



N E V A D A

AGENDA
Regular Meeting
Planning Commission

Wednesday, January 10, 2024 • 5:00 PM

Members

Jenni McCullar - Chairwoman
Angela Lewis - Vice Chair
Jacob VanderHeiden - Commissioner
Humayoon Lodhi - Commissioner
Barry Williams Sr. - Commissioner
Open - 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. GENERAL BUSINESS

- 2.1. (For Possible Action) Discussion and election of City of Fernley Planning Commission Officers for 2024.**

3. 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

- 3.1. (For Possible Action) Consideration, discussion, and possible action to recommend that the City Council approve Bill #342, an Ordinance establishing a Development Agreement (DA22001) between the developer (Mark IV Capital) and the City of Fernley in association with the Victory Logistics District Planned Development relating to improvements of utilities, public services, and other related items.**
- 3.2. (For Possible Action) Discussion and possible action regarding a major deviation application (MJD23003) submitted by Eric Flodman on behalf of Genica Skyridge LLC to request a deviation at least 10 percent but not more than 50 percent from the standard of development for rear yard setbacks on lots 13 through 16 of Skyridge Estates II (APNs: 022-482-01, 022-482-02, 022-482-03, and 022-482-09).**

4. 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.)

5. 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.)

6. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

7. PUBLIC FORUM

8. ADJOURNMENT

Next Meeting: February 14th @ 5pm

**MINUTES OF THE
FERNLEY PLANNING COMMISSION MEETING
DECEMBER 13, 2023**

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

1. INTRODUCTORY ITEMS

1.1. Pledge of Allegiance

1.2. Roll Call

Present: Chairwoman Jenni McCullar, Commissioner Jake VanderHeiden, Commissioner Cody Wanger, Commissioner Barry Williams, Commissioner Shellie Severa, Deputy City Manager Lydia Altick, City Attorney Aaron Mouritsen, Deputy City Clerk Brenda Gosser, Administrative Specialist I Sandy Harris, Planning Director Michele Rambo, Senior Planner Shay League, City Engineer Derek Starkey. **Absent:** Commissioner Humayoon Lodhi, Vice-Chair Angela Lewis.

1.3. Public Forum

None

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE THE AGENDA. **Action:** Approved. **Moved by:** Commissioner Cody Wanger, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Commissioner Williams, Commissioner Severa, Chairwoman McCullar, Commissioner Wanger, Commissioner VanderHeiden. **Absent:** Commissioner Lodhi, Vice-Chair Lewis.

1.5. (Possible Action) Approval of Minutes

Motion: I MOVE TO APPROVE THE MINUTES FROM THE NOVEMBER 8, 2023, MEETING. **Action:** Approved. **Moved by:** Commissioner Barry Williams, **Seconded by:** Commissioner Shellie Severa. **Vote:** Passed. **Summary:** Yes 5. **Yes:** Commissioner Williams, Commissioner Severa, Chairwoman McCullar, Commissioner Wanger, Commissioner VanderHeiden, **Absent:** Commissioner Lodhi, Vice-Chair Lewis.

2. STAFF REPORTS

2.1. (For Possible Action) Consideration and possible action to recommend that the City Council conditionally approve TSM 22002, a Tentative Subdivision Map submitted by Mark IV Capital for multiple parcels totaling approximately 2,174 acres generally located south of Interstate 80, east of Nevada Pacific Parkway, and north of US 50A.

Planning Director Rambo presented. Mark IV Capital is going through the approval process for multiple applications to develop Phase 1 of the Victory Logistics District, an industrial development proposed for the east side of Fernley. A Planned Development and associated handbook have previously been approved by the City Council and a Development Agreement is currently being negotiated. Staff is requesting a modification to Condition #22 to read: "The developer shall provide a will serve from a solid waste collection service to the approval of the administrator prior to the approval and recordation of a Final Map." The Tentative Subdivision Map, if approved, will create an industrial subdivision out of the existing lots. Industrial subdivisions are slightly different from a typical residential subdivision in that, instead of creating individual lots, the map acts only to dedicate streets, rights-of-way, and/or easements to the City of Fernley. This creates the opportunity to divide the property in a way more tailored to individual users through a series of Final Maps, which will follow to formally create the individual parcels. As the development occurs, additional maps and/or boundary adjustments may be requested based on market needs.

Dave Snelgrove, representative for Mark IV Capital, gave a brief recap of the project. The company agrees with the staff's recommendation of approval of the tentative subdivision map and believes that all the findings can be made and respectfully requests the Planning Commission's recommendation of approval.

Commissioner Cody Wagner asked for clarification on the projected wastewater costs and the traffic signal layout. Derek Starkey, City Engineer, stated that the cost is the applicants' responsibility. Dave Snelgrove stated that the traffic signal layout is for the anticipated growth over time.

Scott Barnes, Vice-President of Mark IV Capital, stated that regarding the Nevada Pacific Parkway, that they are in the process with NDOT and it will take approximately 1 year. Each one of the signal lights has to go through a process where warrants are established for those signals and will not be constructed until needed. The RAISE grant provided \$25 million for the project. The project is about \$52 million right now as it stands, and Mark IV will be paying the other \$27 million plus.

Motion: I MOVE TO RECOMMEND THAT THE CITY COUNCIL APPROVE TSM 22002 AS PRESENTED BY STAFF, BASED ON THE FINDINGS AND CONDITIONS OF APPROVAL OUTLINED IN THE STAFF REPORT WITH THE EXCEPTION OF CONDITION # 22 TO REMOVE WASTE MANAGEMENT FROM THE CONDITION. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 4, No 1. **Yes:** Commissioner Williams, Chairwoman McCullar, Commissioner Wagner, Commissioner VanderHeiden, **No:** Commissioner Severa, **Absent:** Commissioner Lodhi, Vice-Chair Lewis.

3. PUBLIC HEARINGS

3.1. (For possible action) Consideration of a type I vacation request (T1V23002) and associated order of abandonment by Phelps Engineering Services on behalf of Richard Jackson to abandon the right-of-way known as "Hartsock Avenue", located at approximately 590 West Main Street (APN: 021-071-02).

Shay League, Senior Planner, presented. The existence of Hartsock Avenue has encumbered the title of 5920 West Main Street. Though the right-of-way for Hartsock Avenue was never formally dedicated to or accepted by the City of Fernley (which was then the Town of Fernley), the applicant needs us to specify that we are not interested in trying to establish a public right-of-way there. Due to a previous mapping anomaly, a portion of the intended "Hartsock Avenue" is perceived as possibly being a public right-of-way. The developer is requesting we abandon this right-of-way, so they may develop this and the neighboring parcel.

No Public Input.

Motion: I MOVE TO RECOMMEND CITY COUNCIL ADOPT FINDING T1V(1) AND APPROVE THE TYPE 1 VACATION REQUEST AND ORDER OF ABANDONMENT ASSOCIATED WITH T1V23002. **Action:** Approved. **Moved by:** Chairwoman Jenni McCullar, **Seconded by:** Commissioner Shellie Severa. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Commissioner Williams, Commissioner Severa, Chairwoman McCullar, Commissioner Wagner, Commissioner VanderHeiden. **Absent:** Commissioner Lodhi, Vice-Chair Lewis.

4. CHAIR AND COMMISSION ITEMS

None

5. PLANNING DIRECTOR ITEMS

Michele Rambo, Planning Director, reported that the by-laws for the Commission were passed by the Council. The Tiny Home and the Planned Development Ordinances also passed through Council. At the January meeting, the Commission will see the development agreement from Mark IV for a brief review. They are in the process of negotiating some additional changes. The Nevada Planning Guide was given to the Commissioners, which is a good summary of the Nevada planning laws and good reference material. On January 16, 2024, there will be a public open house to get public input for the two area plans (North side and Southwest side). This will be Shellie Severa's last meeting as Commissioner.

6. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

None

7. PUBLIC FORUM

James W. Robert, Fernley resident, thanked the Commission for doing a great job.

8. ADJOURNMENT

The next meeting will be January 10, 2024, at 5:00 pm.

There being no further business to come before it, the Fernley Planning Commission meeting adjourned at 5:32 pm.

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

AYES _____ NAYS: _____ ABSTENTIONS: _____ ABSENT: _____

Chairwoman Jenni McCullar

ATTEST:



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: January 10, 2024

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) Discussion and election of City of Fernley Planning Commission Officers for 2024.

AGENDA ITEM BRIEF:

Fernley Planning Commission Bylaws Section 3-1 stipulates the Chair and Vice-Chair shall be elected from its membership each year at the January meeting.

RECOMMENDED MOTION:

"I move Commissioner _____ serve as Planning Commission Chair for calendar year 2024."

"I move Commissioner _____ serve as Planning Commission Vice-Chair for calendar year 2024."

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:

Section 3-1 of the City of Fernley Planning Commission By-Laws outlines the requirements for the election of

officers (Chair and Vice-Chair). Part of those requirements is to elect officers at the January meeting to serve a one-year term. After some confusion last year, the bylaws were re-written to clarify how many consecutive terms each member could hold an office. Because the current Chair and Vice-Chair have only served one term, all Planning Commission members are eligible to hold an office in 2024.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

Neveda Revised Statutes (NRS) Chapter 241 - Meetings of State and Local Agencies

Note: This NRS Chapter is often referred to as "open meeting law".

NRS 268.110 - 268.220, Powers and Duties Common to Cities and Towns Incorporated Under General or Special Laws, City Planning Commission

NRS 278.030 - 278.265, Planning and Zoning, Planning Commissions

Fernley Municipal Code (FMC) Title 2, Chapter 9, Article I, Administration, Boards and Commissions, Planning Commission

Fernley Planning Commission By-Laws, last updated December 6, 2023

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: January 10, 2024

REPORT TO: Fernley Planning Commission

REPORT FROM: Michele Rambo, Planning Director

FINANCIAL IMPACT:

Yes: X

No:

CURRENTLY BUDGETED:

Yes:

No: X

FUND/ACCOUNT:

TBD

ACTION REQUESTED: Motion

AGENDA ITEM:

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

AGENDA ITEM BRIEF:

Since the original public hearing was held by the Planning Commission on November 8, 2023, the property owner, Mark IV Capital, and the City of Fernley have continued negotiations of a Development Agreement to accompany the development of the Victory Logistics District Planned Development. As required by the Planning Commission, staff is bringing the revised document back for review and a new recommendation to City Council.

RECOMMENDED MOTION:

I move to continue DA22001 to a future Planning Commission meeting to be scheduled only after a final revised Development Agreement is completed to the satisfaction of both the City of Fernley and Mark IV Capital.

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:

At the request of the applicant, Mark IV Capital, the City of Fernley has continued to negotiate a Development Agreement (DA22001) for the Victory Logistics District Planned Development. Originally, there were three topics that were to be revisited: wastewater treatment, Well No. 9, and traffic. However, the applicant has also requested additional changes to other sections of the Development Agreement that city staff believed had already been resolved. These efforts by the applicant have bogged down the overall negotiations and have resulted in steps backward on several fronts. The applicant was given deadlines for revisions and final suggestions, but those deadlines have not been met. Therefore, the City of Fernley does not have a revised document for review at this point. In order to prevent wasting additional staff and Planning Commission time, staff is recommending that this item be continued to an unknown future Planning Commission meeting to be determined once a final document is ready for review.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

NRS Sections 278.0201 - 278.0207
Fernley Development Code Section 32.03.100(a)

FINANCIAL IMPLICATIONS:

TBD

ATTACHMENTS:

None



CITY OF FERNLEY

Planning Commission AGENDA REPORT

Meeting Date: January 10, 2024

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) Discussion and possible action regarding a major deviation application (MJD23003) submitted by Eric Flodman on behalf of Genica Skyridge LLC to request a deviation at least 10 percent but not more than 50 percent from the standard of development for rear yard setbacks on lots 13 through 16 of Skyridge Estates II (APNs: 022-482-01, 022-482-02, 022-482-03, and 022-482-09).

AGENDA ITEM BRIEF:

The SF9 zone (Single-Family, 9,000 square foot minimum lot size) requires a 20' rear yard setback. If Planning Commission is able to make the required findings, the Commission may approve a setback requirement for these four lots that is greater than 10' and less than 20'.

RECOMMENDED MOTION:

Denial

"Based on information presented in the staff report, and at the public hearing on this matter, I move to deny the major deviation request associated with MJD23003. I am unable to make the required findings MJD3 and MJD4; therefore, I cannot approve the major deviation."

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 further language has been provided, all motions compliant with Fernley Planning Commission parliamentary procedure are appropriate. Should a Planning Commissioner opt to motion for approval, Staff request that Commissioner to specifically list the ways in which the four required findings have been met.

BACKGROUND:

These parcels are part of a failed project originally subdivided in 2007. Genica Skyridge LLC purchased these 25 lots, and an additional two parcels meant to be dedicated to City of Fernley, in 2020. When a developer purchases and develops an existing project already subdivided, there are often items that need to be worked out. An example from this subdivision is that the legal right-of-way did not match Serenity Circle as constructed and the developer needed to go through a vacation and re-dedication process in order to align the two and grant their residents legal access to the subdivision.

For the purposes of this application, the developer has pre-approved stock plans for housing designs that City of Fernley has already approved as options to build. As part of the stock plan approval process, when a developer applies for a building permit, they will not need to wait for staff to verify that the house itself meets our requirements. Because the approval process at this juncture has more to do with how the home fits on a specific lot than the house itself, the stock plan process significantly speeds up the rate of approval for a building permit. As a secondary benefit, working from a stock plan saves developers the expense of "reinventing the wheel" for every lot. In this case, City of Fernley has determined that they have provided enough pre-approved building options to prevent the neighborhood from having an unattractively uniform appearance. The developer is free to choose from the homes they have pre-approved as long as they do not put the same home on consecutive lots.

The issue the developer is having stems from the fact that they want to build single-story houses on the lots listed, and they do not already have a stock plan for a single-story home that will fit within the footprint of these lots. There is no City of Fernley regulation preventing them from submitting another stock plan for a single-story home that fits within the zoning setbacks.

FINDINGS:

MJD1. The request is consistent with the stated purposes of title 32, zoning.

From Fernley Municipal code Section 32.01.010 the purpose of title 32 is as follows:

"This title regulates and restricts the use and improvement of land and controls the location, soundness, and use of structures, to:

- Promote the public health, safety, morals, convenience, or general welfare of the community;
- Preserve the quality of the air and water resources;
- Promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment;
- Enhance the aesthetics of the community;
- Provide for recreational needs;
- Protect life and property in areas subject to floods, landslides, and other natural disasters.
- Conform to the adopted population and master plans;
- Develop a timely, orderly, and efficient arrangement of transportation and public facilities and services;
- Take into account the relative suitability of the land for development, and to ensure that any development of the land is commensurate with the character and physical limitations of the land;
- Lessen traffic congestion;
- Prevent the overcrowding of land and undesirable concentration of population."

Staff believes this finding can be made. Approval of a major deviation will enhance the aesthetics of the community and will not negatively influence any of the other stated purposes of Title 32.

MJD2. Granting the major deviation will not be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the vicinity.

Staff believes this finding can be made. Granting the major deviation will not be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the vicinity.

MJD3. Granting the major deviation is necessary for the preservation and enjoyment of a property right possessed by other property owners in the same vicinity and land use district and is denied to the property for which the major deviation is sought.

Staff does not recommend Planning Commission make this finding. Property rights in the United States are currently regarded as a "bundle of sticks" or "bundle of rights". These are currently understood to be the right of possession, the right of control, the right of enjoyment, the right of disposition, and the right of exclusion. These rights are addressed through Common Law (case law), statutes (federal, state, and municipal codes), and the U.S. Constitution. Listing all the ways the "bundle of rights" theory exists and is defined in code, case law, and other aspects of our legal system would be an impossible task; however, a few examples are listed below.

Property rights included within the bundle are most often defined by Common Law through what the U.S. Supreme Court, state Supreme Courts, and other high courts determine is a taking; when a court finds that a municipality or other entity has committed a taking, that entity must provide the property owner with just compensation. Two recent U.S. Supreme Court cases related to takings (and thereby property rights in general) are *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency* (2002) and *Cedar Point Nursery v. Hassid* (2021). In the former case, the Court found that permanently depriving a property owner is a taking but a temporary restriction causing a reduction in value is not. This ruling added to the definition of the right of control. The rights of control a property owner possesses are carefully balanced with the rights of control granted to a governmental entity. In this instance, the Court found that the Planning Agency was exercising a valid right of control by placing a moratorium on development until a regional plan could be implemented. In the latter case, the Court reasserted that the right to exclude is a fundamental element of the property right; this ruling added to the definition of the right of exclusion. In this instance, the right of exclusion was specifically understood to include the right of an agricultural employer to ban union organizers from their property.

The right of a municipality to enact zoning laws was codified in 1926 through *Village of Euclid v. Ambler Realty Co.* The Court found that if they are not arbitrary or unreasonable, zoning ordinance are constitutional under the police power of local governments as long as they have some relation to public health, safety, morals, or general welfare. Staff contends that allowing deviation from the zoning standard in this instance is the equivalent of the City of Fernley declaring that property setbacks are arbitrary and/or unreasonable. Not only is the applicant still able to build a home that complies with our zoning code, they may specifically build a one-story home as desired (if they get a stock plan for a home that fits within the setbacks approved). Finding that deviation from a zoning code standard is a property right is a precedent likely to have adverse consequences.

Whether there should be a waiver in our code to ease an administrative burden on our developers, and when that waiver process should be applicable, is a matter of policy; further, it is a matter of policy that Planning Staff is actively working to address. It may very well be that Council, Planning Commission, and public feedback determine it is permissible to waive our right to enact zoning standards when the applicant

must design a new house and get it approved in order to fit a single-story home on a lot. The only waiver permissible by our current code is a waiver of parking requirements when an applicant provides an analytical study by a reputable organization that finds our parking requirements are too stringent. The only current outlet in our code to allow a deviation as requested, for the reason requested, is a development agreement; the applicant has not submitted a development agreement.

MJD4. Granting of the major deviation does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which the property is located.

Staff does not recommend Planning Commission make this finding. Should Planning Commission fail to make the third finding, they also cannot make this finding by extension. Should Planning Commission decide to make the third finding, Staff recommends it be considered a special privilege because anything else erodes our right as a City to regulate property setbacks.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

General

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

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

[City of Fernley Comprehensive Plan, August 2018](#)

Specific

[FMC Section 32.03.090](#) (a) - Major deviations

[NRS 278.315](#) - Special exceptions

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Vicinity Map
2. Subdivision Map

MJD23003 - Major Deviation

SkyRidge Estates II, Lots 13 - 16

Legend

-  Skyridge Estates II
-  The Golf Club at Fernley



OWNERS' CERTIFICATE

The undersigned do hereby certify that they are the owners of the tract of land represented hereon, and do hereby consent to the preparation and recordation of this map and do hereby dedicate and set aside all easements as shown hereon.

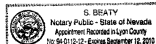
SKYRIDGE ESTATES II, L.L.C.
A Nevada Limited Liability Co.
By Kenneth R. Gearhart TTEE
(His Member)
for The Superstition Trust Co.

STATE OF NEVADA
COUNTY OF LYON SS

On this 6th day of MARCH 2007

did personally appear before me, a notary public, Kenneth B. Gearhart, Trustee who acknowledged HE executed the above instrument.

S. Seary
NOTARY PUBLIC



DIVISION OF WATER RESOURCES

This final plan is approved by the Division of Water Resources of the Department of Conservation concerning water quantity, subject to the review of approval on file in this office

Thomas K. Gallenweil, P.E. 2 MAR 07
DIVISION OF WATER RESOURCES DATE
Thomas K. Gallenweil, P.E.

CITY OF FERNLEY CERTIFICATE

It is hereby certified that this final map is in substantial compliance with the City of Fernley water, wastewater, roadway and drainage standards and regulations and that all required improvements have been completed or proper financial security has been posted guaranteeing completion of the improvements. It is also certified that this final map is in substantial conformance with the tentative map and all conditions of approval have been satisfied. In addition all offers of dedication for all public roadways were rejected with the reservation to accept said offers at a later date.

Robert T. Gilbert 3/20/07
Lowell Patton, Public Works Director Date
Robert T. Gilbert 4/5/07
Robert T. Gilbert, Community Development Director Date

RIGHT TO FARM NOTE

The lands shown hereon are subject to the Right to Farm Ordinance provisions as set forth in Fernley City code.

NORTH LYON COUNTY FIRE DISTRICT APPROVAL

I hereby certify that the final subdivision map has been reviewed for all improvements.

3/12/07 03-19-07
NLCFPD Date

T.C.I.D. CERTIFICATE

The easements shown on this map have been checked and approved by:

David P. Overnold 2/20/07
Truckee-Carson Irrigation District date

T.C.I.D. NOTE:

All easements are established as indicated except where such easement overlies an existing publicly maintained irrigation or drainage easement. In such case the appropriate utility easement shall be perpendicular and contiguous to the existing easement. Newlands project easements and right-of-ways are reserved for ditches, canals or drains constructed by the authority of the United States. No obstructions are permitted that would interfere with operations and maintenance within the easement or right-of-way.

TITLE CERTIFICATE

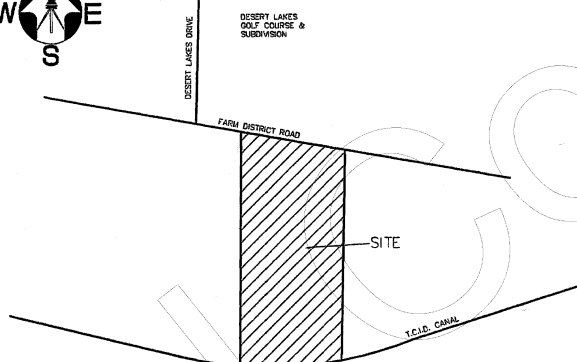
The undersigned hereby certifies that this map has been examined and that the subdivider offering this map is the last record title holder of all the lands delineated thereon as of MARCH 5 2007.

Sharon Reedy, Assistant Secretary

BUREAU OF SAFE DRINKING WATER

This final map is approved by the Division of Environmental Protection of the Department of Conservation and Natural Resources. The approval concerns sewage disposal, water pollution, water quality and water supply facilities and is predicated upon plans for a public water supply and a community system for sewage disposal.

Richard P. Christen 3/6/07
DIVISION OF ENVIRONMENTAL PROTECTION DATE



VICINITY MAP NOT TO SCALE

NOTES:

- Roads designated as public roads as shown upon this map will not be eligible for city maintenance until they are improved (at no cost to the city) to public maintenance road standards approved by the City Council and are in effect at such time that the roads are considered for acceptance into the city's road system.
- Acceptance by City of Fernley of this Final map is not a commitment that any or all of the lots are eligible for a city building permit.
- The city, county, school district and special districts are not obligated to furnish any service, specifically mentioning fire protection and roads, to the land so divided and that any public utility may be similarly free of obligation.
- A public utility easement is also hereby granted within each lot for the exclusive purpose of installing and maintaining utility service facilities to that lot and the right to exit that lot with said utility facilities for the purposes of serving adjacent lots at locations mutually agreed upon by the owner of record at that time, and the utility company.
- No fence or structures will be allowed within any drainage easements as shown on this map.

G.I.S. CERTIFICATE

A digital copy of this map has been delivered to the City of Fernley and Lyon County G.I.S. Departments.

City of Fernley
By Thomas K. Gallenweil G.I.S. Coordinator date
Lyon County
By Loide Winkler G.I.S. Coordinator 4/11/07 date

UTILITY COMPANY APPROVAL

The utility easements as shown on this plot are hereby approved and accepted.

David Henderson 3/1/2007
Sierra Pacific Power Nevada Bell Telephone Co DBA AT&T, Nevada
Rick Shupe 3/1/07
Southwest Gas Corporation

SURVEYOR'S CERTIFICATE

I, Rick P. Christen, a Professional Land Surveyor licensed in the State of Nevada, certify that:

- This plat represents the results of a survey conducted under my supervision at the instance of Ken Gearhart.
- The lands surveyed lie within a portion of section 23 Township 20 North Range 25 East M. D. M. and the survey was completed on November 13th, 2008.
- This plat complies with the applicable State statutes and any local ordinance in effect on the date that the governing body gave its final approval.
- The monuments depicted on the plan will be of the character shown and occupy the positions indicated and will be of sufficient number and durability by November 13th, 2007.



Rick P. Christen PLS 11178

CITY SURVEYOR CERTIFICATE

I certify that this Subdivision Map for Ken Gearhart, is technically correct and that if the monuments have not been set, that a proper performance bond has been deposited guaranteeing their setting on or before a certain day.

Richard P. Christen 03-19-2007
CITY SURVEYOR DATE

COUNTY CLERK'S CERTIFICATE

I, Nikki Bryan, Lyon County Clerk/Treasurer, hereby certify that there are no liens for unpaid state, county, city, or local taxes or special assessments and that all taxes for the fiscal year have been paid on the property the subject of this map 4/1-361-06 21-361-07

4/12/07 Nikki Bryan
DATE Clerk/Treasurer

RECORDER'S CERTIFICATE

Filed for record at the request of Skyridge Estates II LLC
on this 12th day of April 2007 at
29 minutes past 11 o'clock A.M. in the official
records of Lyon County, Nevada.

Fee \$64.00
FILE NO. 404205
BY Margie F. Kasebaum
DEPUTY

T.C.I.D. #06-044 SHEET 1 OF 2 SHEETS

PLAT OF SKYRIDGE ESTATES II SUBDIVISION, CONSISTING OF PARCELS 1 & 2 PER PM #05859 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			
Drawn by <u>C. Strawn Jr.</u>	Checked by <u>R.P.C.</u>	DATE 1/10/04	FILE # 030933M
Drawn by <u>C. Strawn Jr.</u>	Checked by <u>R.P.C.</u>	DATE 1/10/04	FILE # 030933M

TOTAL AREA SURVEYED
11.48 ACRES

ROADWAY AREA
82,449 SQUARE FEET

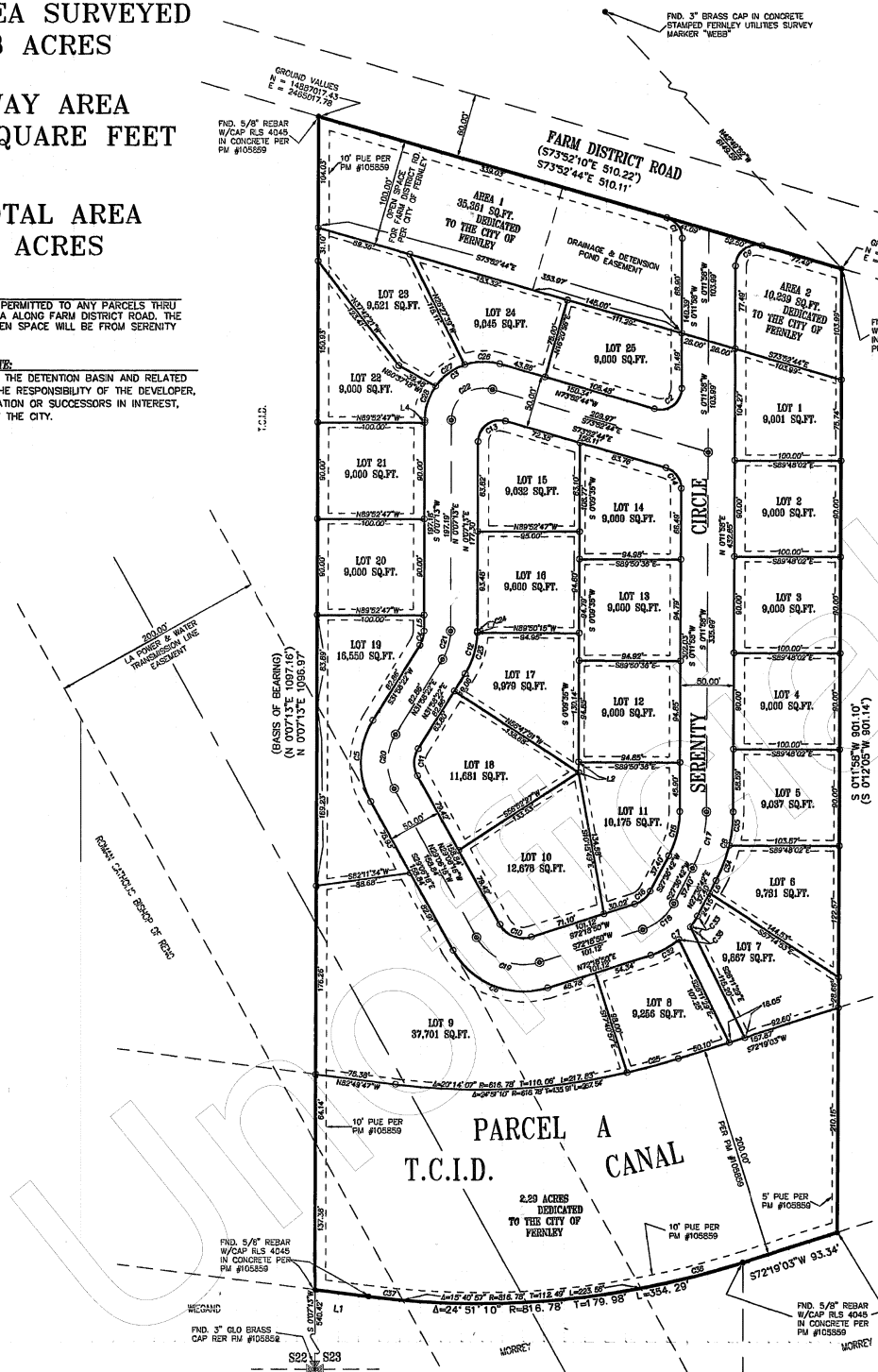
LOT TOTAL AREA
6.29 ACRES

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.

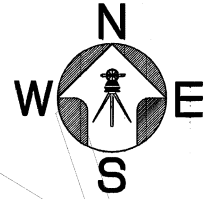
DETENTION BASIN NOTE:

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.



GPS BASIS OF BEARING

BASE OF BEARING HAD 83/84 OBTAINED BY RIK 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 1.0002888803 WAS USED TO MODIFY THE NEVADA STATE PLANE WEST ZONE 2703 GRID VALUES. THE BEARINGS ON THIS MAP WERE ROTATED 019°54' COUNTER CLOCKWISE DIRECTION FROM GRID NORTH.



SCALE: 1 INCH = 60 FEET

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 TABLE

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD BEARING	CHORD
1	74°04'42"	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	108°01'44"	55.00	73.03	101.78	S53°05'24"W	87.87
4	31°50'42"	25.00	7.13	13.90	S10°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	102.88	S88°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	68.98	N13°54'20"E	68.34
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	N88°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	108°01'03"	20.00	28.54	37.00	N53°07'15"E	31.95
14	74°04'42"	20.00	15.09	25.86	S36°50'23"E	24.09
15	27°24'44"	90.00	21.95	43.08	S13°54'20"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	S13°54'20"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	N88°23'32"W	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	108°01'44"	30.00	39.83	55.52	N53°05'24"E	47.93
23	30°53'21"	75.00	20.72	40.43	N16°31'18"E	38.95
24	0°57'21"	75.00	0.63	1.25	N 035°54'E	1.25
25	43°07'04"	616.78	24.67	49.71	S74°37'34"W	49.70
26	34°39'18"	55.00	17.16	33.27	S89°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	S17°46'19"W	33.41
32	23°11'50"	75.00	15.39	30.37	N80°42'55"E	30.16
33	91°31'4"	75.00	8.05	12.07	N32°13'18"E	12.06
34	14°28'50"	140.00	17.74	35.30	N20°23'17"E	35.21
35	12°57'54"	140.00	15.91	31.68	N 64°03'S'E	31.61
36	8°53'06"	616.78	49.37	98.02	S73°45'58"W	98.58
37	21°57'07"	616.78	16.05	32.10	N83°57'21"W	32.10
38	121°7'03"	75.00	8.07	16.08	N42°58'28"E	16.05

LINE TABLE

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

BASIS OF BEARING

The bearings of this survey are based on the west 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

Denson Surveying a professional corporation SURVEYING & MAPPING Washington, Nevada (775) 468-8811	GRAPHIC # 03093SM.DWG CALCULATION FILE 03093.LSD	DATE 1/10/04	CHECKED BY R.P.C.	QUANTITY C. STRAW JR.
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