



N E V A D A

AGENDA

Regular Meeting

Planning Commission

Wednesday, August 9, 2023 • 5:00 PM

Members

Jenni McCullar - Chairwoman

Angela Lewis - Vice Chair

Jan Hodges - Commissioner

Humayoon Lodhi - Commissioner

Barry Williams Sr. - Commissioner

Shellie Severa - Commissioner

Cody Wagner - Commissioner

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

Zoom information:

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

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 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

Public Comment: Those wishing to address the Planning Commission may submit public comment through the [online public comment form](#), or by sending an email to cityclerk@cityoffernley.org. Comments received prior to 4:00 pm the day of the meeting will be provided to the Planning Commission and added to the record but will not be read during the live meeting. Public comments received after 4 pm the day of the meeting will be included in the record but may not reach commission members before action is taken. Public comment, whether on action items or public comment, is limited to three (3) minutes per person. Unused time may not be reserved by the speaker, nor allocated to another speaker. The public may comment on any matter that is not specifically included on an agenda as an action item or comment on a specific agenda item. Items not included on the agenda cannot be acted upon other than to place them on a future agenda. Additionally, if you wish you can comment in person at the meeting or use the Raise your Hand feature in Zoom (*9 if you are participating via phone).

Accommodations: The Planning Commission and staff will make reasonable efforts to assist and accommodate individuals with disabilities desiring to attend the meeting. Please contact the City Clerk's Office at (775) 784-9830 in advance so that arrangements can be made.

Supporting Material: Staff reports and supporting material for the meeting are available at the City Clerk's Office, and on the City's website at www.cityoffernley.org. Pursuant to NRS 241.020(6), supporting material is made available to the general public at the same time it is provided to the City Council.

Order of Business: The presiding officer shall determine the order of the agenda. The Fernley Planning Commission may combine two or more agenda items for consideration; remove an item from the agenda; or delay discussion relating to an item on the agenda at any time. All items are action items unless otherwise noted. Items scheduled to be heard at a specific time will be heard no earlier than the stated time but may be heard later.

1. INTRODUCTORY ITEMS

- 1.1. Pledge of Allegiance**
- 1.2. Roll Call**
- 1.3. Public Forum**
- 1.4. (For Possible Action) Approval of Agenda**
- 1.5. (Possible Action) Approval of Minutes**

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

2.2. (For Possible Action) T1V23001 – Type I Vacation, Serenity Circle
Discussion and possible action regarding a request submitted by Denson Surveying on behalf of Genica Skyridge Estates for City of Fernley to abandon a portion of the public right-of-way known as “Serenity Circle” within the Skyridge Estates II subdivision.

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

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

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

2.5. (For Possible Action) Consideration, discussion, and possible action regarding NRS Section 278.253 (Ordinance for zoning of tiny homes) and how the Planning Commission would like to incorporate the requirement to allow tiny homes into the City of Fernley Development Code.

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: September 6th @ 5:00pm

**MINUTES OF THE
FERNLEY PLANNING COMMISSION MEETING
JULY 12, 2023**

Chairwoman Jenni McCullar called the meeting to order at 05:00 AM at Fernley City Hall, 595 Silver Lace Blvd., Fernley, NV 89408.

1. INTRODUCTORY ITEMS

1.1. Roll Call

Present: Chairwoman Jenni McCullar, Vice Chair Angela Lewis, Commissioner Jan Hodges, Commissioner Humayoon Lodhi, Commissioner Barry Williams Sr., Commissioner Shellie Severa (Zoom), Commissioner Cody Wagner, Senior Planner Shay League, Assistant Planner Lisa Warner, Planning Director Michele Rambo, City Attorney Aaron Mouritsen, Deputy City Clerk Brenda Gosser, Administrative Specialist I Sandy Harris, Public Works Director Barry Williams, Deputy City Manager Lydia Altick

1.2. Public Forum

None at this time.

1.3. (For Possible Action) Approval of Agenda

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

1.4. (Possible Action) Approval of Minutes

Motion: MOVE TO APPROVE MINUTES FROM THE JUNE 14, 2023 MEETING. **Action:** Approved. **Moved by:** Vice-Chair Angela Lewis, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Vice-Chair Lewis, Commissioner Hodges, Commissioner Severa, Commissioner Williams, Commissioner Wagner, Chairwoman McCullar, Commissioner Lodhi.

2. PUBLIC HEARINGS

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.

Senior Planner Shay League presented that 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 constructed. Following that, they will work with the Engineering Department to re-dedicate a correct easement to the City of Fernley. The Planning Staff is still awaiting review by our contract surveyor and requires more time to bring this forward to the Planning Commission. Staff anticipates this item will be ready for the August 9, 2023 meeting.

No public comment

Motion: MOVE TO CONTINUE THE PUBLIC HEARING FOR T1V23001 UNTIL THE AUGUST 9,

2023 PLANNING COMMISSION MEETING. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Jan Hodges. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Williams, Commissioner Hodges, Commissioner Severa, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi.

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.

Senior Planner Shay Leaguer reported that Christy Corporation submitted a master-plan amendment, zoning map amendment, and conditional use permit on behalf of Nev Dev to allow construction of a self-storage facility at the rear of this parcel. They intend to reserve the front of the parcel for future neighborhood-style commercial development to serve the nearby Desert Lakes housing subdivision. The Planning Staff is awaiting approval of suggested conditions for the conditional use permit. Staff anticipates this item will be ready for the August 9, 2023, Planning Commission meeting.

No Public comment

Motion: MOVE TO CONTINUE THE PUBLIC HEARINGS FOR MPA23001, ZMA23001, AND CUP23005 UNTIL THE AUGUST 9, 2023 PLANNING COMMISSION MEETING. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Lodhi, Chairwoman McCullar, Commissioner Williams, Vice-Chair Lewis, Commissioner Hodges, Commissioner Wagner, Commissioner Severa.

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).

Assistant Planner Lisa Warner presented that the conditional use permit (CUP22001) application was approved by the Planning Commission on May 1, 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 application requested a one-year extension for the Conditional Use Permit (CUP220001) 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. 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.

Commissioner Wagner asked for clarification that the extension is only for the 267-multi-family project. Also asked for clarification on the traffic conditions. City Attorney Aaron Mouritsen stated that if the commission chooses he can do some research and can come back with an answer pertaining to the traffic conditions.

No Public input

Motion: MOVE TO CONTINUE THIS ITEM TO NEXT MEETING TO GIVE LEGAL A CHANCE TO REVIEW THIS AND GIVE THE DEVELOPER A CHANCE TO ANSWER QUESTIONS. **Action:** , **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Humayoon Lodhi. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Williams, Commissioner Hodges, Commissioner Severa, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi.

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.

Planning Director Michele Rambo presented that 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. The stormwater retention pond was constructed when the subdivision was initially developed in 2006. However, this retention pond 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. 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.

Public Comment:

David Bernstein, Fernley resident, expressed concern about his access to the irrigation gate.

Derek Kirkland gave a presentation on the three parcels and the clean-up on the retention pond. This is to put the retention pond into its own parcel and establish easements for access. They have met with the City of Fernley and TCID and there were no comments regarding impact on any existing easements.

Vice-Chair Lewis questioned how the resident who gave public comment (David Bernstein) was going to access his irrigation.

Evan Nifir stated that the access easement that Mr. Bernstein is referring to must be on his land. There are no TDIC easements on these three parcels.

Senior Planner League confirmed that TCID did not have public comment. It is her understanding that there are no existing easements recorded on this property.

Motion: MOVE TO APPROVE THE MAJOR DEVIATION 23001 BASED ON THE FINDINGS AND FACTS AS SET FORTH IN THE STAFF REPORT. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Vice-Chair Angela Lewis. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Hodges, Commissioner Severa, Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi.

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).

Senior Planner Shay League presented that the applicant is requesting 241 single-family lots which vary in size from 6,000 - 42,855 square feet. The larger lots are located at the perimeters of the project to provide buffering for neighboring properties from denser development. The developer had previously applied for a master plan amendment, zoning map amendment, and development agreement. City Council unanimously approved all three (MPA2203 / 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). DA 22003 limits home sizes and lot types adjacent to neighboring parcels. This was negotiated between the developer and the City of Fernley to address adjacency issues that arise when a single-family neighborhood is constructed on formerly rural land. Analysis of approval criteria TM1 through TM11 was reviewed and staff recommended the approval of the tentative subdivision map. Staff will negotiate the park issue before it is brought to council.

No public input

Derek Kirkland, Wood Rodgers, representing the Clements family gave a presentation reviewing the conditions. In regards to condition 14, the Park, the city staff had originally written the condition was that the maintenance association shall be responsible for maintaining the park and playing field. The original proposal was for a 2 acre park and they are looking at building a 3 acre park. The plan is to use the RTC funding that was collected in development to build that park. When talking about the playing fields, there are many factors that come into play. One is the Maintenance Association has no authority to lease that field to anybody. They don't have the capabilities to manage sporting events on the field, which the city does. If the city is managing those fields, they are collecting fees that help with the maintenance, so the maintenance association would have no way of recouping those costs for the entire city using this area. They have offered that if the city staff is short on resources for park maintenance crews, we can have the landscape maintenance association take over maintenance of the whole thing, but have some sort of agreement in place that says the city will own and operate the field and will pay back a portion of the cost to maintain it, because the city is collecting fees and the park used by the entire city and not just Clements Ranch.

Commissioner Wagner asked if there was any plan to work with NDOT on Farm District Road regarding a pedestrian crossing to get to Autumn Winds. He understands that there will be ongoing issues with maintenance of the playing field. He believes the city should consider investing more in that field in the beginning and possibly doing some artificial turf where the long-term maintenance costs are decreased in the relationship between the City and HOA maintenance. He would also like to see a connection between this neighborhood and Silverland school without having to get on Farm District Road or US 50. Derek Kirkland stated that there is a condition that requires them to work with NDOT to put in a crossing with flashing beacons.

Commissioner Hodges stated concern about the flood plane. Derek Kirkland stated that there is a retention basin on the top. They are looking to add another retention below the flat field.

Chairwoman McCullar expressed traffic concerns on Farm District Road. Derek Kirkland stated that the project is being phased North to South making the connection to US 50 on day one so they don't end up with a traffic issue on Farm District Road.

Commissioner Lodhi asked about light at Red Rock Road and US 50. Derek Kirkland stated that NDOT stated that it does not warrant a light.

Motion: MOVE TO RECOMMEND CITY COUNCIL APPROVE THE TENTATIVE SUBDIVISION

MAP FOR CLEMENTS RANCH ASSOCIATED WITH TSM23001 BASED ON APPROVAL CRITERIA TM1 THROUGH TM11 AND THE FACTS SUPPORTING THOSE CRITERIA SET FORTH IN THE STAFF REPORT. IN ADDITION, PRIOR TO CITY COUNCIL CONSIDERATION THE PARK ISSUE SHALL BE RESOLVED TO THE SATISFACTION OF THE ADMINISTRATOR, CITY ENGINEER, PUBLIC WORKS DIRECTOR, CITY ATTORNEY AND FINANCE DIRECTOR, AND CONDITIONS 10 AND 20 SHALL BE OPENED FOR AMENDMENT TO THE CITY'S SATISFACTION. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Humayoon Lodhi. **Vote:** Passed, **Summary:** Yes 6, No 1. **Yes:** Commissioner Williams, Commissioner Hodges, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi, **No:** Commissioner Severa.

3. CHAIR AND COMMISSION ITEMS

None at this time.

4. PLANNING DIRECTOR ITEMS

Planning Director Michele Rambo announced that Barry Williams had been promoted to Public Works Director. She also stated that an RFP was posted on Monday for the North Fernley area plan. The closing date is the end of July. The next meeting will have a couple of items: a new amendment to the plan development code, and a discussion on tiny homes. There is a new section in NRS that requires that each jurisdiction to have an ordinance dealing with tiny homes in place by January 1, 2024.

Senior Planner Shay League announced that the city staff is negotiating with NDOT to get light at the Pilot intersection. A letter was received from NDOT and they are open to discussing a light there but they cannot confirm that they will require it because they need more data to suggest that.

5. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

None at this time.

6. PUBLIC FORUM

None at this time.

7. ADJOURNMENT

There being no further business to come before it, the Fernley Planning Commission meeting adjourned at 6:42 PM.

Approved by the Fernley Planning Commission on August 9, 2023 by a vote of:

AYES _____ NAYS: _____ ABSTENTIONS: _____ ABSENT: _____

Chairwoman Jenni McCullar

ATTEST:



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: August 9, 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: CUP22001-EOT, Extension of Time request for a Conditional Use Permit Consideration, discussion, and possible action on an extension of time request (CUP22001-EOT) from Phelps Engineering Services to grant a one-year extension on a Conditional Use Permit for a 276-unit multi-family residential apartment complex development on a site ±9.52-acres located within the SMU (Suburban Mixed Use) zoning district. The project site is located at approximately 600 West Main Street (APN: 021-071-03).

AGENDA ITEM BRIEF:

The applicant is requesting a one-year Extension of Time (EOT) for the 600 West 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 Tentative Subdivision Map (TSM22001) expires on April 20, 2026.

The Conditional Use Permit (CUP22001) application was approved by the Planning Commission on May 11, 2022, to allow a ±9.42-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.

This Extension of Time request was continued from the July 12, 2023, Planning Commission meeting due to questions regarding the proposed redevelopment plan for the Truckee Lane extension/Main Street intersection. Conditions of Approval for the Conditional Use Permit (CUP22001) application address a portion of the question regarding road and intersection improvements. The three (3) conditions are as follows:

"Condition #16 WEST MAIN STREET IMPROVEMENTS:

IN ACCORDANCE WITH SECTION 32.09.140 OF THE FERNLEY MUNICIPAL CODE, THE WEST MAIN STREET RIGHT-OF-WAY SHALL BE IMPROVED IN ACCORDANCE WITH THE CITY'S ADOPTED DOWNTOWN CORRIDOR REVITALIZATION PLAN AND WITH THE RECOMMENDATIONS HIGHLIGHTED IN THE TRAFFICE STUDY PROVIDED, PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY TO THE APPROVAL OF THE NEVADA DEPARTMENT OF TRANSPORTATION, CITY ENGINEER, PUBLIC WORKS DIRECTOR, AND ADMINISTRATOR. THIS INCLUDES BUT IS NOT LIMITED TO IMPROVEMENTS REGARDING PAVEMENT CONDITION, STRIPING, SIGNALIZATION, CROSSWALKS, AND THE ADDITION OF TURN LANES."

"Condition #17 BACKBONE ROADWAY IMPROVEMENTS/DEDICATION:

THE BACKBONE ROADWAY SHALL REMAIN PRIVATE UNLESS THE CITY DETERMINES THERE IS A PUBLIC BENEFIT TO ACCEPT ANY OFFERS FOR DEDICATION OF THE BACKBONE ROADWAY AS WELL AS THE TWO ENTRANCE STREETS OFF WEST MAIN STREET. THE APPLICANT SHALL BE REQUIRED TO IMPROVE ANY STREETS TO CITY OF FERNLEY STANDARDS, TO THE APPROVAL OF THE ADMINISTRATOR, PUBLIC WORKS DIRECTOR, AND CITY ENGINEER."

"Condition #44 MAIN STREET AND TRUCKEE LANE INTERSECTION PROPORTIONATE SHARE:

THE DEVELOPER SHALL PAY A PROPORTIONAL SHARE OF FUTURE IMPROVEMENTS TO THE MAIN STREET/SR-47 AND TRUCKEE LANE INTERSECTION. THE DEVELOPER SHALL PROVIDE THE CITY WITH A PAYMENT PLAN FOR THE PROPORTIONAL SHARE OF FUTURE IMPROVEMENTS TO THE APPROVAL OF THE CITY ENGINEER, PUBLIC WORKS DIRECTOR, NEVADA DEPARTMENT OF TRANSPORTATION, AND ADMINISTRATOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT."

The Conditions of Approval for the Tentative Subdivision Map (TSM22001) also address the question of road and intersection improvements; however, the Tentative Subdivision Map (TSM22001) is still independent of the Conditional Use Permit Extension of Time (CUP22001EOT) request. There are five (5) Conditions of Approval from the Tentative Subdivision Map that must be met before a Final Subdivision Map can be recorded. The conditions are as follows:

"Condition #23 TRUCKEE LANE AND MAIN STREET INTERSECTION

THE DEVELOPER SHALL SUBMIT A PROPOSED REDEVELOPMENT PLAN FOR THE TRUCKEE LANE EXTENSION/MAIN STREET INTERSECTION, TO THE APPROVAL OF THE CITY ENGINEER, ADMINISTRATOR, PUBLIC WORKS DIRECTOR, AND THE NEVADA DEPARTMENT OF TRANSPORTATION."

"Condition #24 NEVADA DEPARTMENT OF TRANSPORTATION (NDOT):

THE DEVELOPER SHALL OBTAIN APPROVAL FROM THE NEVADA DEPARTMENT OF TRANSPORTATION PRIOR TO THE RECORDATION OF ANY FINAL MAP FOR THIS PROJECT. SHOULD NDOT NOT APPROVE OF THE ACCESS PLANS FROM MAIN STREET (SR-427), THE DEVELOPER SHALL PROVIDE THE APPROPRIATE EASEMENTS AND IMPROVEMENT PLANS AS MAY BE REQUIRED BY NDOT. AN ENCROACHMENT PERMIT SHALL ALSO BE OBTAINED FOR ANY WORK OR IMPROVEMENTS BEING MADE TO SR-427 (MAIN STREET)."

"Condition #28 SR-427/MAIN STREET IMPROVEMENTS

IN ACCORDANCE WITH SECTION 32.09.140 OF THE CITY OF FERNLEY DEVELOPMENT CODE AND THE CITY OF FERNLEY'S 2014 MAIN STREET REVITALIZATION STUDY, THE EXISTING SR-427 SHALL BE IMPROVED TO THE RECOMMENDED LONG-TERM ALTERNATIVE IDENTIFIED IN THE STUDY. THIS ALTERNATIVE INCLUDES TWO 12-FOOT TRAVEL LANES, A 14-FOOT CENTER TURN LANE, CURB GUTTER AND SEPERATED SIDEWALK, A BIKE PATH AND LANDSCAPING AND LIGHTING IMPROVEMENTS. THE IMPROVEMENTS SHALL BE CONSTRUCTED ALONG THE LENGTH OF THE DEVELOPMENT BOUNDARY OF THE PROJECT ON THE SIDE OF THE ROAD ADJACENT TO THE PROJECT PARCEL/S."

"Condition #29 MAIN STREET/SR-427 AND US95A INTERSECTION PROPORTIONATE SHARE

THE DEVELOPER SHALL PAY A PROPORTIONAL SHARE OF FUTURE IMPROVEMENTS TO THE MAIN STREET/SR-427 AND US 95A INTERSECTION. THE DEVELOPER SHALL PROVIDE THE CITY WITH A PAYMENT PLAN FOR THE PROPORTIONAL SHARE OF FUTURE IMPROVEMENTS TO THE APPROVAL OF THE CITY ENGINEER, PUBLIC WORKS DIRECTOR, NEVADA DEPARTMENT OF TRANSPORTATION, AND ADMINISTRATOR PRIOR TO THE RECORDATION OF A FINAL MAP."

"Condition #30 MAIN STREET AND MILLER LANE INTERSECTION PROPORTIONATE SHARE

THE DEVELOPER SHALL PAY A PROPORTIONAL SHARE OF FUTURE IMPROVEMENTS TO THE MAIN STREET/SR-427 AND MILLER LANE INTERSECTION. THE DEVELOPER SHALL PROVIDE THE CITY WITH A PAYMENT PLAN FOR THE PROPORTIONAL SHARE OF FUTURE IMPROVEMENTS TO THE APPROVAL OF THE CITY ENGINEER, PUBLIC WORKS DIRECTOR, NEVADA DEPARTMENT OF TRANSPORTATION, AND ADMINISTRATOR PRIOR TO THE RECORDATION OF A FINAL MAP."

ANALYSIS:

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

"THE [CONDITIONAL USE PERMIT] 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 [CONDITIONAL USE PERMIT] APPROVAL."

A portion of the road and intersection improvements will be completed per the Conditions of Approval for the Conditional Use Permit (CUP22001) application and additional road and intersection improvements will be completed per the Conditions of Approval for the Tentative Subdivision Map (TSM22001) once the Final Subdivision Map is recorded.

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 (FMA) Chapter 32.03.050 - Entitlements

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. West Main CUP Extension Request May 9th 2023
2. Conditions of Approval - CUP22001
3. TSM22001 Conditions of Approval - Final



May 8, 2023

City of Fernley Planning Staff
Attn: Lisa Warner, MBA
Assistant Planner
775-784-9819
lwagner@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

lp Phelps@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

Conditions of Approval for CUP22001

Conditional Use Permit

1. APPROVAL:

THE PERMIT IS APPROVED AS SUBMITTED AND CONDITIONED. ANY SUBSTANTIVE CHANGE SHALL REQUIRE REVIEW AND APPROVAL BY THE PLANNING COMMISSION AS AN AMENDMENT TO THIS CONDITIONAL USE PERMIT.

2. EXPIRATION DATE:

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.

3. WATER RIGHTS:

THE DEVELOPER SHALL COMPLY WITH ALL CITY OF FERNLEY MUNICIPAL CODES REGARDING THE DEDICATION OF WATER RIGHTS, INCLUDING ASSOCIATED FEES, FOR THE CONNECTION TO THE CITY'S MUNICIPAL WATER SYSTEM IN THE AMOUNT THAT IS REQUIRED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT FOR ANY PHASE OF THE PROJECT.

4. LANDSCAPING/IRRIGATION:

THE DEVELOPER SHALL SUBMIT A LANDSCAPING AND IRRIGATION PLAN FOR THE PROJECT IN CONFORMANCE WITH TITLE 32 OF THE FERNLEY MUNICIPAL CODE FOR REVIEW AND APPROVAL BY THE ADMINISTRATOR PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT. THE LANDSCAPING AND IRRIGATION SHALL BE INSTALLED PER THE APPROVED PLANS PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR EACH BUILDING TO THE APPROVAL OF THE ADMINISTRATOR.

5. WATER AND SEWER MAINS AND SERVICES:

THE DEVELOPER SHALL COMPLY WITH ALL CITY OF FERNLEY MUNICIPAL CODES REGARDING CONNECTION TO THE CITY'S SANITARY SEWER AND POTABLE WATER SYSTEMS, INCLUDING BUT NOT LIMITED TO: ASSOCIATED FEES, DESIGN STANDARDS, DEVELOPMENT CODE REQUIREMENTS, AND STATE REQUIREMENTS.

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT, THE DEVELOPER SHALL PROVIDE THE CITY WITH A UTILITY PLAN FOR WATER AND SANITARY SEWER THAT IS IN CONFORMANCE WITH THE CITY OF FERNLEY MUNICIPAL CODE, PUBLIC WORKS DESIGN MANUAL, AND THE NEVADA ADMINISTRATIVE CODE TO THE APPROVAL OF THE CITY ENGINEER, PUBLIC WORKS DIRECTOR, AND ADMINISTRATOR.

THE PROJECT SHALL UTILIZE A MASTER METER FOR THE DOMESTIC WATER SERVICE FOR EACH BUILDING OR GROUP OF BUILDINGS. THE DEVELOPER MAY INSTALL A SEPARATE IRRIGATION METER OR INSTALL THE IRRIGATION CONNECTION DOWNSTREAM OF THE DOMESTIC MASTER METER WITH APPROPRIATE BACKFLOW PREVENTION. INDIVIDUAL SERVICE METERS FOR EACH BUILDING WILL NOT BE ALLOWED. ALL INTERNAL WATER AND SEWER MAINS SHALL BE MAINTAINED BY THE PROPERTY OWNER UNLESS APPROVED FOR ACCEPTANCE BY THE CITY OF FERNLEY PUBLIC WORKS DIRECTOR AND CITY ENGINEER.

Conditions of Approval for CUP22001

Conditional Use Permit

6. WATER SYSTEM LOOPING:

THE DEVELOPER SHALL PROVIDE THE CITY WITH A UTILITY PLAN FOR THE WATER SYSTEM THAT DEMONSTRATES ADEQUATE SYSTEM LOOPING PRIOR TO THE ISSUANCE OF A PERMIT. THE PLAN SHALL BE IN CONFORMANCE WITH THE CITY OF FERNLEY'S MUNICIPAL CODE, NEVADA ADMINISTRATIVE CODE AND PUBLIC WORKS DESIGN MANUAL TO THE APPROVAL OF THE CITY ENGINEER, PUBLIC WORKS DIRECTOR, AND ADMINISTRATOR.

7. WATER AND SEWER SYSTEM MODELING:

THE DEVELOPER SHALL COMPLETE WATER AND SEWER MODELING FOR THE PROJECT PRIOR TO THE ISSUANCE OF A PERMIT. THE DEVELOPER SHALL CONSTRUCT ANY IMPROVEMENTS IDENTIFIED BY THE MODELING AS NECESSARY TO SERVE THE PROJECT IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS.

8. NEVADA DEPARTMENT OF ENVIRONMENTAL PROTECTION:

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF THE NEVADA DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF SAFE DRINKING WATER AND BUREAU OF WATER POLLUTION CONTROL FOR THE WATER AND SEWER INFRASTRUCTURE DESIGN AND CONSTRUCTION TO THE APPROVAL OF THE ADMINISTRATOR, PUBLIC WORKS DIRECTOR, AND CITY ENGINEER.

9. GRADING PERMIT:

THE DEVELOPER SHALL SUBMIT A GRADING PLAN FOR ANY PHASE OF THE PROJECT TO THE APPROVAL OF THE CITY ENGINEER. PRIOR TO THE ISSUANCE OF A GRADING PERMIT FOR THE DEVELOPMENT THE DEVELOPER SHALL POST A SURETY BOND FOR REGRADING AND RECLAMATION OF THE SITE. 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 TO THE APPROVAL OF THE CITY ENGINEER PRIOR TO ISSUANCE OF A GRADING PERMIT OR BUILDING PERMIT FOR THE DEVELOPMENT.

10. STORM DRAINAGE:

THE DEVELOPER SHALL PROVIDE A FINAL DRAINAGE REPORT FOR THE PROJECT IN CONFORMANCE WITH THE FERNLEY MUNICIPAL CODE AND THE PUBLIC WORKS DESIGN MANUAL FOR REVIEW AND APPROVAL BY THE CITY ENGINEER PRIOR TO APPROVAL OF A BUILDING PERMIT FOR ANY PORTION OF THE PROJECT. EACH SUCCESSIVE PHASE OF THE PROJECT SHALL SUBMIT AN UPDATED DRAINAGE REPORT FOR REVIEW AND APPROVAL BY THE CITY ENGINEER SHOWING THE CUMULATIVE EFFECT OF THE DEVELOPED PORTION OF THE PROJECT ALONG WITH THE PROPOSED PHASE'S EFFECT ON THE TOTAL DISCHARGE INTO THE DRAINAGE SYSTEM. THE STORM WATER AND DRAINAGE PLANS FOR THE PHASES OF THE DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE CITY ENGINEER PRIOR TO THE ISSUANCE OF A GRADING PERMIT FOR THE PHASES OF THE PROJECT.

ALL INTERNAL STORM DRAIN INFRASTRUCTURE SHALL BE MAINTAINED BY THE PROPERTY OWNER.

Conditions of Approval for CUP22001

Conditional Use Permit

11. GEOTECHNICAL REPORT:

THE DEVELOPER SHALL PROVIDE A GEOTECHNICAL REPORT FOR THE PROJECT IN CONFORMANCE WITH THE REQUIREMENTS OF THE DEVELOPMENT CODE FOR REVIEW AND APPROVAL BY THE CITY ENGINEER PRIOR TO THE APPROVAL OF A GRADING PERMIT OR BUILDING PERMIT FOR ANY PORTION OF THE PROJECT.

12. STRUCTURAL CONTROLS:

THE DEVELOPER SHALL UTILIZE STRUCTURAL CONTROLS FOR THE TREATMENT OF STORM WATER RUNOFF IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES TO THE APPROVAL OF THE PUBLIC WORKS DIRECTOR AND CITY ENGINEER.

13. SANITARY SEWER REPORT:

THE DEVELOPER SHALL PROVIDE A FINAL SANITARY SEWER REPORT FOR THE PROJECT IN CONFORMANCE WITH THE FERNLEY MUNICIPAL CODE AND THE PUBLIC WORKS DESIGN MANUAL FOR REVIEW AND APPROVAL BY THE CITY ENGINEER PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR ANY PORTION OF THE PROJECT.

14. DESIGN STANDARDS:

THE DEVELOPER SHALL COMPLY WITH ANY DESIGN STANDARDS AND REGULATIONS AS SET FORTH IN THE FERNLEY MUNICIPAL CODE OR ADOPTED DESIGN MANUAL INCLUDING BUT NOT LIMITED TO DIMENSIONAL STANDARDS (§32.06.080(B)); DESIGN STANDARDS (§32.06.080(C)) SUCH AS SITE PLANNING, PARKING AND CIRCULATION, COMMUNITY AMENITIES, LANDSCAPING AND SCREENING (§32.06.080 & §32.09.090), AND BUILDING ARCHITECTURE; ADJACENCY STANDARDS (§32.09.030); GRADING (§32.09.070); BUFFER REQUIREMENTS (§32.09.0909(E)); LIGHTING (§32.09.100); STREETS (§32.09.140); AND UTILITY CONSIDERATIONS. THE DEVELOPER SHALL DEMONSTRATE IN WRITING COMPLIANCE WITH THESE REQUIREMENTS PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT.

15. ENGINEERING/PUBLIC WORKS:

THE DEVELOPER SHALL COMPLY WITH ALL THE REQUIREMENTS OF THE CITY OF FERNLEY MUNICIPAL CODE, DEVELOPMENT CODE AND PUBLIC WORKS DESIGN MANUAL FOR THE CONSTRUCTION OF ANY PUBLIC OR PRIVATE INFRASTRUCTURE TO THE APPROVAL OF THE CITY ENGINEER AND PUBLIC WORKS DIRECTOR PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE PROJECT.

16. WEST MAIN STREET IMPROVEMENTS:

IN ACCORDANCE WITH SECTION 32.09.140 OF THE FERNLEY MUNICIPAL CODE, THE WEST MAIN STREET RIGHT-OF-WAY SHALL BE IMPROVED IN ACCORDANCE WITH THE CITY'S ADOPTED DOWNTOWN CORRIDOR REVITALIZATION PLAN AND WITH THE RECOMMENDATIONS HIGHLIGHTED IN THE TRAFFIC STUDY PROVIDED, PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY TO THE APPROVAL OF THE NEVADA DEPARTMENT OF TRANSPORTATION, CITY ENGINEER, PUBLIC WORKS DIRECTOR, AND ADMINISTRATOR.

THIS INCLUDES BUT IS NOT LIMITED TO IMPROVEMENTS REGARDING PAVEMENT CONDITION, STRIPING, SIGNALIZATION, CROSSWALKS, AND THE ADDITION OF TURN LANES.

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17. BACKBONE ROADWAY IMPROVEMENTS/DEDICATION:

THE BACKBONE ROADWAY SHALL REMAIN PRIVATE UNLESS THE CITY DETERMINES THERE IS A PUBLIC BENEFIT TO ACCEPT ANY OFFERS FOR DEDICATION OF THE BACKBONE ROADWAY AS WELL AS THE TWO ENTRANCE STREETS OFF WEST MAIN STREET. THE APPLICANT SHALL BE REQUIRED TO IMPROVE ANY STREETS TO CITY OF FERNLEY STANDARDS, TO THE APPROVAL OF THE ADMINISTRATOR, PUBLIC WORKS DIRECTOR, AND CITY ENGINEER.

18. NORTH LYON COUNTY FIRE PROTECTION DISTRICT:

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF THE NORTH LYON COUNTY FIRE PROTECTION DISTRICT, INCLUDING BUT NOT LIMITED TO: DEVELOPING A PLAN TO PROVIDE ADEQUATE EMERGENCY ACCESS THROUGHOUT THE SITE, DEVELOPING A MASTER FIRE HYDRANT AND FIRE FLOW PLAN, DEVELOPING A MASTER FIRE DEPARTMENT CONNECTION (FDC) PLAN, AND INSTALLING FIRE SUPPRESSION AND/OR ALARM SYSTEMS TO THE APPROVAL OF THE FIRE CHIEF PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

19. COMBUSTIBLES ON-SITE

NO COMBUSTIBLES SHALL BE BROUGHT ON SITE PRIOR TO THE INSTALLATION AND ACCEPTANCE OF AN ALL-WEATHER SURFACE AND THE INSTALLATION/OPERATION OF FIRE HYDRANTS TO THE APPROVAL OF THE ADMINISTRATOR, PUBLIC WORKS DIRECTOR, AND THE NORTH LYON COUNTY FIRE PROTECTION DISTRICT.

20. BUILDING DEPARTMENT:

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF THE BUILDING DEPARTMENT TO THE APPROVAL OF THE BUILDING OFFICIAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

21. ACCESS AND CIRCULATION:

THE DEVELOPER SHALL PROVIDE ALL REQUIRED ACCESS, INCLUDING SECONDARY EMERGENCY ACCESS IN ACCORDANCE WITH ALL ADOPTED PLANS PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY TO THE APPROVAL OF THE FIRE CHIEF, PUBLIC WORKS DIRECTOR, CITY ENGINEER, AND ADMINISTRATOR.

THE DEVELOPER SHALL USE APPROPRIATE STRIPING AND SIGNAGE AS MAY BE NECESSARY TO MINIMIZE TRAFFIC CONFLICT WITHIN THE DEVELOPMENT SITE TO THE APPROVAL OF THE ADMINISTRATOR AND CITY ENGINEER FOR THE LIFE OF THE PROJECT.

22. FEDERAL, STATE, AND LOCAL AGENCIES:

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF ANY FEDERAL, STATE, OR LOCAL AGENCY WITH JURISDICTION OVER THE PROJECT TO THE APPROVAL OF THE ADMINISTRATOR.

23. TRAFFIC ANALYSIS REPORT:

THE DEVELOPER SHALL PROVIDE A TRAFFIC ANALYSIS REPORT FOR THE PROJECT IN CONFORMANCE WITH THE CITY OF FERNLEY'S MUNICIPAL CODE AND THE PUBLIC WORKS DESIGN MANUAL FOR REVIEW AND APPROVAL BY THE CITY ENGINEER AND PUBLIC WORKS DIRECTOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR ANY PORTION OF THE PROJECT. SUCCESSIVE PHASES OF THE PROJECT SHALL SUBMIT AN UPDATED TRAFFIC ANALYSIS REPORT FOR REVIEW AND APPROVAL BY THE CITY ENGINEER AND PUBLIC WORKS DIRECTOR SHOWING THE CUMULATIVE EFFECT OF THE DEVELOPED PORTION OF

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THE PROJECT ALONG WITH THE PROPOSED PHASE'S EFFECT.

24. PARKING:

PARKING, INCLUDING VISITOR PARKING, SHALL BE DISTRIBUTED THROUGHOUT THE SITE. THE DEVELOPER SHALL SUBMIT PLANS THAT SHOW APPROPRIATE STRIPING AND SIGNAGE.

25. PEDESTRIAN CIRCULATION:

THE DEVELOPER SHALL CONSTRUCT PEDESTRIAN PATHWAYS WITHIN THE DEVELOPMENT INCLUDING CONNECTIONS TO THE SIDEWALKS ALONG W. MAIN STREET, PER THE APPROVED IMPROVEMENT PLANS.

26. CONSTRUCTION MAINTENANCE:

THE DEVELOPER SHALL LOCATE AND UTILIZE A SUFFICIENT NUMBER OF TRASH CONTAINERS ON-SITE TO BE UTILIZED DURING THE CONSTRUCTION OF THE PROJECT TO MAINTAIN THE PROJECT SITE IN A CLEAN AND ORDERLY STATE TO THE APPROVAL OF THE ADMINISTRATOR.

27. CONSTRUCTION HOURS:

THE DEVELOPER SHALL LIMIT ALL CONSTRUCTION AND CONSTRUCTION RELATED ACTIVITIES TO BETWEEN THE HOURS OF 7:00 AM TO 7:00 PM, SEVEN DAYS A WEEK. THE DEVELOPER SHALL INSTALL SIGNS AT ALL ACCESS POINTS TO THE PROJECT THAT CLEARLY INDICATE THE HOURS OF ACTIVITY ON-SITE PRIOR TO THE START OF ANY CONSTRUCTION-RELATED ACTIVITIES TO THE APPROVAL OF THE ADMINISTRATOR. THE DEVELOPER SHALL MAINTAIN THESE SIGNS IN GOOD REPAIR FOR THE DURATION OF THE CONSTRUCTION OF THE PROJECT. ONCE CONSTRUCTION IS FINISHED, THE DEVELOPER SHALL REMOVE THESE SIGNS.

28. PROJECT CONTACT:

THE DEVELOPER SHALL DESIGNATE TO THE ADMINISTRATOR A PROJECT CONTACT PERSON RESPONSIBLE/AUTHORIZED TO CORRECT PROBLEMS REGARDING THE PROJECT ON A 24-HOUR/7-DAYS A WEEK BASIS. THE DEVELOPER SHALL DESIGNATE THE PROJECT CONTACT PERSON TO THE ADMINISTRATOR PRIOR TO ISSUANCE OF A GRADING PERMIT FOR THE PROJECT.

29. ARCHITECTURE/BUILDING ELEVATIONS:

THE DEVELOPMENT OF THE SUBJECT SITE SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THE ARCHITECTURAL/BUILDING ELEVATIONS SUBMITTED AS PART OF THIS APPLICATION. SUBSTANTIAL CHANGES TO THE ARCHITECTURE/BUILDING ELEVATIONS SHALL REQUIRE REVIEW AND APPROVAL BY THE ADMINISTRATOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THAT BUILDING. THE DEVELOPER SHALL ARTICULATE LONG FACADES BY VARYING BUILDING MASS, FORM, TEXTURE, MATERIALS, AND INTERPLAY OF SOLID AND OPEN AREAS.

30. TRASH ENCLOSURES:

THE DEVELOPER SHALL LOCATE AND INSTALL TRASH ENCLOSURES TO THE APPROVAL OF WASTE MANAGEMENT AND THE ADMINISTRATOR INCLUDING THE APPROPRIATE SIZE AND LOCATION. THE TRASH ENCLOSURES SHALL MATCH THE PROJECT'S ARCHITECTURE AND BUILDING MATERIALS TO THE APPROVAL OF THE ADMINISTRATOR PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR THE INDIVIDUAL BUILDINGS.

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31. UTILITY SCREENING:

THE DEVELOPER SHALL WORK IN CONJUNCTION WITH THE UTILITY COMPANIES TO LOCATE UTILITY EQUIPMENT SUCH AS ELECTRICAL, GAS, AND WATER JUNCTION BOXES, INCLUDING TRANSFORMER BOXES, VAULTS, AND ELECTRICAL PANELS, IN AREAS WHERE THE EQUIPMENT IS SCREENED BY EITHER ARCHITECTURAL ELEMENTS THAT MATCH THE MAIN STRUCTURE'S COLORS AND MATERIALS OR BY ADJUSTING THE APPROVED LANDSCAPING TO COMPENSATE TO THE APPROVAL OF THE ADMINISTRATOR PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR EACH INDIVIDUAL BUILDING.

32. SCREENING:

THE MECHANICAL EQUIPMENT SHALL BE SCREENED FROM VIEW OF THE PARKING LOT, ADJACENT PUBLIC STREETS, AND PUBLIC AREAS BY USING AN ARCHITECTURAL ELEMENT OF THE BUILDING CONSISTING OF SAME MATERIALS AND BE DURABLE MATERIALS TO THE APPROVAL OF ADMINISTRATOR. ANY LOADING DOCKS AND SERVICE AREAS INCLUDING TRASH COMPACTION AND/OR DUMPSTER(S) SHALL BE SCREENED FROM VIEW OF PARKING LOTS AND PUBLIC AREAS. LOADING DOCK SCREENING SHALL BE HIGH ENOUGH TO SCREEN THE TRUCKS. THE SCREENING SHALL BE REVIEWED AND APPROVED BY THE ADMINISTRATOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR EACH INDIVIDUAL BUILDING.

33. LIGHTING:

THE DEVELOPER SHALL SUBMIT A LIGHTING PLAN FOR REVIEW AND APPROVAL BY THE ADMINISTRATOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. THE DEVELOPER IS REQUIRED TO COMPLY WITH THE LIGHTING STANDARDS AND REQUIREMENTS IN THE CITY OF FERNLEY MUNICIPAL CODE. TO REDUCE THE IMPACT OF GLARE AND MINIMIZE THE EFFECT OF FIELD AND PARKING LIGHTING, LIGHTING FIXTURES WITH EXTERNAL "HOODS" AND INTERNAL GLARE REDUCTION LOUVERS SHALL BE USED.

34. TRUCKEE CARSON IRRIGATION DISTRICT (TCID)/BUREAU OF RECLAMATION:

THE DEVELOPER SHALL PROVIDE WRITTEN DOCUMENTATION FROM THE BUREAU OF RECLAMATION AND TRUCKEE CARSON IRRIGATION DISTRICT THAT ANY PROPOSED IMPROVEMENTS AFFECTING ANY BUREAU OF RECLAMATION FACILITY HAS BEEN REVIEWED AND APPROVED BY THE BUREAU OF RECLAMATION AND/OR THE TRUCKEE CARSON IRRIGATION DISTRICT TO THE APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR.

35. RECIPROCAL EASEMENTS:

THE DEVELOPER SHALL PROVIDE IRREVOCABLE RECIPROCAL PARKING, ACCESS, STORM DRAINAGE MAINTENANCE, WATER INFRASTRUCTURE MAINTENANCE, SANITARY SEWER INFRASTRUCTURE MAINTENANCE, AND LANDSCAPE MAINTENANCE EASEMENTS OVER THE ENTIRE SITE TO THE APPROVAL OF THE ADMINISTRATOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. THESE EASEMENTS SHALL BE INCORPORATED INTO THE RECORDED DOCUMENTS FOR THE SITE.

36. NEVADA DEPARTMENT OF TRANSPORTATION:

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF THE NEVADA DEPARTMENT OF TRANSPORTATION TO THE APPROVAL OF THE ADMINISTRATOR, PUBLIC WORKS DIRECTOR, AND CITY ENGINEER.

Conditions of Approval for CUP22001

Conditional Use Permit

37. UNITED STATES POSTAL SERVICE:

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF THE UNITED STATES POSTAL SERVICE FOR MAIL DELIVERY AND MAILBOX DESIGN AND LOCATION TO THE APPROVAL OF THE ADMINISTRATOR, PUBLIC WORKS DIRECTOR, AND CITY ENGINEER, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THIS PROJECT.

38. COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&R'S):

THE APPLICANT SHALL PROVIDE COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&R'S) WITH THE FIRST FINAL MAP AND SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE ADMINISTRATOR AND CITY ATTORNEY. CC&R'S SHALL BE RECORDED CONCURRENTLY WITH THE FINAL SUBDIVISION MAP. THE APPLICANT SHALL INCLUDE IN THE CC&R'S PROVISIONS OUTLINING MAINTENANCE RESPONSIBILITIES OF COMMON AREAS, SHARED ROADWAYS, LANDSCAPE MEDIANS, OR OTHER COMMON ELEMENTS TO THE APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR.

39. FLOODPLAIN MANAGEMENT AND FEDERAL EMERGENCY MANAGEMENT AGENCY:

THE DEVELOPER SHALL COMPLY WITH CHAPTER 32.09.060 OF THE CITY OF FERNLEY DEVELOPMENT CODE TITLED: FLOODPLAIN MANAGEMENT AS WELL AS ALL FEDERAL EMERGENCY MANAGEMENT AGENCY, FEMA, NATIONAL FLOOD INSURANCE PROGRAM REQUIREMENTS FOR ALL FLOODPLAIN MODIFICATIONS. THE REQUIRED APPROVALS FROM THE CITY OF FERNLEY AND FEMA SHALL BE OBTAINED PRIOR TO WORK BEGINNING WITHIN THE MAPPPED FLOODPLAIN AREA. ALL REQUIRED IMPROVEMENTS SHALL BE CONSTRUCTED AND APPROVED TO THE APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR.

40. RESIDENTIAL CONSTRUCTION TAX:

THE DEVELOPER IS SUBJECT TO THE PROVISIONS OF FERNLEY MUNICIPAL CODE RELATED TO RESIDENTIAL CONSTRUCTION TAX. THE RESIDENTIAL CONSTRUCTION TAX FEE SHALL BE PAID PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR EACH RESIDENTIAL UNIT.

41. ADDRESSING AND STREET NAMES:

THE DEVELOPER SHALL SUBMIT A REQUEST FOR ADDRESSING AND STREET NAME RESERVATION TO THE CITY OF FERNLEY FOR REVIEW AND APPROVAL. ALL ADDRESSING OF LOTS AND UNITS SHALL BE COMPLETED BY THE CITY. STREET NAMES SHALL BE APPROVED BY THE CITY PRIOR TO THE ISSUANCE OF PERMIT FOR CONSTRUCTION.

42. MAPPING:

THE DEVELOPER SHALL HAVE RECORDED A FINAL MAP FOR THE CREATION OF THE PROJECT PARCEL PRIOR TO THE ISSUANCE OF A GRADING OR BUILDING PERMIT.

Conditions of Approval for TSM22001

Tentative Subdivision Map

1. APPROVAL:

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

2. PROJECT DESCRIPTION:

THE PROJECT APPROVAL IS LIMITED TO A MIXED USE RESIDENTIAL/COMMERCIAL DEVELOPMENT WITH A MAXIMUM OF 9 LOTS ON 28.42 ± ACRES.

3. EXPIRATION DATE:

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

4. PROJECT CONTACT:

THE DEVELOPER SHALL DESIGNATE TO THE CITY A PROJECT CONTACT PERSON RESPONSIBLE/AUTHORIZED TO CORRECT PROBLEMS REGARDING THE PROJECT ON A 24-HOUR/7-DAYS A WEEK BASIS. THE DEVELOPER SHALL DESIGNATE THE PROJECT CONTACT PERSON TO THE CITY PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT.

5. WATER RIGHTS:

THE DEVELOPER SHALL COMPLY WITH ALL CITY OF FERNLEY MUNICIPAL CODES REGARDING THE DEDICATION OF WATER RIGHTS AND ALL ASSOCIATED FEES FOR THE CONNECTION TO THE CITY'S MUNICIPAL WATER SYSTEM IN THE AMOUNT THAT IS REQUIRED PRIOR TO THE RECORDATION OF A FINAL MAP.

6. SANITARY SEWER REPORT:

THE DEVELOPER SHALL PROVIDE A SEWER REPORT DEMONSTRATING THE DEVELOPMENT CAN BE SERVED BY THE CITY'S SANITARY SEWER SYSTEM. THE DEVELOPER SHALL BE RESPONSIBLE FOR ANY IMPROVEMENTS DEEMED NECESSARY TO SERVE THE PROJECT TO THE APPROVAL OF THE CITY ENGINEER. THE DEVELOPER SHALL COMPLY WITH ALL CITY OF FERNLEY MUNICIPAL CODES REGARDING THE SANITARY SEWER SYSTEM, INCLUDING ASSOCIATED FEES, FOR THE CONNECTION TO THE CITY'S SANITARY SEWER SYSTEM IN THE AMOUNT THAT IS REQUIRED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE PUBLIC IMPROVEMENTS FOR THE PROJECT.

7. WATER AND SEWER MAINS AND SERVICES:

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. RECORDATION OF A FINAL MAP FOR ANY PHASE OF THE PROJECT, THE DEVELOPER SHALL PROVIDE THE CITY WITH A UTILITY PLAN FOR WATER AND SANITARY SEWER THAT IS IN CONFORMANCE WITH THE CITY OF FERNLEY'S MUNICIPAL CODE AND PUBLIC WORKS DESIGN MANUAL TO THE APPROVAL OF THE CITY ENGINEER, PUBLIC WORKS DIRECTOR, AND ADMINISTRATOR. EACH PHASE MUST ALSO BE REVIEWED AND APPROVED BY THE NEVADA DEPARTMENT OF ENVIRONMENTAL PROTECTION PRIOR TO CONSTRUCTION.

Conditions of Approval for TSM22001

Tentative Subdivision Map

8. UTILITY EASEMENTS:

THE DEVELOPER SHALL PROVIDE EASEMENTS TO THE CITY OF FERNLEY FOR THE MAINTENANCE OF THE PUBLIC INFRASTRUCTURE BEING INSTALLED ON PRIVATE PROPERTY. THE EASEMENTS SHALL INCLUDE THE CITY OF FERNLEY'S STANDARD EASEMENT LANGUAGE AND SHALL BE RECORDED ALONG WITH THE FINAL MAP.

9. DESIGN STANDARDS:

THE DEVELOPER SHALL COMPLY WITH THE DESIGN STANDARDS AND DEVELOPMENT REGULATIONS AS SET FORTH IN THE CITY OF FERNLEY'S DEVELOPMENT CODE AND PUBLIC WORKS DESIGN MANUAL UNLESS IN CONFLICT WITH THE LOCAL, STATE, OR FEDERAL REGULATIONS, IN WHICH CASE THE MORE STRINGENT REGULATION WILL TAKE PRECEDENCE.

10. ENGINEERING DIVISION:

THE DEVELOPER SHALL COMPLY WITH ALL ENGINEERING REQUIREMENTS WITHIN THE FERNLEY MUNICIPAL CODE TITLE 32, INCLUDING BUT NOT LIMITED TO, COMPLIANCE WITH SITE DEVELOPMENT STANDARDS, FLOODPLAIN MANAGEMENT, ROADWAYS, UNDERGROUNDING OF UTILITIES, AND WATER AND WASTEWATER FACILITIES TO THE APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR PRIOR TO THE RECORDATION OF ANY FINAL MAP FOR THE PROJECT.

11. LANDSCAPING/IRRIGATION:

THE DEVELOPER SHALL SUBMIT A LANDSCAPING AND IRRIGATION PLAN FOR THE PROJECT IN CONFORMANCE WITH TITLE 32 OF THE FERNLEY MUNICIPAL CODE FOR REVIEW AND APPROVAL BY THE ADMINISTRATOR PRIOR TO APPROVAL AND RECORDATION OF A FINAL MAP FOR EACH PHASE. THE LANDSCAPING AND IRRIGATION SHALL BE INSTALLED PER THE APPROVED PLANS TO THE APPROVAL OF THE ADMINISTRATOR.

12. STREETS:

THE DEVELOPER SHALL CONSTRUCT ANY ROADWAY IMPROVEMENTS NECESSARY TO SERVE THE PROJECT TO THE APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR, PRIOR TO APPROVAL AND RECORDATION OF A FINAL MAP.

13. DRAINAGE AND GRADING:

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF THE FERNLEY MUNICIPAL CODE CHAPTER 32 (DRAINAGE AND GRADING) AND CHAPTER 10 OF THE CITY OF FERNLEY'S PUBLIC WORKS DESIGN MANUAL TO THE APPROVAL OF ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR. THE DEVELOPER SHALL PROVIDE A DRAINAGE REPORT FOR THE PROJECT IN CONFORMANCE WITH THE CITY'S DEVELOPMENT CODE, MUNICIPAL CODE, AND THE PUBLIC WORKS DESIGN MANUAL FOR REVIEW AND APPROVAL BY THE CITY ENGINEER. EACH SUCCESSIVE PHASE OF THE PROJECT SHALL SUBMIT AN UPDATED DRAINAGE REPORT FOR REVIEW AND APPROVAL BY THE CITY ENGINEER SHOWING THE CUMULATIVE EFFECT OF THE DEVELOPED PORTION OF THE PROJECT ALONG WITH THE PROPOSED PHASE'S EFFECT ON THE TOTAL DISCHARGE INTO THE DRAINAGE SYSTEM. THE DRAINAGE BASIN SHALL BE DEDICATED TO THE CITY OF FERNLEY UPON COMPLETION OF THE PROJECT IN ORDER FOR THE CITY TO MAINTAIN THE STORM DRAIN SYSTEM FOR THE SUBDIVISION.

Conditions of Approval for TSM22001

Tentative Subdivision Map

14. GRADING PERMIT:

THE DEVELOPER SHALL SUBMIT A GRADING PLAN FOR ANY PHASE OF THE PROJECT TO THE APPROVAL OF THE CITY ENGINEER. PRIOR TO THE ISSUANCE OF A GRADING PERMIT FOR THE DEVELOPMENT, THE DEVELOPER SHALL POST A SURETY BOND FOR REGRADING AND RECLAMATION OF THE SITE. THE DEVELOPER SHALL PROVIDE A STAMPED ENGINEER'S ESTIMATE FOR REGRADING AND RECLAMATION OF THE SITE. THE DEVELOPER SHALL COMPLY WITH ALL GRADING REQUIREMENTS SET FORTH IN THE CITY OF FERNLEY'S DEVELOPMENT CODE AS WELL AS ALL STATE AND FEDERAL REGULATIONS. THE DEVELOPER OR THEIR DESIGNEE SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING A STORM WATER POLLUTION PREVENTION PERMIT WITH THE STATE OF NEVADA AS WELL AS A SURFACE AREA DISTURBANCE.

15. GEOTECHNICAL REPORT:

THE DEVELOPER SHALL PROVIDE A FINAL GEOTECHNICAL REPORT FOR THE PROJECT IN CONFORMANCE WITH THE DEVELOPMENT CODE FOR REVIEW AND APPROVAL BY THE ADMINISTRATOR, CITY ENGINEER, PUBLIC WORKS DIRECTOR PRIOR TO THE RECORDATION OF A FINAL MAP FOR ANY PORTION OF THE PROJECT.

16. IMPROVEMENT PLANS:

WITH THE SUBMITTAL OF ANY FINAL MAP APPLICATION, THE DEVELOPER SHALL SUBMIT THE ASSOCIATED IMPROVEMENT PLANS FOR REVIEW AND APPROVAL. THE IMPROVEMENT PLANS SHALL BE APPROVED PRIOR TO THE APPROVAL AND RECORDATION OF THE FINAL MAP. THE UTILITIES AND INFRASTRUCTURE FOR EACH PHASE MUST OPERATE INDEPENDENTLY OF FUTURE PHASES YET TO BE CONSTRUCTED. PRIOR TO THE APPROVAL AND RECORDATION OF A FINAL MAP FOR THE PROJECT, THE DEVELOPER SHALL CONSTRUCT ALL REQUIRED PUBLIC IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, PUBLIC UTILITY AND ROADWAY INFRASTRUCTURE ASSOCIATED WITH THE PROJECT OR PROVIDE A SURETY BOND IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN FERNLEY MUNICIPAL CODE CHAPTER 32.13, IMPROVEMENTS AND AGREEMENTS, AND MEET THE REQUIREMENTS OF CHAPTER 32.03, LAND DIVISION APPLICATIONS OF THE FERNLEY MUNICIPAL CODE.

17. NORTH LYON FIRE PROTECTION DISTRICT:

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF THE NORTH LYON COUNTY FIRE PROTECTION DISTRICT, INCLUDING BUT NOT LIMITED TO PROVIDING SECONDARY EMERGENCY ACCESS TO THE APPROVAL OF THE ADMINISTRATOR AND FIRE CHIEF PRIOR TO THE ISSUANCE OF ANY FINAL MAP FOR THE PROJECT.

18. RESIDENTIAL CONSTRUCTION TAX:

THE DEVELOPER IS SUBJECT TO THE PROVISIONS OF FERNLEY MUNICIPAL CODE RELATED TO RESIDENTIAL CONSTRUCTION TAX. THE RESIDENTIAL CONSTRUCTION TAX FEE SHALL BE PAID PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR EACH RESIDENTIAL UNIT.

19. ADDRESSING AND STREET NAMES:

THE DEVELOPER SHALL SUBMIT A REQUEST FOR ADDRESSING AND STREET NAME RESERVATION TO THE CITY OF FERNLEY FOR REVIEW AND APPROVAL. ALL ADDRESSING OF LOTS SHALL BE COMPLETED BY THE CITY. STREET NAMES SHALL BE APPROVED BY THE CITY PRIOR TO THE SUBMITTAL OF A FINAL MAP FOR THE PROJECT.

Conditions of Approval for TSM22001

Tentative Subdivision Map

20. TRUCKEE CARSON IRRIGATION DISTRICT (TCID)/BUREAU OF RECLAMATION:

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF THE TRUCKEE CARSON IRRIGATION DISTRICT AND/OR THE BUREAU OF RECLAMATION RELATED TO ANY FACILITY OR EASEMENT WITHIN THE PROJECT BOUNDARY TO THE APPROVAL OF THE ADMINISTRATOR PRIOR TO THE APPROVAL AND RECORDATION OF A FINAL MAP.

21. NEVADA DEPARTMENT OF ENVIRONMENTAL PROTECTION:

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF THE NEVADA DEPARTMENT OF ENVIRONMENTAL PROTECTION – BUREAU OF SAFE DRINKING WATER AND BUREAU OF WATER POLLUTION CONTROL FOR THE WATER AND SEWER INFRASTRUCTURE DESIGN AND CONSTRUCTION TO THE APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR.

22. WASTE MANAGEMENT:

THE DEVELOPER SHALL PROVIDE A WILL SERVE FROM WASTE MANAGEMENT TO THE APPROVAL OF THE ADMINISTRATOR PRIOR TO THE APPROVAL AND RECORDATION OF A FINAL MAP.

23. TRUCKEE LANE AND MAIN STREET INTERSECTION:

THE DEVELOPER SHALL SUBMIT A PROPOSED REDEVELOPMENT PLAN FOR THE TRUCKEE LANE EXTENSION/MAIN STREET INTERSECTION, TO THE APPROVAL OF THE CITY ENGINEER, ADMINISTRATOR, PUBLIC WORKS DIRECTOR, AND THE NEVADA DEPARTMENT OF TRANSPORTATION.

24. NEVADA DEPARTMENT OF TRANSPORTATION (NDOT):

THE DEVELOPER SHALL OBTAIN APPROVAL FROM THE NEVADA DEPARTMENT OF TRANSPORTATION PRIOR TO THE RECORDATION OF ANY FINAL MAP FOR THIS PROJECT. SHOULD NDOT NOT APPROVE OF THE ACCESS PLANS FROM MAIN STREET (SR-427), THE DEVELOPER SHALL PROVIDE THE APPROPRIATE EASEMENTS AND IMPROVEMENT PLANS AS MAY BE REQUIRED BY NDOT. AN ENCROACHMENT PERMIT SHALL ALSO BE OBTAINED FOR ANY WORK OR IMPROVEMENTS BEING MADE TO S.R. 427 (MAIN STREET).

25. FINAL MAP PHASING:

IF APPLICABLE, 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 THE OVERALL DESIGN. CHANGES TO THE PHASING PLAN WILL REQUIRE REVIEW AND APPROVAL BY THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR PRIOR TO BEING IMPLEMENTED.

26. COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&R'S):

THE APPLICANT SHALL PROVIDE COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&R'S) WITH THE FIRST FINAL MAP AND SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE ADMINISTRATOR AND CITY ATTORNEY. CC&R'S SHALL BE RECORDED CONCURRENTLY WITH THE FINAL SUBDIVISION MAP. THE APPLICANT SHALL INCLUDE IN THE CC&R'S PROVISIONS OUTLINING MAINTENANCE RESPONSIBILITIES OF COMMON AREAS, SHARED ROADWAYS, LANDSCAPE MEDIANS, OR OTHER COMMON ELEMENTS TO THE APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR.

Conditions of Approval for TSM22001

Tentative Subdivision Map

27. FLOODPLAIN MANAGEMENT AND FEDERAL EMERGENCY MANAGEMENT AGENCY:

THE DEVELOPER SHALL COMPLY WITH CHAPTER 32.09.060 OF THE CITY OF FERNLEY DEVELOPMENT CODE TITLED: FLOODPLAIN MANAGEMENT AS WELL AS ALL FEDERAL EMERGENCY MANAGEMENT AGENCY, FEMA, NATIONAL FLOOD INSURANCE PROGRAM REQUIREMENTS FOR ALL FLOODPLAIN MODIFICATIONS. THE REQUIRED APPROVALS FROM THE CITY OF FERNLEY AND FEMA SHALL BE OBTAINED PRIOR TO WORK BEGINNING WITHIN THE MAPPPED FLOODPLAIN AREA. ALL REQUIRED IMPROVEMENTS SHALL BE CONSTRUCTED AND APPROVED PRIOR TO THE RECORDATION OF A FINAL MAP.

28. SR-427/MAIN STREET IMPROVEMENTS

IN ACCORDANCE WITH SECTION 32.09.140 OF THE CITY OF FERNLEY DEVELOPMENT CODE AND THE CITY OF FERNLEY'S 2014 MAIN STREET REVITALIZATION STUDY, THE EXISTING SR-427 SHALL BE IMPROVED TO THE RECOMMENDED LONG-TERM ALTERNATIVE IDENTIFIED IN THE STUDY. THIS ALTERNATIVE INCLUDES TWO 12-FOOT TRAVELS LANES, A 14-FOOT CENTER TURN LANE, CURB GUTTER AND SEPERATED SIDEWALK, A BIKE LANE AND LANDSCAPING AND LIGHTING IMPROVEMENTS. THE IMPROVEMENTS SHALL BE CONSTRUCTED ALONG THE LENGTH OF THE DEVELOPMENT BOUNDARY OF THE PROJECT ON THE SIDE OF THE ROAD ADJACENT TO THE PROJECT PARCEL/S.

29. MAIN STREET/SR-427 AND US 95A INTERSECTION PROPORTIONATE SHARE:

THE DEVELOPER SHALL PAY A PROPORTIONAL SHARE OF FUTURE IMPROVEMENTS TO THE MAIN STREET/SR-427 AND US 95A INTERSECTION. THE DEVELOPER SHALL PROVIDE THE CITY WITH A PAYMENT PLAN FOR THE PROPORTIONAL SHARE OF FUTURE IMPROVEMENTS TO THE APPROVAL OF THE CITY ENGINEER, PUBLIC WORKS DIRECTOR, NEVADA DEPARTMENT OF TRANSPORTATION, AND ADMINISTRATOR PRIOR TO THE RECORDATION OF A FINAL MAP.

30. MAIN STREET AND MILLER LANE INTERSECTION PROPORTIONATE SHARE:

THE DEVELOPER SHALL PAY A PROPORTIONAL SHARE OF FUTURE IMPROVEMENTS TO THE MAIN STREET/SR-427 AND MILLER LANE INTERSECTION. THE DEVELOPER SHALL PROVIDE THE CITY WITH A PAYMENT PLAN FOR THE PROPORTIONAL SHARE OF FUTURE IMPROVEMENTS TO THE APPROVAL OF THE CITY ENGINEER, PUBLIC WORKS DIRECTOR, NEVADA DEPARTMENT OF TRANSPORTATION, AND ADMINISTRATOR PRIOR TO THE RECORDATION OF A FINAL MAP.



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: August 9, 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) T1V23001 – Type I Vacation, Serenity Circle

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

AGENDA ITEM BRIEF:

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

RECOMMENDED MOTION:

“I move to continue the public hearing for this item until a future meeting; this item may return once staff has determined it is ready to be discussed and acted upon.”

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:

Though no specific alternative language has been provided, all motions in accordance with City of Fernley

Planning Commission parliamentary procedure are appropriate.

BACKGROUND:

The final subdivision map for Skyridge Estates II was recorded in April of 2007. In the original design, the right-of-way for Serenity Circle intersected with Farm District Road at an oblique angle. Nevada Department of Transportation required the developer alter the right-of-way to intersect with Farm District Road at a 90° angle. The road was constructed as requested by NDOT; however, the right-of-way was never amended to match the road as it was constructed.

ANALYSIS:

There are no formal findings or approval criteria for this type of application. Our development code, and NRS 278, requires that the Planning Commission make a recommendation for approval if they are satisfied the “public will not be materially injured by the proposed vacation”.

Staff has determined the public will not be materially injured by the proposed vacation. Staff requested the developer submit this application as a condition of continued construction at this site. The two parcels affected by aligning the right-of-way with the road will both eventually be dedicated to City of Fernley for open space and/or drainage basins.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

General:

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

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

Specific:

[NRS 278.480](#) – Vacation or abandonment of street or easement

[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 08/09/2023 Planning Commission meeting but does not guarantee link function and accuracy after that date.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Abandonment Draft Markup
2. Skyridge Estates II Final Map
3. Reference Map

Exhibit "A"
AREA 1 ABANDONMENT

All that certain real property being all of Serenity Circle adjacent to Area 1 as shown on "SKYRIDGE ESTATES II SUBDIVISION" Doc. No. 404205 dated April 12, 2007 filed in the official records of Lyon County, State of Nevada; lying in a portion of Section 23, Township 20 North, Range 25 East, Mount Diablo Base and Meridian, being described as follows:

Beginning at the Southeast corner of Area 1 also being the Northeast corner of Lot 25 as shown on "SKYRIDGE ESTATES II SUBDIVISION" Doc No. 404205 ; Thence from said **Point of Beginning** and along the East line of said Area 1 and the Westerly right of way of Serenity Circle as shown on said subdivision map D **uppercase** , North 00°31'20" East a distance of 88.90 feet, to the beginning of a curve to the left, having a radius of 20.00 feet, subtended by a central angle of 74°04'42", Thence along the arc of said curve a distance of 25.86 feet, having a chord of North 36°31'01" West and a distance of 24.09 feet to the Northeast corner of said area 1, also being a point of intersection with Southerly right of way of Farm District Road; Thence leaving said Easterly line of Area 1 and the Westerly right of way of Serenity Circle and along the Southerly right of way of Farm District Road, South 73°33'22" East a distance of 41.09 feet to the centerline of Serenity Circle as shown on said subdivision map Doc. No. 404205; Thence along said centerline of Serenity Circle, South 00°31'20" West a distance of 103.99 feet; Thence leaving said centerline, North 73°33'22" West a distance of 26.00 feet to the **Point of Beginning**.

Together with the 10 foot wide public utility easement on Area 1 that runs parallel to the westerly right of way of Serenity Circle as it is shown on "SKYRIDGE ESTATES II SUBDIVISION" Doc No. 404205

Containing 2,643 Square Feet more or less

SEE PLAT ATTACHED HERETO AND MADE A PART HEREOF.

The bearings contained herein and shown on the plat attached hereto is based on the South right of way of Farm District Road as North 73°33'22" West.



EXPIRES: 12/31/2024

Prepared By:
Denson Surveying, Inc.
P.O. Box 528
Yerington, Nevada 89447

Exhibit "B"
AREA 2 ABANDONMENT

All that certain real property being all of Serenity Circle adjacent to Area 2 as shown on "SKYRIDGE ESTATES II SUBDIVISION" Doc. No. 404205 dated April 12, 2007 filed in the official records of Lyon County, State of Nevada; lying in a portion of Section 23, Township 20 North, Range 25 East, Mount Diablo Base and Meridian, being described as follows:

Beginning at the Southwest corner of Area 2 also being the Northwest corner of Lot 1 as shown on "SKYRIDGE ESTATES II SUBDIVISION" Doc No. 404205 ; Thence from said **Point of Beginning** North 73°33'22" West a distance of 26.00 feet to a point of intersection with the centerline of Serenity Circle as shown on said subdivision map Doc. No. 404205; Thence along the centerline of said Serenity Circle North 00°31'20" East a distance of 103.99 feet to a point of intersection with the Southerly right of way of Farm District Road; Thence leaving said centerline of Serenity Circle and along said Southerly right of way of Farm District Road, South 73°33'22" East a distance of 52.50 feet to a point of intersection with a curve to the left having a radius of 20.00 feet, subtended by a central angle of 105°55'18"; Thence along the Westerly line of said Area 2 and along the arc of said curve a distance of 36.92 feet, having a chord of South 53°28'59" West a distance of 31.93 feet; Thence continuing along the Westerly line of said Area 2 South 00°31'20" West a distance of 77.49 feet to the **Point of Beginning**.

Together with the 10 foot wide public utility easement on the West side of Area 2 that runs parallel to the Easterly right of way of Serenity Circle as it is shown on "SKYRIDGE ESTATES II SUBDIVISION" Doc No. 404205 and as shown on the attached plat.

Containing 2,760 Square Feet more or less

and the southerly
right-of-way of Farm
District Road

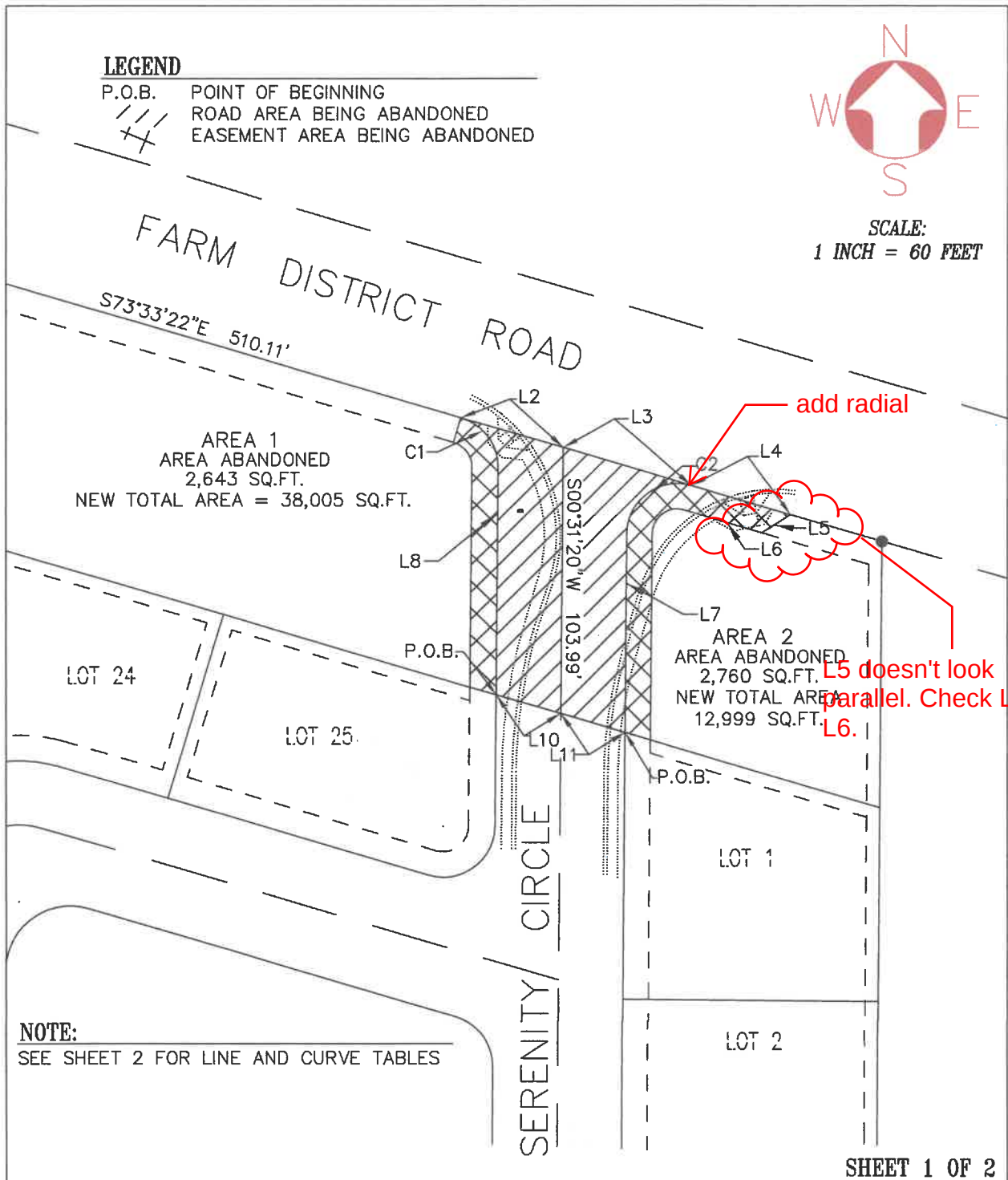
SEE PLAT ATTACHED HERETO AND MADE A PART HEREOF.

The bearings contained herein and shown on the plat attached hereto is based on the South right of way of Farm District Road as North 73°33'22" West.



EXPIRES: 12/31/2024

Prepared By:
Denson Surveying, Inc.
P.O. Box 528
Yerington, Nevada 89447



SKYRIDGE ESTATES II SUBDIVISION DOC. # 404205, ABANDONMENT PLAT



Denson Surveying
 a professional corporation
SURVEYING & MAPPING
 Yerington, Nevada
 (775) 463-3611

FOR:

**GENICA SKYRIDGE
 ESTATES LLC**

DATE: 3/15/23

DRAWN BY: REBECCA C.

JOB NO. 03093

CHECKED BY: R.P.C.

LINE TABLE

L2	S73°33'22"E	41.09'	L5	S57°32'53"W	13.27'	L8	S00°31'20"W	88.90'
L3	S73°33'22"E	52.50'	L6	N73°33'22"W	31.94'	L10	N73°33'22"W	26.00'
L4	S73°33'22"E	40.67'	L7	S00°31'20"W	77.49'	L11	S73°33'22"E	26.00'

CURVE TABLE

C1	$\Delta=74^{\circ}04'42''$	R=20.00'	T=15.09'	L=25.86'	CB=S36°31'01"E	CH=24.09'
C2	$\Delta=105^{\circ}55'18''$	R=20.00'	T=26.50'	L=36.97'	CB=S53°28'59"W	CH=31.93'

SHEET 2 OF 2

SKYRIDGE ESTATES II SUBDIVISION DOC. # 404205, ABANDONMENT PLAT

Denson Surveying
a professional corporation
SURVEYING & MAPPING
Yerington, Nevada
(775) 463-3811

FOR:

**GENICA SKYRIDGE
ESTATES LLC**

DATE: 3/15/23

DRAWN BY: REBECCA C.

JOB NO. 03093

CHECKED BY: R.P.C.

TOTAL AREA SURVEYED
11.48 ACRES

ROADWAY AREA
82,449 SQUARE FEET

LOT TOTAL AREA
6.29 ACRES

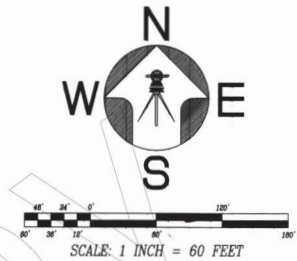
ACCESS NOTE:
THERE IS NO ACCESS PERMITTED TO ANY PARCELS THRU THE OPEN SPACE AREA ALONG FARM DISTRICT ROAD. THE ACCESS TO THE OPEN SPACE WILL BE FROM SERENITY CIRCLE ONLY.

DETENTION BASIN NOTE:
THE MAINTENANCE OF THE DETENTION BASIN AND RELATED APPURTENANCES IS THE RESPONSIBILITY OF THE DEVELOPER, HOMEOWNERS ASSOCIATION OR SUCCESSORS IN INTEREST, UNLESS ACCEPTED BY THE CITY.

FND. 3" BRASS CAP IN CONCRETE
STAMPED FERNLEY UTILITIES SURVEY
MARKER "MBB"

FND. 5/8" REBAR
W/CAP RLS 4045
IN CONCRETE PER
PM #105859

GPS BASIS OF BEARING
BASIS OF BEARING NAD 83/04 OBTAINED BY RTK GPS FIELD TIES BETWEEN CITY OF FERNLEY BASE STATION AND THE FOUND POINTS AS OBSERVED AT 3:00 PM ON MARCH 9th, 2007 USING A TRIMBLE 5800 AND THE CORRECTIONS RECEIVED FROM THE CITY OF FERNLEY BASE STATION, BEING A PART OF THE WASHOE COUNTY GPS NETWORK. A COMBINED SCALE FACTOR OF 1.0002588903 WAS USED TO MODIFY THE NEVADA STATE PLANE WEST ZONE 2703 GRID VALUES.
THE BEARINGS ON THIS MAP WERE ROTATED 0°19'34" COUNTER CLOCKWISE DIRECTION FROM GRID NORTH.



- LEGEND**
- Section corner, as noted.
 - Set 5/8" rebar with cap PLS 11178
 - Found survey point, as shown.
 - See public utility easement note
 - () Record data per PM #105859
 - C1-C38 See curve table
 - L1-L6 See line table
 - Set 5/8" rebar with alum. cap PLS 11178 in survey monument well.

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD BEARING	CHORD
1	74°10'42"	20.00	15.09	25.86	S36°50'23"E	24.09
2	105°55'18"	20.00	26.50	36.97	S53°09'37"W	31.93
3	106°01'44"	55.00	73.03	101.78	S53°06'24"W	87.87
4	31°50'42"	25.00	7.13	13.90	S16°02'34"W	13.72
5	61°04'38"	75.00	44.25	79.95	S 126°03"W	76.22
6	78°34'32"	75.00	61.36	102.86	S68°23'32"E	94.98
7	44°42'08"	75.00	30.84	58.52	N49°57'46"E	57.04
8	27°24'44"	140.00	34.14	66.98	N135°42'20"E	66.34
9	105°55'18"	20.00	26.50	36.97	N53°09'37"E	31.93
10	78°34'32"	25.00	20.45	34.29	N68°23'32"W	31.66
11	61°04'38"	25.00	14.75	26.65	N 126°03"E	25.41
12	31°50'42"	75.00	21.40	41.69	N16°02'34"E	41.15
13	106°00'03"	20.00	26.54	37.00	N53°07'15"E	31.95
14	74°10'42"	20.00	15.09	25.86	S36°50'23"E	24.09
15	27°24'44"	90.00	21.95	43.06	S135°42'20"W	42.65
16	44°42'08"	25.00	10.28	19.51	S49°57'46"W	19.01
17	27°24'44"	115.00	28.05	55.02	S135°42'20"W	54.50
18	44°42'08"	50.00	20.56	39.01	S49°57'46"W	38.03
19	78°34'32"	50.00	40.91	68.57	N68°23'32"E	63.32
20	61°04'38"	50.00	29.50	53.30	N 126°03"E	50.81
21	31°50'42"	50.00	14.26	27.79	N16°02'34"E	27.43
22	106°01'44"	30.00	39.83	55.52	N53°06'24"E	47.93
23	30°53'21"	75.00	20.72	40.43	N16°31'15"E	39.95
24	0°57'21"	75.00	0.63	1.25	N 035°54"E	1.25
25	43°70'4"	616.78	24.87	49.71	S74°33'34"W	49.70
26	34°39'19"	55.00	17.16	33.27	S88°47'37"W	32.76
27	36°00'50"	55.00	17.88	34.57	S53°27'32"W	34.00
28	35°21'35"	55.00	17.53	33.94	S174°16'19"W	33.41
29	23°11'50"	75.00	15.39	30.37	N60°42'55"E	30.16
30	91°31'4"	75.00	6.05	12.07	N32°13'19"E	12.06
31	14°26'50"	140.00	17.74	35.30	N20°23'17"E	35.21
32	12°57'54"	140.00	15.91	31.68	N 64°03'E	31.61
33	6°55'06"	816.78	49.37	98.62	S75°46'36"W	98.56
34	27°57'07"	816.78	16.05	32.10	N83°57'21"W	32.10
35	12°17'03"	75.00	8.07	16.08	N42°58'28"E	16.05

LINE	BEARING	DISTANCE
1	N82°49'47"W	50.64
2	S 0°09'35"W	9.63
3	S 0°07'13"W	2.32
4	S 0°07'13"W	14.86
5	N27°36'42"E	13.25

BASIS OF BEARING

The bearings of this survey are based on the water line of Parcel 1 as shown on PM No. 105859 of Lyon County records as bearing N 0°07'13" E.

PUBLIC UTILITY EASEMENT NOTE

All Public Utility Easements shown on this map are as follows:

- 5.00' On both sides of interior lot lines and exterior boundaries, or as shown
- 10.00' Along all roadways, or as shown

T.C.I.D. #06-044 SHEET 2 OF 2 SHEETS

PLAT OF
SKYRIDGE ESTATES II
SUBDIVISION
CONSISTING OF
PARCELS 1 & 2 PER PM #105859 OF
LYON COUNTY RECORDS LYING IN A PORTION OF
SECTION 23 TOWNSHIP 20 NORTH RANGE 25 EAST
MOUNT DIABLO MERIDIAN
CITY OF FERNLEY,
LYON COUNTY, NEVADA

Surveying & Mapping a professional corporation Surveying & Mapping Farmingdale, Nevada (775) 463-8811	Drawn by C. STRAW JR.	Checked by R.P.C.
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#404205

272

4/12/07





CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: August 9, 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
Resolution

AGENDA ITEM:

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

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

AGENDA ITEM BRIEF:

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

RECOMMENDED MOTION:

Approval: "I move to adopt Resolution 23-011 and forward a request of certification to City Council for the comprehensive master plan amendment associated with MPA23001. I further move to forward a recommendation of approval to City Council for the zoning map amendment associated with ZMA23001. I further move to approve the conditional use permit associated CUP23005 subject to conditions of approval 1 though 26 as set forth in the staff report. This motion adopts findings M1–M3, Z1–Z3, and CU1–CU6 and the

facts supporting these findings as set forth in the staff report.

BUSINESS IMPACT (per NRS Chapter 237):

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

See attached report for background, analysis, alternatives.

ALTERNATIVES:

Denial: “Based on information received in written materials and the public hearings on this matter I am unable to make the required finding(s) _____ as (it/they) relate(s) to _____.

I move to recommend City Council deny certification of Resolution 23-011 for the master plan amendment associated with MPA23001. I further move to forward a recommendation of denial to City Council for the zoning map amendment associated with ZMA23001. I further move to deny the conditional use permit associated with CUP23005.”

Note: Though no further language has been provided, all motions made in accordance with City of Fernley Planning Commission parliamentary procedure are appropriate. Commissioners may choose to make motions separately for the three applications if desired, but that is not necessary.

BACKGROUND:

Truckee Carson Irrigation District (TCID) split this parcel from a larger 55.14-acre parcel in August of 2000 to sell to a private party. The private party transferred the property to the current owner, The Roman Catholic Bishop of Reno, in April of 2002. This property is currently vacant and has never been developed beyond infrastructure related to irrigation.

FINDINGS:

M1. The master plan amendment will implement the goals listed within the City of Fernley Master Plan as listed in the staff report.

Z1. Consistent with the city’s master plan and otherwise consistent with state and federal law.

CU1. The proposed conditional use will be in compliance with the master plan.

The applicant and staff agree that a master plan amendment from SFR to C is consistent with or will support the below goals and action strategies from the Population/Housing/Employment (HP), Conservation (C), Land Use (LU), Transportation (T), and Public Services/Facilities (PSF) sections of the comprehensive master plan.

- **H.P.1.9** Ensure that applications to amend the Comprehensive Master Plan include an analysis of the impact the proposed amendment will have on the projected population and any corresponding impact on demand for public services and facilities.
- **C.1.4.3** Encourage new public and private development to use water conservation landscaping and fixtures.
- **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 exists.

- **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 improvements and/or funding in lieu of improvements in proportion to the impacts of the proposed projects on the city's roadway, sewer and water systems.
- **LU.1.3** Provide a balanced distribution of employment and population.
- **LU.1.3.1** Encourage land uses and 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.1.4.2** Projects shall be evaluated with the intent to promote land use compatibility; community design measures can increase compatibility among adjoining land uses.
- **LU.1.5.3** Development on the perimeter of Fernley is appropriate only where orderly extension of existing public services and facilities can occur.
- **LU.1.6.2** The land use designations include minimum service standards that shall apply to proposed developments and land use changes.
- **LU.1.7.4** All outdoor storage shall be visually screened from view from an adjoining public or private street.
- **T.1.1.6** Require all new development to be consistent with the access right-of-way dedication and improvement standards as specified in the Public Works Design Manual and pursuant to the functional classification as defined in this chapter.
- **T.1.3.4** Require proposed new development that intends to connect with an NDOT roadway to incorporate the NDOT Access Management System and Standards into the project design. These standards regulate access onto the roadway network in order to protect health, safety and welfare of the public, maintain the rights-of-way, and to preserve the functional classification level of the roadway network while meeting the needs of the motoring public.
- The access management standards address the location, spacing and frequency of access points on the roadway network.
- **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.

If Council grants the proposed master plan amendment, the zoning map amendment from SF20 to C2 will be consistent with the City of Fernley's master plan because C2 is an equivalent zoning district of C. If Council grants both the proposed master plan and zoning map amendments, the proposed conditional use will also comply with the master plan because the "mini-warehouse" use is allowed as a conditional use in the C2 zone. There is no indication any of these applications are inconsistent with state and federal law.

M2. The master plan amendment will be compatible with surrounding land uses.

Z2. Consistent with the surrounding land uses.

CU2. The conditional use will be compatible with the existing or permitted uses of adjacent properties.

This project is consistent and compatible with current and future land uses on adjacent properties.

Direction	Zone	Land Use Designation	Current Use
North	SF6	Open Space and Parks (OSP)	Desert Lakes golf course
South	RR5	Single-Family Residential (SFR)	Single-family residences (across the canal)
East	RR5	Single-Family Residential (SFR)	Vacant TCID property, high voltage powerlines
West	RR1/RR5	Single-Family Residential (SFR)	Single-family residences

Rural residential single-family housing to the south, east, and west would typically be a prominent concern when reviewing a project of this type; however, this property is unique. The property line is buffered to the west by a 60' TCID easement. It is also buffered to the south by the Truckee Canal, which is within a 200' TCID easement.

The property to the east is likely to remain vacant. When TCID split the subject parcel from a larger property to sell, they kept the portion of the original property to the east. Roughly half the 6.84-acre parcel is unbuildable due to a 200' wide easement owned by Los Angeles Water and Power. The nature of the high-voltage lines within the neighboring easement also makes the site in question unsuitable for housing. A largely uninhabited storage use with a drainage basin separating the power easement from the future commercial portion is an excellent layout for a difficult-to-develop site.

For consideration regarding the master plan and zoning amendments, this is an excellent spot for neighborhood commercial near the currently underserved Desert Lakes neighborhood. It is directly across the street from the golf course, which allows it to be in proximity to the neighborhood with a reduced risk of disturbing the residents.

M3. Public notice was given, and a public hearing held per the requirements of Nevada Revised Statutes and Fernley Development Code.

Z3. Public notice was given, and a public hearing held per the requirements of the development code and Nevada Revised Statutes.

CU6. Public notice has been given and a public hearing held per the requirements of the development code and the Nevada Revised Statutes.

This item was originally noticed for a public hearing on 07/12/2023. At the July 12 meeting, staff requested a continuation to the August Planning Commission meeting because the recommended conditions of approval were not yet written. Planning Commission granted a continuation of the public hearing.

Staff certifies that a public hearing was held at the 07/12/2023 meeting in accordance with the requirements of Nevada Revised Statutes and Fernley Development Code. There will be a second opportunity for public comment at the continuation of this public hearing on 08/09/2023.

CU3. The potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairments.

The primary natural resources at hand for this development are land and water. This parcel would be inappropriate for land conservation efforts because it is bordered by high-voltage powerlines. Further, it is within our existing infrastructure network, which classifies it as infill development. Land conservation efforts are best directed toward the outlying areas of our boundaries where there is no existing infrastructure.

This use requires much less water than most commercial uses. The applicant has made an effort to provide low-water xeriscaping. The only other water needed will be for a possible caretaker residence and office bathroom. Should another use be proposed for the front of the parcel that requires a conditional use permit, this body will have another opportunity to review water consumption.

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

This project neither contributes nor detracts directly toward the need for affordable housing in our community. Long term, it may help create conditions that will better support dense housing uses in this area.

- The current single-family zone (SF20) is not conducive toward constructing affordable housing. As of 2018, such large lot development represented 72% of housing available in Fernley. This building pattern has contributed to the City's overall shortage of available and affordable housing.
- The commercial zone does not directly allow for affordable housing but may eventually help prepare the area for the multi-family development style.
- Action strategy HP.1.4.1 calls for "Multi-family land use ... dispersed throughout the community near employment centers and transportation corridors rather than concentrated in a few areas".
- There are currently no employment centers located nearby, nor is Farm District appropriately constructed as a transportation corridor.
- The addition of this commercial component and others may make this area of Fernley an appropriate spot for affordable housing development in the future.

CU5. The conditional use permit's impacts have been conditioned to address identified impacts.

Staff identified the following impacts specific to this project:

- Outdoor storage of vehicles associated with self-storage can be visually unattractive. To address this issue, Fernley Municipal Code requires the perimeter of the facility be screened by a masonry wall. Staff outlined this requirement in condition of approval 6 related to perimeter wall design standards.
- Staff is concerned that the front parcel may be vacant long enough to become an eyesore for the community. This is addressed in two ways in the conditions of approval:
 - All specific landscape requirements, such as trees along the road, are required as part of phase 1 (condition 7 for landscape phasing).
 - The developer is required to post a bond for regrading and reclamation of the site. If the developer grades the site but does not finish the project, City of Fernley will have a financial resource to revegetate the graded areas (condition 11 for grading permit).
- Traffic along Farm District Road is an ongoing concern for staff and community members alike. The developer's traffic study recommended they install a right turn deceleration lane on Farm District and a stop sign for vehicles exiting the project driveway. Staff listed this requirement in condition of approval 15 (Farm District Road Improvements). They will also be required to construct the master-planned multi-use path along the south side of Farm District. Finally, they are required to dedicate 50' of property from the centerline of Farm District Road to allow for the planned addition of a shared turn lane when appropriate.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

Nevada Revised Statutes (NRS)

City of Fernley Comprehensive Master Plan, August 2018, 3rd Update (Master Plan)

Fernley Municipal Code (FMC)

Specific References:

[Master Plan](#), Page 65 – Land Use Category, Commercial (C)
[NRS 278.210](#) – Adoption of master plan and amendments by commission
[NRS 278.260](#) – mendment of zoning ... boundaries
[NRS 278.315](#) – Granting of ... conditional use permits
[FMC Section 32.03.040](#) (b) – Comprehensive master plan amendments
[FMC Section 32.03.040](#) (e) – Zoning map amendment (rezoning)
[FMC Section 32.03.050](#) (b) – Conditional use permit
[FMC Section 32.06.100](#) – Commercial (C1, C2, and TC)
[FMC Section 32.06.150](#) – Unlisted uses and use table
[FMC Section 32.07.280](#) – Mini-warehouse
[FMC Chapter 32.09](#) – Development Standards

Note: Relevant laws, statutes, regulations, and the links provided for them in this section are for quick reference and are not all-inclusive. Planning department will ensure all links are operational through the 08/09/2023 meeting but does not guarantee function or applicability after that date.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Resolution # 23-011
2. Landscape Plan
3. Conditions of Approval
4. Traffic Impact Summary
5. Applicant Report

CITY OF FERNLEY
RESOLUTION # 23-011

A RESOLUTION OF THE CITY OF FERNLEY FOR A COMPREHENSIVE MASTER PLAN AMENDMENT, ASSOCIATED WITH CASE NUMBER MPA23001, TO CHANGE THE LAND USE ON A ±26.55-ACRE PARCEL FROM SINGLE FAMILY RESIDENTIAL (SFR) TO COMMERCIAL (C). THE PARCEL IS GENERALLY LOCATED SOUTH OF FARM DISTRICT ROAD, WEST OF DESERT LAKES DRIVE, AND EAST OF DONNA WAY (APN: 021-031-35).

WHEREAS, the 2018 Fernley Comprehensive Plan was adopted by Resolution of the Planning Commission on August 8, 2018, and by the City Council on August 15, 2018; and

WHEREAS Nevada Revised Statutes chapter 278.210 specifies that master plans or any amendments must be adopted by resolution of the Planning Commission; and

WHEREAS the Planning Commission held a public hearing on July 12, 2023, and continued it to August 9, 2023; and

WHEREAS the proposed master plan amendment is consistent with or supports goals and action strategies H.P.1.9, C.1.4.3, LU.1.1, LU.1.1.1, LU1.1.3, LU.1.3, LU.1.3.1, LU.1.3.2, LU.1.4, LU.1.4.2, LU.1.5.3, LU.1.6.2, LU.1.7.4, T.1.1.6, T.1.3.4, and PSF.1.4 of the City of Fernley Comprehensive Master Plan.

NOW, THEREFORE, BE IT RESOLVED, that based on the discussion and findings provided in the staff report and/or testimony presented at the July 12, 2023, and August 9, 2023 public hearing, that the change in the land use classification be adopted as part of the City of Fernley's comprehensive master plan; and

BE IT FURTHER RESOLVED that the Fernley Planning Commission approves and recommends that the City Council certify this master plan amendment as part of the Fernley Comprehensive Plan.

**RESOLUTION PASSED, APPROVED, AND ADOPTED this 9th day of August 2023,
by the following vote of the Fernley Planning Commission:**

Aye: _____ Nay: _____ Abstention: _____ Absent: _____

By: _____ Date: _____
Jenni McCullar, Chairwoman

Attest By: _____ Date: _____
Brenda Gosser, Deputy City Clerk

**RESOLUTION CERTIFIED this 6th day of September 2023, by the following vote of
the Fernley City Council:**

Aye: _____ Nay: _____ Abstention: _____ Absent: _____

FERNLEY CITY COUNCIL

By: _____ Date: _____
Neal E. McIntyre, Mayor

Attest By: _____ Date: _____
Kim Swanson, City Clerk



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FARM DISTRICT COMMERCIAL

OVERALL LANDSCAPE PLAN

DRAFTED: G&J REVIEWED: G&J

J & A JOB NUMBER: 21-024-08

PLAN SET: FOR REVIEW ONLY



PLAN DATE: 04/14/2023

REVISIONS:	
#	DATE

SCALE: SHEET:

L1
of 1

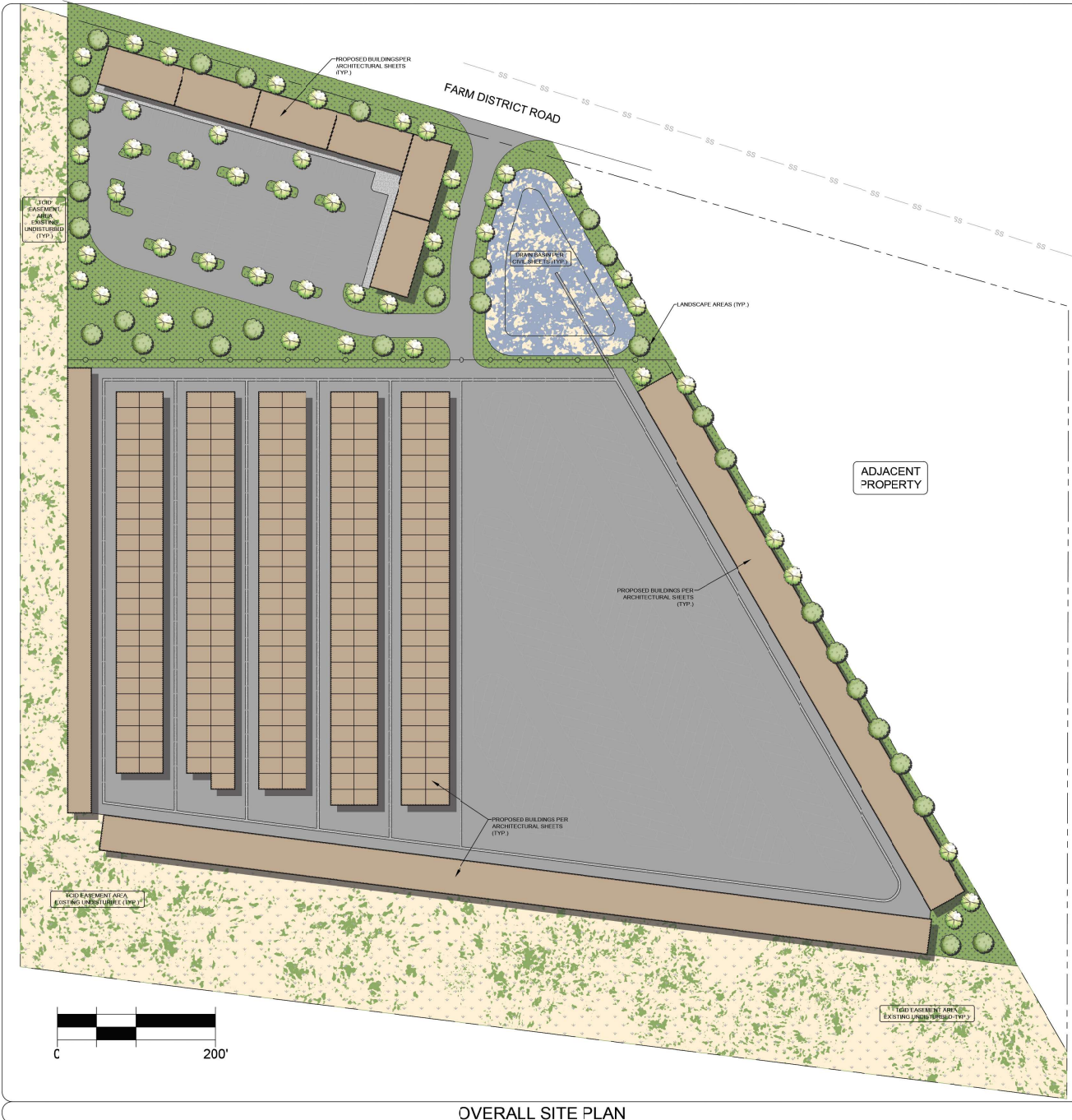
PRELIMINARY LANDSCAPE LEGEND:

UNDISTURBED SITE AREA

ORNAMENTAL LANDSCAPE AREAS

REQUIRED LANDSCAPE INFORMATION:
 Zoning: Commercial (C1)
 Total Site Area: 20.54 acres (1,156,368 SF)
 Undisturbed TCD Easement area: 6.23 acres (271,178 SF)
 Total disturbed site area: 20.31 acres (884,470 SF)
 Total Landscape Area Provided: 3.41 Acres (148,656 SF)

SCALE: N.T.S.



OVERALL SITE PLAN

Conditions of Approval for CUP23005

CONDITIONAL USE PERMIT

SCOPE AND DURATION OF APPROVAL

1. APPROVAL:

THIS CONDITIONAL USE PERMIT IS APPROVED AS SUBMITTED AND CONDITIONED. ANY SUBSTANTIVE CHANGE SHALL REQUIRE REVIEW AND APPROVAL BY PLANNING COMMISSION AS AN AMENDMENT TO THIS CONDITIONAL USE PERMIT.

2. PROJECT DESCRIPTION:

THE PROJECT APPROVAL IS LIMITED TO A MINI-WAREHOUSE (PERSONAL STORAGE FACILITY AND OUTDOOR VEHICLE STORAGE) ON A ±15.08-ACRE PORTION OF THE PARCEL GENERALLY LOCATED SOUTH OF FARM DISTRICT ROAD, WEST OF DESERT LAKES DRIVE, AND EAST OF DONNA WAY, IN FERNLEY, NV (APN: 021-301-35).

3. CONCURRENT APPLICATION PROCESSING:

APPROVAL OF THIS CONDITIONAL USE PERMIT IS CONTINGENT UPON APPROVAL OF A MASTER PLAN AMENDMENT TO REDESIGNATE THE ±26.55-ACRE PARCEL FROM SINGLE-FAMILY RESIDENTIAL (SFR) TO COMMERCIAL (C); THIS APPROVAL IS FURTHER CONTINGENT UPON APPROVAL OF A ZONING MAP AMENDMENT TO REZONE THE ±26.55-ACRE PARCE FROM RESIDENTIAL – SINGLE-FAMILY, 20,000 SQUARE FEET MINIMUM LOT SIZE (SF20) TO GENERAL COMMERCIAL (C2).

4. EXPIRATION DATE:

THE CONDITIONAL USE PERMIT 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 CONDITIONAL USE PERMIT.

5. 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.

DESIGN STANDARDS

6. PERIMETER WALL:

IN ACCORDANCE WITH FERNLEY MUNICIPAL CODE SECTION 32.07.280 AND SECTION 32.06.100, THE PERIMETER OF THE FACILITY SHALL BE SCREENED BY A SOLID (OPAQUE) MASONRY WALL. THE WALL SHALL INCORPORATE AT LEAST ONE OF THE FOLLOWING EVERY 50 LINEAR FEET: AT LEAST A TWO-FOOT CHANGE IN PLANE FOR AT LEAST TEN FEET; A MINIMUM 18-INCH RAISED PLANTER FOR AT LEAST TEN FEET; OR USE OF A PILASTER AT 75-FOOT INTERVALS, ON PROPERTY CORNERS, OR AT CHANGES IN WALL PLANES.

THE DEVELOPER MAY CHOOSE TO INCLUDE EXTERIOR BUILDING WALLS AS PART OF THE CONSTRUCTION OF THE MASONRY WALL, PROVIDED ALL EXTERIOR WALLS ARE THE SAME HEIGHT AROUND THE PERIMETER.

Conditions of Approval for CUP23005

CONDITIONAL USE PERMIT

7. LANDSCAPE PHASING:

IN ACCORDANCE WITH FERNLEY MUNICIPAL CODE SECTION 32.09.090, THE MINIMUM PORTION OF THE SITE AREA TO BE LANDSCAPED IS 15%. SHOULD THE PROJECT BE PHASED, THE 15% REQUIREMENT SHALL ONLY APPLY TO THE PORTION OF THE SITE DEVELOPED. ALL OTHER SPECIFIC REQUIREMENTS, AS LISTED IN 32.09.090(D), SHALL BE INSTALLED AS PART OF PHASE 1.

8. PARKING:

IN ACCORDANCE WITH FERNLEY MUNICIPAL CODE SECTION 32.09.120, THE ADMINISTRATOR MAY APPROVE THE USE OF ALTERNATIVE PARKING SPACE REQUIREMENTS BASED ON AN ANALYTICAL STUDY FROM THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE). ITE RECOMMENDS 1 PARKING SPACE FOR EVERY 10,000 SQUARE FEET OF STORAGE SPACE AND THE CITY OF FERNLEY ADMINISTRATOR APPROVES USING THIS REQUIREMENT INSTEAD OF THE 1 PARKING SPACE PER 2,000 SQUARE FEET LISTED IN FERNLEY MUNICIPAL CODE FOR THE MINI-WAREHOUSE USE.

THE PROPOSED 153,700 SQUARE FEET SHALL HAVE 16 DEDICATED PARKING SPACES. IN NO CASE SHALL PARKING SPACES AVAILABLE FOR RENT TO STORE RVs, AUTOMOBILES, BOATS, TRAILERS, OR OTHER VEHICLES BE COUNTED TOWARD ANY PARKING MINIMUMS.

IF THE DEVELOPER INTENDS TO ALLOW TEMPORARY PARKING WITHIN THE DESIGNATED DRIVE AISLES, ALL FIRE LANES AND FIRE TURNAROUNDS MUST BE CLEARLY DELINEATED AS "NO PARKING" ZONES.

9. CARETAKER RESIDENCE:

IN ACCORDANCE WITH FERNLEY MUNICIPAL CODE SECTION 32.07.280, NO MORE THAN ONE CARETAKER OR GUARD RESIDENCE SHALL BE PROVIDED. IN ACCORDANCE WITH FERNLEY MUNICIPAL CODE SECTION 32.09.120, AT LEAST ONE DEDICATED PARKING SPACE MUST BE PROVIDED FOR THE CARETAKER RESIDENCE. NO OTHER RESIDENCES SHALL BE ALLOWED.

GRADING AND CIVIL PERMIT CONDITIONS

10. GEOTECHNICAL REPORT:

THE DEVELOPER SHALL PROVIDE A FINAL GEOTECHNICAL REPORT FOR THE PROJECT IN CONFORMANCE WITH THE REQUIREMENTS OF THE DEVELOPMENT CODE FOR REVIEW AND APPROVAL BY THE CITY ENGINEER PRIOR TO ISSUE OF GRADING PERMIT OR BUILDING PERMIT FOR ANY PORTION OF THE PROJECT.

11. 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.

THE DEVELOPER SHALL PROVIDE VERIFICATION OF A STORM WATER DISCHARGE PERMIT FROM THE NEVADA DEPARTMENT OF ENVIRONMENTAL PROTECTION AS WELL AS A SURFACE AREA DISTURBANCE PERMIT, PRIOR TO ISSUE OF A GRADING PERMIT. THIS REQUIREMENT IS SUBJECT TO THE APPROVAL OF THE CITY ENGINEER.

Conditions of Approval for CUP23005

CONDITIONAL USE PERMIT

CONSTRUCTION PHASE

12. 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.

13. 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 INDICATE THE HOURS OF ACTIVITY ON-SITE. THE DEVELOPER SHALL LIMIT ALL 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.

14. 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 REQUIREMENTS

15. FARM DISTRICT ROAD IMPROVEMENTS:

PRIOR TO ISSUE OF A BUILDING PERMIT FOR ANY PHASE OF THE PROJECT, THE DEVELOPER SHALL DEDICATE 50' OF PROPERTY FROM THE CENTERLINE OF FARM DISTRICT ROAD TO CITY OF FERNLEY AND CONSTRUCT THE MULTI-USE PATH AS DEPICTED IN DIAGRAM 4-5 OF THE COMPREHENSIVE MASTER PLAN ALONG THE LENGTH OF THE NORTHERN PROPERTY BOUNDARY.

PER RECOMMENDATION OF THE TRAFFIC IMPACT STUDY PREPARED BY WESTEX CONSULTING ENGINEERS AND DATED APRIL 15, 2023, THE DEVELOPER SHALL INSTALL A RIGHT TURN DECELERATION LANE FOR EASTBOUND TRAFFIC ON FARM DISTRICT ROAD ENTERING THE PROJECT DRIVEWAY. TRAFFIC LEAVING THE PROJECT DRIVEWAY SHOULD BE CONTROLLED WITH A STOP SIGN. THE STOP SIGN SHALL BE PLACED SOUTH OF THE MULTI-USE PATH, UNLESS OTHERWISE DIRECTED BY THE CITY ENGINEER.

ANY DEVIATION FROM NEVADA DEPARTMENT OF TRANSPORTATION'S (NDOT'S) ACCESS MANAGEMENT AND SYSTEM STANDARDS (AMSS) IS SUBJECT TO THE APPROVAL OF NDOT. ALL ASPECTS OF THIS CONDITION ARE SUBJECT TO THE APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR.

16. TRAFFIC ANALYSIS:

THE TRAFFIC ANALYSIS WAS CONDUCTED ASSUMING A FULL BUILDOUT OF 215,180 SQUARE FEET OF ENCLOSED SELF-STORAGE UNITS, 321 OUTDOOR RV AND BOAT STORAGE UNITS, 3,900 SQUARE FEET OF CONVENIENCE STORE WITH 8 FUELING STATIONS, AND A 10,000 SQUARE FOOT STRIP RETAIL PLAZA. PRIOR TO ISSUE OF ANY BUILDING PERMIT THAT DEVIATES FROM THE ABOVE USES OR EXCEEDS THE UNIT AND/OR SQUARE FOOTAGE ALLOTMENT PER USE, THE DEVELOPER SHALL PROVIDE AN UPDATED TRAFFIC REPORT; THIS REQUIREMENT IS SUBJECT TO THE APPROVAL OF THE CITY ENGINEER AND PUBLIC WORKS DIRECTOR.

Conditions of Approval for CUP23005

CONDITIONAL USE PERMIT

17. ADDRESSING:

THE DEVELOPER SHALL SUBMIT A REQUEST FOR ADDRESS FORM TO CITY OF FERNLEY ENGINEERING DEPARTMENT FOR REVIEW AND APPROVAL. ALL ADDRESSING SHALL BE COMPLETED BY THE CITY PRIOR TO ISSUE OF A BUILDING PERMIT.

18. STORM WATER TREATMENT AND DRAINAGE:

THE DEVELOPER SHALL PROVIDE A FINAL DRAINAGE REPORT FOR THE PROJECT IN CONFORMANCE WITH FERNLEY MUNICIPAL CODE AND THE PUBLIC WORKS DESIGN MANUAL FOR REVIEW AND APPROVAL BY THE CITY ENGINEER. THE DEVELOPER SHALL UTILIZE STRUCTURAL CONTROLS FOR THE TREATMENT OF STORM WATER RUNOFF, IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES.

PRIOR TO ISSUE OF A BUILDING PERMIT FOR ANY PHASE OF THE PROJECT, DRAINAGE CONVEYANCE FACILITIES AND OTHER IMPROVEMENTS MUST BE CONSTRUCTED AND FUNCTIONAL. DESIGN AND CONSTRUCTION OF ALL DRAINAGE CONVEYANCE FACILITIES IS SUBJECT TO APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR.

ALL INTERNAL STORM DRAIN INFRASTRUCTURE SHALL BE MAINTAINED BY THE PROPERTY OWNER.

19. WATER RIGHTS:

PRIOR TO ISSUE OF A BUILDING PERMIT FOR ANY PHASE OF THE PROJECT, 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. FULFILLMENT OF THIS REQUIREMENT IS SUBJECT TO APPROVAL OF THE CITY ENGINEER AND PUBLIC WORKS DIRECTOR.

20. POSTAL SERVICE:

PRIOR TO ISSUE OF A BUILDING PERMIT FOR EACH PHASE, THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF THE UNITED STATES POSTAL SERVICE FOR MAIL DELIVERY, MAILBOX DESIGN, AND MAILBOX LOCATION FOR THAT PHASE. THIS REQUIREMENT IS SUBJECT TO APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, FERNLEY POSTMASTER, AND PUBLIC WORKS DIRECTOR.

21. WATER AND SEWER SYSTEM MODELING:

PRIOR TO ISSUE OF A BUILDING PERMIT, THE DEVELOPER SHALL COMPLETE WATER AND SEWER MODELING AND CONSTRUCT ANY IMPROVEMENTS IDENTIFIED AS NECESSARY TO SERVE THE PROJECT IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS. THIS REQUIREMENT IS SUBJECT TO APPROVAL OF THE CITY ENGINEER AND PUBLIC WORKS DIRECTOR.

22. WATER SYSTEM LOOPING:

PRIOR TO ISSUE OF A BUILDING PERMIT, THE DEVELOPER SHALL PROVIDE THE CITY WITH A UTILITY PLAN FOR THE WATER SYSTEM THAT DEMONSTRATES ADEQUATE SYSTEM LOOPING. THE PLAN SHALL BE IN CONFORMANCE WITH THE CITY OF FERNLEY'S MUNICIPAL CODE, NEVADA ADMINISTRATIVE CODE, AND PUBLIC WORKS DESIGN MANUAL. THIS REQUIREMENT IS SUBJECT TO THE APPROVAL OF THE CITY ENGINEER AND PUBLIC WORKS DIRECTOR.

A PUBLIC WATER MAIN EXTENSION ONTO PRIVATE PROPERTY WILL NOT BE PERMITTED. SERVICES SHALL BE TAPPED OFF OF THE 18-INCH WATER MAIN WITHIN FARM DISTRICT ROAD. THE METER SERVICES SHALL BE LOCATED OUTSIDE OF NDOT RIGHT OF WAY WITHIN A PUBLIC UTILITY EASEMENT.

Conditions of Approval for CUP23005

CONDITIONAL USE PERMIT

23. SANITARY SEWER SYSTEM:

ALL ONSITE SEWER MAINS MUST BE PRIVATELY OWNED AND MAINTAINED BY THE COMMERCIAL OWNERS' ASSOCIATION. THE DEVELOPER SHALL INSTALL A SANITARY SEWER MANHOLE WITHIN 5-FEET OF THE NDOT RIGHT OF WAY. THIS MANHOLE WILL DELINEATE BETWEEN THE PUBLIC AND PRIVATE SEWER SYSTEMS.

24. SANITARY SEWER REPORT:

PRIOR TO ISSUE OF A BUILDING PERMIT, THE DEVELOPER SHALL PROVIDE A FINAL SANITARY SEWER REPORT FOR THE PROJECT IN CONFORMANCE WITH THE FERNLEY MUNICIPAL CODE AND THE PUBLIC WORKS DESIGN MANUAL FOR REVIEW AND APPROVAL BY THE CITY ENGINEER.

REGULATORY AGENCIES

25. 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.

26. 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: BUREAU OF RECLAMATION (BOR), 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, TRUCKEE CARSON IRRIGATION DISTRICT (TCID), 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.

April 15, 2023

Nev Dev LLC
3305 Hwy 50 A
Fernley, NV 89408**Re: Traffic Impact Study for Farm District Road Commercial**
Lyon County APN 021-301-35
0 Farm District Road, Fernley, NV 89408
File No.: 2170.004-B

Dear Mr. McCreary,

WESTEX Consulting Engineers, LLC (Westex) is pleased to present this report containing the results of our Traffic Impact Study at the referenced property.

As discussed in further details in the attached report, the key takeaway items are:

- All Levels of Service (LOS) obtained through HCS 2022 simulations resulted in a LOS of C or higher for the proposed project driveway into 2043. This meets or exceeds the LOS of D recommended by the Transportation Research Board.
- The only roadway improvements recommended are the driveway approaches themselves, any associated deceleration lanes, and any required striping or re-striping due to the new driveway approaches.
- Review of NDOT's AMSS show the need for auxiliary deceleration lanes (both left and right turns). A right turn deceleration lane should be installed for eastbound traffic on Farm District Road entering the project driveway; however, installation of a left turn deceleration lane for westbound traffic entering the project location may need to be postponed until the entire Farm District Road is widened to allow for left turn deceleration lanes in a non-existent center median.
- Traffic leaving the proposed project driveway should be controlled with a stop sign.
- Based on the proposed geometry in Attachment 2, a single egress lane will be sufficient for this project into the 2042 planning horizon.
- Due to the spacing from neighboring parcels, deviation from NDOT's AMSS will be required.

We appreciate your selecting Westex Consulting Engineers to perform this Traffic Impact Study and trust that the results will fulfill project design requirements. If you, any design consultants, or plan reviewers have any questions, please contact me directly at (775) 484-1013 or at chris@westexconsulting.com

Respectfully submitted,
WESTEX Consulting Engineers, LLCChristopher Moltz, P.E.
Senior Project Manager

FARM DISTRICT STORAGE



MASTER PLAN AMENDMENT • ZONING MAP AMENDMENT • CONDITIONAL USE PERMIT

Prepared by:



APRIL 18, 2023

FARM DISTRICT STORAGE

MASTER PLAN AMENDMENT • ZONING MAP AMENDMENT CONDITIONAL USE PERMIT

Prepared for:

Nev Dev, LLC
3305 US Highway 50 East
Fernley, Nevada 89408

Prepared by:

Christy Corporation, Ltd.
1000 Kiley Parkway
Sparks, Nevada 89436
(775) 502-8552

April 18, 2023

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Appendices:

~~City of Fernley Development Application~~
~~Letter of Authorization~~
~~Application Checklists~~
~~Legal Description~~
~~Fiscal Letter~~
~~Tax Receipt~~

Note: City of Fernley Planning Staff omitted some appendices from this packet of information for the sake of brevity; the pertinent information is included within the staff and applicant reports. All submittal documents are available via public records request with the City Clerk if desired.

FARM DISTRICT STORAGE

Introduction

This application includes the following requests:

- A **Comprehensive Master Plan Amendment** to redesignate 26.55± acres from Single Family Residential (SFR) to Commercial (C).
- A **Zoning Map Amendment** to rezone 26.55± acres from SF20 to C2.
- A **Conditional Use Permit** to allow for the establishment of mini-warehouse and boat/RV storage on 20.6± acres in the C2 district.

Project Location

The project site (APN # 021-301-35) consists of 26.55± acres located on the south side of Farm District Road, just west of Desert Lakes Drive and east of Donna Way. A TCID irrigation canal is located along the southern boundary of the parcel. Figure 1 (below) depicts the project location.



Figure 1 – Vicinity Map

FARM DISTRICT STORAGE

Existing Conditions

The project site is currently vacant and includes gently sloping terrain from south to north. A drainage runs across the site from south to north. Most notably, a high voltage power line is located within a 200-foot easement that parallels the eastern property boundary. The power line is a major transmission line owned and operated by the Los Angeles Department of Water and Power.

Surrounding land uses include the Desert Lakes subdivision and golf course to the north, large lot single family to the west, vacant land and developing subdivision to the east, and a TCID irrigation canal to the south. Large lot single family exists further to the south on the other side of the canal.

Figure 2 (below) depicts the existing onsite conditions.

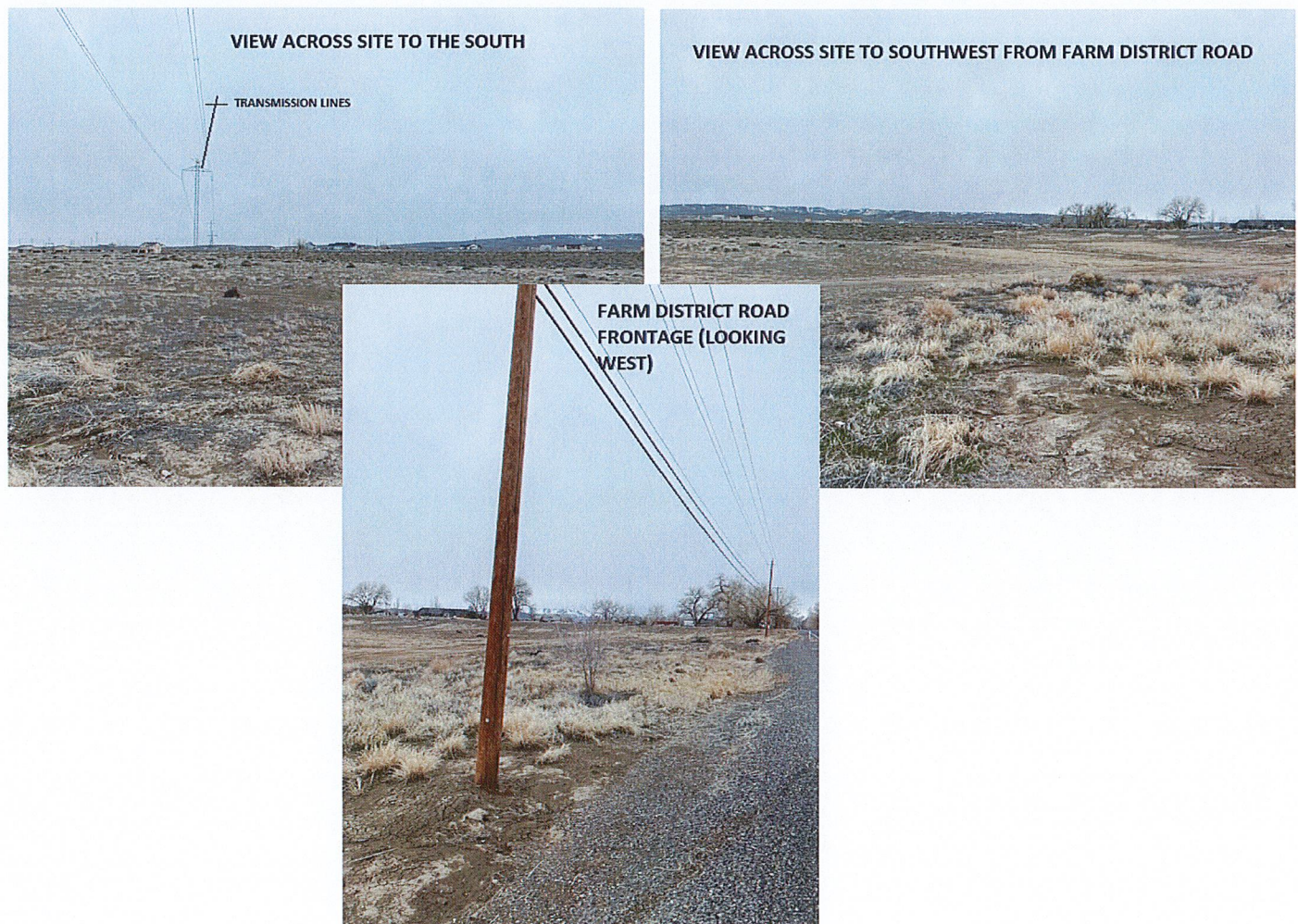


Figure 2 – Existing Conditions

FARM DISTRICT STORAGE

Project Requests

This application includes three individual requests to the City of Fernley. The first two requests are land use amendments, including an amendment to the Comprehensive Master Plan and a zoning map amendment. These amendment requests will establish commercial designations for the site. With the establishment of commercial land use, a Conditional Use Permit (CUP) is requested to allow for a new mini-warehouse use and boat/RV storage to be developed on 20.6± acres located at the southern portion of the existing parcel.

Each of the requests included with this application is detailed below:

- **Comprehensive Master Plan Amendment**

Currently, the 26.55± acres site is designated as Single-Family Residential (SFR) in the City of Fernley Comprehensive Master Plan. This application requests to amend the Master Plan land use to Commercial (C). The C designation will allow for the requested C2 zoning (detailed in following section). Figure 3 (below) depicts the existing and proposed Master Plan designations for the project site.

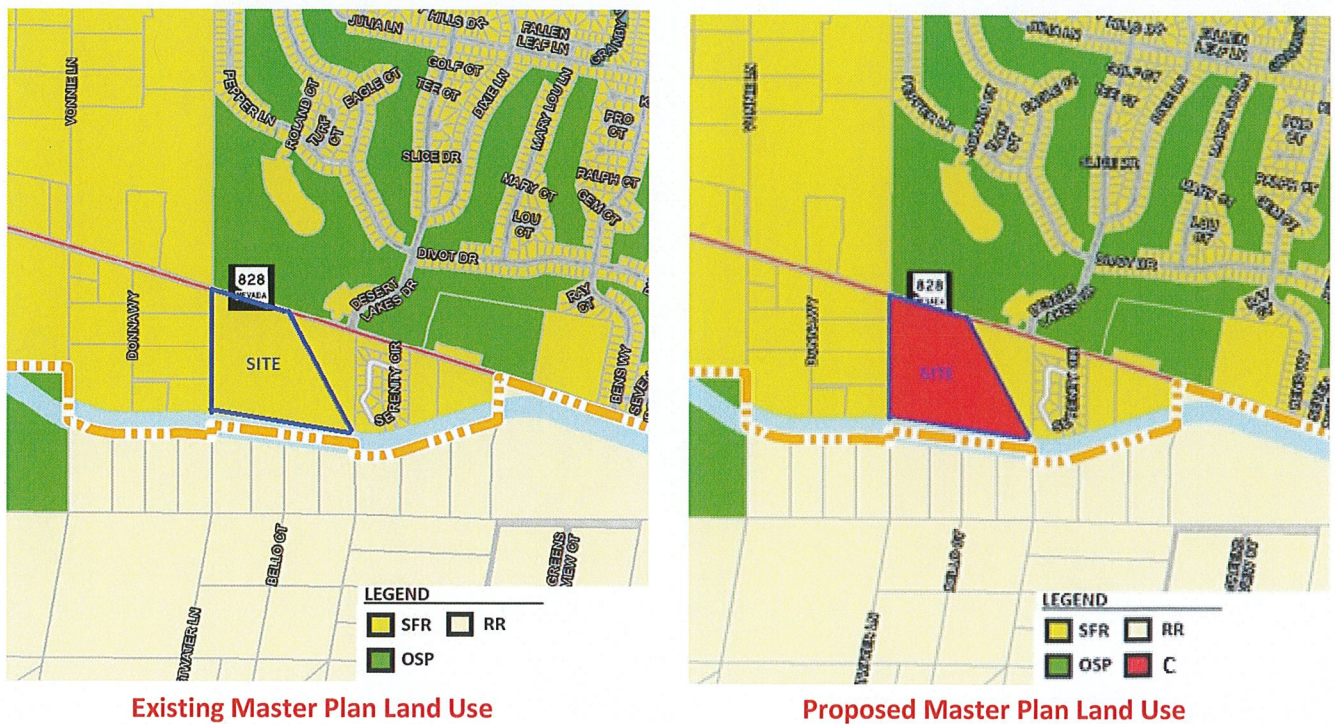


Figure 3 – Existing/Proposed Master Plan Designations

FARM DISTRICT STORAGE

- Zoning Map Amendment

With the establishment of Commercial Master Plan land use, it is proposed to rezone the project site from SF20 to C2. As described in the following sections of this report, C2 zoning will allow for a new mini-warehouse/boat and RV storage facility, along with future neighborhood serving-commercial uses along Farm District Road. Figure 4 (below) depicts the existing and proposed site zoning.

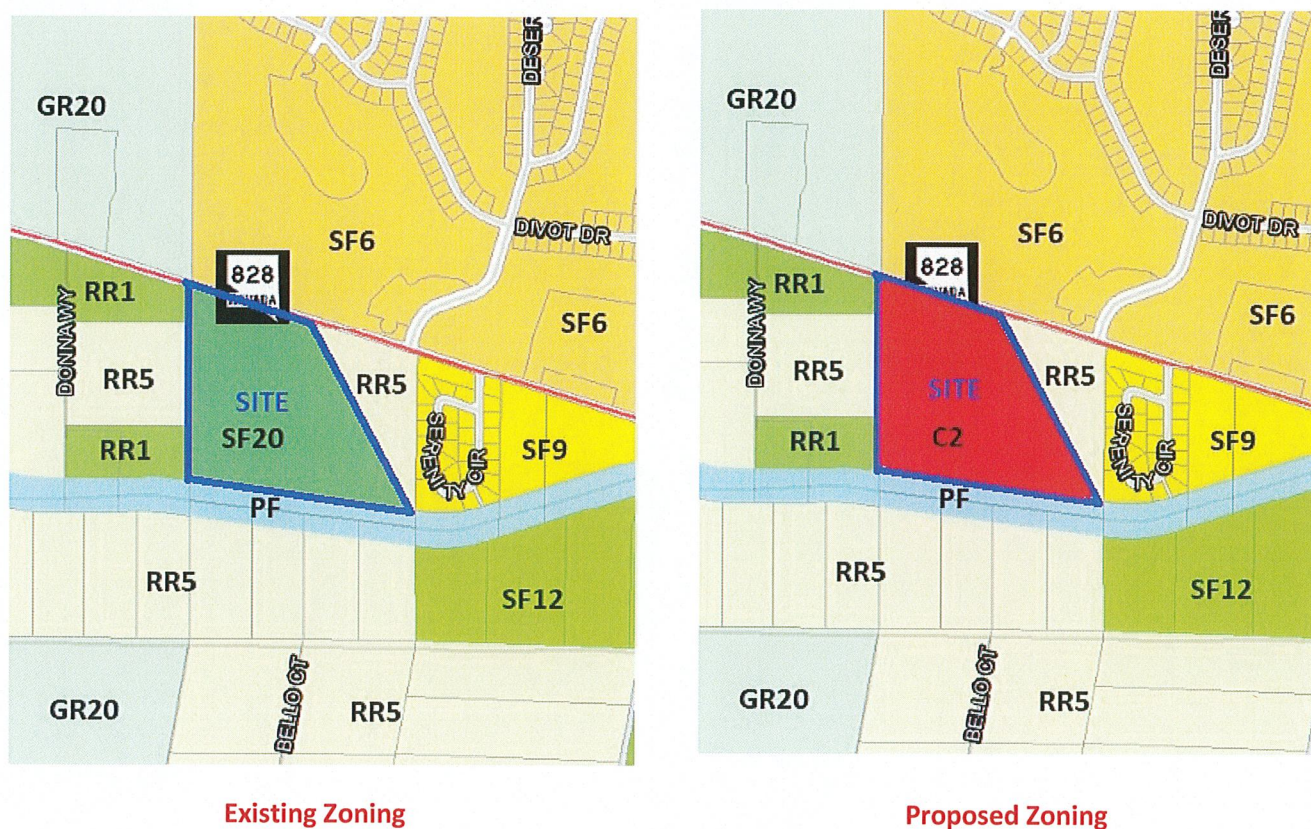


Figure 4 – Existing/Proposed Zoning

FARM DISTRICT STORAGE

- **Conditional Use Permit**

The third and final request included with this application is a Conditional Use Permit (CUP) to allow for the development of a new mini-warehouse/boat and RV storage use to be located at the southern portion of the existing parcel. This self-storage use is proposed to encompass 20.6± acres and will include 250,000± square feet of indoor storage that will be divided into individual units of varying sizes. The is located on the western portion of the site. The east side will include outdoor boat and RV storage consisting of 200± spaces in total.

The self-storage use will include a 6-foot solid fence around its perimeter with a landscape screen surrounding the site. The facility will include gated security access at the north side which will allow patrons to access the facility with a preassigned access code. Security cameras will be located at the entrance as well as throughout the facility providing 24-hour security monitoring/surveillance. The facility will be fully automated. Thus, no office or caretaker's quarters are proposed.

The indoor storage buildings will be similar to other storage uses in the City of Fernley and will be constructed of metal. All of the buildings will be single story and accessed via roll-up doors that face internal access aisles. As noted, the indoor storage is located at the western portion of the site with the remainder of the site dedicated to boat and RV storage. However, it should be noted that if demand for indoor units warrants, a phased approach to expansion may occur. This would result in the conversion of boat/RV spaces to indoor units. If this should occur in the future, new buildings will match/complement the indoor units included in the initial project phase.

Figure 5 (below) depicts typical building elevations of the indoor units as well as a typical gated entry, while Figure 6 (following page) depicts the preliminary site plan for the storage use, including the proposed landscape screen/buffer at the perimeter of the site. The following section of this report analyzes potential impacts from the project and addresses the remaining commercial pads proposed along Farm District Road.



Figure 5 – Typical Storage Elevations

FARM DISTRICT STORAGE



Note: Pad site layout (north side of parcel) is conceptual and subject to change.

Figure 6 – Preliminary Site Plan

Project Rationale

- **Master Plan and Zoning Map Amendments**

The area surrounding the project site is predominantly residential in nature and lacks commercial services. As a result, residents of the area are forced to drive a significant distance into town for everyday goods and services. Establishment of the commercial land use and zoning designations will allow for future neighborhood-serving commercial uses that provide everyday needs and services for the surrounding communities. Envisioned uses include personal services (i.e. salons, medical/dental offices, dry cleaners, etc.) along with low impact commercial uses such as coffee shops, delis, and small scale retail operations. These are logical uses for the site and are in scale with the size of the parcel and the surrounding area. With 5.95± acres (excludes proposed self-storage and includes detention area), the project site cannot accommodate intense commercial uses such as big box centers. Thus, smaller, neighborhood-serving uses are envisioned, as conceptualized in Figure 6.

The transmission line located on the east side of the site limits residential development at the site and makes it far less appealing for residential use. The power line is a major transmission line. In fact, when standing at the project site, noticeable cracking, popping, and buzzing can be heard coming from the lines. With increasing health concerns related to electromagnetic fields, locating homes near this transmission corridor is not advised. Instead, the proposed commercial uses are more appropriate and less impacted by the aesthetics of the power lines. From a health perspective, commercial use will not result in large amounts of people congregating under or near the power lines. Unlike residential use, those at a commercial facility spend far less time at the site than those that could potentially live there, significantly reducing the exposure to electromagnetic fields. Also, the majority of the site is proposed for self-storage which will result in a very limited number of people being at the site at any given time.

Establishing commercial use is appropriate given the low intensity of proposed and potential uses. This area of the City lacks commercial services, and the proposed Master Plan and zoning designations will provide for a more balanced land use plan in the area. Locating commercial services in proximity to residential areas can also reduce overall vehicle trips in and out of the area.

As demonstrated with the included self-storage CUP, future commercial uses can be designed to ensure that they properly relate to the surrounding environment/uses. The site itself includes some built-in buffers including the 200-foot transmission line easement on the east and the TCID canal on the south. Although property to the north is zoned residential, it is developed as part of the Desert Lake Golf Course. Thus, no impact to residential uses to the north will occur with future development. Screening and buffering can be included and/or conditioned with future commercial uses on the north side of the parcel to ensure that any and all potential impacts to residential uses to the west are fully mitigated. The CUP included with this application provides for buffering on the western boundary to ensure proper land use relationships.

FARM DISTRICT STORAGE

- **Conditional Use Permit**

Market analysis shows an increasing demand for self-storage uses in the area. As the City of Fernley continues to grow (and is expected into the future), demand for self-storage use will continue to increase. Currently, there are no storage uses located in this area of the City. Farm District Storage is well situated to serve the residents of the surrounding area and is conveniently located to thousands of residential units.

A key consideration of storage use is its low intensity character. The project is not anticipated to generate large amounts of noise or activity. In fact, the project will generate far less traffic than a residential development of comparable size/area. As part of this CUP process, a traffic impact analysis was completed by Westex Consulting Engineers. The traffic analysis estimates that Farm District Storage will generate approximately 7 am and 7 pm peak hour trips. With such low trip generation, no noticeable impacts to the surrounding roadways are anticipated.

Lighting will be limited to building mounted security lights and minimal freestanding lighting needed to ensure the effectiveness of nighttime security cameras. All lighting will be shielded to ensure that spill-over and glare do not occur beyond the property lines. Security cameras will be included throughout the facility and will include 24-hour remote monitoring. Not only does this provide security for the facility, but it enhances security for the surrounding area. For example, cameras at the project entry and along the perimeter of the facility can also capture any suspicious activity that occurs in the general area. Of course, all cameras will be placed to ensure that privacy impacts do not occur to any existing parcels that adjoin the site.

In terms of infrastructure demands, storage use has very few impacts. In fact, with no office or caretaker's quarters, sewer generation from the site is zero. Although not proposed at this time, the applicant may wish to install a RV sanitary dump in the future if demand arises. Even if this occurs, sewer generation will be minimal as the RV station has limited use and generates far less waste than a residence or commercial/industrial operation. Water demands are limited to the proposed drought tolerant landscaping that will utilize an automatic drip irrigation system along with minimal hose spickets and the potential for an RV dump station.

As mandated by the Fernley Development Code, no additional runoff will be created with the development of Farm District Storage. Onsite detention will be provided to ensure compliance with this standard. Westex Engineering Consultants has developed preliminary grading, drainage, and utility plans for the site, including the identification of the onsite detention basin. Additionally, a preliminary drainage study and sewer report is attached.

FARM DISTRICT STORAGE

In summary, Farm District Storage is a very low intensity commercial use that will provide a needed service in the area while properly relating to the surrounding environment and uses. All potential project impacts have been mitigated through the project design, implementation of buffering/screening, and project amenities such as lighting, fencing, and security monitoring. Given the site characteristics, including limitations on residential development from the power lines, the proposed storage use is ideally situated.

Fernley Comprehensive Master Plan

The City of Fernley Comprehensive Master Plan includes numerous goals and policies related to land use, transportation, infrastructure and services, etc. Farm District Storage and the requested land use amendments are consistent with or support the following Master Plan policies. As the other commercial portions of the project develop, even more policies can/will be implemented with site-specific projects/uses.

HP.1.9 Ensure that applications to amend the Comprehensive Master Plan include an analysis of the impact the proposed amendment will have on the projected population and any corresponding impact on demand for public services and facilities.

C.1.4.3 Encourage new public and private development to use water conservation landscaping and fixtures.

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 exists.

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 improvements and/or funding in lieu of improvements 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 accordance with the Comprehensive Master Plan land use category, and other land use controls to accomplish community principles.

LU.1.2.1 Consistently monitor development applications that intend to utilize the underlying zoning. Modify the Fernley Development Code as necessary to ensure compatible development that reflects the community goals envisioned in the Comprehensive Master Plan.

FARM DISTRICT STORAGE

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

LU.1.3.1 Encourage land uses and 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.1.4.2 Projects shall be evaluated with the intent to promote land use compatibility; community design measures can increase compatibility among adjoining land uses.

LU.1.4.6 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.1.5.3 Development on the perimeter of Fernley is appropriate only where orderly extension of existing public services and facilities can occur.

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.

LU.1.7.4 All outdoor storage shall be visually screened from view from an adjoining public or private street.

LU.1.12 It is the intent of the City of Fernley to provide timely, orderly, and efficient arrangement of adequate public facilities and infrastructure that support existing and planned land use patterns and densities.

LU.1.12.1 Subdivision or intensification of land without adequate public facilities available to serve the new development as it occurs shall not be allowed.

LU.1.12.4 The City, land owner(s), and/or future developer(s) shall develop Area Plans for the Future Development Areas to efficiently plan for adequate public facilities and infrastructure to support future development of these areas.

FARM DISTRICT STORAGE

T.1.1.6 Require all new development to be consistent with the access right-of-way dedication and improvement standards as specified in the Public Works Design Manual and pursuant to the functional classification as defined in this chapter.

T.1.3.4 Require proposed new development that intends to connect with an NDOT roadway to incorporate the NDOT Access Management System and Standards into the project design. These standards regulate access onto the roadway network in order to protect health, safety and welfare of the public, maintain the rights-of-way, and to preserve the functional classification level of the roadway network while meeting the needs of the motoring public. The access management standards address the location, spacing and frequency of access points on the roadway network.

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.

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.

PSF.3.2 Ensure major utility lines, such as electric transmission or high pressure gas, are compatible with existing and future development.

PSF.3.2.1 Require that any new major utility lines be placed within existing transmission line corridors or in new corridors defined through a public planning process.

PSF.3.3 Ensure appropriate levels of public services and facilities are continually provided.

PSF.3.3.1 Coordinate the provision of public services with growth and development in Fernley.

FARM DISTRICT STORAGE

Request Findings

The City of Fernley Municipal Code includes findings that must be made by the Planning Commission and City Council to approve MPA, ZMA, and CUP requests. These findings are listed below and addressed in **bold face** type.

- **Comprehensive Master Plan Amendment**

In order to adopt an amendment to the Master Plan, the Planning Commission shall find that a change is justified based on the following:

- a. The Master Plan amendment would implement the goals listed within the City of Fernley Master Plan as listed in the staff report.

A comprehensive Master Plan policy analysis is included in the previous section of this report and demonstrates that Farm District Storage and the requested amendments support and/or implement numerous Master Plan goals and policies. Given the site characteristics, location, and market demands, commercial land use and self-storage are highly logical.

- b. The master plan amendment would be compatible with surrounding land uses.

As analyzed in the Project Rationale section of this report, establishment of commercial use in the area will help to provide a more balanced land use plan and sets the stage for neighborhood-serving commercial uses that are in demand from the surrounding neighborhoods. The balanced approach to land use is supported by Master Plan goals and policies, as outlined in the previous section of this report.

- c. Public notice was given, and a public hearing held per the requirements of Nevada Revised Statutes and Fernley Development Code.

Hearings before the Fernley Planning Commission and City Council to consider the MPA (and other entitlement requests) will be conducted in accordance with Municipal Code and NRS requirements, including notice to all property owners within 750 feet of the project site.

FARM DISTRICT STORAGE

- **Zoning Map Amendment**

A zoning map amendment is committed to the City Council's legislative discretion. The zoning map amendment be approved if it is:

- a. Consistent with the city's master plan and otherwise consistent with state and federal law.

The requested zone change will provide for needed neighborhood-serving commercial uses in the area, including the proposed Farm District Storage. The requested C2 zoning directly conforms to the requested Commercial Master Plan designation as well.

- b. Consistent with the surrounding land uses.

As demonstrated with the Farm District Storage, commercial use can be designed to be low impact and properly related to adjoining uses. Furthermore, the limited site area of the remaining commercial pads along Farm District Road ensure that smaller scale neighborhood-serving uses will be developed in the future. At that time, site-specific mitigation measures can be incorporated as needed. Another consideration is that commercial use is more appropriate near the high voltage transmission line than residential use which would locate people near electromagnetic fields for long durations of time.

- c. Public notice was given, and a public hearing held per the requirements of the development code and Nevada Revised Statutes

Hearings before the Fernley Planning Commission and City Council to consider the ZMA (and other entitlement requests) will be conducted in accordance with Municipal Code and NRS requirements, including notice to all property owners within 750 feet of the project site.

- **Conditional Use Permit**

Section 32.03.040(b)(6) of the Fernley Municipal Code establishes findings for CUP requests. Like the MPA and ZMA requests addressed previously, these findings are listed below and addressed in **bold face** type.

- a. The approving agency must make findings that the proposed conditional use will be in compliance with the master plan;

In order to ensure full compliance with City of Fernley Master Plan policies and goals as well as Development Code requirements, a request for a Master Plan Amendment accompanies this CUP request. Justification and rationale for the MPA is previously outlined in this report.

FARM DISTRICT STORAGE

- b. The conditional use will be compatible with the existing or permitted uses of adjacent properties;

As detailed previously in this report, the proposed self-storage use is of low intensity and will be complementary to surrounding uses. All potential impacts are properly mitigated through careful site planning, buffering/screening, security measures, and lighting placement/type.

- c. The potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment;

No impairment of natural resources will occur as a result of this request/proposal.

- d. The availability of and need for affordable housing in the community, including affordable housing that is accessible to persons with disabilities;

Not applicable.

- e. The conditional use permits impacts have been conditioned to address identified impacts; and

Self-storage is a low impact use that will generate minimal vehicle trips. Activity at the site will be minimal in comparison with other commercial use types and is not expected to generate negative impacts on the surrounding area.

- f. Public notice has been given and a public hearing held per the requirements of the development code and the Nevada Revised Statutes.

Hearings before the Fernley Planning Commission and City Council to consider the CUP (and other entitlement requests) will be conducted in accordance with Municipal Code and NRS requirements, including notice to all property owners within 750 feet of the project site.

APPENDICES



April 18, 2023

City of Fernley
Attn: Planning Department
595 Silver Lace Boulevard
Fernley, Nevada 89408

RE: Farm District Storage – Fiscal Considerations

To Whom it May Concern;

The Farm District Storage Master Plan and Zoning Map Amendment requests would establish commercial land use at the 26.55± acre project site located on the south side of Farm District Road, just west of Desert Lakes Drive. Currently, the subject property is zoned SF20. Under the current zoning, the property could be developed with 57 single family homes. Although new residential development typically results in an initial positive fiscal impact to the City, the long term impact of a small-scale lower density residential subdivision tends to result in a negative fiscal impact over a 20 to 30 year timeframe. As residential properties depreciate from an assessment perspective, tax revenues to the City are reduced while the cost of to provide services such as police and fire protection, roadway maintenance, etc. increase, resulting in a negative long-term fiscal impact. While this may not be the case for multifamily and higher density single family uses, it generally is for more rural or small scale projects as they simply do not have the “masses” to offset the long term fiscal impacts.

Unlike residential use, commercial development generates additional revenue for the City that results in long term fiscal benefits. In fact, having a mix of nonresidential land uses largely offsets the long-term losses associated with residential uses, resulting in a fiscal balance within the City. With the proposed C2 zoning, the site is anticipated to include a mix of small scale retail and office uses in addition to the proposed self-storage. This results in increased property tax revenue, as well as sales tax revenue, etc. This will far exceed the revenue generated from a residential project constructed under the limitations of the current SF20 zoning.

Upon conversion to C2, the site will be reassessed resulting in immediate positive fiscal impact to the City from a property tax perspective. The Farm District Storage will generate additional tax revenue that currently does not exist and will more than offset any increase in demand for services. With the future development of the commercial pads, increases in employment opportunities, sales tax revenue, and further reassessment of the parcels is anticipated, all of which will have a positive fiscal impact to the City.

While it is not possible to complete a detailed fiscal analysis at this point based on the unknown make-up of the future commercial pads, conversion of the site from SF20 to C2 will have immediate benefit to the City of Fernley. Given the small size of the site, it is not anticipated that a more detailed study is needed. However, an updated fiscal impact analysis can be conditioned with the requested CUP to address any future commercial uses at the site, further ensuring that any new development results in a positive impact to the City of Fernley.

Please do not hesitate to contact me at mike@christynv.com or (775) 250-3455 with any questions or concerns. We look forward to working with City of Fernley staff as the project moves forward in the review process.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mike Railey', is positioned above the printed name and title.

Mike Railey
Planning Manager

cc: NevDev, LLC



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: August 9, 2023

REPORT TO: Fernley Planning Commission

REPORT FROM: Michele Rambo, Planning Director

FINANCIAL IMPACT:

Yes: No: X

CURRENTLY BUDGETED:

Yes: No: X

FUND/ACCOUNT:

N/A

ACTION REQUESTED: Motion

AGENDA ITEM:

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

AGENDA ITEM BRIEF:

The Planned Development section of City Code was last amended in 2020. Since that amendment, the interest in Planned Developments throughout the City of Fernley has grown. The current Planned Development section is aimed at residential developments and does not include information on application requirements or an approval process. The proposed amendment has been written to not only include the missing processing information, but also to make it more applicable to non-residential development.

RECOMMENDED MOTION:

I move to recommend that the City Council approve Bill #331 amending Section 32.06.140 (Planned Development) of the City of Fernley Development Code as presented based on the findings outlined in the staff report.

BUSINESS IMPACT (per NRS Chapter 237):

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

See attached report for background, analysis, alternatives.

ALTERNATIVES:

I move to return Bill #331 back to staff to make the following changes: _____.

I move to recommend that the City Council deny Bill #331 because finding #___ can not be met for the following reason: _____.

BACKGROUND:

Section 32.06.140 of the Fernley Development Code was last amended in 2020. At that time, it was written to focus on residential developments, but did not adequately consider potential commercial or industrial developments. With the growing interest in large industrial developments in Fernley, and the developers desire to create Planned Developments, it has become clear that the current Planned Development is not one-size-fits-all.

In addition, the current Planned Development code does not include any provisions for application submittal requirements or processing. Without these guidelines, Staff is left without a clear path which can lead to inconsistencies and confusion.

ANALYSIS:

Commercial and Industrial developments have unique needs that should be addressed in the Planned Development code. Instead of golf courses and parks, they need truck courts and delivery areas. The amount of open space and landscaping typically looked for in a residential neighborhood is far above what is typical for shopping areas and industrial parks, where the focus is more on parking and truck movement. Sections of the proposed amendment have been clarified to indicate if they are specific to residential or nonresidential developments.

The proposed modifications to Section 32.06.140 (Planned Development) also include sections outlining application requirements, the approval process, and a modification process. These sections are comparable to other Planned Development codes throughout the State of Nevada and conform with the Planned Development chapter of the NRS.

Another change to be noted is the increase in the minimum site area required for a Planned Development from five (5) acres to forty (40) acres. This is a benefit to the developers, especially with the open space requirement of twenty (20) percent. A five (5) acre development is going to require that one (1) of those acres consist of open space. A forty (40) acre development is going to require eight (8) acres of open space. When looking at the financial feasibility of development, the more acres available to build means a better financial return.

In conclusion, the proposed Code Amendment will make the requirements and process to approve a Planned Development much clearer to both City staff and developers.

FINDINGS:

To approve the Code Amendment, the following findings must be met:

CA1

The text amendment is consistent with the City's Master Plan and otherwise consistent with state and federal law.

The proposed text amendment does not change any existing zoning or land use designations or create any conflicts with the City's Master Plan. The addition of processing requirements and consideration for commercial and industrial projects is consistent with the Master Plan. Nevada Revised Statutes Chapter 278A (Planned Development) acted as a guide for the proposed changes, so the amendment is consistent with State laws.

CA2

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

Public notice was given per Development Code and NRS requirements. Additional public hearings will be conducted as the amendment continues through the process.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

City of Elko Development Code Section 32.06.140 (Planned Development)
NRS 278A (Planned Development)

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

1. Bill 331
2. PD Draft Code 063023

BILL #331
CITY OF FERNLEY
ORDINANCE # _____

AN ORDINANCE AMENDING TITLE 32, CHAPTER 06 OF THE FERNLEY MUNICIPAL CODE REPEALING AND REPLACING SECTION 140 (PLANNED DEVELOPMENT) AND OTHER MATTERS RELATED THERETO.

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

Section 1. Chapter 32.06.140 is hereby repealed as follows:

Purpose: This chapter provides for maximum environmental choice for the citizens of the City of Fernley by encouraging flexibility and creativity of design and a greater diversity of building types, open space arrangements and other aspects of land planning while, at the same time, preserving public welfare, health, and the general intent of the City of Fernley Master Plan. An additional purpose of this chapter is to provide a degree of certainty for the duration of build out of a large tract of land, such certainty not otherwise available in other chapters of this title.

~~(a) Minimum site.~~

~~(1) The minimum site area is five acres.~~

~~(2) The city council may waive this minimum if the proposal furthers the city's adopted redevelopment plan.~~

~~(b) Requirements for all planned development reviews.~~

~~(1) Permitted uses.~~ A planned unit development may include any uses permitted in any zone classification provided that any combination of uses is planned in a manner compatible to each and to the surrounding environment and shall be consistent with the city's master plan.

~~(2) Density.~~ The allowable density for a planned unit development shall be within the range established in the City of Fernley Master Plan. Factors to be considered in assigning density are:

- ~~a. Site analysis;~~
- ~~b. Topography;~~
- ~~c. Drainage ways;~~
- ~~d. Views;~~
- ~~e. Soils;~~
- ~~f. Layout of lots;~~
- ~~g. Site sectional studies.~~

~~(3) Common open space.~~

~~a. Subject to the limitations of this section, all developments must provide for a minimum of 20 percent common open space.~~

~~b. Irrespective of its size, no golf course may contribute more than one-quarter of the common open space required by this section.~~

~~c. The common open space required by this section may be reduced by one quarter if it can be demonstrated to the satisfaction of the administrator that the common open space is:~~

- ~~1. Landscaped, in a manner which exceeds the minimum standards imposed in [chapter 32.09](#);~~
- ~~2. Is interconnected with a trail system;~~

3. Accessible from other portions of the development, with said accessibility provided for in the development plan;
4. For nonresidential development the common open space requirement can be met by providing a minimum of 20 percent of the development as landscaped area, which exceeds the minimum standards imposed in [chapter 32.09](#).

~~(4) Buffer zones.~~

- a. The applicant must demonstrate, to the satisfaction of the administrator, the proposed buffer zones between dissimilar uses within the development is sufficient.
- b. Special design considerations such as height controls, density controls, architectural modifications, and landscaping buffers shall be incorporated in any portion of the development which adjoins a previously approved entitlement.

~~(5) Landscaping on private property.~~ Because a planned development may allow for increases in density, additional landscaping requirements may be imposed by the administrator. The developer must provide an incentive plan for front yard landscaping and automated irrigation for single family homes which will be approved as a part of the architectural manual.

~~(6) [Existing projects.]~~ Existing projects may be considered for planned development if, in the opinion of the administrator, they do not pose any health, safety or welfare problems.

~~(7) Dedication.~~ Any land or interest therein within a planned unit development may be dedicated to the city for public use and maintenance, although the city is under no obligation to accept such dedication. In no event does land dedicated to and accepted by the city constitute common open space for the purposes of this chapter.

~~{ Ord. No. 2020-005, § 1(Exh. A), 3-4-2020 }~~

Section 2. Chapter 32.06.140 is hereby added as follows:

Purpose: The purpose of the Planned Development (PD) District is to permit and encourage comprehensively planned developments by providing flexibility in the distribution of land uses, in the density of development, and in other matters typically regulated in traditional zoning districts.

(a) Definitions

- (1) "Master development plan" means a plan, as that term is defined in NRS 278A.060, and accompanying maps which identify the proposed location and size of development parcels, land uses and zoning designations; transportation plans and a traffic impact analysis; open space, community facilities and amenity plans; and the applicable development regulations and design standards.*
- (2) "Development standards" means the minimum standards for development in the Planned Development District, including but not limited to standards for intensity and type of use; densities; building design, layout, configuration, height, coverage, spacing, bulk and setback requirements; provision for utilities; topography and drainage patterns; signage; open space and landscaping; on-site vehicular and pedestrian circulation and parking; urban design elements and features; and site amenities.*

(b) Rezoning and Minimum Site Area.

- (1) *Property may be rezoned to the Planned Development District by the City Council in accordance with the requirements of this Section and Section 32.03.030. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. The rezoning shall include the adoption of a specific master development plan and development standards.*
- (2) *The minimum site area is forty (40) acres. The city council may waive this minimum if the proposal furthers the goals of the City's Comprehensive Master Plan.*

(c) *Application Requirements*

- (1) *Concept Plan Review. In the case of property that is sought to be reclassified to the Planned Development District by the applicant must submit conceptual plans and meet with the administrator, or the administrator's designee, before the City has any obligation to accept the rezoning application as complete. At the meeting, the administrator or the administrator's designee, shall:*
 - a. *Ask questions of the applicant to clarify their understanding of the applicant's intent;*
 - b. *Ensure the applicant understands all required steps in the development review process; and*
 - c. *State any concerns identified by staff based on preliminary review of project plans and materials.*
- (2) *In addition to the submittals required by Section 32.03.030, the following must accompany an application for rezoning submitted by a property owner:*
 - a. *A statement by the applicant describing how the proposed development departs from the otherwise applicable standards of this Code and how the proposed development is an improvement over what would otherwise be required by applicable development regulations.*
 - b. *A metes and bounds description of the proposed Planned Development District.*
 - c. *A proposed master development plan for the entire site.*
 - d. *Development standards that are proposed to be applied to the development. The development standards must include provisions regarding the installation of utility boxes and above ground utilities that are at least as restrictive as those set forth in this Title for comparable development.*
 - e. *Any proposed conditions, covenants and restrictions for the development, including [easements](#) and grants for public utilities.*
 - f. *The location of primary and secondary thoroughfares proposed for the development, including right-of-way widths and the location of access points to abutting streets.*
 - g. *Identification of all rights-of-way, easements, open spaces or other areas to be dedicated, deeded or otherwise transferred to the City.*
 - h. *A plan for the extension of any necessary public services and facilities, including sewer facilities and facilities for flood control and drainage.*

- i. *Guidelines for the physical development of the property, including illustrations of proposed architectural, urban design, landscape, open space and signage concepts.*
 - j. *The location and description of all buffering that is proposed between the development site and adjacent properties.*
 - k. *Additional information and details may be required in order to respond to the unique characteristics of the site and its location.*
 - l. *In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for additional approval of all sections of the PD District are intended to be filed.*
- (3) *An application for rezoning to the PD District must be accompanied by and processed concurrently with an application for a comprehensive master plan amendment to designate all land within the proposed PD District as PUD in the City's Comprehensive Master Plan.*
- (d) *Permitted Uses and Standards*
- (1) *Any combination of residential, commercial, industrial or public uses may be permitted within a specific Planned Development District to the extent they are consistent with the Master Development Plan for that District. The uses to be permitted within the District must be specified in the adopted Master Development Plan for the District. Because of the nature and purpose of the PD District, and notwithstanding any other provision of this Section:*
- a. *An application to rezone property to the PD District may be denied by the City Council, at its complete discretion, if it finds that the proposed development is incompatible or out of harmony with surrounding uses or the pattern of development within the area.*
 - b. *No use, type of development or development standard is presumptively permitted within the PD District unless it already has been included in the adopted plan for the District.*
 - c. *An application to allow within the PD District a particular use, type of development or development standard which has not already been included in the adopted plan for the District may be denied if it is incompatible or out of harmony with the surrounding uses or the pattern of development within the area.*
- (2) *Density. For PD Districts with residential development, the master development plan shall establish the maximum number of dwelling units per gross acre for each residential category (e.g., single family, multi-family, etc.) as well as for the entire development. Factors to be considered in assigning density are:*
- a. *Site analysis;*
 - b. *Topography;*
 - c. *Drainage ways;*
 - d. *Views;*
 - e. *Soils;*

- f. Layout of lots;*
- g. Site sectional studies.*

(3) Common open space.

- a. Subject to the limitations of this section, all developments must provide for a minimum of 20 percent common open space. For nonresidential development the common open space requirement can be met by providing a minimum of 20 percent of the development as landscaped area, which exceeds the minimum standards imposed in chapter 32.09.*
- b. Irrespective of its size, no golf course may contribute more than one-quarter of the common open space required by this section.*
- c. The common open space required by this section may be reduced by one quarter if it can be demonstrated to the satisfaction of the administrator that the common open space is:*
 - 1. Landscaped, in a manner which exceeds the minimum standards imposed in chapter 32.09;*
 - 2. Is interconnected with a trail system;*
 - 3. Accessible from other portions of the development, with said accessibility provided for in the development plan;*
- d. Land dedicated to and accepted by the City shall not constitute common open space for the purposes of this chapter except as otherwise provided in an approved development agreement.*

(4) Buffer zones.

- a. The applicant must demonstrate, to the satisfaction of the administrator, the proposed buffer zones between dissimilar uses within the development is sufficient.*
- b. Special design considerations such as height controls, density controls, architectural modifications, and landscaping buffers shall be incorporated in any portion of the development which adjoins a previously approved entitlement.*

(5) Landscaping on private property. Because a planned development may allow for increases in density, additional landscaping requirements may be imposed by the administrator for Planned Developments with residential development. The developer must provide an incentive plan for front yard landscaping and automated irrigation for single-family homes which will be approved as a part of the development standards.

(6) [Existing projects.] Existing projects may be considered for planned development if, in the opinion of the administrator, they do not pose any health, safety or welfare problems.

(7) Dedication. Any land or interest therein within a planned unit development may be dedicated to the city for public use and maintenance, although the city is under no obligation to accept such dedication

(8) Maintenance of common open space.

- a. *Common open space areas, which may include walkways with public access easements, shall be maintained as permanent open space through at least one of the following options: common ownership by a property owner's association, held in deed-restricted private ownership, or dedication to the City or to another appropriate public agency.*
 - b. *All methods utilizing private ownership shall be in a form approved by the City Attorney, who shall review the documents to ensure perpetual maintenance, preservation, and restricted usage where applicable.*
- (e) *Approval of Master Development Plan and Development Standards.*
 - (1) *The Planning Commission shall hold a public hearing on the proposed PD zone change and, within 60 days of the public hearing, make a recommendation to the City Council.*
 - (2) *After receiving the recommendation of the Planning Commission, the City Council shall act to approve, approve with conditions, or deny the proposed PD zone change.*
 - (3) *In connection with the approval of a Planned Development District, the City Council shall adopt a Master Development Plan and Development Standards, which will thereafter govern the development of property within the District. The approved Master Development Plan and Development Standards for a Planned Development District shall be recorded with the applicable rezoning ordinance and a statement listing all conditions of approval.*
 - (4) *In considering the approval of a Master Development Plan and Development Standards for a Planned Development District, the Planning Commission and City Council shall be guided by the following objectives, and may impose such conditions and requirements deemed necessary to meet those objectives:*
 - a. *Consistency of the proposed development with the City's Comprehensive Master Plan and other applicable plans, policies, standards and regulations.*
 - b. *Compatibility of the proposed development with adjacent and surrounding development.*
 - c. *Minimization of the development's impact upon adjacent roadways and neighborhood traffic, and upon other public facilities and infrastructure.*
 - d. *Protection of the public health, safety, and general welfare.*
- (f) *Modification of Master Development Plan and Development Standards.*
 - (1) *The development of property within the Planned Development District may proceed only in strict accordance with the approved Master Development Plan and Development Standards. Any request by or on behalf of the property owner, or any proposal by the City, to modify the approved Master Development Plan or Development Standards shall be filed with the administrator A Minor Modification is a modification which is requested or agreed to by the property owner and which is intended to accomplish one or more of the following:*
 - a. *A change in the location of a use from the location specified in the approved Master Development Plan, but only if the change in location will not have a significant impact on other uses in the area.*

- b. *The addition of uses that are comparable in intensity to those permitted in connection with the rezoning approval or the approval of a Master Development Plan for the District.*
- c. *A change in parking lot layout, building location or other similar change that conforms with the intent of the previously approved Master Development Plan and Development Standards.*
- d. *A change in the species of plant material proposed for the District.*
- e. *A decrease in the density or intensity of development from that previously approved for the District.*
- f. *Any other change or modification of a similar nature which the administrator determines will not have a significant impact on the District or its surroundings. A Minor Modification shall be reviewed and acted upon administratively by the administrator. An applicant who is aggrieved by the administrator's decision may appeal that decision to the Planning Commission by filing a written appeal with the administrator no later than 10 days after the date the applicant receives notice of the administrative decision.*

(2) *Major Modification. A Major Modification includes any modification which does not qualify as a Minor Modification. A Major Modification shall be processed in accordance with the procedures and standards applicable to a rezoning application.*

(g) *Administrative Review*

All development within a PD District is subject to the administrative review procedures set forth in Section 32.03.050 except as otherwise provided in a development agreement.

(h) *Issue Resolution – Analogous Standards*

With regard to any issue of land use regulation that may arise in connection with a Planned Development District and that is not addressed or provided for specifically in this Section or in the approved Master Development Plan and Development Standards for that District, the administrator may apply by analogy the general definitions, principles, standards and procedures set forth in this Title, taking into consideration the intent of the approved Master Development Plan and Development Standards.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. The City Clerk is instructed and authorized to publish the title of this ordinance as provided by law.

Section 5. This ordinance shall become effective upon passage, approval, and publication.

Section 6. The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare, and convenience.

Section 7. In any subsection, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction,

such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

Section 8. The City Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation, or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

BILL #331 BEING HEREBY PROPOSED on the ____ day of _____, 2023.

BILL #331 BEING HEREBY PASSED, APPROVED, and ADOPTED this ____ day of _____, 2023, by the following vote of the Council:

Ayes: _____ Nays: _____ Abstentions: _____ Absent: _____

FERNLEY CITY COUNCIL

By: _____
Neal E. McIntyre, Mayor

Date: _____

Attest By: _____
Kim Swanson, City Clerk

Date: _____

Sec. 32.06.140. Planned development.

Purpose: ~~This~~ The purpose of the Planned Development (PD) District is to permit and encourage comprehensively planned developments by providing flexibility in the distribution of land uses, in the density of development, and in other matters typically regulated in traditional zoning districts. ~~chapter provides for maximum environmental choice for the citizens of the City of Fernley by encouraging flexibility and creativity of design and a greater diversity of building types, open space arrangements and other aspects of land planning while, at the same time, preserving public welfare, health, and the general intent of the City of Fernley Master Plan. An additional purpose of this chapter is to provide a degree of certainty for the duration of build out of a large tract of land, such certainty not otherwise available in other chapters of this title.~~

(a) Definitions

- (1) "Master development plan" means a plan, as that term is defined in NRS 278A.060, and accompanying maps which identify the proposed location and size of development parcels, land uses and zoning designations; transportation plans and a traffic impact analysis; open space, community facilities and amenity plans; and the applicable development regulations and design standards.
- (2) "Development standards" means the minimum standards for development in the Planned Development District, including but not limited to standards for intensity and type of use; densities; building design, layout, configuration, height, coverage, spacing, bulk and setback requirements; provision for utilities; topography and drainage patterns; signage; open space and landscaping; on-site vehicular and pedestrian circulation and parking; urban design elements and features; and site amenities.

(b) Rezoning and Minimum siteSite Area.

- (1) Property may be rezoned to the Planned Development District by the City Council in accordance with the requirements of this Section and Section 32.03.030. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. The rezoning shall include the adoption of a specific master development plan and development standards.
- (2) The minimum site area is five-forty (40) acres. The city council may waive this minimum if the proposal furthers the goals of the City's Comprehensive Master Plan.
- ~~(2) The city council may waive this minimum if the proposal furthers the city's adopted redevelopment plan.~~

(bc) Application Requirements

- (1) ~~(1)~~ Concept Plan Review. In the case of property that is sought to be reclassified to the Planned Development District by the property owner, the owner or authorized representative applicant must submit conceptual plans and meet with the administrator, or the administrator's designee, before the City has any obligation to accept the rezoning application as complete. At the meeting, the administrator or the administrator's designee, shall:
 - a. Ask questions of the applicant to clarify their understanding of the applicant's intent;
 - b. Ensure the applicant understands all required steps in the development review process; and
 - c. State any concerns identified by staff based on preliminary review of project plans and materials.
- (2) In addition to the submittals required by Section 32.03.030, the following must accompany an application for rezoning submitted by a property owner:
 - a. A statement by the applicant describing how the proposed development departs from the otherwise applicable standards of this Code and how the proposed development is an improvement over what would otherwise be required by applicable development regulations.
 - b. A metes and bounds description of the proposed Planned Development District.
 - c. A proposed master development plan for the entire site.

-
- d. Development standards that are proposed to be applied to the development. The development standards must include provisions regarding the installation of utility boxes and above ground utilities that are at least as restrictive as those set forth in this Title for comparable development.
 - e. Any proposed conditions, covenants and restrictions for the development, including easements and grants for public utilities.
 - f. The location of primary and secondary thoroughfares proposed for the development, including right-of-way widths and the location of access points to abutting streets.
 - g. Identification of all rights-of-way, easements, open spaces or other areas to be dedicated, deeded or otherwise transferred to the City.
 - h. A plan for the extension of any necessary public services and facilities, including sewer facilities and facilities for flood control and drainage.
 - i. Guidelines for the physical development of the property, including illustrations of proposed architectural, urban design, landscape, open space and signage concepts.
 - j. The location and description of all buffering that is proposed between the development site and adjacent properties.
 - k. Additional information and details may be required in order to respond to the unique characteristics of the site and its location.
 - l. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for additional approval of all sections of the PD District are intended to be filed.

(3) An application for rezoning to the PD District must be accompanied by and processed concurrently with an application for a comprehensive master plan amendment to designate all land within the proposed PD District as PUD in the City's Comprehensive Master Plan.

(c) Permitted Uses and Standards

- (1) Any combination of residential, commercial, industrial or public uses may be permitted within a specific Planned Development District to the extent they are consistent with the Master Development Plan for that District. The uses to be permitted within the District must be specified in the adopted Master Development Plan for the District. Because of the nature and purpose of the PD District, and notwithstanding any other provision of this Section:
 - a. An application to rezone property to the PD District may be denied by the City Council, at its complete discretion, if it finds that the proposed development is incompatible or out of harmony with surrounding uses or the pattern of development within the area.
 - b. No use, type of development or development standard is presumptively permitted within the PD District unless it already has been included in the adopted plan for the District.
 - c. An application to allow within the PD District a particular use, type of development or development standard which has not already been included in the adopted plan for the District may be denied if it is incompatible or out of harmony with the surrounding uses or the pattern of development within the area.

Requirements for all planned development reviews.

- ~~(1) Permitted uses. A planned unit development may include any uses permitted in any zone classification provided that any combination of uses is planned in a manner compatible to each and to the surrounding environment and shall be consistent with the city's master plan.~~

-
- (2) *Density.* ~~For PD Districts with residential development, The the master development plan shall establish the maximum number of dwelling units per gross acre for each residential category (e.g., single family, multi-family, etc.) as well as for the entire property development. The allowable density for a planned Planned unit dDevelopment District shall be within the range established in the City of Fernley Master Plan.~~ Factors to be considered in assigning density are:

- ~~a. a.~~ Site analysis;
- ~~b. b.~~ Topography;
- ~~c. c.~~ Drainage ways;
- ~~d. d.~~ Views;
- ~~e. e.~~ Soils;
- ~~f. f.~~ Layout of lots;
- ~~g. g.~~ Site sectional studies.

- (3) *Common open space.*

- ~~a. a.~~ Subject to the limitations of this section, all developments must provide for a minimum of 20 percent common open space. For nonresidential development the common open space requirement can be met by providing a minimum of 20 percent of the development as landscaped area, which exceeds the minimum standards imposed in chapter 32.09.
- ~~b. b.~~ Irrespective of its size, no golf course may contribute more than one-quarter of the common open space required by this section.
- ~~c. c.~~ The common open space required by this section may be reduced by one quarter if it can be demonstrated to the satisfaction of the administrator that the common open space is:
 - 1. Landscaped, in a manner which exceeds the minimum standards imposed in chapter 32.09;
 - 2. Is interconnected with a trail system;
 - 3. Accessible from other portions of the development, with said accessibility provided for in the development plan;
 - ~~4. For nonresidential development the common open space requirement can be met by providing a minimum of 20 percent of the development as landscaped area, which exceeds the minimum standards imposed in chapter 32.09.~~
- ~~d. Land dedicated to and accepted by the City shall not constitute common open space for the purposes of this chapter except as otherwise provided in an approved development agreement. In no event does land dedicated to and accepted by the city constitute common open space for the purposes of this chapter.~~

- (4) *Buffer zones.*

- a. The applicant must demonstrate, to the satisfaction of the administrator, the proposed buffer zones between dissimilar uses within the development is sufficient.
- b. Special design considerations such as height controls, density controls, architectural modifications, and landscaping buffers shall be incorporated in any portion of the development which adjoins a previously approved entitlement.

- (5) *Landscaping on private property.* Because a planned development may allow for increases in density, additional landscaping requirements may be imposed by the administrator for Planned Developments with residential development. The developer must provide an incentive plan for front yard landscaping

and automated irrigation for single-family homes which will be approved as a part of the ~~architectural manual~~development standards.

(6) *[Existing projects.]* Existing projects may be considered for planned development if, in the opinion of the administrator, they do not pose any health, safety or welfare problems.

(7) *Dedication.* Any land or interest therein within a planned unit development may be dedicated to the city for public use and maintenance, although the city is under no obligation to accept such dedication

(8) Maintenance of common open space.

a. Common open space areas, which may include walkways with public access easements, shall be maintained as permanent open space through at least one of the following options: common ownership by a property owner's association, held in deed-restricted private ownership, or dedication to the City or to another appropriate public agency.

b. All methods utilizing private ownership shall be in a form approved by the City Attorney, who shall review the documents to ensure perpetual maintenance, preservation, and restricted usage where applicable. ~~In no event does land dedicated to and accepted by the city constitute common open space for the purposes of this chapter.~~

(d) Approval of Master Development Plan and Development Standards.

c. The Planning Commission shall hold a public hearing on the proposed PD zone change and, within 60 days of the public hearing, make a recommendation to the City Council.

d. After receiving the recommendation of the Planning Commission, the City Council shall act to approve, approve with conditions, or deny the proposed PD zone change.

e. In connection with the approval of a Planned Development District, the City Council shall adopt a Master Development Plan and Development Standards, which will thereafter govern the development of property within the District. The approved Master Development Plan and Development Standards for a Planned Development District shall be recorded with the applicable rezoning ordinance and a statement listing all conditions of approval.

f. In considering the approval of a Master Development Plan and Development Standards for a Planned Development District, the Planning Commission and City Council shall be guided by the following objectives, and may impose such conditions and requirements deemed necessary to meet those objectives:

1. Consistency of the proposed development with the City's Comprehensive Master Plan and other applicable plans, policies, standards and regulations.

2. Compatibility of the proposed development with adjacent and surrounding development.

3. Minimization of the development's impact upon adjacent roadways and neighborhood traffic, and upon other public facilities and infrastructure.

4. Protection of the public health, safety, and general welfare.

(g) Modification of Master Development Plan and Development Standards.

(1) The development of property within the Planned Development District may proceed only in strict accordance with the approved Master Development Plan and Development Standards. Any request by or on behalf of the property owner, or any proposal by the City, to modify the approved Master Development Plan or Development Standards shall be filed with the ~~Department~~administrator. A Minor Modification is a modification which is requested or agreed to by the property owner and which is intended to accomplish one or more of the following:

-
- a. A change in the location of a use from the location specified in the approved Master Development Plan, but only if the change in location will not have a significant impact on other uses in the area.
 - b. The addition of uses that are comparable in intensity to those permitted in connection with the rezoning approval or the approval of a Master Development Plan for the District.
 - c. A change in parking lot layout, building location or other similar change that conforms with the intent of the previously approved Master Development Plan and Development Standards.
 - d. A change in the species of plant material proposed for the District.
 - e. A decrease in the density or intensity of development from that previously approved for the District.
 - f. Any other change or modification of a similar nature which the administrator determines will not have a significant impact on the District or its surroundings. A Minor Modification shall be reviewed and acted upon administratively by the administrator. An applicant who is aggrieved by the administrator's decision may appeal that decision to the Planning Commission by filing a written appeal with the ~~Department~~ administrator no later than 10 days after the date the applicant receives notice of the administrative decision.

(2) Major Modification. A Major Modification includes any modification which does not qualify as a Minor Modification. A Major Modification shall be processed in accordance with the procedures and standards applicable to a rezoning application.

(h) Administrative Review

All development within a PD District is subject to the administrative review procedures set forth in Section 32.03.050 except as otherwise provided in a development agreement.

(i) Issue Resolution – Analogous Standards

With regard to any issue of land use regulation that may arise in connection with a Planned Development District and that is not addressed or provided for specifically in this Section or in the approved Master Development Plan and Development Standards for that District, the administrator may apply by analogy the general definitions, principles, standards and procedures set forth in this Title, taking into consideration the intent of the approved Master Development Plan and Development Standards

(Ord. No. 2020-005, § 1(Exh. A), 3-4-2020)



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: August 9, 2023

REPORT TO: Fernley Planning Commission

REPORT FROM: Michele Rambo, Planning Director

FINANCIAL IMPACT:

Yes: No: X

CURRENTLY BUDGETED:

Yes: No: X

FUND/ACCOUNT:

N/A

ACTION REQUESTED: Motion

AGENDA ITEM:

(For Possible Action) Consideration, discussion, and possible action regarding NRS Section 278.253 (Ordinance for zoning of tiny homes) and how the Planning Commission would like to incorporate the requirement to allow tiny homes into the City of Fernley Development Code.

AGENDA ITEM BRIEF:

During the 2021 Nevada Legislative Session, a bill was passed and signed by the governor requiring that all governing bodies within the state adopt regulations allowing tiny homes. This bill required that these regulations be adopted prior to January 1, 2024. The requirements depend on the population of the city/county with smaller cities such as Fernley given three options on how to incorporate tiny homes into their Codes. Staff is looking for direction on which option(s) the Planning Commission would like to pursue in an upcoming amendment to the Development Code.

RECOMMENDED MOTION:

I move to recommend to the City Council that staff prepare an amendment to the Development Code incorporating tiny homes per Section 278.253(2) of the Nevada Revised Statutes.

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:

None

BACKGROUND:

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

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

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

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

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

ANALYSIS:

The City of Fernley can adopt one or more of the options found in NRS Section 278.253(2). Each option is examined in more detail below.

- 1. Designate at least one zoning district in which a tiny house may be located and classified as an accessory dwelling unit.**

The American Planning Association defines an accessory dwelling unit (ADU) as a “smaller, independent residential dwelling unit located on the same lot as a stand-alone single-family home.” ADUs are popular in areas where housing is limited because it provides two or more units on one lot, potentially doubling the housing opportunities in certain neighborhoods.

The City of Fernley already allows ADUs in most of the single-family residential zones. Section 32.07.020 of the Development Code contains regulations for ADUs that can be applied whether the ADU is more or less than 400 square feet. Modifying the existing section of the Development Code to specifically mention tiny homes would be fairly simple.

- 2. Designate at least one zoning district in which a tiny house is allowed to be located and classified as a**

single-family residential unit.

In contrast to generations past, there is a growing desire by young homebuyers to purchase smaller homes, including those classified as tiny homes. This has led to the creation of tiny home subdivisions with a single tiny home on its own individual lot. However, it is not financially feasible for developers or builders to put a 400 square foot house on a 6,000 square foot or larger lot. Therefore, developers are starting to propose and/or create small lot subdivisions consisting of lots of around 2,500 to 3,000 square feet.

If the City chooses to pursue this option, the following questions will need to be considered:

- Which residential zone(s) will tiny homes be allowed as single-family units on individual lots?
- Minimum lot size?
 1. Keep existing minimums?
 2. Allow smaller lots only for tiny homes?
 3. Create a new zone for small lot development?
- Density?
 1. Keep existing density?
 2. Allow more density only for tiny home development?
 3. Create a new Land Use designation in the Master Plan for higher density, small lot development?

The following table outlines each existing single-family residential zone, their minimum lot sizes, and maximum density.

Zoning District	Minimum Lot Size	Maximum Density Allowed
GR20	20 Acres	0.025 Units/Acre
RR5	5 Acres	2 Units/Acre
RR1	1 Acre	2 Units/Acre
RR½	½ Acre	2 Units/Acre
SF20	20,000 sq. ft.	7 Units/Acre
SF12	12,000 sq. ft.	7 Units/Acre
SF9	9,000 sq. ft.	7 Units/Acre
SF6	6,000 sq. ft.	7 Units/Acre

3. Designate at least one zoning district in which a tiny house may be located in a tiny house park.

The third possible option is to allow for the development of tiny house parks. These would be similar to mobile home parks with spaces rented to non-permanent tiny homes with shared amenities and/or open space.

The City of Fernley Development Code currently allows mobile home parks with a Conditional Use Permit in the multi-family, mixed-use, and some commercial zoning districts. Section 32.07.240 of the Development Code outlines the requirements for mobile home parks.

If the City chooses this third option, there are two ways to go about it. The Development Code could be updated to simply clarify that tiny homes are allowed within mobile home parks that comply with existing Section 32.07.240. The other option would be to create development standards specific to tiny house parks and create a new Use Standard within Chapter 32.07 of the Development Code.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

NRS 278.253 (Ordinance for zoning of tiny homes)
City of Fernley Development Code

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

None