

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
FEBRUARY 5, 2025**

Mayor Neal E. McIntyre called the meeting to order at 5:00 pm.

1. INTRODUCTORY ITEMS

1.1. Pledge of Allegiance

1.2. Roll Call

Present: Mayor Neal E. McIntyre, Councilman Ryan Hanan, Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilman Joe Mendoza, City Manager Ben Marchant, City Clerk Kim Swanson, Administrative Specialist 1 Sandy Harris, Deputy City Attorney Brandi Jensen, City Treasurer Robert Carson, Building Official Charity Birkel, Planning Director Michele Rambo, Assistant Planner Lisa Warner, Public Works Director Barry Williams, Deputy Public Works Director Olivia John.

1.3. Public Forum

Tammy Dittman, Fernley resident, requested clarification on hydrate testing and flow inspections.

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE THE AGENDA WITH ITEM 7.1 MOVED TO THE FEBRUARY 19, 2025 MEETING. **Action:** Approved. **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza.

2. CONSENT AGENDA

2.1. (Possible Action) Approval of Voucher Report

2.2. (Possible Action) Approval of Minutes

2.3. (Possible Approval) Approval of Business Licenses

Sandy Harris, Administrative Specialist I, read the new business licenses.

2.4. Discussion and Possible action to approve amendment No. 1 with Lumos & Associates for engineering design and construction services for installation of a new flashing beacon on Farm District Road and Jasmine Lane for a Solar Option in an amount not to exceed \$25,651.00.

2.5. Possible action to authorize the execution of the water rights banking and dedication agreement with Milton T. Miller and Kara L. Miller, APN 020-361-18 TCID serial number 1057- A in the amount of 9.0 acre feet.

2.6. Discussion and Possible action to approve a contract with Keller Associates to provide a Preliminary Engineering Report for the Caustic Soda pipe leaking issue presently occurring at the Water Treatment Plant's Chemical Building, outside conveyance manhole locations, and at the Microfiltration Building; and provide evaluation of the air compressors and pneumatic supply. The proposal is not to exceed the amount of \$53,300

2.7. Discussion and Possible action to approve a purchase of equipment and parts through Meurer Research (MRI) for the sludge collector retrofit at the Water Treatment Plant in an amount not to exceed \$23,407.00

2.8. Discussion and Possible action to approve a contract with JUB Engineering for Engineering Design Services for Mesa Drive Water Main Replacement in the amounts of \$41,000.

2.9. Discussion and Possible action to approve a contract with Lumos and Associates for Engineering Design Services for Pond Relining for Ponds 4A & 4B located at the Wastewater Treatment Plant for an amount of \$94,000

2.10. Consideration and Possible Action to approve a Final Subdivision Map (FSM20001) for Sunrise Trails Phase 1, on a site approximately ± 3.02-acres in size to develop 30 lots in the MF30 (Multi-Family 30du/ac) zoning district, generally located east of the terminus of Chisholm Trail (APN: 021-272-41).

Motion: I MOVE TO APPROVE THE CONSENT AGENDA. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza.

3. REPORTS - this item is for various public entity representatives to provide general information to the Council and public. No action will be taken.

Mayor Neal E. McIntyre called for a moment of silence for former mayor Leroy Goodman.

Chief Deputy Brantingham, Lyon County Sheriff's Office (LSCO), reported on February 24th that the second school resource officer will be coming to Fernley schools. The LSCO had a meeting with BOR (Bureau of Reclamation) regarding the property adjacent to the cemetery. They discussed MOUs as well as what the enforcement arm of that is going to look like. We are currently waiting for legal approval from BOR. BOR is also going to be cleaning up all the garbage out there. There has been a string of crimes here in Fernley over the last couple of months. The deputies and the special investigations have been working on that for the last couple of weeks, and an arrest has been made. Sheriff Pope put out some information regarding the sheriff's immigration policy. Our stance as a Sheriff's office is to support immigration operations that are occurring in the county and support our Federal partners through those processes. Our deputies are not going to be out checking the immigration status of people that they interact with. However, if somebody is arrested for a crime and booked into jail and immigration contacts us to place a hold on them, we will put that person on Federal hold at that time. The best practice is that we must protect the constitutional rights of our citizens while conducting that enforcement

Councilman Hanan thanked Chief Deputy Brantingham for helping to restore law and order on the far northern end of Fernley by the veteran's cemetery.

Councilwoman Zoberski thanked Chief Deputy Brantingham for working with BOR and Councilman Torres for a lot of the legwork to get this moving and evolving to where it's at now.

Councilman Torres stated that Public Works Director Barry Williams has said he'd like to take part in the cleanup as well, so they'll have additional hands there, and probably some machinery as well if they need it.

Chief Deputy Brantingham stated that he appreciates that. As a sheriff's office, they just don't really have the means to do a large-scale cleanup like that of garbage. They have offered an inmate work crew to come up and help with that.

3.1. Reports by City Staff, City Council, and the Mayor, including but not limited to monthly statistical reports by city departments.

Ben Marchant, City Manager, announced the open enrollment for the 2025 Fernley Citizen and Leadership Academy that starts on Thursday, March 6 and runs for eight weeks. He also announced that the Senior Planner position has been filled, and they will be starting in March. He took a moment to recognize some of the outstanding employees we have at the City of Fernley that are continuing to develop their professional expertise and skills in their respective departments. Adisen Angus completed the National Animal Care and Control Association's Animal Control Officer One Unit. Senior Project Manager in engineering Ana Navarro received a certificate of completion for 40 hours of Civil 3D Fundamentals of Public Works and our Human Resources Manager received her Professional Human

Resources Certification again this year. He also announced that City Hall would be closed Monday, February 17th for President's Day.

Councilman Albert Torres announced that the Fernley Senior Citizens Advisory Committee meeting would be February 14th at 9:00 am in the Council Chambers. The Nevada League of Cities will be helping the City of Fernley at the legislative session with our Bill. Our BDR is asking for \$15 million to finish Phase 2 of the Community Center. We have support from Senator Robin Titus and Assemblyman, Greg Koning.

Councilman Ryan Hannan extended his condolences to Mayor Goodman's family and friends.

Mayor McIntyre also commented on the Citizens Academy. He also reported that he spoke at the Chamber luncheon and thanked Councilman Mendoza, Councilman Torres, and Councilman Hannan for attending. Councilman Torres spoke about the legislature. Councilman Hannan had a few things to say about different projects going on in the city. Mayor's Corner is Thursday, February 6, at the Wigwam from 6 pm to 8 pm. February 27th is the State of the City at the Senior Citizens building from 6 pm to 8 pm.

3.2. State of Nevada Legislative update

None

4. PROCLAMATIONS BY THE MAYOR

None

5. PRESENTATIONS

5.1. Presentation and discussion regarding the City's quarterly financial report

Robert Carson, City Treasurer, gave an update on the financial standing halfway through the fiscal year. Councilman Torres asked about the PERS payment and are we sitting okay with our current budget and what we're looking for in the 25/26 budget.

Robert Carson, City Treasurer, stated that we do have an increase in PERS contributions that are based on wages. Rough estimates depending on what we do with salaries and things in the new budget year will be a couple \$100,000 and those take effect July 1, 2025. Next year's budget will be a conversation based on what we're going to prioritize for the upcoming year. We budgeted revenues conservatively, and we also budgeted expenditures, conservatively, in case anything went over. We'll end up close to where we did last year with a \$1.5 million to \$2 million surplus.

Councilman Hanan inquired about the Gold Sweep account.

Robert Carson, City Treasurer, stated that we moved the bulk of it out. At the time, and it was based on the fed rate, it was a guaranteed 4.9% interest rate annualized that we were getting every month. When the fed started cutting rates then our bank adjusted their guaranteed rate as well, and it's gone down 3 times since October.

Councilwoman Zoberski asked it that is where our miscellaneous revenues are coming from.

Robert Carson, City Treasurer, stated it's a combination. Some are credit card fees that are charged for normal transactions with permits. Some of it is interest. Some of it has been donations that we have received for the CRRC.

5.2. Presentation and Discussion by Lyon County Human Services, regarding Fernley Specific service numbers for last fiscal year.

Shayla Holmes, Director Lyon County Human Services (LCHS), shared what's happening in the human services side of life and what they provide. She presented what they did specifically in the City of Fernley.

LCHS serves the lifespan, prenatal to death. There are 5 divisions: children's services, adult services, senior services, behavioral health division, and public guardianship. She briefly described each division, their cost and their services. She asked for there to be an agenda item, an action item, to see if the City of Fernley would be interested and able in helping them fund a part-time home meal delivery driver.

Councilman Joe Mendoza asked if they were fully staffed to handle all the services and stuff that they are dealing with. He also asked about the MOST program and if they had a relationship with the State Adult Protective Services. He also inquired about transportation for specialty care out of state.

Shayla Holmes stated that they are fully staffed right now. There are 51 employees, and they are the second-largest department next to the Sheriff's Department for the County. Regarding out-of-state transportation, if they are Medicaid eligible, MTM is the current contractor for the state for transportation for medical services, and they do have an out-of-state option and reimbursement option.

Councilman Ryan Hanan thanked her department for helping with some mental health crisis issues that affected his ward.

Councilwoman Zoberski asked about volunteer home delivery drivers. She also inquired about communications between LCHS and other local non-profit groups.

Shayla Holmes stated that they can't allow a volunteer to drive a county vehicle due to liability purposes. LCHS has a lot of great community partners that they utilize to connect folks. They would not be able to provide the best holistic care to the folks in our community if it wasn't for those like-minded groups. They lean on the churches, the Rotary, and the Lions Club. They help a lot with individuals. LCHS has a great partnership with the Boys and Girls Club..

Mayor Neal E. McIntyre called for a break: 6:16 pm - 6:26 pm.

6. PUBLIC HEARINGS

6.1. (For possible action) Discussion and possible action regarding Bill #355 in association with a proposed Zoning Map Amendment (ZMA 24001), Major Deviation (MJD 24001), and Tentative Subdivision Map (TSM 24001), a request by KLS Planning & Design on behalf of The 1903 Trust for 1) changing the zoning designation from RR1/2 to SF6; 2) an appeal to the Planning Commission denial of the reduction of side setback requirements from a combined total of 20 feet to a combined total of 10 feet; and 3) the division of approximately 47.52 acres into 158 single-family lots. The project is located at the northeast corner of Farm District Road and Red Rock Road (APN 021-343-20).

Susanna Amaro-Gutierrez presented this item. The first reading of Bill #355 was conducted by the City Council at their January 15, 2025, meeting. There are 3 applications being considered on this one agenda item: a Zoning Map Amendment, an appeal to a Major Deviation, and a Tentative Subdivision Map. The result of approving these applications will be the construction of 158 single-family homes east of Red Rock Road. On December 11, 2024, the Planning Commission recommended disapproval. The City Council then considered this bill at the ordinance introduction and first reading at the meeting on January 15, 2025. This wasn't intended to be a public hearing item, but there was significant turnout from the community, and no formal action was taken. Most of the concerns for the Yori development centered around the long-term vision for the residential growth development patterns along Farm District Road, the rural character, the higher density development proposed and the smaller lot sizes. There was also a lot of discussion about the project's potential traffic impacts and the proposed mitigation measures, particularly at the intersection of Red Rock. We had significant concerns from the neighboring subdivision about pedestrian circulation near the project entrance, the potential of two-story dwellings along shared lot lines and overall dissatisfaction with the provided buffering, adjacency yard matching and transitioning efforts.

John Krmpotic, KLS Planning, stated that they have had a development proposal in the works for a year and a half. He introduced Larry Yori, owner of the property.

Larry Yori, owner of the property, stated that he lived and farmed this property for 50 years. He wasn't here to present the project but to address some of the comments. He spoke about the density and parcel sizes, and traffic.

John Krmpotic, KLS Planning, presented the plan layout. He pointed out the 20-foot buffer that is required by the code, adding he added 68 feet of buffering. He stated they will add curb, gutter, sidewalk and street improvements to the 5 lots on the south end of Red Rock. On the north end, they will add the connection for the missing link to Red Rock Road. The new intersection that would be stubbed in and matches a new intersection that comes from the Clements property for a connection there. Then at the 81st lot, we must make the connection of the full street improvements over to Highway 50. The south end of Red Rock would be completed with the project. The community in Red Rock neighborhood doesn't like it, we said we would accept the condition to use this only for fire access if the council and the Fire Chief wanted as such. There has been concern about Quick Cal Lane.

Councilman Joe Mendoza inquired about the roundabout that is in the plans for Clements Ranch and would there be a deviation from what has been approved with the roundabout already.

Michele Rambo, Planning Director, stated that as part of the process for the civil improvement plans, we would require them to work with the Clements people and make sure it all ties together.

Councilman Torres asked about the backyards that backup to the open agricultural areas off Vonnie, if they were 12,000 or 20,000 square foot lots.

John Krmpotic stated that they're 25,000 minimum, over a half-acre.

Councilwoman Zoberski asked if this was the same presentation that was shown to the Planning Commission on January 8th. She asked about the use of the open space. She also stated part of the findings was that it was consistent with the surrounding land use, and it's surrounded by RR half and RR5, so how does that make it consistent.

John Krmpotic stated this presentation has been altered with new information.

Owen Wurgler, Shaw Engineering, stated what is proposed is going to be owned and maintained by a maintenance group rather than the city as a condition of approval.

Public input:

Farrah Alexander, Fernley resident, stated she went to one community meeting they had prior to the Planning Commission meeting, and every time things are changed. This whole idea of 185 was never presented to us. It was said it's 158. Originally it was 185. We're not against development. We're against how this development has come to us.

Bobby Burnell, Fernley resident, expressed concern about losing privacy.

Darien Farr, Fernley resident, stated that he is a School Board Trustee for District 2, and this is his district. If you look at single family homes the size that you're trying to build, these are starter homes for young families. That is 300 more children coming into East Valley Elementary School. Having all these new families move in immediately, you are going to overburden the school system.

Erika Frisk, Fernley resident, stated they do not oppose the development here, as we knew it would happen one day, but I do oppose the type of development they are proposing. I oppose the 6,000 square foot lots and their request for a major deviation. We would request that they build from north to south, so that they can have their own access from Highway 50 into their project for the hundreds of cars from their homeowners and construction vehicles rather than depending on and congesting Red Rock Road. She also highly opposed the 5 lots on the south entrance.

Avery Farr, Fernley resident, stated she is terrified to try and ride her bike down the road since the traffic is so bad, there are blind spots everywhere, and people just come speeding down the road trying to get

to the highway or from the highway to Farm District Road. If you put in these new developments, then traffic will just get worse and there are no sidewalks.

Peggy Austin, Fernley resident, expressed her concerns about the traffic already on Red Rock Road and Farm District Road.

Dana Uhlhorn, Fernley resident, stated this development is nice. There are some issues. On the south side, by Farm District Road, there is no buffer there. The houses on Red Rock are going to be a hazard for the fire department.

Jim Chamberlain, Fernley resident, stated some other minor arterial road to Highway 50 needs to be incorporated in every subdivision on Farm District. We are making major deviations to our zoning laws and Master Plans, conform to the plans and the codes.

Greg Wargo, Fernley resident, stated that they all bought out there to have our quiet, peaceful, tranquil lives and this is going to take that away. He asked the council to deny it.

Mike Wakeling, Fernley resident, expressed concerns about traffic.

Hermine Bennall, Fernley resident, stated she would like the council to respect their wishes.

Bobby Garrison, Fernley resident, stated that 525 feet of his property borders the development and is concerned about all the trash and everything that is going to blow over on his land. Traffic on Farm District Road is unbearable. It needs to be more appealing to the people and the community that live out there.

Councilman Hanan made one clarification, because maybe it was slightly confusing. The Clemens project has a roundabout that would be south of Highway 50A, not on Highway 50A. It will be where Red Rock Road ends.

Councilman Mendoza stated he supports this development. Fernley is growing and the school district needs to start planning for growth if they are not planning for it already. He would like to table this item for the next meeting and have a workshop with the community and the developers to see if they could come to a compromise. He met with the community. There were a few items of compromise that were presented to him, that he would just like to present at this workshop. He was also asked to try to slow this process down in the sense of letting their voices be heard, because they feel like they haven't been heard, and the majority of those people are here today.

Motion: I MOVE TO TABLE THIS WITH A WORKSHOP ON THIS NEXT WEDNESDAY THE 12TH FROM 12 PM TO 2 PM AND BRING THIS BACK TO THE NEXT MEETING FOR A VOTE. **Action:** **Moved by:** Councilman Joe Mendoza, **Seconded by:** Councilman Albert Torres. NO VOTE

Farrah Alexander, Fernley resident, asked to have the suggested time changed so everyone that is working can attend.

Steve Spindler, Fernley resident, stated the meeting needs to be in the evening when people can attend.

Councilwoman Zoberski stated as far as her communications with the developer, they're really not willing to budge on the areas that are big issues for us. She's concerned that we're just kicking this can down the road, and we're going to have the same kind of interaction every time.

Motion: MOVE TO TABLE THIS ITEM UNTIL THE NEXT CITY COUNCIL MEETING TO ALLOW A WORKSHOP ON THURSDAY, THE 13TH FROM 6 PM - 8 PM. **Action:** Approved, **Moved by:** Councilman Mendoza, **Seconded by:** Councilman Torres. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza.

Mayor Neal E. McIntyre called for a break - 7:54 - 8:01.

6.2. (For possible action) Discussion and possible action regarding Bill #353 in association with a proposed Zoning Map Amendment (ZMA 24002) and Tentative Subdivision Map (TSM 24002), a request by Phelps Engineering, Inc on behalf of Creekwood Development Group for 1) changing the zoning designation from SF20 (Single-Family Residential; 20,000 square foot minimum) to SF6 (Single-Family Residential; 6,000 square foot minimum; and 2) the division of approximately 39.67 acres into 153 single-family lots. The project is located on the south side of Farm District Road between Browne Lane and Rainbow Lane (APN 021-303-20).

Susanna Amaro-Gutierrez presented this item. The applicant is proposing 153 single-family unit parcels, as well as a zone change from SF20 to SF6. This item was considered by the Planning Commission at their January 8, 2025, meeting where they recommended denial of both Zoning Map Amendment 24-002 and Tentative Subdivision Map 24-002 due to concerns with the proposed lot sizes. The first Reading of Bill #353 was conducted by the City Council on January 15, 2025. Some of the public comments we received in these past hearings centered on concerns on the traffic impact analysis. The study figures included some of the mitigation measures proposed again, the long-term vision for the development patterns along Farm District Road incompatibility with the existing agricultural uses in the area as well as general concerns on the minimum lot size and transitioning standards. A lot of residents expressed concern with the request for the SF6 zoning designation as opposed to larger minimum lot sizes like SF12 or 20.

Councilwoman Zoberski asked if this was the same presentation that was shown to the Planning Commission and have the mistypes from the Planning Commission meeting been corrected.

Devon Perry presented explaining documents that were submitted did not end up in the presentation. He also clarified that there is just one additional zoning map just showing general adjacent land use procedures. The application requests to propose a zoning map amendment from current designation of single family residential to 20,000 square foot minimum to single family residential 6,000 square foot minimum, along with a tentative subdivision map for the division of 39.67 acres into 153 single family lots for a total of 3.86 dwelling units per acre. This is far below the max unit count of 7 dwelling units per acre, which is allowable in single family residential. The site is currently undeveloped and formally served as agricultural land. During the Planning Commission meeting opposition was received from a few residents to the west, due to concerns about adjacency issues. These existing properties are currently zoned as rural residential 5-acre lot minimum, although these properties are only 2 acres in size. The project intends to protect the existing trees along Farm District Road by providing a roughly 90 foot offset from the existing road and conditions of approval require us to comply with recommended mitigation measures found in the approved NDOT traffic study. This project is pursuing development on underutilized land where adequate infrastructure and facilities currently exist. The development of this project will further add to the variety of housing, thereby accommodating the needs and financial abilities of the current and future households. Mr. Perry stated if there is no support for the project, he asked for consideration of applying additional conditions that would have to meet prior to final approval, such as upsizing the 12,000 square foot lots to 20,000 square foot lot minimum on the western side of the property.

Councilman Torres stated that for him to even come close to considering and approving this, that the west side have a condition of approval in taking those 12,000 square foot lots and making them 20,000 square foot lots so it's closer in meeting the neighborhood next to it off of Sunflower.

Public input:

Dan McCreary (zoom), Fernley resident, asked if the property to east is owned by Fernley and if there is a plan for that. Mayor Neal E. McIntyre stated that the property to the east will become a fishing pond. Jim Chamberlain, Fernley resident, stated that the developer hasn't reached out to the residence on Sunflower.

Dana Uhlhorn, Fernley resident, thanked the developer for considering the trees. He stated that the houses bordering on Farm District should be minimum 12,000 square foot lots, just like the ones bordering the 5 acre lots to the west. Regardless of what happens there's no way to mitigate traffic.

Angela Lewis, Fernley resident, stated this was denied by the Planning Commission, and I want to make it clear that at the last meeting it was erroneously reported that the Planning Commission approved this subdivision. New development should provide buffering, lot matching, or transition of density when adjacent to existing residential. All the lots to the north that are being quoted are all on one acre.

At 9:00 pm Mayor McIntyre stated that a motion was needed to continue the meeting.

Motion: MOVE TO CONTINUE WITH THIS ITEM AND ADDRESS FUTURE AGENDA ITEMS. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza.

Kelly Robertson, Fernley resident, stated the traffic is already phenomenal, and agrees that the deviants should not happen. It sets a precedent, a domino effect that changes greatly what the master plan intended, and it is not creating affordable housing.

Motion: I MOVE TO APPROVE BILL 353 IN ASSOCIATION WITH ZMA 24002 AND APPROVE TSM 24002, BASED ON THE FINDINGS AND CONDITIONS OF APPROVAL FOUND IN THE STAFF REPORT INCLUDING THE 20,000 SQUARE FOOT LOTS ON THE WEST SIDE AS A CONDITION OF APPROVAL. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Albert Torres. **Vote:** Passed, **Summary:** Yes 4, No 1. **Yes:** Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza, **No:** Councilwoman Zoberski

7. RESOLUTIONS

7.1. Discussion and Possible Action to Approve Resolution 25-003 updating the City of Fernley Internal Agenda Process.

This item was moved to the February 19th City Council meeting.

8. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS

8.1. Possible Action to request a future agenda item to look into establishing impact fees. (Councilman Torres)

Councilman Albert Torres the decision to not go forward with the establishing development/building fund is good and we should start establishing impact fees so that the development is paid for.

Motion: I MOVE TO BRING THIS BACK IN THE NEAR FUTURE WHEN MR. CARSON IS ABLE TO PUT TOGETHE THE PRESENTATION. **Action:** Approved. **Moved by:** Councilman Albert Torres. **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza

8.2. Possible Action to request a future agenda item to look into establishing special assessment districts. (Councilman Hanan)

Motion: I MOVE TO HAVE AN UPDATE ON WHERE WE ARE AT AND WHAT NEEDS TO BE DONE TO PUT THIS ACTION IN PLACE. **Action:** Approved. **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Joe Mendoza. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza.

8.3. Possible Action to request a future agendas item regarding establishing qualifications for waivers for city services in the future. (Councilman Hanan)

Councilman Hanan stated we don't have a clear set of guidelines in place that would give qualifications or set standards for any exemptions in regard to water, sewer, or any other city services He requested to instruct staff to come up with a list of standards that should be met in order to qualify. The idea behind this is a generic set of guidelines which would enable someone to come and give a presentation.

Councilman Torres stated our guidelines are our discretion that were already given by statute and by our city code. That's our discretion, and the discretion is the guideline.

Councilwoman Zoberski stated that these are very situational. It's very few and far between that somebody comes in front of the council and says this goes against your code. Let me explain my situation. We do have processes in other areas.

Motion: I MOVE TO ASK THE MAYOR TO INSTRUCT STAFF TO COME UP WITH A LIST OF STANDARDS THAT SHOULD BE MET IN ORDER TO QUALIFY FOR WAIVERS FOR CITY SERVICES. **Action:** Denied. **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Failed, **Summary:** Yes 2, No 3. **Yes:** Councilman Lau, Councilman Hanan, **No:** Councilwoman Zoberski, Councilman Torres, Councilman Mendoza.

8.4. Possible Action to request a future agendas item regarding a presentation from City Attorney Mouritsen on which documents are considered public records and which documents are not public records. (Councilman Mendoza)

Councilman Mendoza brought this up because he felt like there is an issue with transparency with public records request.

Motion: MOVE TO HAVE CITY ATTORNEY AARON MOURITSEN PROVIDE US WITH A PRESENTATION, EXPLAINING SPECIFICALLY WHAT DOCUMENTS ARE PUBLIC IN REGARD TO APPOINTED OFFICIALS MORE SPECIFIC TO ANNUAL REVIEWS. **Action:** Approved. **Moved by:** Councilman Mendoza, **Seconded by:** Councilman Torres. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza.

9. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilwoman Felicity Zoberski requested an update on the Comprehensive Master Plan update.

10. PUBLIC FORUM

None

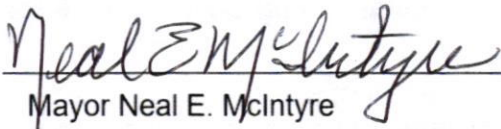
The next City Council meeting will be February 19, 2025.

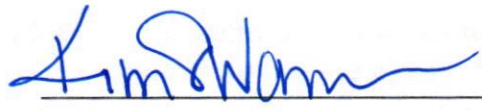
11. ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 9:06 pm.

Approved by the Fernley City Council on March 5, 2025, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0


Mayor Neal E. McIntyre


ATTEST: City Clerk Kim Swanson

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

BILL # 353
CITY OF FERNLEY
ORDINANCE # 2025-002

A GENERAL ORDINANCE FOR A ZONING MAP AMENDMENT, ASSOCIATED WITH ZMA24002, TO CHANGE THE ZONING OF ±39.67 -ACRES GENERALLY LOCATED SOUTH OF FARM DISTRICT ROAD BETWEEN BROWN LANE AND RAINBOW LANE (APN: 020-303-20) FROM SF20 (SINGLE-FAMILY MINIMUM LOT SIZE OF 20,000 SQUARE FEET) TO SF6 (SINGLE-FAMILY MINIMUM LOT SIZE OF 6,000 SQUARE FEET) IN ORDER TO DEVELOP A SUBDIVISION CONSISTING OF 153 SINGLE-FAMILY RESIDENCES.

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

Section 1: The zoning of that certain real property totaling 39.67 acres, more or less, situated in the City of Fernley, Nevada, and owned by Creekwood Development Group, being more particularly described on Exhibit "A" attached hereto and depicted on "Exhibit B" attached hereto is hereby reclassified from SF20 to SF6.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law and to record the plan certified herein as provided by law.

SECTION 4: This ordinance shall become effective upon passage, approval, and publication.

SECTION 5: The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of public health, safety, welfare and convenience.

SECTION 6: If any subsection, phrase, sentence or portion of this section 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 7: The 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 # 353 BEING HEREBY PROPOSED this 15th day of January 2025.

BILL # 353 BEING HEREBY PASSED, APPROVED and ADOPTED this 5th day of February 2025, by the following vote of the Council:

Ayes: 4 Nays: 1 Abstentions: 0 Absent: 0

FERNLEY CITY COUNCIL

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

Date: 2/5/2025

Attest By: Kim Swanson
Kim Swanson, City Clerk

Date: 2/5/2025

Exhibit A
Legal Description

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF NEVADA, COUNTY OF LYON, DESCRIBED AS FOLLOWS:

TOWNSHIP 20 NORTH, RANGE 25 EAST, M.D.M., SECTION 20: ALL THAT PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER LYING NORTH OF THE T.C.I.D. CANAL.

NOTE: THE ABOVE LEGAL DESCRIPTION IS FOR USE ON ATTACHED PRELIMINARY TITLE REPORT ONLY AND IS NOT FOR USE ON ANY CONVEYANCING OR RECORDING DOCUMENTS.

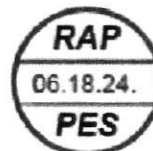
CAN BE FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 20 NORTH, RANGE 25 EAST, MOUNT DIABLO BASE & MERIDIAN, SITUATE IN LYON COUNTY, NEVADA; THENCE NORTH $01^{\circ}07'08''$ EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER ($SW\frac{1}{4}$) OF SAID SECTION 20, A DISTANCE OF 2637.56 FEET; THENCE DEPARTING SAID WEST LINE, SOUTH $88^{\circ}21'03''$ EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER ($SW\frac{1}{4}$), A DISTANCE OF 1329.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH LINE, SOUTH $88^{\circ}20'35''$ EAST, A DISTANCE OF 1330.31 FEET TO THE CENTER OF SAID SECTION 20; THENCE DEPARTING SAID NORTH LINE, SOUTH $01^{\circ}17'49''$ WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER ($SW\frac{1}{4}$), A DISTANCE OF 1220.18 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF THAT CERTAIN 200 FOOT WIDE TRUCKEE CARSON IRRIGATION DISTRICT (TCID) CANAL AS SHOWN ON THE UNITED STATES RECLAMATION SERVICE PROPERTY AND STRUCTURE MAP FOR SAID SECTION 20, DATED 1911, FILED WITH THE TRUCKEE CARSON IRRIGATION DISTRICT; THENCE DEPARTING SAID EAST LINE, SOUTH $88^{\circ}26'51''$ WEST ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 540.51 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY, BEGINNING AT A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1054.92 FEET, A CENTRAL ANGLE OF $14^{\circ}22'30''$, AND AN ARC DISTANCE OF 264.67 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY, SOUTH $74^{\circ}04'21''$ WEST, A DISTANCE OF 552.95 FEET; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY, NORTH $01^{\circ}12'18''$ EAST ALONG THE WEST LINE OF THE EAST HALF ($E\frac{1}{2}$) OF THE SOUTHWEST QUARTER ($SW\frac{1}{4}$) OF SAID SECTION 20, A DISTANCE OF 1465.15 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY, IF ANY.

CONTAINING 39.67 ACRES, MORE OR LESS.

Prepared By: Richard A. Pedraza, PSM/PLS
In the offices of: Phelps Engineering Services, Inc.
10651 Professional Circle, Suite "A"
Reno, NV 89521



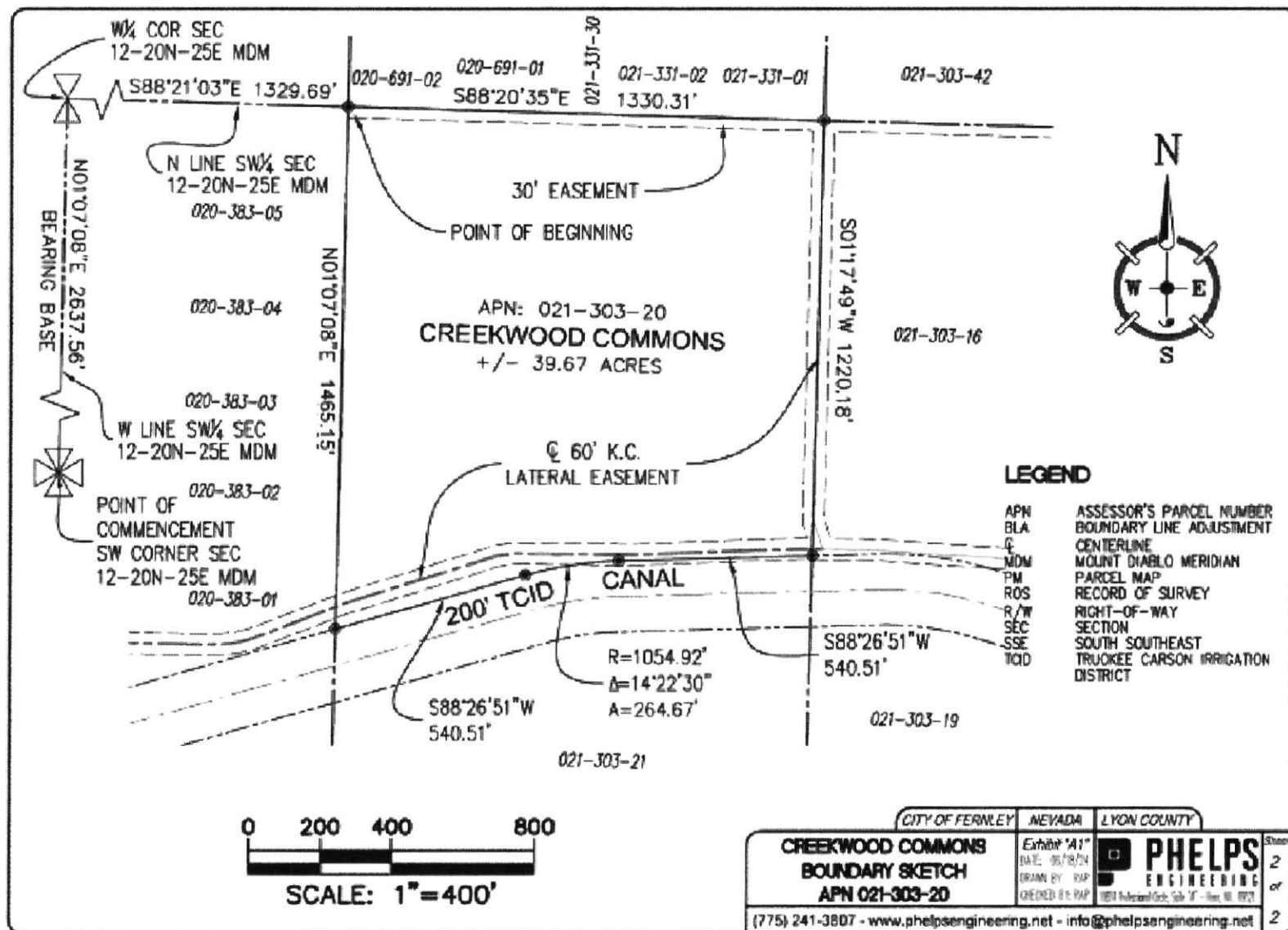
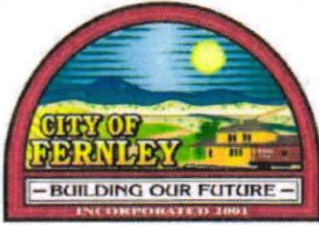


Exhibit B
Plat Map



Planning Department

Michele Rambo, AICP
Planning Director

Lisa Warner
Assistant Planner

Tyler Hanson
Planning Technician

NOTICE OF PUBLIC HEARING

AGENDA ITEM: Zoning Map Amendment (ZMA24001), Major Deviation (MJD24001), and Tentative Subdivision Map (TSM24001)

(For possible action) Discussion and possible action regarding a Zoning Map Amendment (ZMA24001), Major Deviation (MJD24001), and Tentative Subdivision Map (TSM24001) request by KLS Planning & Design Group on behalf of The 1903 Trust for:

- 1) Changing the zoning designation from RR ½ to SF6.
- 2) An appeal to the Planning Commission denial of the reduction of side setback requirements from a combined total of 20 feet to a combined total of 10 feet.
- 3) The division of approximately 47.52-acres into 158 single-family lots.

The project is located at the northeast corner of Farm District Road and Red Rock Road (APNL: 021-343-20).

Dear Neighbor:

An application for the above-referenced project is on file at the City of Fernley Planning Department located at 595 Silver Lace Blvd., Fernley, Nevada, and may be reviewed during regular office hours (8:00 a.m. to 5:00 p.m.), Monday through Friday, except federal holidays.

The scheduled public hearing dates are as follows:

CITY COUNCIL:

Date: **February 5, 2025**
Time: The meeting commences at 5:00 p.m.
Location: Fernley City Hall-Council Chambers
595 Silver Lace Blvd., Fernley, NV

These matters may be continued to another meeting without additional notice.

Interested persons may appear at these meetings to present oral comments, or may submit written comments, by mail to the City of Fernley Planning Department, 595 Silver Lace Blvd., Fernley, NV 89408.

If written comments are not received prior to the date of the meeting, the Planning Commission or City Council may not consider them. For further information please contact the Planning Department at (775) 784-9810.

Comments (attach additional sheets, if necessary):

*Wx STILL DO NOT AGREE WITH THIS PROPOSAL. IT DOES NOT ALIAN WITH ZONING FOR THE AREA.
PLEASE DO NOT APPROVE IF YOU ACTUALLY CARE NOW THE NEIGHBORS FEEL.*

THANK YOU

1-18-2025

City of Fernley Planning Commission

Subject: Zoning Map Amendment (ZMA24002) and Tentative Subdivision Map (TSM24002)

It has come to my attention that the "master plan" for the City of Fernley development is no longer following the part of the plan concerning building and improving the roads in Fernley, meanwhile the subdivision and commercial projects continue to be approved by the City council. Unless or until more roads are built to support the increasing traffic do to the new subdivisions, then I am apposed to the change from SF20 (20,000sf lots) to SF6 (6,000sf lots) and having 153 homes built on 6,000sf lots.

Thank you

A handwritten signature in black ink, appearing to read "Patrick Anderson", written over the "Thank you" text.

Patrick Anderson
1280 Browne Ln
Fernley NV
89408

1-19-2025

City of Fernley Planning Planning Dept.
595 Silver Lace Blvd
Fernley, NV 89408

Subject: Zoning Map Amendment (ZMA24002) and Tentative Subdivision Map (TSM24002).

I have been informed by my neighbor who attended one of the City Planning commission meetings that the master plan for the City of Fernley development is no longer being followed as far as building and improving the roads in Fernley. I am all ready experiencing a significant increase in traffic including people speeding on Browne Ln., until more roads are built to support the increasing traffic do to the new subdivisions, then I am apposed to the change from SF20 (20,000sf lots) to SF6 (6,000sf lots) and of course I'm apposed to having 153 homes built on 6,000sf lots.

Respectfully

A handwritten signature in cursive script that reads "Betty Gentry-Dunn". The signature is written in dark ink and is positioned below the word "Respectfully".

Betty Gentry-Dunn
1260 Browne Ln
Fernley, NV 89408

January 27, 2025

Dear Members of the Fernley Planning Commission and City Council,

We sent a letter dated November 3, 2024 to express our concerns regarding the proposed zoning changes: ZMA24001, MJD24001, and TSM24001. We are writing again since this issue is coming up before you on February 5.

We recognize the inevitability of housing replacing fields in our area. The long-term availability and use of water is a serious concern for anyone living in Fernley. Increased traffic on Farm District and Red Rock Roads are also serious concerns.

This time we wanted to highlight our objections to the number of houses being proposed. Why is it necessary to pack that many houses into a small area?

The only people that really benefit are the developers and landlords. Cramming that many people into a subdivision eliminates quiet and privacy which is something that has always been appealing about this section of Farm District Road. Having to listen to your neighbors' conversations, television/music, and parties whether you want to or not is not a pleasant way to live.

If Fernley needs dense housing, why can't you put it closer to the center of town or across the highway where there aren't any houses yet? We ask that you please leave the zoning alone and allow this section of Fernley to retain its rural atmosphere and attract the kind of people who will appreciate it.

Sincerely,



Charles and Linda Perry
3140 Farm District Road

Cal Eilrich
3080 Farm District Rd
Fernley, NV 89408

City of Fernley
Michele Rambo, Planning Director
575 Silver Lace Blvd.
Fernley, NV 89408

RE: City Council Meeting – February 5th, 2025 6. Public Hearings (Item 6.1)

Dear Mayor McIntyre &
Honorable Members of our Fernley City Council,

January 31st, 2025

I regret not being able to attend this evening's meeting, but I am out of town due to a prior commitment.

I do not oppose Mr. Yori having the opportunity to develop his property, as it is certainly his right to do so. However, there are major problems with the proposed development that is before you tonight, which is probably why our Planning Commission voted 7-0 to deny it on December 11th.

I was the developer of the adjacent subdivision, Country Ranch II, about 20 years ago, and still live in that vicinity, therefore I have a fairly unique prospective of this section of our city. Here are some of the facts:

1. **Red Rock Rd.** – Was designed as a 60' Rural Country Road with an apron, but no sidewalks and ditches along the sides. The residents go for walks with their pets and the children walk to school along the pavement. We planned curves in the road and a stop sign at Quick Cal Way as traffic calming devices. This design had served its purpose well for over 20 years, except for an occasional person driving a little too fast.
Problem: The new Yori Subdivision is planned to develop from Farm District Rd to the North and will not be required to connect to Hwy 50 until the city has issued 81 Certificates of Occupancies for new homes. That alone is twice as many homes as Country Ranch II! Plus, even when the new Yori Subdivision is completed, Yori Lane is such a narrow and curvy road that most of the traffic will just short cut over the Red Rock Road. This will completely change the lifestyle to an urban lifestyle at Country Ranch II.
Solution: The Yori Subdivision should develop from Hwy 50 to South to Farm District Rd and construct their own 60' Arterial Road built to SF-6 Standards to carry their own traffic to Hwy 50.
2. **Major Deviation** – Why did almost ALL of US, meaning the Council Members, Planning Commissioners, Planners and Developers sit in this very room and spend many hours discussing, debating, and negotiating this very subject about the 20' Combined

Side Yard Set Back in 2018 & 19 for the current Development Code? Because we didn't want Donner Trails type parking all over Fernley! Now here we are, we are just expected to roll over and allow it and even bring it to the Farm District Road area, just to achieve maximum density!

Note: In the Staff Report it states in the section for granting this "Major Deviation" APP25001 in favor of MJD24001: #3. **"Code requires a combined setback at 20' that is primarily to accommodate boat and/or RV parking. Such parking will not be allowed in this community."** **Who will enforce this?** Will the City of Fernley be expected to enforce such a C.C.&R, I asked them if they were planning to form an H.O.A., they answered, No.

3. **6 Lots on Red Rock Rd** – The Yori Subdivision Map shows 6 Lots on the East side of Farm District Rd just across the street from the Fire Station. This would be very reckless and dangerous planning! Having driveways here, so close for cars turning from Farm District Rd on a downhill street with cars parked right across from the Fire Station, with cars backing out of driveways, this is just not an example of good planning.
4. **Country Ranch II is Rural Zoning** – They appear to be planning some sort of an unpaved base-rock access alley buffer zone on the West side of their project. Who is going to maintain that? The Clements Ranch Subdivision provided a deed restriction that does not allow 2-Story Homes to be built on lots adjoining the rural subdivisions in order to preserve at least some of their neighbor's rural atmosphere. Is the Yori Subdivision willing to do the same?

In closing, I understand the pressure our city is under to build affordable housing. I had to make tough decisions too when I once sat where you do now. Please remember that we the people elected and count on you to make the tough decisions and mitigate the impacts for the benefit of all, including those of us who already live here and love our community.

Thank You for your time.

Respectfully Yours,



Cal Eilrich

Fernley City Council Members

Hello and thank you for taking the time to review this letter to the Fernley City Council regarding two developments on the Council's agenda that require major re-zoning to be approved.

I am referring to Creekwood Estates proposed 153 lot subdivision of 40 AC currently zoned SF20 requesting it be changed to SF6 zoning. Also referenced in the "Yori" 160 lot subdivision which is a 47.5 AC parcel requiring rezoning from RR1-1/2 to SF6 zoning.

Let me preface this letter by saying I am very pro-development. I believe the Victory/North Fernley plan is vital to Fernley becoming a sustainable community. I also understand that Mark IV needs to demonstrate a reasonable housing market for the employees if they are going to attract viable industry tenants to Fernley.

I am against both development applications being approved. I understand the City may decide to accept the applications but from what I have witnessed it appears each application for re-zoning has deficiencies that should be addressed if the appeals are approved.

Red Rock Rd should be widened to arterial standards defined by the traffic study 2023. It should be constructed at the beginning of the project not the end of the project.

Lot size transitioning are clearly defined in the NRS code, specifically 32.09.030. Neither of these re-zoning applications satisfies this law relative to current application(s).

Both subdivisions are in the Farm District corridor and will directly impact this vital area of Fernley. The community impacts are mostly negative, increased traffic on Farm District Rd including the roundabout at Hwy 50, loss of groundwater rejuvenation provided by lower density housing, and a loss of rural character which will forever change the future character of this part of Fernley. This is a major deviation from the City of Fernley Master Plan, and the only reason cited by the applicant/developers is that "this is the only way they can make money", "anything less doesn't pencil out". **Please try to keep that in perspective as you review the facts presented in this letter which largely represent the resident's concerns adjacent to these proposed developments.**

Furthermore, the developer's cite the requested lot density of SF6 as the only way they can build affordable housing in these proposed subdivisions. The problem with this statement is that these homes will be marketed at \$390,000 to \$450,000 each. The current median home price in Fernley is currently \$404,000. So, neither of these subdivisions provides what would be deemed "affordable" housing for workers making \$18-\$25.00/hr. At this wage a family can afford approximately \$1,400-\$1,600 rent or mortgage payments, which are hard to come by in present day Fernley. These re-zoning applications do nothing to satisfy this demand for lower home prices as ascertained in their respective applications.

I also understand the economic value of development relative to the City of Fernley's current and future budget(s). Fernley presently operates on a shoestring budget. Call it what it is. Not any current Fernley Government's fault, but we are all having to deal with that issue as planned growth occurs in this area. There are hard decisions that will have to be made in order to realize this growth while maintaining some of what makes Fernley, Fernley.

The current housing inventory of stick built single family homes is 67, with manufactured and REO homes the inventory is 72. We do need housing development, and the City of Fernley Master Plan accounts for housing development with over XXXX acres zoned with a mix of residential single family lots and multi family lots where these types of housing developments are "planned" for well thought reasons. Close to major freeway access so not to burden current road infrastructure, close to downtown amenities, and close to planned industrial development. Fernley is poised for this growth and has appropriately accommodated planned space for every type of development, multi family, high density, and higher end larger lot housing developments. Developers just need to be directed to these areas consummate with the zoning and previous re-zoning that has already been established.

A developer should always determine what ROI they require to deem any project viable. It is not, nor should it ever be construed to be, the responsibility of the current residents or the city to accommodate major zoning changes to the City's development strategy to make any developer more money. If the numbers are not there they just are not there. Once we carve up our larger zoned areas for higher density subdivisions to accommodate developer's ROIs that process can never be reversed. Future developers will cite these current application rezoning approvals as precedence and use legal processes to force the City of Fernley to accommodate future re-zoning applications, often to the detriment and burden to the City of Fernley and its current and future residents.

So, consider a scenario where the Farm District corridor gets 80-90% built out with SF6 SF8 housing developments before there is any incentive to develop the correctly zoned land along Hwy 95 and along the Hwy 95 corridor, and East end of Main St and Miller Lane. The Farm District corridor will be plagued by major traffic problems for many years, which these two applications intend to direct right through Silverland Intermediate School and Cottonwood School roadways. Cottonwood to the roundabout is already at a 'D' designation per the 2023 traffic study. I personally doubt that the proposed Creekwood development traffic would choose Rainbow as a viable route to access Hwy 50, rather than using Farm District to Cottonwood or Farm District to Browne Lane. The Yori application does not even upgrade Red Rock Rd to current Arterial standards for Hwy 50 access. Proposed build out access to Hwy 50 is not stated to occur until Phase II of that project (which will be when??).

All of this traffic will utilize Farm District Rd, adding approximately 3500+ trips a day to existing traffic and does not include the impact of three currently approved subdivisions traffic impacts. In addition to this, the Council should consider the fact that three subdivisions which are currently under construction, or planned to start development, are not built out further taxing

Farm District Rd and especially Farm District Rd from Cottonwood School through the roundabout at Hwy 50. These approved subdivisions add 4937 trips per day for just the Legacy development for a total of **8418** (this does not include two other approved developments) **Cumulative new trips per day if Creekwood and Yori re-zoning applications are approved.** This must be recognized as a high priority safety concern for Cottonwood and Silverland schools whose students are largely dependent on Farm District Rd for access to school property. In addition to the student access issues at Cottonwood and Silverland, the existing traffic on Farm District Rd experiences very heavy traffic at peak periods, often at speeds in excess of 60-70 miles per hour because it is an unimpeded, relatively straight 2 lane road. Farm District Rd is just not built to accommodate the level of increased traffic being contemplated without requiring major changes like turning lanes, and controlled access points for all these subdivisions. We already feel the strain on the roundabout and realize NDOTs timeline to remedy that situation, how would you like to add the issue of working through the NDOT processes of having to redesign and implement major modifications to Farm District Rd.

Not only does the City of Fernley Masterplan discourage the types of developments being contemplated here, the NRS states specific criteria for the City Council to consider when considering approving the re-zoning applications referenced. These NRS codes are addressed individually. In summary the City Council is not “obligated” to approve either of these applications. Both applications have been recommended for denial by the City of Fernley Planning Commission citing public safety concerns over road infrastructure, zoning compliance, incomplete applications and Master Plan deviations. The residents of this area have strong concerns about the City’s concern regarding legal action(s) by the developer(s) and pressure from Mark IV developers to start moving in the direction they desire. Neither of these applications provided at the most recent public hearings were complete regarding accuracy, stating incorrect parcel numbers, incorrect traffic plans relative to the developer’s tentative parcel map application changes, and using relatively outdated traffic data in the application. Furthermore, NDOT classification of current infrastructure has or is expected to soon reach “critically unsustainable” levels without the added burden these proposed subdivisions are stated to add to existing infrastructure use.

Phelps Engineering has submitted a new traffic study (from what was previously submitted) dated July 2024. The new study has changed the category of major intersections from the 2023 study. Surprisingly there are less than previously stated in earlier applications. Primarily intersections 1 and 4 are now stated at category C “WITH” the new subdivision. They are denoted as category D in the city 2023 studies. This study does not take into account the traffic that will be generated by the three previously approved subdivisions on Farm District.

Based on NRS 32.03.030, NRS 32.03.040, NRS 32.03.060 and NRS 32.09.30-2, laws the Creekwood application DOES NOT conform to the City of Fernley Masterplan, Development Code or current City laws and therefore should be DENIED.

Jim Chamberlain, Resident/Business Owner

SUPPORTING INFORMATION

ADJOINING LOT SIZES

RR5, Residential Rural – 5 acres 1. Purpose. This district is intended to preserve areas where agriculture, grazing and/or open space predominate. Single family, detached residences in this are generally on five acre lots and have limited public services and facilities available. Multi-family residences aren't appropriate but single family homes may be clustered to retain open space and agricultural uses. The maximum number of dwelling units that may be located in this district is one (1) unit per five (5) acres. C.

RR1, Residential Rural – 1 acre 1. Purpose. This district is intended to create and preserve areas where single family, detached homes on one (1) acre lots with rural road standards are predominant. The maximum number of dwelling units that may be located in this district is one (1) unit per one (1) acre.

SF20, Residential Single Family – 20,000 square feet 1. Purpose. This district is intended to preserve areas where single family, detached homes on half acre lots are predominant. The maximum number of dwelling units that may be located in this district is two units per one (1) acre.

F. SF12, Residential Single Family – 12,000 square feet 1. Purpose. This district is intended to preserve areas where the predominant dwelling type is single family, detached units at three (3) units per acre. Single family residential areas usually function as the least intense urban land use and are typically located between higher intensity residential and rural land uses. The maximum number of dwelling units that may be located in this district is three (3) units per one (1) acre.

G. SF9, Residential Single Family – 9,000 square feet 1. Purpose. This district is intended to preserve areas where the predominant dwelling type is single family, detached units at four (4) units per acre. Single family residential areas usually function as the least intense urban land use and are typically located between higher intensity residential and rural land uses. The maximum number of dwelling units that may be located in this district is four (4) units per one (1) acre.

H. SF6, Residential Single Family – 6,000 square feet 1. Purpose. This district is intended to preserve areas where the predominant dwelling type is single family, detached units at seven (7) units per acre. Single family land uses are considered appropriate adjacent to low density multi-family, SF9 and MDR14 zoning districts. The maximum number of dwelling units that may be located in this district is seven (7) units per one (1) acre.

NRS 32.03.040 B

B. Comprehensive Master Plan Amendments

1. Applicability. The City of Fernley Master Plan is a legislative planning document with respect to the city's vision, goals, and policies relative to such matters as population, housing, streets, and resource use which is governed by NRS 278.150 to and including NRS 278.250.

2-5 omitted for space.

6. Findings for Approval. 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.
- b. The Master Plan Amendment would be compatible with surrounding land uses
- c. Public notice was given, and a public hearing held per the requirements of Nevada Revised

E. Zoning Map Amendments (Rezoning)

- 1. Applicability. This applies to any amendment to the Zoning map (a "rezoning").
- 2.- 5 omitted for space

6. Findings for Approval.

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
- b. Consistent with the surrounding land uses
- c. Public notice was given, and a public hearing held per the requirements of the Development Code and Nevada Revised Statutes.

Section 32.03.060 – Land Division Applications

Purpose: The design, improvement, maps and sales of subdivisions are governed by the planning and zoning act (Chapter 278.030, et seq.) and the provisions of this chapter. The purposes of this chapter are to safeguard the public health, safety and general welfare by establishing certain additional standards of design, improvement, survey and development of subdivisions hereafter platted in the incorporated areas of the City of Fernley in order to provide and insure the orderly and proper growth and development

Development code requires subdivisions adjoining established lots to conform to lot sizing. The Creekwood development does not pass on this criteria. Adjoining lots to the west are all 2 acre parcels zoned RR5. This is violation of the transition rules defined in NRS 32.09.30-1&2

Parcels across from the proposed Creekwood application although zoned SF6 are all at least ¼ acres consummate with SF12 zoning. The proposed application does not conform with NRS 32.09.030 -1&2 regulations.

NRS 32.09.030-2a states "new subdivision lots shall not exceed a 50% reduction in lot size of the existing subdivision lots". It is our position that the current zoning on the 40 acre parcel is illegal by law. Further reduction in lot sizes will be illegal per the NRS code also.

To: City Council of Fernley Nevada

2/05/2024

Creekwood Subdivision Farm District Road

This was DENIED by the planning commission and I want to make that clear since at the last meeting it was erroneously reported that the planning commission approved this subdivision.

Land Use in the Master Plan:

"We live, work and play while maintaining the rural character of the area defined by the Fernley comprehensive master plan" this is noted on the wall in these chambers.

"New development should provide buffering, lot matching or transition of density when adjacent to existing residential".

They claim this, as well as in the cities representation of this project-

The site layout will preserve the scenic resource and character of Fernley and will incorporate designs and trails to line open spaces and encourage active lifestyles- There are no trails nor any open space for said "Open Spaces".

Also stated:

that this conforms with surrounding area zoning- Only to the North- while lots are zoned SF6- Browne lane lots are .25 acres - which only 1 lot is on Farm District. The area between browne to Rainbow are zoned SF6 but they are currently being used with 1 house per lot. The corner of Rainbow and Farm Dist is owned by the city as well as the adjacent lot on Rainbow to the east.

Traffic overview

While the roundabout has been removed from the reason for denial process, let me bring to your attention the traffic study that has been supplied with this project. Please keep in mind that this references a Traffic study that was completed in 2023 for the City of Fernley.

With just the two proposed projects this evening the traffic count on Farm District will increase to an additional 1971 and 1510 for a total of 3,481 additional daily trips,

This study does not take into account the traffic increases from the current approved subdivisions, nor do these counts take in the traffic projections from the 523 lots on Farm District that are in the process of construction "Legacy". I was provided with the information on Legacy- Legacy alone has a trip projection of "4937" daily trips once fully built out. Please note that this traffic study is dated 2019, it clearly notes that cottonwood is at state F's in 2019!

Let's add that together:

For an accumulation total of #8418 trips on Farm District with Legacy and these proposed projects.

Creekwood Alone:

Table 9 page 16:

1- Exclude roundabout

2-SR828- Shadow

Current

AM "D" PM "F"

	W Project	AM "D" PM "F"
3-SR828- Jennys	Current	AM "C" PM "E"
	W Project	AM "D" PM "F"
4-SR828 Cottonwood	Current	AM "E" PM "D"
	W Project	AM "F" PM "D"

So we have approved already failing intersections and now we are going to add an additional 4937 trips...what will be the rating at Cottonwood? In front of one of our Elementary school??

Lot Adjacency standards noted Sec 32.09.030
D-Sub a

Transition: New subdivision lots adjacent to existing subdivision lots shall MATCH the rear yard setbacks per based zoning, not to exceed the number of stories of the existing adjacent home and "shall not exceed a 50 % reduction in lot size of the existing subdivision lots".

They note that no-one can afford larger lots and this creates a financial burden to the city. Why is this even the City's issue? The current median home price in the city of Fernley is \$404,000. Their claim to build affordable housing is mute. This is a statewide issue and can not nor should be a rebutal to be used to strong-arm the city to consider, this is a developers issue with their ROI.

Please note that a major deviation to the master plan requires $\frac{2}{3}$ vote of the total membership of the commission. Master plan criteria for a major deviation must be compatible with surrounding land uses and public notice and hearing must be held-

In my continued research of this project today; a completely different package is being presented to the city council in their appeal. This is not the same package as presented to the planning commission. note that the traffic study included in your packet was not the same study provided to the planning commission, as well as several other items like sewer connections, transition and lot sizes. The planning commission again denied this project.

Is this a violation of their request for an appeal??? I think so!! If this major deviation is approved I will gladly let a land attorney review NRS statutes and define that.

On my final note: The developer has not reached out to anyone in the surrounding neighborhoods to discuss, listen or even begin a dialog with neighbors to their proposed development.

Thank you for your consideration,
Angela Lewis