07 | 1479                     | JENNYS LN              | 0.742 | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-471-03 | 1467                     | JENNYS LN              | 0.52  | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-474-11 | 1752                     | HEARTH DR              | 0.197 | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-474-12 | 1754                     | HEARTH DR              | 0.197 | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-471-04 | 1469                     | JENNYS LN              | 0.52  | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-471-09 | 1483                     | JENNY'S LN             | 0.751 | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-471-08 | 1481                     | JENNYS LN              | 1.23  | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-474-13 | 1756                     | HEARTH DR              | 0.197 | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-471-01 | 1461                     | JENNYS LN              | 0.538 | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 020-501-05 | 1459                     | JENNY'S LN             | 0.517 | D R HORTON INC -NNV ET AL               | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-473-15 | 1784                     | TIMBERLAND DR          | 0.17  | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-474-09 | 1775                     | TIMBERLAND DR          | 0.196 | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-473-12 | 1778                     | TIMBERLAND DR          | 0.17  | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-474-08 | 1777                     | TIMBERLAND DR          | 0.197 | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-473-13 | 1780                     | TIMBERLAND DR          | 0.17  | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-474-07 | 1779                     | TIMBERLAND DR          | 0.197 | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-473-11 | 1776                     | TIMBERLAND DR          | 0.169 | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-473-14 | 1782                     | TIMBERLAND DR          | 0.17  | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-474-02 | 1789                     | TIMBERLAND DR          | 0.197 | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-473-19 | 1792                     | TIMBERLAND DR          | 0.171 | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-474-06 | 1781                     | TIMBERLAND DR          | 0.197 | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-472-06 | 1672                     | STREAMBED DR           | 0.216 | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-472-07 | 1670                     | STREAMBED DR           | 0.217 | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-472-08 | 1668                     | STREAMBED DR           | 0.219 | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-473-18 | 1790                     | TIMBERLAND DR          | 0.17  | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-474-05 | 1783                     | TIMBERLAND DR          | 0.197 | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-473-16 | 1786                     | TIMBERLAND DR          | 0.17  | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-474-04 | 1785                     | TIMBERLAND DR          | 0.197 | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-472-09 | 1666                     | STREAMBED DR           | 0.22  | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |
| 022-473-17 | 1788                     | TIMBERLAND DR          | 0.17  | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310     | RENO         | NV            | 89502-0000       |

| APN        | Phy. Addr. Street Number | Phy. Addr. Street Name | Acres | Owner Name                              | Mailing Address #1         | Mailing City | Mailing State | Mailing Zip Code |
|------------|--------------------------|------------------------|-------|-----------------------------------------|----------------------------|--------------|---------------|------------------|
| 022-474-03 | 1787                     | TIMBERLAND DR          | 0.197 | D R HORTON INC NNV ET AL                | 5190 NEIL RD STE 310       | RENO         | NV            | 89502-0000       |
| 020-503-01 | 1942                     | RAWLES DR W            | 0.22  | DEEM, MADALYN JOYCE TR                  | 1942 W RAWLES DR           | FERNLEY      | NV            | 89408-0000       |
| 022-362-06 | 1835                     | HICKORY LN             | 0.156 | DNC WEST COAST PROPERTIES LLC ET AL     | 3130 BALFOUR RD STE D #269 | BRENTWOOD    | CA            | 94513            |
| 020-464-03 | 1959                     | RAWLES DR W            | 0.18  | DONLEY, CHARLES                         | 1959 W RAWLES DR           | FERNLEY      | NV            | 89408-0000       |
| 022-362-04 | 1839                     | HICKORY LN             | 0.156 | DUNBAR, DELANO TERRILL & CLARA          | 1839 HICKORY LN            | FERNLEY      | NV            | 89408-0000       |
| 022-473-09 | 1468                     | JENNYS LN              | 0.17  | ELLIS, ADAM F & MARGARET M              | 1468 JENNYS LN             | FERNLEY      | NV            | 89408            |
| 022-473-02 | 1482                     | JENNYS LN              | 0.191 | FOW, PHILIP BRUCE / FOW, SARAH A        | 1482 JENNYS LN             | FERNLEY      | NV            | 89408            |
| 022-473-03 | 1480                     | JENNYS LN              | 0.163 | FRAIN, JEFFREY CLARK                    | 1480 JENNY LN              | FERNLEY      | NV            | 89408            |
| 020-464-01 | 1951                     | RAWLES DR W            | 0.2   | FRITZ, RANDOLPH W & ALECIA D TRS        | 1951 W RAWLES DR           | FERNLEY      | NV            | 89408-0000       |
| 020-371-09 | 1525                     | RANCHO RD              | 4.96  | GALLIO, ANDREW & CHERYL                 | 1525 RANCHO RD             | FERNLEY      | NV            | 89408-0000       |
| 022-473-04 | 1478                     | JENNYS LN              | 0.17  | HANSON, DENVER ET AL                    | 1478 JENNYS LN             | FERNLEY      | NV            | 89408-0000       |
| 022-361-11 | 1834                     | HICKORY LN             | 0.169 | HARDY, DAVID E & KAREN L TRS            | P O BOX 21351              | CARSON CITY  | NV            | 89721            |
| 022-473-06 | 1474                     | JENNYS LN              | 0.17  | HAUNREITER, KAREN                       | 1474 JENNYS LN             | FERNLEY      | NV            | 89408            |
| 020-503-02 | 1946                     | RAWLES DR W            | 0.18  | LANKFORD, JOHANNA K / COLON, ISRAEL     | 1946 W RAWLES DR           | FERNLEY      | NV            | 89408-0000       |
| 020-371-08 | 1475                     | RANCHO RD              | 5.1   | LONGFIELD, HALEY ET AL                  | 1475 RANCHO RD             | FERNLEY      | NV            | 89408-0000       |
| 022-473-10 | 1466                     | JENNYS LN              | 0.168 | MARTINEZ, ANGEL                         | 1466 JENNYS LN             | FERNLEY      | NV            | 89408-0000       |
| 020-501-03 | 1439                     | JENNY'S LN             | 0.5   | MC COY, KAREN                           | 10004 ACADEMY HILLS DR     | ALBUQUERQUE  | NM            | 87111-0000       |
| 022-472-10 | 1664                     | STREAMBED DR           | 0.222 | MESTAS, ELPIDIO ET AL                   | 1664 STREAMBED DR          | FERNLEY      | NV            | 89408            |
| 020-361-02 | 1450                     | RANCHO RD              | 5.01  | MEYERS, CHRISTINE K TR                  | 1450 RANCHO RD             | FERNLEY      | NV            | 89408-0000       |
| 020-502-01 | 1947                     | RAWLES DR W            | 0.22  | NICOL, RAYMOND B & SHEILA J TRS         | 1947 W RAWLES DR           | FERNLEY      | NV            | 89408-0000       |
| 022-361-12 | 1836                     | HICKORY LN             | 0.169 | PAUL, SUNEET AUSTAN ET AL               | 1836 HICKORY LN            | FERNLEY      | NV            | 89408-0000       |
| 022-362-03 | 1841                     | HICKORY LN             | 0.156 | ROWLEY, ARLD R & KATHERINE M            | 1841 HICKORY LN            | FERNLEY      | NV            | 89408-0000       |
| 022-361-14 | 1840                     | HICKORY LN             | 0.155 | SACHS, CARY & CARRIE TRS                | 204 W HILLCREST BLVD       | MONROVIA     | CA            | 91016-0000       |
| 020-462-19 | 1950                     | RAWLES DR W            | 0.16  | SALILLAS, JAMES M                       | P O BOX 50235              | SPARKS       | NV            | 89435-0000       |
| 022-361-16 | 1844                     | HICKORY LN             | 0.174 | SALSE, KATIE JOHANNA & EDWIN RAYDEAN    | 1844 HICKORY LN            | FERNLEY      | NV            | 89408-0000       |
| 020-464-02 | 1955                     | RAWLES DR W            | 0.18  | SCOLLARD, CHRISTOPHER L                 | 1955 W RAWLES DR           | FERNLEY      | NV            | 89408-0000       |
| 022-361-13 | 1838                     | HICKORY LN             | 0.169 | SEVILLA, RUDY & JOHANA E                | 1838 HICKORY LN            | FERNLEY      | NV            | 89408-0000       |
| 022-473-05 | 1476                     | JENNYS LN              | 0.17  | SHERFY, CHRISTIAN                       | 1476 JENNYS LN             | FERNLEY      | NV            | 89408            |
| 022-472-11 | 1662                     | STREAMBED DR           | 0.221 | SMITH, LONDON & CHERRY TRS              | 1662 STREAMBED DR          | FERNLEY      | NV            | 89408            |
| 022-362-01 | 1845                     | HICKORY LN             | 0.156 | WALKER, RYAN M ET AL                    | 1845 HICKORY LN            | FERNLEY      | NV            | 89408-0000       |
| 022-473-08 | 1470                     | JENNYS LN              | 0.17  | WATSON, DANIEL KAY & JANET FRANKLIN TRS | 1470 JENNYS LN             | FERNLEY      | NV            | 89408            |
| 022-361-15 | 1842                     | HICKORY LN             | 0.149 | WATSON, KEITH ALLEN                     | 1842 HICKORY LN            | FERNLEY      | NV            | 89408-0000       |
| 022-362-02 | 1843                     | HICKORY LN             | 0.156 | WUBBEN, CRAIG M & KRISTIE A             | 10570 STAR THISTLE LN      | AUBURN       | CA            | 95603            |



## APN's: 022-471-01, 02 & 03 - 79 Parcels With 500 Buffer





# CITY OF FERNLEY

## Planning Commission AGENDA REPORT

Meeting Date: July 12, 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):**

(For Possible Action) Tentative Subdivision Map application (TSM23001) from Wood Rodgers on behalf of Clements Ranching LLC to create 241 single-family detached lots on a site  $\pm 72.54$  acres in size and generally located north of Farm District Road at the intersection of Clearwater Parkway (APN: 021-341-18).

**AGENDA ITEM BRIEF:**

The application is requesting 241 single-family lots which vary in size from  $\pm 6,000$  to  $\pm 42,855$  square feet. The larger lots are located at the perimeters of the project to provide buffering for neighboring properties from denser development.

**RECOMMENDED MOTION:**

Approval

"I move to recommend City Council approve the tentative subdivision map for Clements Ranch associated with TPM23001 based on approval criteria TM1 through TM11 and the facts supporting these criteria as set forth in the staff report. I further recommend adoption of conditions of approval 1 through 32 as listed 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 at the public hearings on this matter, I move to recommend City Council deny the tentative subdivision map for Clements Ranch associated with TSM23001. I have determined the proposed changes are detrimental to the public's health, safety, and general welfare and am unable to make finding(s) \_\_\_\_\_ as it relates to \_\_\_\_\_. Therefore, I cannot recommend approval of the tentative subdivision map."

Note: Though no further specific language has been provided, all motions consistent with City of Fernley Planning Commission parliamentary procedure are appropriate.

### **BACKGROUND:**

This developer has previously applied for a master plan amendment, zoning map amendment, and development agreement. City Council unanimously approved all three (MPA22003 / ZMA22008 / DA22003) on December 21, 2022.

As a result, the master planned land use for this tentative subdivision map is Single Family Residential (SFR) and the zone is Residential – Single Family, 6,000 square feet minimum lot size (SF6). DA22003 (attached for your reference) limits home sizes and lot types adjacent to neighboring parcels. This was negotiated between the developer and City of Fernley to address adjacency issues that arise when a single-family neighborhood is constructed on formerly rural land.

### **ANALYSIS OF APPROVAL CRITERIA:**

Recommendations and decisions on tentative maps shall be based on consideration of all the following criteria:

TM1. Compliance with environmental and health laws and regulations concerning water and air pollution, solid waste disposal, water supply facilities, community or public sewage disposal, and, where applicable, individual systems for sewage disposal;

Conditions of approval 6 and 24 are intended to keep dust erosion from polluting the air. No other significant sources of air pollution were identified. The developer is to keep vehicles from using the future development parcel and is responsible for ensuring any dust concerns are mitigated. Further, since they will be grading the future development parcel at this juncture, the developer is required to revegetate that parcel once graded.

To ensure compliance with environmental and health laws and regulations concerning solid waste disposal, staff added condition of approval 22, which requires proof that the project complies with Waste Management's procedures and that Waste Management intends to provide solid waste disposal for the community.

Water and sewer services will be provided by City of Fernley. To ensure City of Fernley systems maintain compliance with applicable regulations once the project is developed, staff included conditions of approval 17 - 20, & 23.

The developer must conduct water and sewer modeling to determine if adequate public facilities are in place. If adequate facilities are not in place, the developer will construct them in addition to all infrastructure within the development itself. The developer will grant easements so that City of Fernley may maintain the water and sewer infrastructure once built. Finally, the developer is responsible for constructing and maintaining storm water treatment and drainage structures.



TM2. Availability of water that meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;

Each of the 241 single-family parcels requires 1.12 acre-feet of surface water to be dedicated to City of Fernley to provide municipal services, for a total of 269.92 acre-feet. Should the applicant instead provide ground water rights, which is a rare occurrence, the City Engineer will make the appropriate calculation based on lot size and number of lots. The applicant has indicated they have sufficient water rights for the proposed tentative subdivision map.

Additionally, in accordance with Fernley Municipal Code Section 32.09.035, the applicant shall dedicate to the city, as a condition precedent to approval of a final subdivision map, the surface water or groundwater rights reasonably necessary to ensure an adequate water supply to serve all parcels or lots within the project. Staff added condition 16 to make the need for dedication of water rights very clear. If the applicant is unable to dedicate the appropriate amount of water rights, their final subdivision map will not be approved by City of Fernley.

TM3. Availability and accessibility of utilities;

City of Fernley has an existing sewer main underneath Red Rock Road that the project may connect to. There is also an 18" water main along Farm District Road that can provide water to this project. Because this is infill development, this project will be using City utility infrastructure that is already in place.

This site will use NV Energy for electrical service and Southwest Gas for gas service. The developer advised that both gas and electric utilities are available north of US50A, and again at Quick Cal Road. NRS 278.374 requires that public utilities sign a certificate on the final map before it may be recorded. Staff are confident that the utility companies will not sign off until the utilities are in place and available to serve the community and the developer has dedicated sufficient access easements.

TM4. Availability and accessibility of public services such as schools, police and fire protection, transportation, recreation facilities, and parks;

Students within this subdivision will attend East Valley Elementary School, Silverland Middle School, Fernley Intermediate School, and Fernley High School. This tentative map was forwarded to Lyon County School Board in accordance with NRS 278.346; the board did not indicate a school site is needed within the area.

This subdivision is infill development located within areas already served by Lyon County Sheriff's Department and the North Lyon County Fire Protection District. It will be served by the sheriff substation on Main Street (±4.5 miles away) and is very near fire station 62 (±0.4 miles away). Those distances were calculated to the proposed subdivision entrance at Clements Ranch Parkway, which is expected to continue across Farm District Road from the existing Clearwater Parkway.

The question of automobile transportation is addressed thoroughly in the sections regarding conformance with the master streets and highways plan, as well as the section regarding the effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision. All streets within the subdivision are required to have sidewalks, which will allow pedestrian access.

This subdivision is directly across Farm District Road from the existing Autumn Winds Park. To ensure the park is easily accessible to pedestrians, and to further improve walking as a mode of transportation, staff wrote condition of approval 7 which requires installation of a lighted crosswalk. In addition to the existing

neighborhood park, the developer has dedicated 3.3 acres to construct a new park. Our parks master plan does not call for a park in this area, but it does specifically identify the need for sports fields throughout Fernley. To address that need, the developer has included a 1.25-acre flat sports field within the park to serve as a recreational facility for this neighborhood and the rest of our Fernley community.

TM5. Consistency with the zoning district regulations;

This tentative map largely conforms with zoning district regulations. A minor concern is that lots 239-241 and the ±11.36-acre parcel reserved for future development have a mixed-use zone and land use designation as currently drawn. Staff are confident this condition of approval 11 will ensure the parcels created through this map bear the appropriate land use designation and are zoned as was intended through the MPA/ZMA process.

The 11.36-acre parcel reserved for future development will be zoned MDR14 (Medium Density Residential, 14 dwelling units per acre) and designated with the land use MR (Mixed Residential). The 241 single family lots will be zoned SF6 (Single Family Residential, 6,000 square foot minimum lot size) and master planned SFR (Single Family Residential).

As mapped, these parcels meet all requirements of the SF6 zone, to include:

- 6,000 square feet minimum lot size
- 35' minimum lot frontage
- 60' minimum lot width
- 65' minimum corner lot width.

TM6. Conformity with the master streets and highways plan;

Fernley's streets and highways were addressed by the "City of Fernley Transportation Master Plan" dated July 2020. This project may help City of Fernley achieve one of our capital improvement goals earlier than intended. In the transportation plan, paving a northern extension of Red Rock Road to US50A was recommended as a roadway capacity and safety improvement. It is very likely that the developer will need to complete this extension early on our behalf to ensure appropriate access to their development.

TM7. Effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

The applicant provided a traffic impact study prepared by Headway Transportation and dated April 17, 2023. The baseline data was obtained on a mid-weekday in October 2021 with schools in regular session. All graphics and data in the analysis of this approval criterion are directly from that report.

The study considered the following intersections:

- Existing intersection at US50A and Red Rock Road
- Proposed intersection at Clements Ranch Parkway and Red Rock Road
- Existing intersection at Clearwater Parkway and Farm District Road, with the proposed addition of Clements Ranch Parkway.

The entire Clements project (including these 214 detached single-family homes, as well as an additional 159 attached single-family homes planned for the northern medium density residential parcel) is expected to generate an extra 3,148 trips per day. Of those trips, 245 will occur during the morning peak time and 318 will occur during the evening peak time. Peak morning hours are 6 – 9 AM and peak evening hours are 3 – 6 PM; these hours typically contain the heaviest traffic conditions.

**Table 1: Level of Service Definition for Intersections**

| Level of Service | Brief Description                                              | Average Delay<br>(seconds per vehicle) |                            |
|------------------|----------------------------------------------------------------|----------------------------------------|----------------------------|
|                  |                                                                | Signalized Intersections               | Unsignalized Intersections |
| A                | Free flow conditions.                                          | < 10                                   | < 10                       |
| B                | Stable conditions with some affect from other vehicles.        | 10 to 20                               | 10 to 15                   |
| C                | Stable conditions with significant affect from other vehicles. | 20 to 35                               | 15 to 25                   |
| D                | High density traffic conditions still with stable flow.        | 35 to 55                               | 25 to 35                   |
| E                | At or near capacity flows.                                     | 55 to 80                               | 35 to 50                   |
| F                | Over capacity conditions.                                      | > 80                                   | > 50                       |

Source: *Highway Capacity Manual, 6<sup>th</sup> Edition*

The table above defines the levels of service used below on a scale of A through F with A being very good, C being average, and F being very poor.

The level of service currently projected for peak hours at US50A / Red Rock Road and Clearwater Parkway / Farm District Road is LOS B or better. LOS B corresponds to a 10 to 15 second average delay per vehicle. If the entire project is constructed, the level of service projected for the northbound left turn from River Rock Road to US50A is projected to decrease from LOS B to LOS C and all other levels of service are projected as LOS B or better. LOS C corresponds to a 15 to 25 second average delay per vehicle.

City of Fernley has adopted the standard LOS of D as the minimum acceptable LOS for the city's roadways. With that requirement as the baseline, this traffic report found that all intersections listed above are expected to operate at acceptable overall levels for at least the next 20 years.

Though no improvements are recommended to address levels of service, the traffic study does recommend the shared turn lane on Farm District Road be restriped as an eastbound left turn lane from Farm District Road to the proposed Clements Ranch Parkway. This is due to the types of left-turn queuing observed and projected on Farm District Road. Staff Included this recommendation in condition of approval 9.

TM8. Physical land characteristics, such as floodplain, slope, soil, and elevation differentials with abutting properties;

This site is not a part of a floodplain. As part of their submission, the developer provided a preliminary technical drainage report and geotechnical due diligence report. Staff screened recommendations from these reports and found no items of concern.

TM9. Recommendations and comments of review bodies;



Lyon County School District, Fernley Post Office, NV Energy, Charter Communications, and Southwest Gas, were provided with the review materials for this item and did not provide comment. North Lyon County Fire Protection District, Lyon County Assessor's Office, and AT&T, responded that they have no adverse comments or concerns regarding this application. All comments from our contracted review firm, Shaw Engineering, were reviewed by the City Engineer and incorporated into the conditions of approval where appropriate.

Truckee Carson Irrigation District (TCID) states that their organization possesses easements within this parcel and the applicant will need to apply with them for an official review. In accordance with Nevada Revised Statutes (NRS) 278.377, the final map will contain a certificate for TCID which requires their signoff. This will ensure the developer fulfills any obligations to TCID before the final subdivision map may be recorded.

TM10. Conformity to the master sewer and water utility plan;

This project conforms to both the master sewer and water utility plan. Because it is infill development, it will be connected to existing water and sewer lines. Aside from internal infrastructure needed to distribute utilities to each parcel, no additional city infrastructure has been identified as needed at this time.

TM11. Compliance with this Code and all other applicable regulations.

Planning and Engineering staff actively screened all requirements in Fernley Municipal Code and DA22003 and have determined there are no compliance issues.

**RELEVANT LAWS, STATUTES, AND REGULATIONS:**

General:

- Nevada Revised Standards (NRS), [Chapter 278](#) - Planning and Zoning
- City of Fernley [Comprehensive Master Plan](#), August 2018
- Fernley Municipal Code (FMC), [Title 32](#) - Development Code
- City of Fernley Department of Public Works - [Design Standards & Review Guidelines](#), May 2008
- City of Fernley Department of Public Works - [Design Standards Details](#), July 2022

Specific:

- FMC [Section 32.02.080](#) - Zoning district boundaries
- FMC Section [32.03.060\(f\)\(1\)](#) - Tentative subdivision maps
- FMC [Section 32.06.070](#) - Residential - Single-family (SF20, SF12, SF9, SF6)
- FMC [Section 32.09](#) - Development Standards
- FMC [Section 32.13.020](#) - Reimbursement agreements

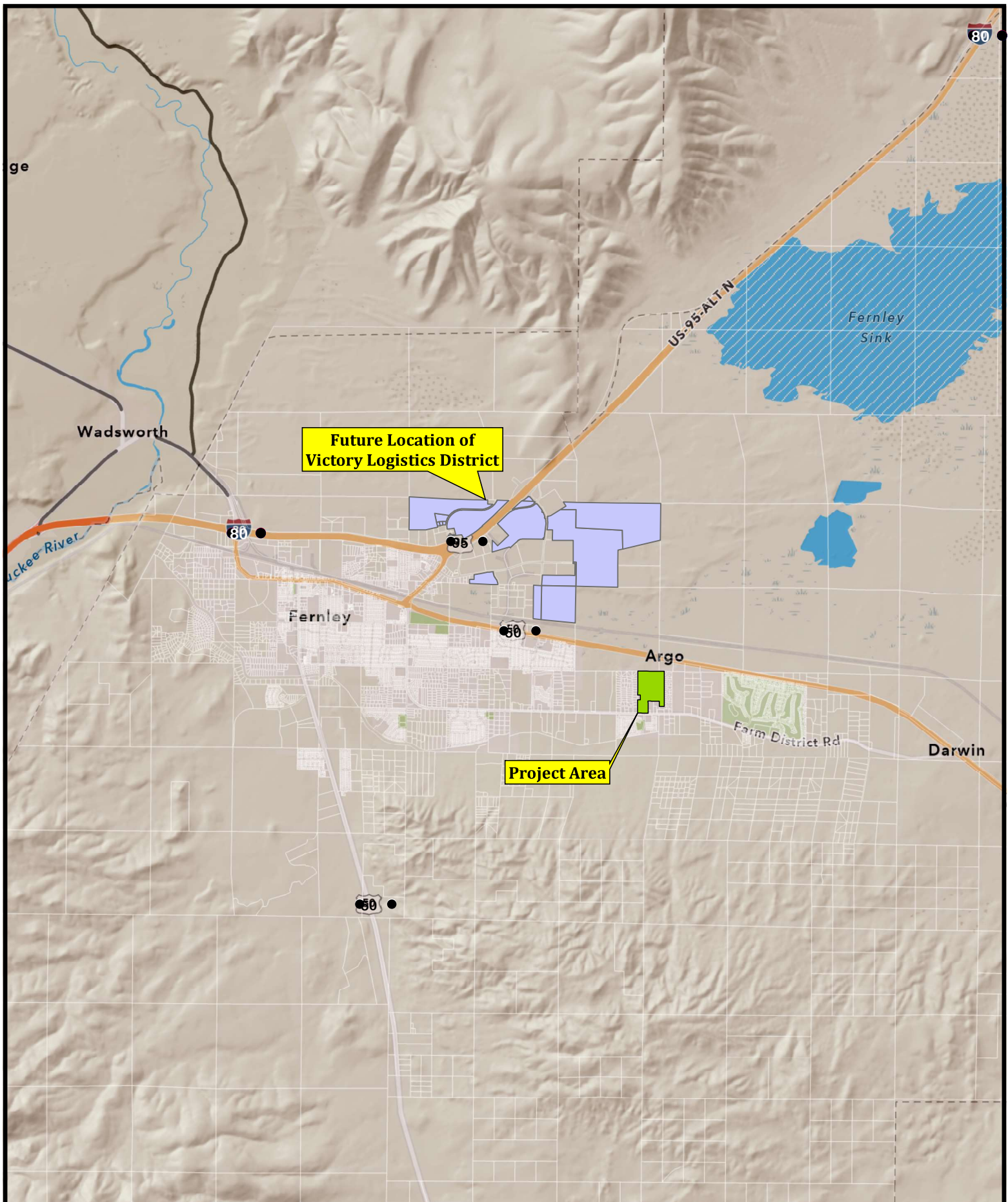
Note: This list is provided for reference and is not all-inclusive. The City of Fernley Planning Department will ensure all links operate until the 07/12/2023 Planning Commission meeting, but does not guarantee link function and accuracy after that date.

**FINANCIAL IMPLICATIONS:**

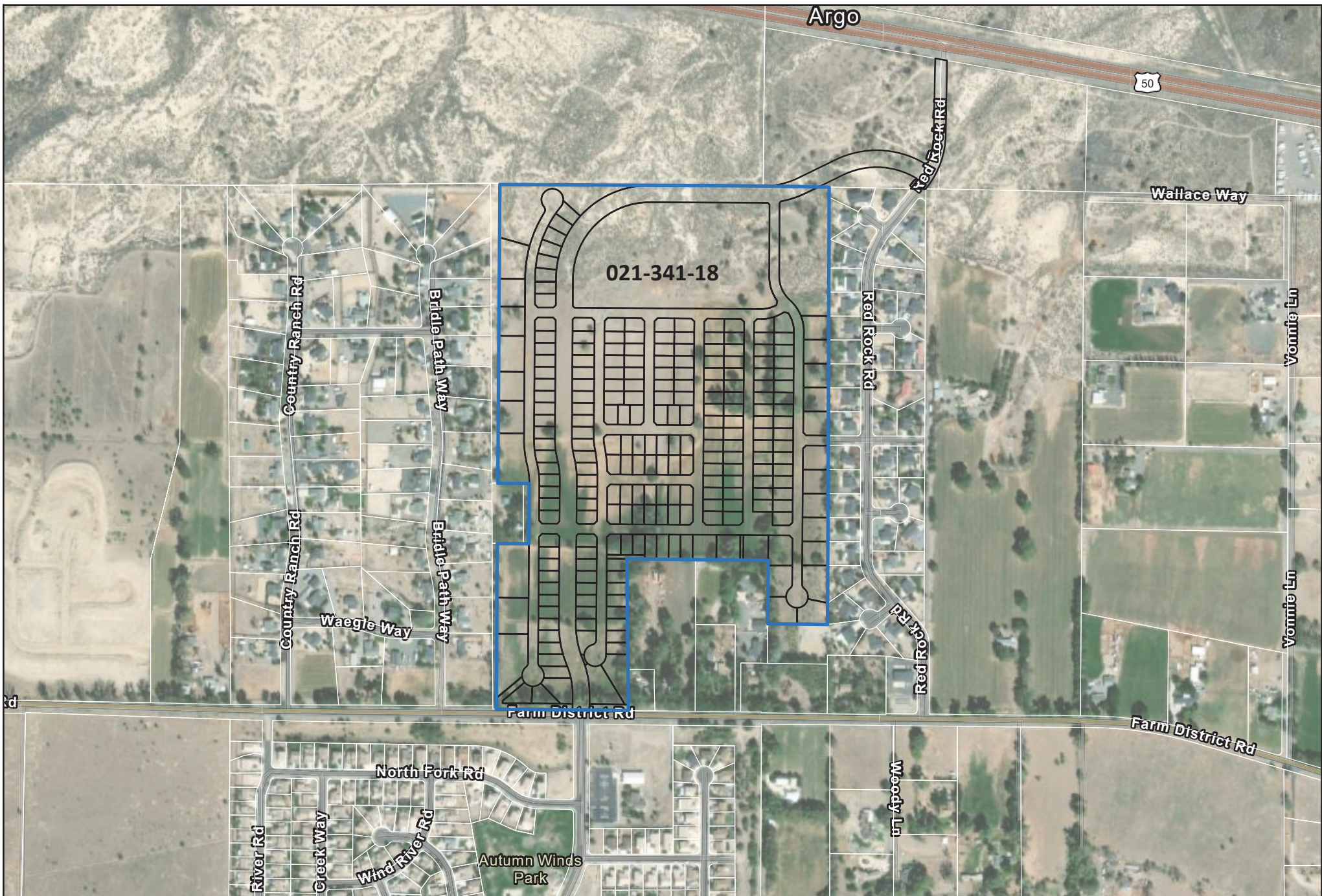
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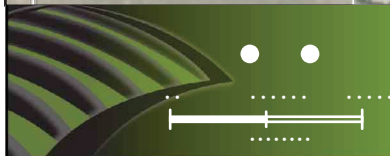
**ATTACHMENTS:**

1. TSM23001 Vicinity Map
2. TSM23001 Aerial Map and Site Plan
3. TSM23001 Master Plan Map
4. TSM23001 Zoning Map
5. TSM23001 Conditions of Approval
6. TSM23001 Traffic Report Overview
7. TSM23001 Applicant Report
8. DA22003 Recorded as #666752









## Aerial Map Site Plan

### Clements Ranch Property TM

April 2023



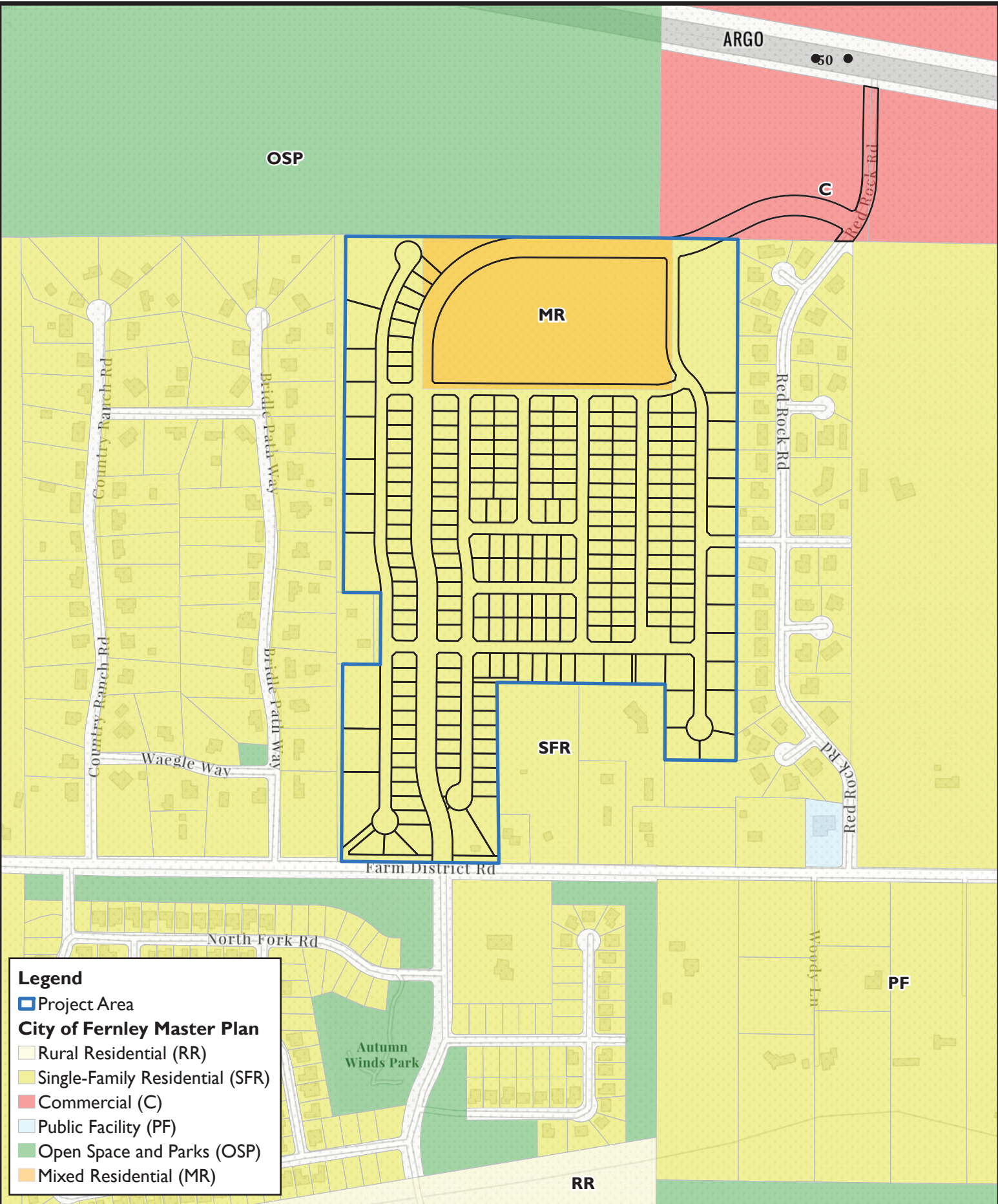
**WOOD RODGERS**

BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

1361 Corporate Boulevard    Tel: 775.823.4068

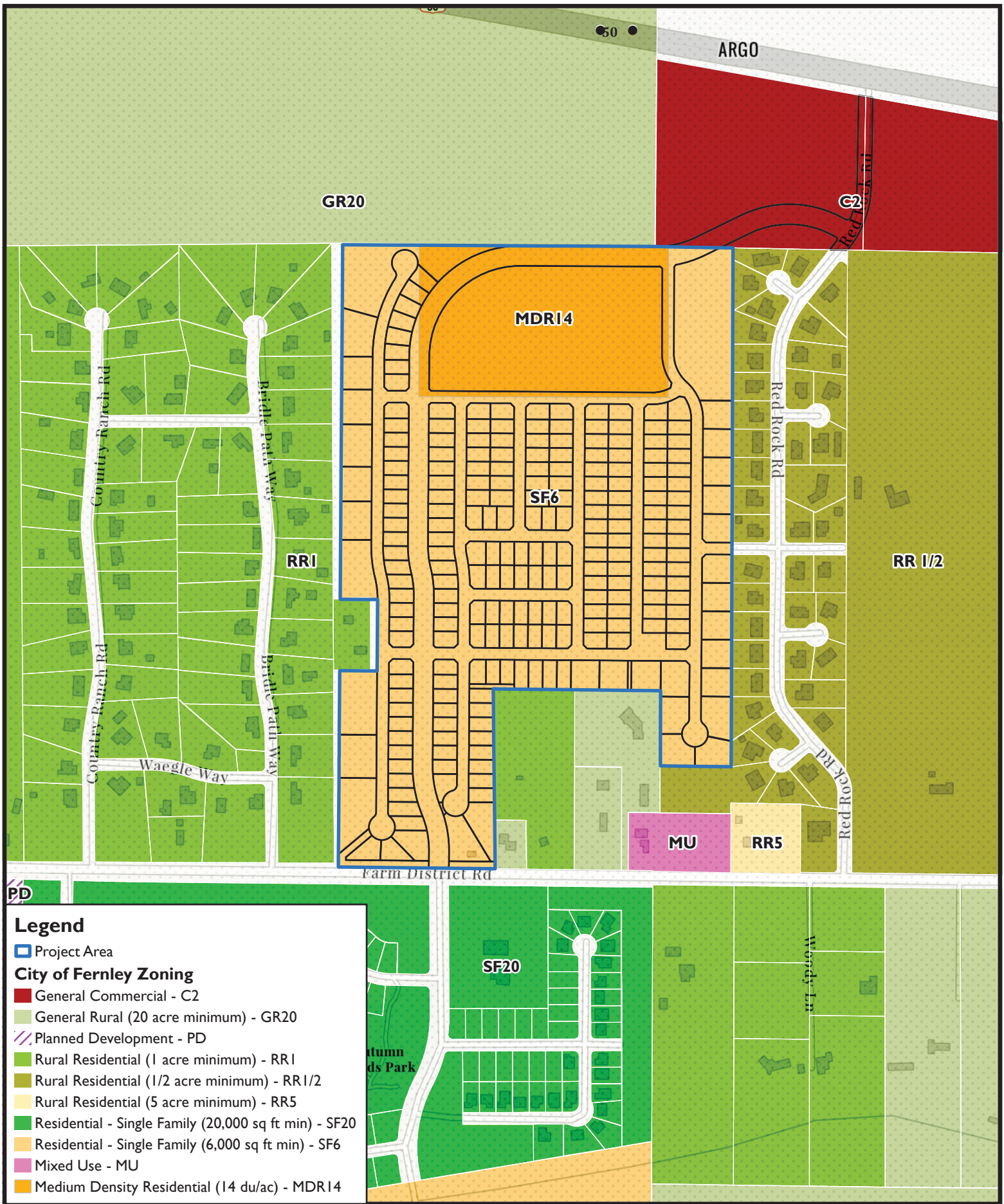
Reno, NV 89502    Fax: 775.823.4066





**Master Plan**  
**Clements Ranch Property TM**  
**April 2023**

**WOOD RODGERS**  
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME  
1361 Corporate Boulevard  
Reno, NV 89502  
Tel: 775.823.4068  
Fax: 775.823.4066



# Zoning Clements Ranch Property TM

April 2023

**WOOD ROGERS**  
 BUILDING RELATIONSHIPS ONE PROJECT AT A TIME  
 1361 Corporate Boulevard  
 Reno, NV 89502  
 Tel: 775.823.4068  
 Fax: 775.823.4066



# Conditions of Approval for TSM23001

## Tentative Subdivision Map

### SCOPE AND DURATION OF APPROVAL

**1. APPROVAL:**

THE TENTATIVE SUBDIVISION MAP IS APPROVED AS SUBMITTED AND CONDITIONED. ANY SUBSTANTIVE CHANGE SHALL REQUIRE REVIEW AND APPROVAL BY CITY COUNCIL AS AN AMENDMENT TO THIS TENTATIVE SUBDIVISION MAP.

**2. PROJECT DESCRIPTION:**

THE PROJECT APPROVAL IS LIMITED TO RESIDENTIAL SINGLE-FAMILY DEVELOPMENT WITH A MAXIMUM OF 241 DETACHED SINGLE-FAMILY LOTS ON A ±72.54-ACRE SECTION OF THE ±83.9-ACRE PARCEL GENERALLY LOCATED NORTH OF FARM DISTRICT ROAD AT THE INTERSECTION OF CLEARWATER PARKWAY (CURRENT APN: 021-341-18).

**3. EXPIRATION DATE:**

THE TENTATIVE SUBDIVISION MAP APPROVAL SHALL EXPIRE WITHIN FOUR (4) YEARS OF THE DATE OF CITY COUNCIL APPROVAL, UNLESS THE FINAL PARCEL MAP HAS BEEN RECORDED IN ACCORDANCE WITH NEVADA REVISED STATUTES (NRS) 278.360.

**4. GOVERNING DOCUMENTS:**

ALL CITY OF FERNLEY MUNICIPAL CODE OR DEVELOPMENT CODE REFERENCES HEREIN PERTAIN TO THE VERSION OF THE CODE ESTABLISHED BY ORDINANCE NUMBER 2020-005, UNLESS OTHERWISE NOTED. THE DEVELOPER MAY SUBSTITUTE REQUIREMENTS ESTABLISHED IN FUTURE CITY OF FERNLEY MUNICIPAL CODE UPDATES, IF APPROVED BY THE ADMINISTRATOR.

THE DEVELOPER SHALL ALSO COMPLY WITH ALL STANDARDS FOUND WITHIN "CITY OF FERNLEY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS & REVIEW GUIDELINES" OF MAY 2008, "CITY OF FERNLEY STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION" OF JULY 15, 2008, AND "CITY OF FERNLEY COMPREHENSIVE MASTER PLAN" OF AUGUST 2018.

THIS DEVELOPMENT IS ALSO SUBJECT TO DEVELOPMENT AGREEMENT (DA22003) BETWEEN CLEMENTS RANCHING, LLC, AND CITY OF FERNLEY, WHICH WAS RECORDED IN LYON COUNTY ON 02/10/2023 AS DOCUMENT NUMBER 666752. IN PLACES WHERE CITY OF FERNLEY MUNICIPAL CODE AND THE DEVELOPMENT AGREEMENT ARE INCONSISTENT, THE DEVELOPMENT AGREEMENT SHALL TAKE PRECEDENCE.

### DESIGN STANDARDS

**5. ADJACENCY:**

WHERE APPLICABLE, ADJACENCY STANDARDS ARE TO BE DETERMINED BY THE DEVELOPMENT AGREEMENT (DA22003) BETWEEN CLEMENTS RANCHING, LLC, AND CITY OF FERNLEY. IN ADDITION, FERNLEY CITY COUNCIL GRANTS THE DEVELOPER PERMISSION TO DEVELOP LOTS A MINIMUM OF 6,000 SQUARE FEET ALONG THE EASTERN BOUNDARY ADJACENT TO APN: 021-341-11 AND APN: 021-341-19.

IN EXCHANGE FOR THIS CONSIDERATION, THE DEVELOPER SHALL LIMIT HOMES ALONG THESE BOUNDARIES TO A SINGLE STORY. SHOULD THE DEVELOPER NO LONGER WISH TO LIMIT THESE HOMES TO A SINGLE STORY, THE ADJACENCY STANDARDS REQUIRED ALONG THIS BOUNDARY SHALL REVERT TO THOSE OUTLINED IN FERNLEY MUNICIPAL CODE.

# Conditions of Approval for TSM23001

## Tentative Subdivision Map

### **6. FUTURE DEVELOPMENT PARCEL:**

THE DEVELOPER SHALL PROVIDE REVEGETATION PLANS FOR THE FUTURE DEVELOPMENT PARCEL, SUBJECT TO APPROVAL OF THE CITY ENGINEER.

THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF THIS PARCEL, INCLUDING DUST CONTROL. THE PROPERTY OWNER SHALL FURTHER BE RESPONSIBLE FOR KEEPING MOTORIZED VEHICLES OFF THE PROPERTY UNTIL DEVELOPMENT OCCURS. THIS MAY INCLUDE FENCING THE PROPERTY OR OTHER SUCH MEASURES DETERMINED NECESSARY BY THE LYON COUNTY SHERIFF'S DEPARTMENT, THE CITY CODE ENFORCEMENT OFFICIAL, THE CITY ENGINEER, THE PUBLIC WORKS DIRECTOR, OR THE ADMINISTRATOR.

### **7. PEDESTRIAN CIRCULATION:**

A RAPID FLASHING PEDESTRIAN CROSSING WITH FULL CROSSWALK STRIPING SHALL BE PROVIDED ON THE WEST LEG OF THE CLEAR WATER PARKWAY AND FARM DISTRICT ROAD INTERSECTION TO ESTABLISH PEDESTRIAN CONNECTIVITY TO AUTUMN WINDS PARK.

THE DEVELOPER SHALL FURTHER PROVIDE PEDESTRIAN ACCESS ALONG AND/OR AROUND THE EMERGENCY VEHICLE GATES AND ACCESS LANES, SUBJECT TO APPROVAL OF THE FIRE MARSHALL.

THE DEVELOPER SHALL ALSO PROVIDE A SIDEWALK OR ASPHALT PATH ALONG FARM DISTRICT ROAD IN COMMON AREA B WHICH TIES INTO THE PEDESTRIAN CROSSING AT CLEAR WATER PARKWAY AND FARM DISTRICT ROAD. ALL THREE ITEMS ARE SUBJECT TO APPROVAL OF THE CITY ENGINEER, PUBLIC WORKS DIRECTOR, AND ADMINISTRATOR.

### **8. INTERNAL ACCESS AND CIRCULATION:**

THE DEVELOPER SHALL USE APPROPRIATE STRIPING AND SIGNAGE TO MINIMIZE TRAFFIC CONFLICT WITHIN THE DEVELOPMENT SITE FOR THE LIFE OF THE PROJECT.

ALL EMERGENCY VEHICLE ACCESS ROUTES SHALL BE PAVED.

IF PHASED, THE DEVELOPER SHALL CONSTRUCT CLEMENTS RANCH PARKWAY WITH CONNECTION TO RED ROCK ROAD AND FARM DISTRICT ROAD AS PART OF PHASE 1. AT A MINIMUM, TRAVEL LANES, CURB, GUTTER, AND THE SHARED USE PATH SHALL BE CONSTRUCTED FOR THE PORTIONS OF CLEMENTS RANCH PARKWAY THAT ARE NOT ASSOCIATED WITH THE CURRENT DEVELOPMENT PHASE. THE MEDIAN, SIDEWALK, AND LANDSCAPING SHALL BE CONSTRUCTED WITH EACH PHASE OF DEVELOPMENT.

THE DEVELOPER SHALL COMPLY WITH ANY OTHER REQUIREMENTS PERTAINING TO ACCESS AND CIRCULATION OF THE CITY OF FERNLEY AND NORTH LYON COUNTY FIRE PROTECTION DISTRICT, SUBJECT TO APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, FIRE CHIEF, AND PUBLIC WORKS DIRECTOR.

### **9. FARM DISTRICT TURN LANE:**

PER RECOMMENDATION OF THE TRAFFIC IMPACT STUDY PREPARED BY HEADWAY TRANSPORTATION AND DATED APRIL 17, 2023, THE DEVELOPER SHALL INSTALL A DEDICATED EASTBOUND LEFT-TURN LANE IN PLACE OF THE TWO-WAY LEFT-TURN LANE (TWLTL) ON FARM DISTRICT ROAD AT CLEMENTS RANCH PARKWAY. BASED ON NDOT'S ACCESS MANAGEMENT SYSTEM AND STANDARDS, THE EASTBOUND LEFT-TURN LANE SHOULD BE AT LEAST 350 FEET LONG AND CONSIST OF 300 FEET OF POCKET, PLUS 50 FEET OPEN, WITH EXISTING TWLTL BEYOND THAT.

# Conditions of Approval for TSM23001

## Tentative Subdivision Map

### 10. RED ROCK ROAD:

A 70-FOOT RIGHT-OF-WAY SHALL BE PROVIDED FOR RED ROCK ROAD BETWEEN CLEMENTS RANCH PARKWAY AND HIGHWAY 50 ALTERNATE. ROADWAY SECTION SHALL INCLUDE AN 8-FOOT SIDEWALK WITH CURB AND GUTTER ON THE WEST SIDE AND TWO 18-FOOT PAVED TRAVEL LANES WITH A 17-FOOT MEDIAN. THE MEDIAN SHALL BE RAISED AND PAVED OR LANDSCAPED. THE EAST SIDE SHALL BE CURB AND GUTTER ONLY.

SHOULD CLEMENTS RANCH PHASE 1 MOVE FORWARD PRIOR TO CITY OF FERNLEY COMPLETING THEIR ALREADY PLANNED RED ROCK ROAD IMPROVEMENTS, THE DEVELOPER SHALL EXECUTE A REIMBURSEMENT AGREEMENT TO THE APPROVAL OF THE ADMINISTRATOR, CITY ATTORNEY, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR FOR THE EXTENSION OF RED ROCK ROAD.

### 11. ZONING DISTRICT BOUNDARIES:

THE ADMINISTRATOR HAS DETERMINED THE CUMULATIVE INTENT OF ZMA22008 AND THIS TENTATIVE PARCEL MAP APPLICATION WAS NOT TO CREATE MIXED ZONE PARCELS. THEREBY, LOTS 1 - 241 SHALL BE ZONED SINGLE-FAMILY RESIDENTIAL, 6,000 SQUARE FEET MINIMUM LOT SIZE (SF6) AND THE 11.36-ACRE PARCEL RESERVED FOR FUTURE DEVELOPMENT SHALL BE ZONED MEDIUM DENSITY RESIDENTIAL, 14 DWELLING UNITS PER ACRE MAXIMUM (MDR14).

TO ENSURE CONFORMANCE WITH ALL ZONING DISTRICT REGULATIONS, ALL PARCELS WITHIN THIS PROJECT ZONED SF6 SHALL ALSO BEAR THE MASTER-PLANNED LAND USE OF SINGLE-FAMILY RESIDENTIAL (SFR) AND THE 11.36-ACRE PARCEL RESERVED FOR FUTURE DEVELOPMENT SHALL BEAR THE MASTER-PLANNED LAND USE OF MIXED RESIDENTIAL (MR).

## **FINAL MAP ACCEPTANCE AND RECORDING CONDITIONS**

### 12. FINAL SUBDIVISION MAP PHASING:

IF THE FINAL SUBDIVISION MAP IS PHASED, EACH MAP PHASE SUBMITTED MUST BE DESIGNED TO MEET THE PUBLIC FACILITIES AND IMPROVEMENT STANDARDS AND BE ABLE TO OPERATE INDEPENDENTLY AND AS PART OF OVERALL DESIGN. A PHASING PLAN SHOULD BE SUBMITTED WITH PHASE 1. CHANGES TO THE PHASING PLAN WILL REQUIRE REVIEW AND APPROVAL BY THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR, PRIOR TO IMPLEMENTATION.

### 13. PARK:

THE PARK SHALL BE DESIGNED BY THE DEVELOPER AND SUBMITTED TO THE CITY FOR REVIEW WITH THE LAST FINAL MAP FOR THE DEVELOPMENT, THOUGH THE DEVELOPER MAY CHOOSE TO SUBMIT IT EARLIER. THE PARK SHALL INCLUDE A FULL-SIZE FLAT FIELD, A TOT LOT, PARKING AREA, AND ASSOCIATED LANDSCAPING. PARK DESIGN AND CONSTRUCTION IS SUBJECT TO APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR.



# Conditions of Approval for TSM23001

## Tentative Subdivision Map

### **14. MAINTENANCE ASSOCIATION:**

THE DEVELOPER SHALL SUBMIT A DRAFT MAINTENANCE AGREEMENT WITH CITY OF FERNLEY BEFORE OR ALONGSIDE THE FINAL SUBDIVISION MAP. THE MAINTENANCE AGREEMENT SHALL BE BETWEEN THE CITY OF FERNLEY AND A FUTURE MAINTENANCE ASSOCIATION, WHICH WILL BE ESTABLISHED TO MAINTAIN LANDSCAPING AND FENCING WITHIN THE COMMON AREAS ALONG CLEMENTS RANCH PARKWAY. THE MAINTENANCE ASSOCIATION SHALL ALSO BE RESPONSIBLE FOR MAINTAINING THE PARK AND PLAYING FIELDS, TO INCLUDE ANY JOINT-USE RETENTION AREAS WITHIN THE PARK.

DOCUMENTS ESTABLISHING THE MAINTENANCE ASSOCIATION SHALL ALSO BE SUBMITTED, APPROVED, AND RECORDED ALONG WITH THE FINAL SUBDIVISION MAP; BOTH THE MAINTENANCE AGREEMENT AND THE MAINTENANCE ASSOCIATION DOCUMENTS ARE SUBJECT TO THE APPROVAL OF THE CITY ATTORNEY, CITY ENGINEER, PUBLIC WORKS DIRECTOR, AND THE ADMINISTRATOR.

### **15. IMPROVEMENT PLANS:**

WITH SUBMITTAL OF ANY FINAL SUBDIVISION MAP APPLICATION, THE DEVELOPER SHALL SUBMIT THE ASSOCIATED CIVIL IMPROVEMENT PLANS FOR REVIEW AND APPROVAL. THE IMPROVEMENT PLANS SHALL BE APPROVED, PRIOR TO RECORDING THE SUBMITTED FINAL SUBDIVISION MAP. THE UTILITIES AND INFRASTRUCTURE FOR EACH PHASE MUST OPERATE INDEPENDENTLY OF FUTURE PHASES YET TO BE CONSTRUCTED.

### **16. WATER RIGHTS:**

PRIOR TO RECORDING A FINAL SUBDIVISION MAP, IN ORDER TO BE SERVED BY THE CITY'S MUNICIPAL WATER SYSTEM, THE DEVELOPER SHALL DEDICATE THE APPROPRIATE AMOUNT OF WATER RIGHTS, AS CALCULATED BY THE CITY ENGINEER. SHOULD THE PROJECT BE CONSTRUCTED IN PHASES, THESE REQUIREMENTS MAY BE CALCULATED ON A PER-PHASE BASIS. THIS REQUIREMENT IS SUBJECT TO APPROVAL OF THE PUBLIC WORKS DIRECTOR, THE CITY ENGINEER, AND THE ADMINISTRATOR.

### **17. UTILITY EASEMENTS:**

THE DEVELOPER SHALL PROVIDE EASEMENTS TO CITY OF FERNLEY FOR MAINTENANCE OF ALL PUBLIC INFRASTRUCTURE INSTALLED ON PRIVATE PROPERTY. THE EASEMENTS SHALL INCLUDE CITY OF FERNLEY'S STANDARD EASEMENT LANGUAGE, SUBJECT TO APPROVAL OF THE CITY ENGINEER AND PUBLIC WORKS DIRECTOR, AND SHALL BE RECORDED ALONG WITH THE FINAL SUBDIVISION MAP.

### **18. PROJECT SPECIFIC EASEMENTS:**

THE DEVELOPER SHALL GRANT A MINIMUM 30-FOOT-WIDE ACCESS AND UTILITY EASEMENT, CONSTRUCT A NEW DRIVEWAY, AND PROVIDE WATER, SEWER, AND OTHER UTILITY STUBS TO APN: 021-341-16 AS PART OF THIS PROJECT, WHICH SHALL BE LOCATED AT THE SOUTHERN BOUNDARY OF THAT PARCEL.

THE DEVELOPER SHALL GRANT A MINIMUM 15-FOOT-WIDE UTILITY EASEMENT TO APN: 021-341-13 AS PART OF THIS PROJECT FOR FUTURE SEWER AND WATER SERVICES, WHICH SHALL BE LOCATED ALONG THE WESTERN EDGE OF LOT 53 (AS SHOWN ON THE TENTATIVE MAP) OR ANOTHER LOCATION AS MUTUALLY AGREED UPON BETWEEN THE DEVELOPER AND OWNER OF APN: 021-344-13.

THE DEVELOPER SHALL GRANT A MINIMUM 24-FOOT-WIDE UTILITY AND EMERGENCY ACCESS EASEMENT TO APN: 021-341-19.

# Conditions of Approval for TSM23001

## Tentative Subdivision Map

### **19. WATER AND SEWER:**

THE DEVELOPER SHALL BE RESPONSIBLE FOR CONSTRUCTING ALL IMPROVEMENTS DEEMED NECESSARY TO SERVE THE PROJECT, AS IDENTIFIED IN THE APPROVED WATER AND SEWER MODELING REPORTS, SUBJECT TO APPROVAL OF THE CITY ENGINEER, PRIOR TO RECORDING A FINAL SUBDIVISION MAP.

THE DEVELOPER SHALL COMPLY WITH CITY OF FERNLEY MUNICIPAL CODE REGARDING THE SANITARY SEWER AND WATER SYSTEMS, INCLUDING ASSOCIATED CONNECTION FEES, PRIOR TO ISSUING A PERMIT FOR THE CIVIL IMPROVEMENTS FOR THIS PROJECT.

### **20. STORM WATER TREATMENT AND DRAINAGE:**

THE DEVELOPER SHALL UTILIZE STRUCTURAL CONTROLS FOR THE TREATMENT OF STORM WATER RUNOFF, IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES.

THE STORM DRAIN POND INDICATED IN THE TENTATIVE SUBDIVISION MAP SUBMISSION MATERIALS SHALL HAVE A PAVED ACCESS ROAD TO THE BOTTOM OF THE BASIN AND SHALL HAVE A GRAVEL ACCESS ROAD AROUND ALL SIDES OF THE BASIN. THE BASIN SHALL ALSO BE COMPLETELY FENCED.

DRAINAGE CONVEYANCE FACILITIES AND OTHER IMPROVEMENTS MUST BE CONSTRUCTED AND FUNCTIONAL, PRIOR TO RECORDING A FINAL SUBDIVISION MAP. ALL INTERNAL STORM DRAIN INFRASTRUCTURE SHALL BE MAINTAINED BY THE PROPERTY OWNER. APPROVAL OF DESIGN AND CONSTRUCTION OF ALL DRAINAGE CONVEYANCE FACILITIES IS SUBJECT TO APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR.

### **21. STREETS AND SIGNAGE:**

STREET IDENTIFICATION SIGNS MUST BE IN PLACE AND STREETS WITHIN THE SUBDIVISION MUST BE COMPLETE, TO THE APPROVAL OF THE CITY ENGINEER AND FIRE CHIEF, PRIOR TO RECORDING THE FINAL MAP.

### **22. WASTE MANAGEMENT:**

THE DEVELOPER SHALL PROVIDE A WILL SERVE FROM WASTE MANAGEMENT, SUBJECT TO APPROVAL OF THE ADMINISTRATOR, PRIOR TO RECORDING ANY FINAL SUBDIVISION MAP.

## **GRADING AND CIVIL PERMIT CONDITIONS**

### **23. WATER AND SEWER SYSTEM MODELING:**

ADEQUACY OF SEWAGE COLLECTION AND/OR TREATMENT IS SUBJECT TO THE APPROVAL OF THE PUBLIC WORKS DIRECTOR. FURTHER, THE ADMINISTRATOR SHALL DETERMINE WHETHER ADEQUATE PUBLIC FACILITIES ARE IN PLACE OR CAN BE CONSTRUCTED CONCURRENTLY WITH THE DEVELOPMENT PROJECT PRIOR TO THE APPROVAL OF A DEVELOPMENT PROJECT.

TO ENSURE THE PUBLIC WORKS DIRECTOR, ADMINISTRATOR, AND OTHER RELEVANT PARTIES HAVE THE INFORMATION REQUIRED FOR THESE APPROVALS, THE DEVELOPER SHALL COMPLETE WATER AND SEWER MODELING FOR THE PROJECT PRIOR TO ISSUE OF A CIVIL IMPROVEMENT PERMIT.

# Conditions of Approval for TSM23001

## Tentative Subdivision Map

### **24. GRADING PERMIT:**

PRIOR TO ISSUE OF A GRADING PERMIT FOR THE DEVELOPMENT, THE DEVELOPER SHALL POST A SURETY BOND FOR REGRADING AND RECLAMATION OF THE SITE. THE DEVELOPER SHALL COMPLY WITH ALL GRADING REQUIREMENTS SET FORTH IN THE CITY OF FERNLEY DEVELOPMENT CODE, AS WELL AS ALL STATE AND FEDERAL REGULATIONS INCLUDING, BUT NOT LIMITED TO, STORM WATER POLLUTION PREVENTION AND AIR QUALITY RELATED TO SURFACE AREA DISTURBANCE.

THE DEVELOPER SHALL PROVIDE VERIFICATION OF A STORM WATER DISCHARGE PERMIT FROM THE NEVADA DEPARTMENT OF ENVIRONMENTAL PROTECTION, SUBJECT TO APPROVAL OF THE CITY ENGINEER, PRIOR TO ISSUE OF ANY GRADING, CIVIL IMPROVEMENT, OR BUILDING PERMIT FOR THE DEVELOPMENT.

### **25. CONSTRUCTION DEBRIS:**

ALL CONSTRUCTION SITES SHALL HAVE APPROVED TRASH RECEPTACLE(S) OR AN APPROVED TRASH REMOVAL PLAN IN PLACE AT THE TIME OF THE FIRST INSPECTION AND DURING CONSTRUCTION, UNTIL CERTIFICATE OF OCCUPANCY IS ISSUED. THE RECEPTACLE(S) SHALL BE USED APPROPRIATELY TO MAINTAIN A CLEAN WORK SITE. THIS REQUIREMENT FURTHER APPLIES THROUGHOUT THE RESIDENTIAL DWELLING CONSTRUCTION PROCESS.

### **26. CONSTRUCTION HOURS:**

PRIOR TO THE START OF ANY CONSTRUCTION RELATED ACTIVITY, THE DEVELOPER SHALL INSTALL SIGNS AT ALL ACCESS POINTS TO THE PROJECT THAT CLEARLY INDICATED THE HOURS OF ACTIVITY ON-SITE. THE DEVELOPER SHALL LIMIT ALL CONSTRUCTION AND CONSTRUCTION-RELATED ACTIVITIES TO BETWEEN THE HOURS OF 7:00 AM AND 7:00 PM, SEVEN DAYS PER WEEK. ONCE CONSTRUCTION IS FINISHED, THE DEVELOPER SHALL REMOVE THESE SIGNS.

### **27. PROJECT CONTACT:**

PRIOR TO ISSUE OF A GRADING PERMIT, THE DEVELOPER SHALL DESIGNATE A PROJECT CONTACT PERSON TO THE ADMINISTRATOR. THE CONTACT PERSON SHALL BE AUTHORIZED TO AND RESPONSIBLE FOR CORRECTING ANY PROJECT-RELATED ISSUES ON A 24-HOUR, 7-DAYS-PER-WEEK BASIS.

## **BUILDING PERMIT CONDITIONS**

### **28. RESIDENTIAL CONSTRUCTION TAX:**

THE DEVELOPER SHALL PAY ONE PERCENT OF THE VALUATION OF EACH RESIDENTIAL DWELLING UNIT BUILDING PERMIT BASED ON THE CITY'S VALUATION DATA TABLE, OR \$1,000.00 PER DWELLING UNIT, WHICHEVER IS LESS, PRIOR TO ISSUE OF EACH RESIDENTIAL BUILDING PERMIT.

THE CITY AND DEVELOPER SHALL ENTER INTO A REIMBURSEMENT AGREEMENT, FOR AN AMOUNT NOT TO EXCEED \$241,000, FOR CITY OF FERNLEY TO REIMBURSE THE DEVELOPER FOR EXPENSES INCURRED TO PROVIDE A NEIGHBORHOOD PARK OR PARK FACILITIES. IF CONSTRUCTION OF THE PARK OR PARK FACILITIES PRECEDES ISSUE OF A BUILDING PERMIT, THE DEVELOPER SHALL BE CREDITED FOR THOSE EXPENSES TOWARD THE RESIDENTIAL CONSTRUCTION COST.

## **CERTIFICATE OF OCCUPANCY CONDITIONS**

### **29. PARK CONSTRUCTION:**

THE DEVELOPER SHALL CONSTRUCT THE PARK PRIOR TO ISSUE OF THE FINAL CERTIFICATE OF OCCUPANCY OF THE FINAL UNIT OF THE PROJECT. ONCE CONSTRUCTED, THE DEVELOPER SHALL DEDICATE THE PARK PARCEL TO CITY OF FERNLEY. THIS REQUIREMENT IS SUBJECT TO APPROVAL OF THE ADMINISTRATOR, BUILDING OFFICIAL, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR.



# Conditions of Approval for TSM23001

## Tentative Subdivision Map

### REGULATORY AGENCIES

**30. TRUCKEE CARSON IRRIGATION DISTRICT (TCID) AND BUREAU OF RECLAMATION (BOR):**

CITY OF FERNLEY PROVIDED A COPY OF THIS TENTATIVE MAP TO TCID. TCID INDICATED THAT THIS PROPERTY IS WITHIN THEIR DISTRICT AND REQUIRES SUBMISSION OF AN APPLICATION REGARDING THIS MAP WITH BOTH TCID AND BOR. THE DEVELOPER SHALL PROVIDE DOCUMENTATION FROM TCID AND BOR THAT THEY HAVE REVIEWED AND ACCEPTED THIS TENTATIVE PARCEL MAP. FULFILLMENT OF THIS CONDITION IS SUBJECT TO APPROVAL OF THE ADMINISTRATOR.

**31. NORTH LYON COUNTY FIRE PROTECTION DISTRICT:**

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF THE MOST RECENT FIRE CODE ADOPTED BY THE NORTH LYON COUNTY FIRE PROTECTION DISTRICT, TO THE APPROVAL OF THE FIRE CHIEF, FIRE MARSHAL, OR DESIGNEE.

**32. FEDERAL, STATE, AND LOCAL AGENCIES:**

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF ANY FEDERAL, STATE, LOCAL AGENCY, DEPARTMENT, OR LICENSED PROFESSIONAL WITH JURISDICTION OVER THE PROJECT INCLUDING, BUT NOT LIMITED TO: NEVADA DEPARTMENT OF TRANSPORTATION (NDOT), NEVADA DIVISION OF ENVIRONMENTAL PROTECTION (NDEP), NEVADA DIVISION OF WATER RESOURCES (NDWR), NEVADA BUREAU OF WATER POLLUTION CONTROL, NEVADA BUREAU OF SAFE DRINKING WATER, NEVADA STATE ENVIRONMENTAL COMMISSION, THE CITY OF FERNLEY BUILDING OFFICIAL, THE CITY OF FERNLEY ENGINEER, CITY OF FERNLEY PLANNING DEPARTMENT, CITY OF FERNLEY PUBLIC WORKS DEPARTMENT, AND THE CITY OF FERNLEY PROFESSIONAL LAND SURVEYOR.

## **YOUR QUESTIONS ANSWERED QUICKLY**

### **Why did you perform this study?**

This Traffic Impact Study evaluates the potential traffic impacts associated with the proposed Clements Ranch project in Fernley, Nevada. This study was undertaken to determine the baseline and future traffic conditions, quantify traffic volumes generated by the proposed project, identify potential impacts, and develop recommendations to mitigate impacts, if any are found.

### **What does the project consist of?**

The project consists of 159 single-family attached and 241 single-family detached dwelling units. The site is located west of Red Rock Road between Farm District Road and US 50A in Fernley, NV. The project includes access points on Farm District Road and on Red Rock Road. The regional project location is shown in **Figure 1** and the project site location is shown in **Figure 2**. A preliminary site plan is shown in **Figure 3**.

### **How much traffic will the project generate?**

The project is anticipated to generate approximately 3,418 Daily, 245 AM peak hour, and 318 PM peak hour trips to the external roadway network.

### **How will project traffic affect the roadway network?**

The study intersections are expected to operate at acceptable overall levels of service under Opening Year (Baseline) Plus Project and Future Year Plus Project conditions.

### **Are any improvements recommended?**

It is recommended that a dedicated eastbound left-turn lane be striped in place of the two-way left-turn lane (TWLTL) on Farm District Road at Clements Ranch Parkway. Based on NDOT's *Access Management System and Standards*, the eastbound left-turn lane should be at least 350 feet long (300 feet of pocket, plus 50 feet open, with existing TWLTL beyond that).

The project should extend Clements Ranch Parkway to Red Rock Road.



## EXECUTIVE SUMMARY

|                             |                                                                                                                                                    |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Name:               | Clements Ranch Tentative Subdivision Map                                                                                                           |
| Site Location:              | ±83.9-acre parcel located at O Farm District Road north of the intersection of Farm District Road and Clearwater Parkway in Fernley, NV.           |
| APN Numbers:                | 021-341-18                                                                                                                                         |
| Applicant:                  | Clements Ranching LLC                                                                                                                              |
| Applicant's Representative: | Wood Rodgers, Inc., Attention: Derek Kirkland, AICP                                                                                                |
| Owner:                      | Clements Ranching LLC                                                                                                                              |
| Proposed Action:            | This application is a request for:<br>1) A 241-lot Tentative Subdivision Map                                                                       |
| Land Use Classification:    | Single-Family Residential (SFR) [±68.4 acres] and Mixed-Residential (MR) [±15.5 acres]                                                             |
| Zoning:                     | Residential - Single-Family (6,000 sf min.) [SF6] {±68.4 acres} and Residential - Medium Density Residential (14 du/ac max) [MDR-14] {±15.5 acres} |
| Flood Zone Designation:     | Zone X                                                                                                                                             |
| Gross Site Area             | ±83.9 acres                                                                                                                                        |

## PROJECT ANALYSIS

### Background and Existing Conditions

The Clements Ranch Property, APN 021-341-18 (±83.9 acres) is located north of Farm District Road, between Bridle Path Way and Red Rock Road (*Vicinity map provided in Section 3 of this application package*). The subject parcel (APN 021-341-18) is currently used for agriculture purposes, which the Clements family has operated for the past 60+ years. However, due to several challenges such as aging out of the business, irrigation restrictions, and high operating costs farming in the valley is no longer a viable long-term option. As a result, the Clements family wants to create a master-planned community that can serve Fernley for generations to come.

The first step of creating a master planned community was completed earlier this year through the approval of the master plan and zoning map amendments, and associated development agreement to document some of the buffering standards for the adjacent subdivisions. These approvals included the Zone Change (ZMA 22008 – February 2023) and Master Plan amendment (MPA 22003 – February 2023), which changed the zoning on a ±68.4-acre portion of the site from RR1 to ±68.4 acres of SF6 (Single-Family Residential – 6,000 square foot minimum lot size), the Master Plan Land Use designation on a portion of the site from ±15.5 acres of Single-Family Residential (SFR) to ±15.5 acres of Mixed Residential (MR), and the zoning of the ±15.5-acre portion of the site to coincide with the proposed Master Plan Amendment from ±15.5 acres of RR1 to ±15.5 acres of MDR14 (Medium Density Residential – 14 dwelling units per acre maximum). A Development Agreement (DA 22003 – February 2023) was also approved at the time of the zone change and Master Plan amendment requiring certain buffering and density standards along the western and eastern boundaries of the subject parcel and a limitation on the total number of units which may be provided (*A copy of the DA is provided in Section 4 of this application packet*).



### Project Request

Wood Rodgers on behalf of the Clements family is now submitting a request for a 241-lot tentative subdivision map for the Clements Ranch Property (APN 021-341-18) on the portion of the site zoned SF6 in order to develop the property and address the housing demand in Fernley due to employment growth. The proposed map includes various lot sizes of single-family detached residences and honors the development agreement.

The remainder of the Project Site zoned MDR-14 is not part of this tentative map application. This remainder area will be part of future development applications and will include additional improvements that are necessary to serve those specific projects. This future site has been included in the overall infrastructure planning for Clements Ranch as outlined in the traffic study and sewer report.

### Justification for Request

The proposed Tentative Map fits within the recently approved zoning while also providing larger perimeter lots for buffering as required by the recently approved Development Agreement (DA 22003).

### Comprehensive Master Plan and Zoning Designations

The Comprehensive Master Plan land use designation for the subject property is Single-Family Residential (SFR) [±68.4 acres], which allows single-family detached residences, and Mixed Residential (MR) [±15.5 acres], which allows single-family detached residences, small-lot single-family detached residences, single-family attached residences, triplexes, townhomes, condos, and manufactured/mobile home parks.

The zoning designation for the subject property is Residential - Single-Family (6,000 sf min.) [SF6] {±68.4 acres} and Residential - Medium Density Residential (14 du/ac max) [MDR-14] {±15.5 acres}. The SF6 zoning designation allows up to 7.26 dwelling units per acre, or 496 units within the SF 6 zoning. However, the Applicant will adhere to the terms of the Development Agreement and will not exceed more than 400 residential units on the overall Project Property. The current request is 241 units, limiting the future MDR-14 remainder area with approximately 159 units total.

| Adjacent Land Use and Zoning                                                                                                       |                         |                                         |
|------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------------------------|
| Adjacent Properties                                                                                                                | Current Zoning District | Comprehensive Plan Land Use Designation |
| <b>North</b><br>Vacant Commercial Land / US 50 / Bureau of Reclamation Parcel in the process to be acquired by the City of Fernley | C2/R20                  | C/OSP                                   |
| <b>West</b><br>Existing Subdivision                                                                                                | RR1                     | SFR                                     |
| <b>East</b><br>Existing Subdivision                                                                                                | RR 1/2                  | SFR                                     |
| <b>South</b><br>Existing Subdivision                                                                                               | SF20                    | SFR                                     |

### Compatibility and Adjacency Standards

To be compatible with the surrounding area while providing housing to support the economic growth at the nearby Victory Logistics employment center the Applicant worked with the neighbors and City of Fernley through the Master Plan and Zoning Map Amendment process to develop compatibility and adjacency standards for the future project. These project adjacency standards (also noted in Section 32.09.030 of the City of Fernley municipal code) were established and approved by the City of Fernley through a Development Agreement (DA 22003), which have been applied through this Tentative Map and are identified below:

- (i) *Along the western boundary of the Project Property, residential lots shall provide a minimum 0.40-acre lot area with lot width matching, a 30-foot rear setback, and all residential structures shall be limited to a single story;*
- (ii) *Along the eastern boundary of the Project Property and along the boundary line shared between the Project Property and APN 021-341-13, residential lots shall provide a minimum 14,000 square feet lot area with lot width matching, a 30-foot rear setback, and all residential structures shall be limited to a single story; and*
- (iii) *The maximum density allowed on the Project Property shall not exceed 400 residential units.*

### **Tentative Map Design Standards**

The proposed development will comply with the development standards outlined in Section 32.06.070 of the City of Fernley municipal code for Residential - Single-family districts (SF20, SF12, SF9, SF6). The tentative subdivision map is designed to meet the density and lot size requirements of the SF6 zoning district, as well as specified in Development Agreement DA22003. It is important to note that no dwelling units are currently proposed for the Multiple-Family Residential district (MDR14) at this time. The average lot size for the proposed project is 8,136 square feet. Specific development standards proposed for the project are as follows:

#### Minimum Setbacks:

|                                                          |                                              |
|----------------------------------------------------------|----------------------------------------------|
| Front Yard Setback (livable space or side load garage) = | 15 feet                                      |
| Front Yard Setback (garage/carport) =                    | 20 feet                                      |
| Side Yard Setback =                                      | 5 feet                                       |
| Side Yard Setback (combined) =                           | 20 feet                                      |
| Exterior Side Yard Setback =                             | 10 feet                                      |
| Rear Yard Setback =                                      | 10 feet (30 feet as noted per DA 22003)      |
| Maximum Stories =                                        | 2-story (single story as noted per DA 22003) |

### **Development Statistics Summary**

The following is a summary of the development statistics of the site:

|                                        |                              |
|----------------------------------------|------------------------------|
| Total Site Area: .....                 | ±83.9 acres                  |
| Total Dwelling Units: .....            | 241 single-family residences |
| Net Density: .....                     | ±2.87 dwelling units/acre    |
| Total Lot Area: .....                  | ±45 acres (53.6%)            |
| Average Lot Size: .....                | ±8,136 square feet           |
| Maximum Lot Size: .....                | ±42,855 square feet          |
| Minimum Lot Size: .....                | ±6,000 square feet           |
| Minimum Lot Width: .....               | 60 feet                      |
| Minimum Lot Width (corner): .....      | 65 feet                      |
| Sq. Ft. Minimum (corner) .....         | 6,382 square feet            |
| Sq. Ft. Minimum (interior) .....       | 6,000 square feet            |
| Total Onsite Right of Way Area: .....  | ±21.6 acres (25.7%)          |
| Total Offsite Right of Way Area: ..... | ±2.2 acres                   |
| Total Common Area: .....               | ±2.6 acres (3.1%)            |
| Park: .....                            | ±3.3 acres (3.9%)            |

**Grading**

The project site is a ±83.9-acre site that is vacant land use for agricultural purposes. From the northern portion of project area, the site slopes upward to the south at approximately 2-percent. The southern portion of the site is abandoned pasture, and undeveloped land is in the north. Vegetation in the undeveloped area consists of native grasses and brush.

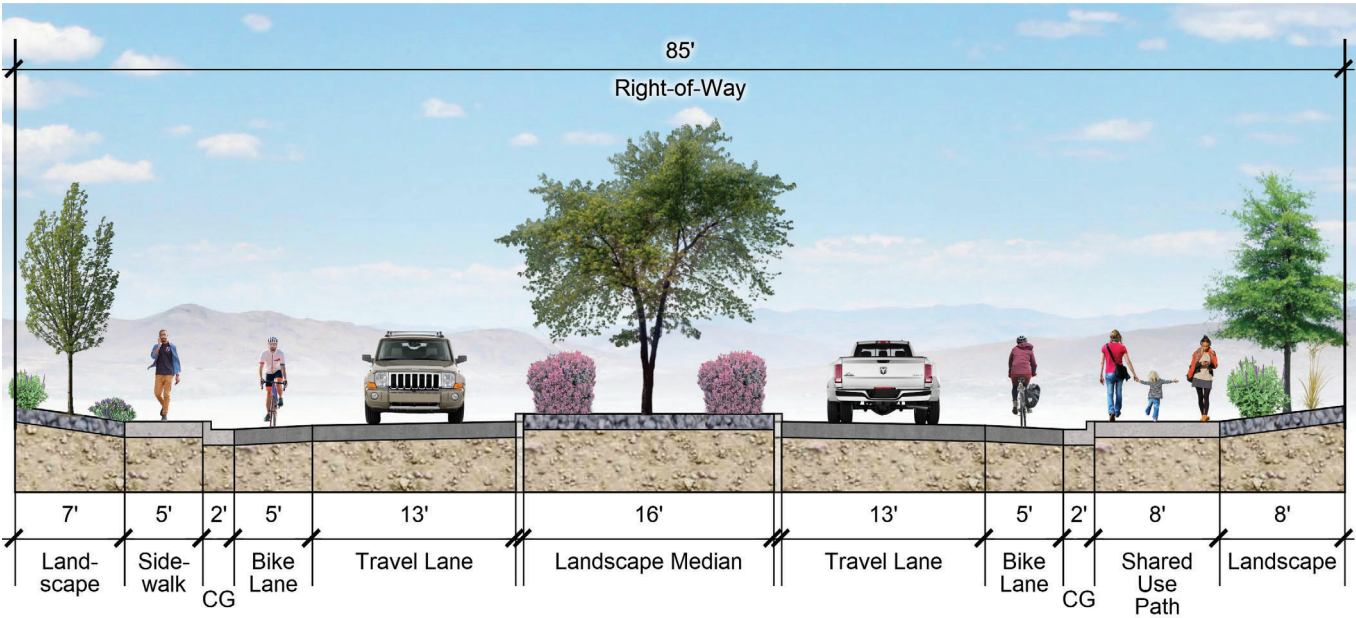
Site grading has been designed to protect the existing residential properties to the west, east, and south as well as direct drainage flows toward a retention pond in the northwest corner to capture onsite flows. *(A grading plan is provided in the Tentative Map Plan Set in Section 4 and Map Pocket of this submittal packet).*

The proposed storm retention basin will have side slopes of 2:1 (H:V). Slopes steeper than 3:1 (H:V) are typically addressed with a combination of revegetation and localize armoring or the incorporation of landscape retaining walls.

The future MDR-14 zoned area will be graded as part of this tentative map due to the connecting roadways that will be built as part of the proposed project. The pad will be graded as a super pad and reveged.

**Traffic and Circulation**

The proposed project includes Clements Ranch Parkway backbone roadway that will provide a connection between Farm District Rd and Red Rock Rd to support the overall Clements Ranch Development and provide a vital connection for the broader community. A Traffic Impact Study is provided in *Section 4 of this application packet*. Clements Ranch Parkway will be designed as a collector roadway per the cross section below:



Currently, the subject property has access to Farm District Road via the Clements Ranch Pkwy intersection in the southwestern portion of the property. Additionally, the property has access to Quick Cal Way within the adjacent subdivision to the east, which will be limited to a gated emergency access as part of this project. To improve access in this area Clements Ranch Parkway will connect Farm District Road to Red Rock Road as a collector street providing a new access point to U.S. 50 to the north, including an extension of the Farm District Road shared use path. In addition to the proposed shared use path Clements Ranch Parkway will also include a sidewalk on the opposite side of the shared use path and will include bike lanes.



Traffic generated from the project is not anticipated to have a significant impact to the surrounding infrastructure or Farm District Road. The proposed 241 lots will only generate 169 AM and 227 PM peak hour trips (ITE Manual 11<sup>th</sup> Edition Land Use 210 Single Family Detached). The study intersections currently operate at overall acceptable levels of service and are expected to continue to operate acceptably under Opening Year / Baseline Plus Project conditions and Future Year Plus Project conditions. Traffic generation from this request is minimal and Farm District Road and Red Rock Road can adequately serve the proposed lots. *(A Traffic Impact Study (TIS) was completed for the proposed development and is included in Section 4 of this application packet).*

As a result of listening to neighbor concerns of cut through traffic on Red Rock Rd, and to avoid further impacts to Farm District Rd, Clements Ranch Parkway will be constructed from Red Rock Rd into the initial phase of the development with primary access for the proposed development from U.S. 50. The connection to Farm District Rd will be made in the later phases of the development.

### **Landscaping**

Although the City of Fernley municipal code exempts single-family detached uses from landscaping requirements, the Proposed Project will provide front yard landscaping as well as landscaping along proposed roadways, except for adjacent to the future MDR-14 zoned area and the commercial property to the north as that landscaping would be included with those future developments. Common areas, which include the retention pond, park, and other areas adjacent to Clements Ranch Parkway, would be landscaped to enhance the quality of the residential environment. All landscaping would be in accordance with City of Fernley Code requirements and would include drought-tolerant plants and street trees to encourage water-efficient irrigation. 1-inch drain rock would be applied on cut and fill slopes. All common areas including landscaping and fencing will be owned and maintained by a Homeowners Association (HOA) that will be established at final map. It is intended that the park will be constructed by the Proposed Project through Residential Construction Tax (RCT) collected and will be offered for dedication to the City with an agreement for the HOA to maintain the park. The park will be designed prior to the final map which includes the 241<sup>st</sup> unit in coordination with the City of Fernley and will be constructed prior to close of occupancy of the 241<sup>st</sup> unit.

### **Fencing**

Fencing will be proposed on side and rear property boundaries and will be a 6-foot-tall wood good neighbor fencing to create privacy and visual screening. Fencing details will be determined at final map stage. Residential Fencing along Clements Ranch Parkway is proposed to be 6-foot wood fence with decorative pilasters and will be maintained by the HOA. A concept of the residential fencing along Clements Ranch Parkway is provided below:



### **Signage**

Signage is not included at this time. Project entry monument signage details will be provided during the final map process.

### **Sewer, Water, and Utilities**

There is adequate capacity for utilities to support future development. A future project would provide all necessary backbone infrastructure and utility connections.

#### Sewer

The proposed project will generate an average flow rate of 40,750 gallons per day (GPD) or 28.29 gallons per minute (GPM) with a peak hour flow rate of 122,250 GPD (84.90 GPM).

There is an existing sewer main in Red Rock Road that the proposed project will connect to which heads north to the wastewater treatment plant using the Highway 50 Lift Station. An easement and access road(s) per the design standards will be required for the portion of sewer main crossing the property to the Northeast (*A Sanitary Sewer Report is provided in Section 4 of the application packet*).

#### Water

The City of Fernley operates an 18-inch-diameter water main on the south side of Farm District Road and is capable of providing water service from the existing gravity pressure zone 1. The proposed project will connect to these existing water mains (*A Water Discovery report is provided in Section 4 of the application packet*).

#### Gas/Electric/Communications/Cable TV

Dry utilities (natural gas, power, communications, cable TV) are available on the north side of the highway. Additionally, these utilities are also available on the Quick Cal Way street stub to the east (i.e., off Red Rock Road). Southwest Gas and NV Energy will provide gas and electrical service, respectively, to the new development at the project site. Telephone service will be provided by AT&T and cable television will be from Charter Communications.

### **Schools**

The closest schools to the subject parcels are East Valley Elementary School, located approximately 2 miles east, and Silverland Middle School, located less than 2 miles west of the site. Fernley High School is located approximately 3.5 miles west. According to the Lyon County School District's 2016 Facilities Plan, all the Fernley schools are currently under capacity and are planned to be within adequate utilization through 2025, except for one elementary school. The School District's 10-year capital program identifies a new elementary school that is planned to be built in the next 4 to 6 years, which would address elementary school capacity. A future project would provide additional tax benefits for the school district.

### **Police & Fire**

Police protection is provided by the Lyon County Sheriff's office. Fire protection is provided by the North Lyon County Fire Protection District Station 62, located less than ¼ mile east of the parcel. The subject site is located in a developed area near existing development that is already served by these agencies.

### **Parks/Recreation**

The subject property is located approximately 550 feet north of Autumn Winds Park and less than one mile west of the Fernley Golf Club. The City of Fernley Parks Master Plan does not call for an additional park in this area; however, it does identify a shortage of flat fields. To help address the flat field shortage and provide green space for the proposed development the Applicant is proposing an approximately 3.3-acre park in the northeast portion of the Project Site that will include a large flat field area, parking lot, and a tot-lot.

It is intended that the park will be constructed by the Proposed Project through Residential Construction Tax (RCT) collected and will be offered for dedication to the City with an agreement for the HOA to maintain the park. The park will be designed prior to the final map which includes the 241<sup>st</sup> unit in coordination with the City of Fernley and will be constructed prior to certificate of occupancy of the 241<sup>st</sup> unit.

### **Positive Fiscal Support**

The subject parcel is an infill parcel located in an area surrounded by existing older residential development adjacent to existing infrastructure. The current agricultural use is no longer viable and does not provide any financial benefit for the City of Fernley. One of the challenges the City of Fernley is facing is the inability of the previous larger lot developments to cover the costs of the infrastructure, which has led to a continual increase in utility fees. Given the presence of a large employment center (Victory Logistics) currently under construction less than 2 miles away, this infill site provides an opportunity to provide quality housing for those future employees while taking advantage of existing infrastructure in the area.

The proposed tentative subdivision map will take advantage of the existing infrastructure helping provide fees that will support the City of Fernley's ongoing utility and public service costs for this area and will provide for more efficient use of the land going forward. The additional residential housing units supported by the tentative subdivision map will provide additional impact fees and tax revenues that will support the City of Fernley schools, parks, roads, and public services while also providing more obtainable housing options that can help attract more workers to the area and support the local economy.

### **TENTATIVE SUBDIVISION MAP FINDINGS**

1. Compliance with environmental and health laws and regulations concerning water and air pollution, solid waste disposal, water supply facilities, community or public sewage disposal, and where applicable, individual systems for sewage disposal.

#### **Response:**

*This project has been designed to meet all environmental and health laws/regulations, as required by local, state, and federal regulations. Water and sewer will be provided and treated by the City of Fernley municipal water and wastewater systems. A utility plan is included in the Map Pocket of this submittal packet. Solid waste disposal will be provided by Waste Management. This is a residential project and this use is not anticipated to contribute significantly to air pollution.*

2. Availability of water that meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision.

#### **Response:**

*The required water is approximately 270 acre-feet with an Average Daily Demand (ADD) of approximately  $\pm 164.6$  GPM. Actual demand will be calculated with the site improvement plans prior to recordation of the final subdivision map. The Applicant has sufficient water rights for the proposed tentative map. A utility plan is included in the Map Pocket of this submittal packet indicating the location of existing City of Fernley services to serve the project.*

3. Availability and accessibility of utilities.

#### **Response:**

*There is adequate capacity for utilities to support future development. A future project would provide all necessary backbone infrastructure and utility connections. The proposed water and sewer systems will be operated by the City of Fernley. Preliminary sewer and water studies are included in Section 4 of this submittal packet, which indicate that the City of Fernley has sufficient system capacity to serve the project.*

#### **Sewer**

*The City of Fernley can offer sewage service starting from the site and direct it northeast towards the existing sewer main in Red Rock Road to reach the wastewater treatment plant located to the east, using the Highway 50*



*Lift Station. An easement and access road(s) per the design standards will be required for the portion of sewer main crossing the property to the Northeast.*

Water

*The City of Fernley operates an 18-inch-diameter water main on the south side of Farm District Road and is capable of providing water service from the existing gravity pressure zone 1.*

Gas/Electric/Communications/Cable TV

*Dry utilities (natural gas, power, communications, cable TV) are available on the north side of the highway. Additionally, these utilities are also available on the Quick Cal Way street stub to the east (i.e., off Red Rock Road). Southwest Gas and NV Energy will provide gas and electrical service, respectively, to the new development at the project site. Telephone service will be provided by AT&T and cable television will be from Charter Communications.*

4. Availability and accessibility of public services such as schools, police and fire protection, transportation, recreation facilities, and parks.

**Response:**

Schools

*The closest schools to the subject parcels are East Valley Elementary School, located approximately 2 miles east, and Silverland Middle School, located less than 2 miles west of the site. Fernley High School is located approximately 3.5 miles west. According to the Lyon County School District's 2016 Facilities Plan, all the Fernley schools are currently under capacity and are planned to be within adequate utilization through 2025, except for one elementary school. The School District's 10-year capital program identifies a new elementary school that is planned to be built in the next 4 to 6 years, which would address elementary school capacity. A future project would provide additional tax benefits for the school district. This could potentially lead to further improvements and expansions of the school system in the future.*

Police and Fire Service

*The project site is located in an area already served by police and fire services. Police protection is provided by the Lyon County Sheriff's office. Fire protection is provided by the North Lyon County Fire Protection District Station 62, located less than ¼ mile east of the parcel. The subject site is located in a developed area near existing development that is already served by these agencies.*

Parks

*There is an approximately 3.3 acre park proposed in the northeast portion of the Project Site as part of the future development. Build out of the proposed park will be completed with future phases of the Clements Ranch development.*

*Several recreational amenities are available in this area. The subject property is located approximately 550 feet north of Autumn Winds Park and less than one mile west of the Fernley Golf Club. A future project would incorporate recreational opportunities and connections to existing parks and pedestrian amenities.*

5. Consistency with the zoning district regulations.

**Response:**

*The project site has land use designations of SFR (±68.4 acres) and MR (±15.5 acres) and zoning designations of SF6 (±68.4 acres) and MDR14 (±15.5 acres). This tentative subdivision map request seeks to create 241 single family lots, ranging from 6,000 to 42,855 square feet with an average of 8,136 sq. ft. The proposed project is entirely consistent with all minimum standards of the zoning district regulations.*

6. Conformity with the Master Streets and Highways Plan.

**Response:**

*The request conforms with the Master Streets and Highways Plan. Currently, the property is accessed via Farm District Rd. Proposed access to the site will be improved to provide an 85-foot-wide collector roadway, Clements Ranch Parkway, which would run north of Farm District Road to connect to Red Rock Road, which provides connection to U.S. 50. Clements Ranch Parkway will provide a new connection between Farm District and Red Rock Rd which will help alleviate cut through traffic on Red Rock Rd through the existing subdivision. Additionally, the property will maintain a gated emergency access via Quick Cal Way through its connection with Red Rock Road. Local roads within the subdivision would connect to Clements Ranch Parkway.*

7. Effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.

**Response:**

*The Applicant is proposing to build the northern portion of Clements Ranch Parkway with connection to Red Rock Rd with primary access from U.S. 50 as the first phase to avoid further impacts to Farm District Rd. As such traffic generated from the project is not anticipated to significantly impact the surrounding infrastructure, Farm District Road, or Red Rock Road. The proposed 241 lots will only generate 169 AM and 227 PM peak hour trips (ITE Manual 11th Edition Land Use 210 Single Family Detached).*

8. Physical land characteristics, such as floodplain, slope, soil and elevation differentials with abutting properties.

**Response:**

*This project is not within a floodplain. A grading plan is included in the Map Pocket of this submittal packet completed in compliance with all applicable grading, slope, soil, and elevation differential standards of the City of Fernley.*

9. Recommendations and comments of review bodies.

**Response:**

*Any recommendations and comments of review bodies will be considered in the project design and engineering processes.*

10. Conformity to the Master Sewer and Water Utility Plan.

**Response:**

*A preliminary sewer report is included within Section 4 of this submittal packet. The reports consulted with the Master Sewer and Water Utility Plans and include discussion of how the City of Fernley sewer and water infrastructure and supply has sufficient capacity to meet the projected demand of this project.*

*This project also conforms to the following Water/Wastewater Goals of the City of Fernley Comprehensive Master Plan:*

- *PSF.1.1.4 - Areas planned for urban or suburban development (residential densities of one or more dwelling units per acre or comparable non-residential development will be served by a community water supply system consistent with adopted policies in the Land Use Chapter of the Fernley Comprehensive Master Plan.*
  - **Comment:** *This project will connect to the municipal water system. A utility plan is included within Section 4 of this submittal packet and modeling for demand will be done at final map.*

- *PSF.1.4 - Reduce water demand through xeriscape project landscaping, reclamation and reuse of treated wastewater for golf courses, medians, parkways and other appropriate application uses.*
  - **Comment:** *Although there is minimal landscaping required with this plan xeriscaping will be utilized where feasible with this project to reduce water demand. Section 4 of this submittal packet includes a landscape plan.*
- *PSF.2.1.1 - All new development within the City limits with lot sizes equal to or smaller than 1.0 acre shall be required to connect to the municipal sewer system. New development with residential densities lower than one dwelling unit per acre shall be allowed to utilize individual septic systems with acceptable sub-surface disposal if sewer is not available.*
  - **Comment:** *This project will connect to the municipal sewer system. A utility plan and a preliminary sewer report are included within Section 4 of this submittal packet.*

11. Compliance with the Code and all other applicable regulations.

**Response:**

*All Fernley code sections have been met with the proposed tentative map. Other code and development requirements relevant to the Project specifically addressed include:*

- *Adjacency Standards (Section 32.09.030)*
  - **Comment:** *Residential adjacency standards apply to the west, south, and east property lines of the project. The Applicant entered into a Development Agreement (DA 22003) with the City of Fernley to specifically address Residential Adjacency Standards. The proposed tentative map is in compliance with that agreement and includes the following:*
    - (i) *Along the western boundary of the Project Property, residential lots shall provide a minimum 0.40-acre lot area with lot width matching, a 30-foot rear setback, and all residential structures shall be limited to a single story;*
    - (ii) *Along the eastern boundary of the Project Property and along the boundary line shared between the Project Property and APN 021-341-13, residential lots shall provide a minimum 14,000 square feet lot area with lot width matching, a 30-foot rear setback, and all residential structures shall be limited to a single story; and*
    - (iii) *The maximum density allowed on the Project Property shall not exceed 400 residential units.*



APN# 021-341-18

**Recording Requested by:**

Name: City of Fernley

Address: 595 Silver Lace Blvd

City/State/Zip: Fernley, NV 89408

**Mail Tax Statements to:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

**DOC #: 666752**

02/10/2023 01:28 PM Page: 1 of 14

**OFFICIAL RECORD**

Requested By:  
CITY OF FERNLEY

Lyon County, NV  
Anita Talbot, Recorder

Fee: \$0.00 RPTT: \$0.00  
Recorded By: blathrop



DA22003 Clements Ranching, LLC

**Title of Document**

(Required Field)

**FILL IN ALL THAT APPLY:**

**The Undersigned Hereby Affirms That This Document Submitted For Recording Contains Personal Information As Required By Law\*:**

Specify Law\* \_\_\_\_\_

Signature \_\_\_\_\_

Specify Law\* \_\_\_\_\_

Print Name \_\_\_\_\_

Title \_\_\_\_\_

\*If there is no applicable State or Federal Law, Personal Information must be removed prior to recording.

**If this document is a re-record or correction, fill out below:**

Correcting Document#: \_\_\_\_\_ Amending: \_\_\_\_\_

Reason for re-record: \_\_\_\_\_

(For Re-records, all pages from original document must be included, \$25 Non-conforming Fee may apply)

**If legal description is in metes & bounds, indicate where it was obtained:**

\_\_\_\_\_ ( Document Title), Book \_\_\_\_\_ Page \_\_\_\_\_or

Document # \_\_\_\_\_ recorded \_\_\_\_\_(date) in the

Lyon County Recorder's Office.

**-OR-**

If prepared by a surveyor, provide name and address:

\_\_\_\_\_

\_\_\_\_\_

"Personal information" means a natural person's first name or first initial and last name in combination with any one or more of the following data elements:

1. Social security number.
2. Driver's license number or identification card number.
3. Account number, credit card number or debit card number, in combination with any required security code, access code or password .

When recorded, mail to:  
City Clerk  
City of Fernley  
595 Silver Lace Boulevard  
Fernley, NV 89408

## **DEVELOPMENT AGREEMENT**

### **ARTICLE 1. PARTIES, DEFINITIONS AND PROPERTY DESCRIPTIONS.**

This Development Agreement (“**Agreement**”) is by and between:

**“Developer”** **Clements Ranching, LLC,**  
**a Nevada limited liability company**  
3000 Farm District Road  
Fernley, NV 89408  
Email: [mattpclements@gmail.com](mailto:mattpclements@gmail.com)

**“City”** **City of Fernley,**  
**a Nevada municipal corporation**  
595 Silver Lace Boulevard  
Fernley, NV 89408  
Email: [laltick@cityoffernley.org](mailto:laltick@cityoffernley.org)

Key definitions in this Agreement are:

**“Affiliate”** means an entity, partnership or corporation which Developer controls, or in which Developer has a controlling interest or which controls Developer. For purposes of this definition, “control” when used with respect to any entity, means the power to direct the management and policies of such entity, directly or indirectly, whether through the ownership of voting securities, partnership interests, by contract or otherwise; and the terms “controlling” and “controlled” have meanings correlative to the foregoing.

**“Approvals”** means the zoning, land use, and mapping approvals and authorizations relating to the Project Property, together with applicable conditions, as granted by the City through the normal approval process. This includes MPA22003, ZMA22008, and any future entitlements requested and/or required for the Project.

**“Building Permit”** shall mean an official document or certificate issued by the Building Official (as defined in the Code from time-to-time) authorizing the construction of a residence or commercial building within the Project Property. This includes standard plan permits, model permits and production permits.

**“Code”** means the City of Fernley Municipal Code, as may be amended from time to time, including all rules, regulations, standards, criteria, manuals and other references adopted therein.

**“Project”** means the Master Plan Map Amendment (MPA22003) and Zoning Map Amendment (ZMA22008) submitted to the City of Fernley, Nevada (the **“City”**) on July 19, 2022, and any future residential project located on the Project Property.

**“Project Property”** means that real property consisting of approximately 83.9 acres located in the City of Fernley, County of Lyon, State of Nevada, more particularly described as **Exhibit A** attached hereto, having Lyon County Assessor’s Parcel Number (**“APN”**) 021-341-18.

**“Record”, “Recording”, “Recordation”, or “Recorded”**: To file, the filing, or filed of record with the Office of the County Recorder of Lyon County, Nevada. The date of Recording shall refer to that time at which a document or map is Recorded.

## **ARTICLE 2. RECITALS.**

- A. Developer is the current owner of the Project Property and anticipates proposing residential development on the Project Property.
- B. On July 19, 2022, Developer submitted applications to the City for a Master Plan Map Amendment and Zoning Map Amendment for the Project Property.
- C. Developer has proposed certain buffering standards along the west and east property boundary of the subject parcel consistent with the City’s Development Code (**“Code”**) standards for adjacency (Code §32.09.030(D)), and a limitation on the total number of units which may be provided.
- D. The City is authorized, pursuant to NRS 278.360, NRS 278.0201 through 278.0207, inclusive, and Code §32.03.100(a), to enter into binding development agreements with any person having a legal or equitable interest in land concerning the development of that land provided that such agreement is consistent with the City of Fernley Comprehensive Master Plan August 2018 (**“Master Plan”**).
- E. The Master Plan includes the following goals:
  - Enhance Fernley’s vitality as a community by providing a variety of housing types, density and costs that accommodate the needs, desires and financial abilities of the current and future households. Master Plan §HP.1.1.
  - Encourage housing that supports sustainable development patterns by promoting the efficient use of land [...and] easy access to services and public facilities[...]. Master Plan §HP.1.2.
  - Strive for viable mixed income neighborhoods throughout Fernley that collectively reflect the diversity of housing types and tenure (rental and ownership). Master Plan §HP.1.3.



- Provide a spectrum of high-quality housing to meet the City's need. §HP1.6.
- Encourage new development in areas where adequate public services and facilities can be provided efficiently. Master Plan §LU.1.1
- Promote infill development. Master Plan §LU.1.5.

F. By entering into this Agreement, the City will ensure the orderly development of the Project in accordance with the Conditions, and consistent with the City's goals set forth in the Master Plan as identified in Recital E above. As such, approval of this Agreement is consistent with the Master Plan, as required by NRS 278.0203 and Code §32.03.100(A)(6)(a).

G. Acknowledging the foregoing, the parties desire to enter into this Agreement to provide for the matters set forth herein.

NOW, THEREFORE, in exchange for mutual considerations, the sufficiency of which is hereby acknowledged, the parties agree as follows:

### **ARTICLE 3. DEVELOPMENT MATTERS.**

#### **Section 3.1 Development Standards.**

The permitted uses of the Project Property, the density or intensity of its use, the maximum height and size of the proposed buildings, and any dedication of any portion of the Project Property to the City for public use shall be as provided in this Agreement, the Code, and any future Approvals issued by the City for the Project or the Project Property, as the same may hereafter be revised, modified or amended from time to time in accordance with applicable law.

#### **Section 3.2 Limitation.**

Except as otherwise provided in this Agreement, the provisions of NRS 278.0201 shall apply to this Agreement to the extent that any rules, regulations, ordinances, laws, and official policies promulgated or enacted after the Effective Date conflict with the terms and conditions of this Agreement or the Approvals. Notwithstanding the foregoing, any development on the Project Property shall be subject to: (i) any rules, regulations, ordinances, laws, and official policies promulgated or enacted after the Effective Date that are not in conflict with Approvals or the terms of this Agreement; (ii) the Building Codes in effect at the time of issuance of the permit for the particular development activity; and (iii) other construction standards applicable to all developers other than Developer if such changes or additional standards are required in order to prevent a condition dangerous to the health or safety of City residents. Nothing in this Agreement shall preclude application of new or changed ordinances, regulations, plans or policies specifically mandated and required by changes in state or federal laws or regulations.

### **Section 3.3 Standards for Residential Adjacency; Limitation on Number of Dwelling Units.**

The City and Developer agree that if the City approves the Master Plan Map Amendment (MPA22003) and Zoning Map Amendment (ZMA22008) submitted by the Developer on July 19, 2022, the Project Property and all future permits and Approvals considered by the City in connection therewith, shall require the following development standards and impose the following development constraints upon the Project Property:

(i) Along the western boundary of the Project Property, residential lots shall provide a minimum 0.40-acre lot area with lot width matching, a 30-foot rear setback, and all residential structures shall be limited to a single story;

(ii) Along the eastern boundary of the Project Property and along the boundary line shared between the Project Property and APN 021-341-13, residential lots shall provide a minimum of 14,000 square feet lot area with lot width matching, a 30-foot rear setback, and all residential structures shall be limited to a single story; and

(iii) The maximum density allowed on the Project Property shall not exceed 400 residential units.

The development standards set forth above shall survive the termination of this Agreement and are deemed a permanent part of the zoning established by ZMA22008. Any development standards not addressed above shall be governed by the Code and any conditions of the Approvals.

### **Section 3.4 Further Requirements**

The Developer acknowledges that further Approvals will be necessary to develop the Project including, but not limited to, tentative and final subdivision maps. All future Approvals required or requested by the Developer in connection with the Project shall be reviewed and considered for approval in accordance with the terms of this Agreement and applicable law.

## **ARTICLE 4. GENERAL TERMS.**

### **Section 4.1 Effective Date; approved by ordinance.**

This Agreement is not effective until it has been approved by ordinance by the City Council for the City of Fernley (“**City Council**”) and Recorded (the date of Recording being referred to herein as the “**Effective Date**”).

### **Section 4.2 Term; Cancellation.**

This Agreement shall continue in full force and effect for 10 years from the Effective Date, unless cancelled or extended in accordance with the terms of NRS 278.0205. A cancellation of this Agreement is not effective or binding until approved by ordinance of the City Council and Recorded in accordance with NRS 278.0205.

### **Section 4.3 Modifications and Amendments.**



Modifications and amendments to this Agreement are not effective or binding until approved by ordinance of the City Council and Recorded in accordance with NRS 278.0205.

#### **Section 4.4 Breach.**

A violation of this Agreement by a party shall be a breach of this Agreement by that party if, within 60 days after receipt of notice of such violation delivered in accordance with Section 4.7 below by the non-violating party, the party in violation fails to cure such violation. If the material breach is not corrected within 60-day cure period, the defaulting Party is in default, and the Party alleging material breach may elect any one or more of the following courses:

A. Amendment or Termination by City. After proper notice and the expiration of the above-referenced period for Developer to correct the alleged material breach, the City may give notice of intent to amend or terminate this Agreement as authorized by NRS Chapter 278. Following any such notice of intent to amend or terminate, the matter shall be scheduled and noticed as required by law for consideration and review solely by the City Council. Following consideration of the evidence presented before the City Council and a finding that a material breach has occurred by Developer and remains uncured, City may amend or terminate this Agreement. Developer shall have twenty-five (25) days after receipt of written notice of termination to institute legal action pursuant to this Section.

B. Termination by Developer. In the event City materially defaults under this Agreement, Developer shall have the right to terminate this Agreement after providing notice and an opportunity to cure as set forth in this Section. Developer shall have the option, in its discretion, to maintain this Agreement in effect and seek to enforce all of City's obligations by pursuing an action for specific performance or other appropriate judicial remedy.

#### **Section 4.5 Entire Agreement.**

With respect to the matters addressed herein (including the recitals), this Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the parties.

#### **Section 4.6 Assignments; Transfer of rights.**

A. To an Affiliate of Developer. The rights of Developer under this Agreement may be freely transferred or assigned to an Affiliate of Developer provided that such entity shall assume in writing all obligations of Developer hereunder, and provide substitute security in form and amount acceptable to the City for any security previously provided by Developer in compliance with the Code, if any.

B. To a Third Party. If Developer sells or transfers more than fifty percent (50%) of the Project Property to a party other than an Affiliate, Developer shall be relieved of its obligations under this Agreement, provided that such transferee assumes all duties and obligations of Developer then unsatisfied and provides substitute security, in form and amount acceptable to City, for any of Developer's previous obligations for which Developer provided performance security, if any.



C. Transfer Not to Relieve Developer of its Obligation. Except as expressly provided herein, no assignment or transfer of any portion of the Project Property shall relieve Developer of its obligations hereunder as to the portion of the Project Property so assigned or transferred, and such assignment or transfer shall be subject to all of the terms and conditions of this Agreement, provided, however, that no such transferee shall be deemed to be the Developer hereunder unless such transferee expressly assumes such obligations and duties of Developer. This subsection shall have no effect upon the validity of obligations recorded as covenants, conditions, restrictions or liens against parcels of real property.

D. In Connection with Financing Transactions. Developer has full discretion and authority to transfer, assign or encumber the Project Property or portions thereof, in connection with financing transactions, without limitation to the size or nature of any such transaction, the amount of land involved or the use of the proceeds therefrom, and may enter into such transactions at any time and from time to time without permission of or notice to City. All such financing transactions shall be subject to the terms and conditions of this Agreement.

#### **Section 4.7 Notices; when deemed sufficiently given.**

A. Formal notices, demands and communications between the City and Developer must be in writing and must be sent to the addresses or facsimile numbers stated in Article 1 above and to each successor or assign of Developer to the address given by such party in writing and if no written notice is given, then to the address stated in subsequent agreements, and/or to any address or number subsequently communicated to the sending party in writing.

B. If notice is sent by registered or certified mail to the correct address, postage prepaid, it will be deemed sufficiently given the earlier of when actually received by the addressee or three business days after it is received by the U.S. Post Office as indicated on the receipt.

C. If notice is sent by courier, or overnight delivery service (Federal Express, UPS Overnight, U.S. Postal Priority Mail), and is properly addressed, it will be deemed sufficiently given when delivered as indicated in the records of the courier or service.

D. If notice is sent by facsimile, properly addressed to the addressee specified in Article 1 above and is actually sent to the correct facsimile number, it will be deemed sufficiently given when receipt is confirmed by either the receiving or sending facsimile machine, provided that that confirmation is in writing and sufficiently identifies the document, and indicates the time and date that the document was received by the receiving facsimile machine.

#### **Section 4.8 Further documents.**

Each party agrees to honor any reasonable requests by the other party to complete, execute, and deliver any document necessary to accomplish the purposes hereof.

#### **Section 4.9 Legal Actions.**

The City and Developer agree that they would not have entered into this Agreement if either were to be liable for damages under or with respect to this Agreement that would be greater than without this Agreement. Accordingly, the City and Developer may pursue any course of

action or equity available for breach, except that neither party shall be liable to the other or to any other person for any monetary damages for a breach of this Agreement. If any party hereto institutes any action or proceeding (including arbitration, if authorized or mutually agreed upon) against the other or others arising out of or relating to this Agreement, the prevailing party shall be awarded attorney's fees and costs by the other party.

**Section 4.10 Time of Essence.**

Time is of the essence in the performance of this Agreement.

**Section 4.11 Governing law.**

The laws of the State of Nevada, without regard to conflicts of law principles, shall govern the interpretation and enforcement of this Agreement.

**Section 4.12 Severability of invalid or unenforceable provisions.**

If any provision contained in this Agreement is held to be unenforceable by a court of law or equity, this Agreement shall be construed as if such provision did not exist and the non-enforceability of such provision shall not be held to render any other provision or provisions of this Agreement unenforceable.

**Section 4.13 Binding effect; successors and assigns; assignment/delegation.**

This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, and permitted successors and assigns of the parties hereto. To the extent that any assignment of any right under this Agreement changes the duty of either party, increases the burden or risk involved, impairs the chances of obtaining the performance of this Agreement, attempts to operate as novation, or includes a waiver or abrogation of any defense to payment by the City, such offending portion of the assignment shall be void, and shall be a breach of this Agreement.

**Section 4.14 No third-party beneficiaries intended.**

Unless otherwise specifically identified in this Agreement, there are no third-party beneficiaries intended by this Agreement and no third parties have any standing to enforce any of the provisions of this Agreement.

**Section 4.15 Representation and warranties by persons who sign this Agreement.**

Each person who signs this Agreement represents and warrants to each other person who signs this Agreement that he or she is an authorized agent of and has actual authority to execute this Agreement on behalf of the party for whom he or she is signing, and that all required approvals and actions have been taken to authorize the execution of this Agreement with the intent and effect of binding the party to this Agreement.

**Section 4.16 Counterparts.**

This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original; and such counterparts shall constitute one and the same Agreement. Any signature page of the Agreement may be detached from any counterpart without impairing the legal effect of any signatures, and may be attached to another counterpart identical in form. This Agreement may be executed by signatures provided by facsimile or email, and such signatures shall be as binding and effective as original signatures.

**Section 4.17 Construction.**

This Agreement is the product of joint collaboration and negotiations among the parties and their counsel. The terms and conditions of this Agreement shall be construed as a whole according to their fair meaning, and not strictly for or against any party. Further, any ambiguities are to be resolved according to their fair meaning, and not construed against the drafting party.

[Signature Pages Follows]



EXECUTED on the dates indicated:

City:

**CITY OF FERNLEY,**

a Nevada municipal corporation

Dated February 1, 2023

By: Neal E McIntyre

Mayor Neal E. McIntyre

Its: Mayor

Attest: Kim Swanson

Kim Swanson

City Clerk

Developer:

CLEMENTS RANCHING, LLC  
a Nevada limited liability company

Dated January 30, 2022<sup>23</sup>

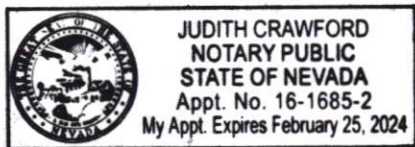
By: Holly G. Wolf  
Name Holly G. Wolf  
Its: Manager

State of Nevada  
County of Washoe

This instrument was acknowledged before me on January 30, 2023 by  
Holly Wolf as Manager of CLEMENTS RANCHING,  
LLC, a Nevada limited liability company.

(Signature of notarial officer)

(Seal, if any)



**EXHIBIT A**  
**LEGAL DESCRIPTION**



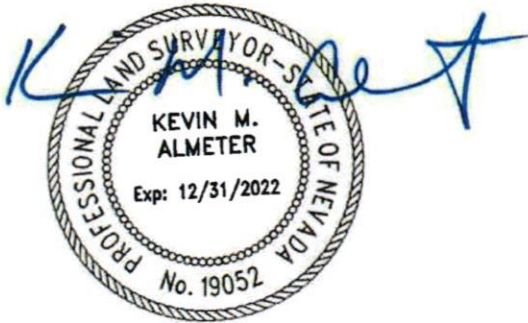
**EXHIBIT A**  
**LEGAL DESCRIPTION FOR PROJECT PROPERTY**

All that certain real property situate within a portion of the Northeast One-Quarter (NE 1/4) of Section Twenty-One (21) and a portion of the Northwest One-Quarter (NW 1/4) of Section Twenty-Two (22), Township Twenty (20) North, Range Twenty-Five (25) East, Mount Diablo Meridian, City of Fernley, County of Lyon, State of Nevada, and being more particularly described as follows:

BEING Parcel 2-A of the Parcel Map for "Clements Ranching, LLC", recorded on December 8, 2017, as File No. 573596, filed in the Official Records of Lyon County, Nevada.

APN: 021-341-18

Prepared by:  
Wood Rodgers, Inc.  
1361 Corporate Blvd.  
Reno, NV 89502



8-11-22

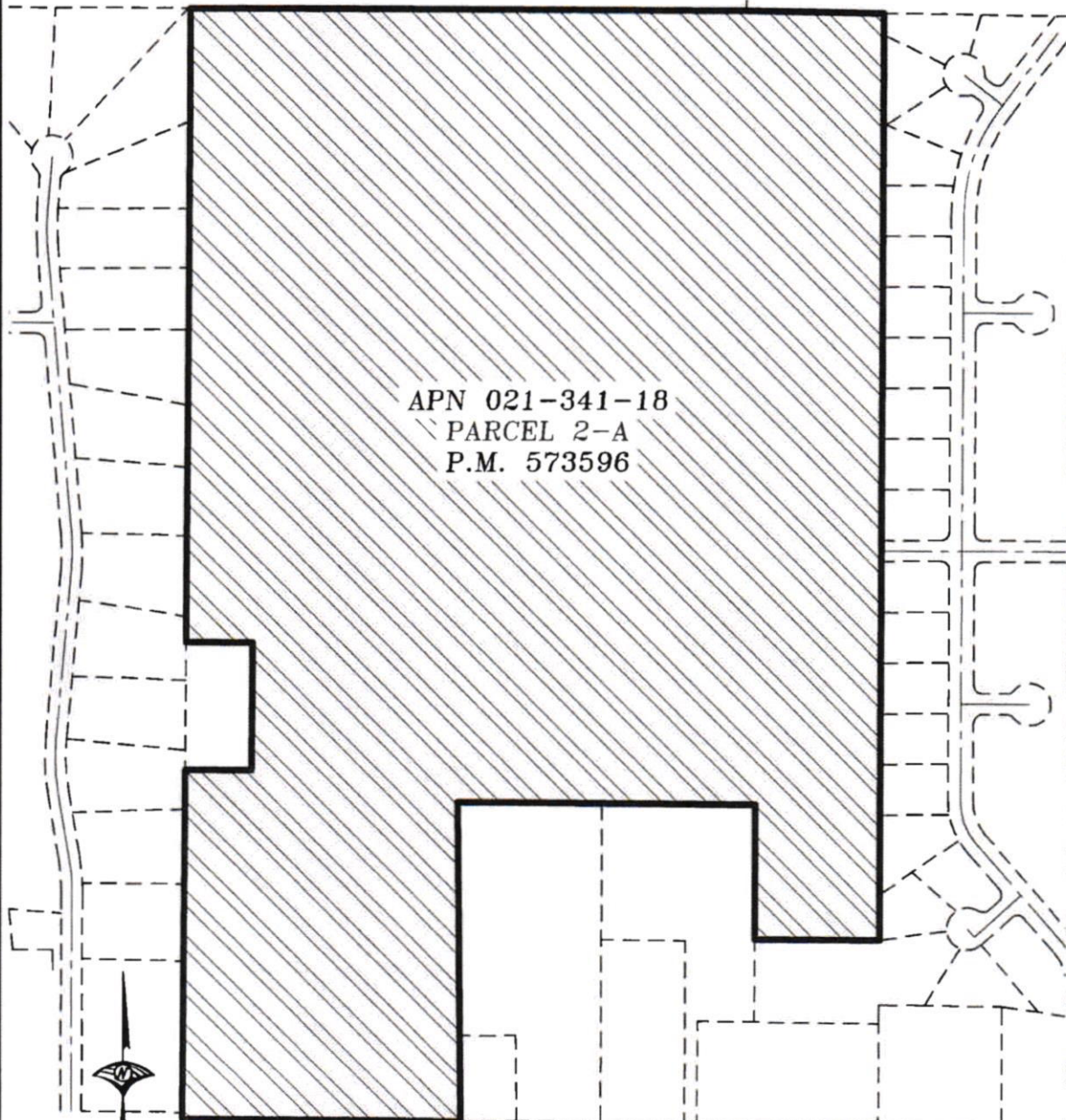
Kevin M. Almeter, P.L.S.  
Nevada Certificate No. 19052

# EXHIBIT A-1

PLAT TO ACCOMPANY

## PROJECT PROPERTY

PORTIONS OF THE NE 1/4 OF SECTION 21 &  
THE NW 1/4 OF SECTION 22  
TOWNSHIP 20 NORTH, RANGE 25 EAST, M.D.M.  
FERNLEY LYON COUNTY NEVADA



APN 021-341-18  
PARCEL 2-A  
P.M. 573596

1" = 400'

FARM DISTRICT ROAD

JOB NO. 3460004  
SHEET 1 OF 1



**WOOD RODGERS**  
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

1361 Corporate Blvd  
Reno, NV 89502

Tel 775.823.4068  
Fax 775.823.4068

J:\Jobs\3460\_Clements Ranch\Clements Ranch\_OA\Geomatics\legals\_exhibits\DEV AGREEMENT Exhibit A-1.dwg 8/11/2022 4:21 PM McKenzie Jones