



CITY OF FERNLEY

CITY COUNCIL AGENDA REPORT

Meeting Date: November 18, 2020

REPORT TO:	Mayor & City Council	
REPORT THRU:	Daphne Hooper, City Manager	
REPORT BY:	Olivia John, Assistant Planner	
REVIEWED BY:	Brent Kolvet, Deputy City Attorney	
REVIEWED BY:	Denise Lewis, Finance Director	

FINANCIAL IMPACT: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	CURRENTLY BUDGETED: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	FUND/ACCOUNT:
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ACTION REQUESTED:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Ordinance
	<input type="checkbox"/> Presentation <input type="checkbox"/> Receive/File	<input checked="" type="checkbox"/> Resolution

AGENDA ITEM: Public Hearing, Resolution 20-018, MPA20001 & TSM20002 (FOR POSSIBLE ACTION)
 Consideration and possible action on a Master Plan Amendment and Tentative Subdivision Map requests from Lansing Reno, LLC on a site approximately 78.84 acres in size generally located south of South Fork Road, north of Desert Shadows Lane, east of High Desert Drive, and west of Partridge Road, Fernley, NV. (APN: 021-301-46)

1. Consideration and possible action on Resolution 20-018, a Master Plan Amendment request to change the land use designation from Rural Residential (RR) to Single Family Residential (SFR).
2. Consideration and possible action on a Tentative Subdivision Map request to allow for a 286-lot single-family residential subdivision.

AGENDA ITEM BRIEF:
 The applicant is requesting to change the Master Plan land use designation from Rural Residential (RR) to Single Family Residential (SFR) to allow for a 286 lot single-family residential subdivision on a site approximately 78.84 acres in size located on Desert Shadows Lane.

RECOMMENDED MOTION:

1. "I move to certify the Planning Commission's denial of Resolution 20-018, a Master Plan Amendment request, associated with MPA20001, based on Findings MP1 through MP3 and the facts supporting those Findings as set forth in the staff report."
2. "I move to deny the Tentative Subdivision Map request, associated with TSM20002, based on Findings TM1 through TM11 and the facts supporting these Findings as set forth in the staff report."

Business Impact (per NRS Chapter 237):

A Business Impact Statement is Attached.

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

See Attached Report for Background/Analysis/Alternatives.

PROJECT SUMMARY

- CASE NUMBER(S):** • MPA20001 and TSM20002
- REQUESTED ACTION(S):** • Master Plan Amendment and Tentative Subdivision Map
- PROJECT DESCRIPTION:** • A Master Plan Amendment and Tentative Subdivision Map request from Lansing Reno, LLC to change the Master Plan land use designation from Rural Residential (RR) to Single Family Residential (SFR) to allow for a 286 lot single-family residential subdivision on a site approximately 78.84 acres in size.
- PROPERTY OWNER(s):** • Fernley Clearwater Estates LLC
- APPLICANT:** • Lansing Reno, LLC
- LOCATION:** • South of South Fork Road, north of Desert Shadows Lane, east of High Desert Drive, and west of Partridge Road
- SITE SIZE:** • ± 78.84 acres
- EXISTING ZONING:** • SF6 (Single Family 6,000 sq. ft.)
- EXISTING LAND USE:** • Rural Residential (RR)
- PROPOSED LAND USE:** • Single Family Residential (SFR)
- WARD INFORMATION:** • Ward 2 – Shellie Severa

***A PUBLIC HEARING IS REQUIRED**

POLICY REFERENCE

<i>Nevada Statutes:</i>	<i>NRS 278A</i>
<i>Fernley Municipal Code:</i>	<i>Title 32</i>
<i>Policies & Procedure Manual:</i>	<i>N/A</i>
<i>Community Assessment:</i>	<i>N/A</i>
<i>City of Fernley Development Code:</i>	<i>Chapter 32.03 & 32.06</i>

BACKGROUND

The Fernley City Council approved a tentative map for Truckee River Ranch Subdivision on October 15, 2003. The project consisted of three total phases. Phases 1 and 2 of the subdivision were approved by the City Council and recorded in 2004 and 2006 respectively. In 2010, the City entered into a Development Agreement extending the time to present a final map for Phase 3 to July 31, 2014. A final map for Phase 3 was not submitted for review and approval prior to that date. Thus, the tentative subdivision map approval expired.

ANALYSIS

The subject parcel has a Master Plan land use designation of Rural Residential (RR) and is currently zoned SF6 (Single Family 6,000 sq. ft. minimum lot size). SF6 is not an equivalent zoning category under the Rural Residential land use designation. Also, the parcel is located within the South Fernley Future Development Area.

The applicant is requesting a Master Plan Amendment to change the land use designation from RR to Single Family Residential (SFR) and the approval a tentative subdivision map for a 286-lot single family residential subdivision on the subject lot.

In 2018, the Fernley Planning Commission approved an updated Comprehensive Master Plan which was subsequently certified by the Fernley City Council.

The City of Fernley had last updated its master plan in November 2005. Since that time, the city along with the rest of the nation suffered through The Great Recession. Through the economic development efforts of the State of Nevada and other regional economic development authorities, the Northern Nevada region has seen a significant increase in employment opportunities. With this job creation comes additional population growth and the need for additional public services and facilities.

The purpose of the City's Master Plan is to guide decision making regarding the physical development of the City. The Master Plan identifies current issues and needs in the community based on research, analysis, and public input, and sets forth goals, policies, and action strategies to address these issues.

The adoption of the 2018 City of Fernley Master Plan update is intended to address questions such as:

- What does the City look like in 20 years?
- What will the population be?
- What will job growth look like?
- Do we have enough housing and the right type of housing to support the population and job growth?
- What amenities should our City have? Parks? Open Space? Public Services? Better access to goods, services, and entertainment?
- What areas are appropriate for future housing and employment growth?
- How do we implement revitalization of the Downtown Core?

Adoption of the updated comprehensive master plan furthered the City's mission *"to provide all municipal services in a proactive, innovative, and fiscally responsible way to continue to enhance the community's quality of life, provide a high level of responsive local government services, and promote future prosperity and the balanced growth of the community."*

In reviewing the existing master plan document, staff noted that many of the goals and policies were still relevant. However, it was determined that all the associated data should be updated to provide better guidance.

The most significant changes to the revised master plan occurred in Chapter 1 (Population, Housing, and Employment) and Chapter 3 (Land Use).

The University of Nevada Reno's University Center for Economic Development (UCED) was enlisted to conduct research and update the data within Chapter 1 (Population, Housing, and Employment). The current Chapter 1 only discusses population and housing. Staff determined that employment should also be a consideration in future land use assumptions.

Chapter 3 (Land Use) was completely revamped. Although the goals and policies contained within the section were retained with little modification, the land use designations, locational criteria and characteristics, and land use map have a new look. Some land use categories were combined into a single category and several new categories were created. The over-arching goal was to help promote investment or reinvestment of properties located within the city's core. There are numerous properties within the city that are either vacant or underutilized which are ripe for additional development. Many of these properties are already served by existing infrastructure. This infill development can help to provide greater efficiencies with respect to public services and facilities by utilizing existing capacity of infrastructure that is already being maintained.

One significant addition to the Land Use chapter was the introduction of Future Planning Areas. The purpose was to identify areas where future development may occur and establish "ground rules" for development. These Future Development Areas will be required to have an Area Plan developed by the City, Property Owner(s), and/or Developer(s) to create a unified vision for the area and cumulatively address development challenges including land use, transportation, drainage facilities, community infrastructure (water and waste water), community services (police and fire), physical constraints, conservation, and parks and open space. The existing zoning or land use shall not be intensified in any of these areas until an Area Plan has been approved and adopted by the City of Fernley to ensure concurrency management, and the provision of new infrastructure and City services can be provided concurrently with new development.

Chapter 2 (Conservation), Chapter 4 (Transportation), and Chapter 5 (Public Services and Facilities) were updated to reflect current data, plans, studies, and trends. These sections also support the proposed land use plan.

Since the adoption of the Comprehensive Master Plan by the City Council, additional master plan studies have been completed or are in process. Specifically, a water resource plan and transportation master plan have been completed; the city is in the final stages of reviewing and adopting a water system master plan; a sewer system master plan has been initiated; and a Request for Proposal for a stormwater master plan will be published in the coming months. As evidenced by these studies, city staff has focused a tremendous amount of effort on infrastructure planning, something that has been lacking since the City of Fernley was incorporated 2001. These studies are critical to ensuring Fernley has and can maintain adequate public facilities to accommodate additional development in a sustainable manner.

As mentioned previously, the project parcel is located in the South Fernley Future Development Area as identified in the City of Fernley’s Comprehensive Master Plan. As such, both the comprehensive master plan and development code (Fernley Municipal Code Title 32), require an area plan be adopted prior to intensification or subdivision of land for properties located within future development areas. The purpose of the future development areas is *“to create a unified vision for the area and cumulatively address development challenges including land use, transportation, drainage facilities, community infrastructure (water and waste water), community services (police and fire), physical constraints, conservation, and parks and open space.”* The master plan goes on to state, ***“the existing zoning or land use shall not be intensified in any of these areas until an Area Plan has been approved and adopted by the City of Fernley to ensure concurrency management, and the provision of new infrastructure and City services can be provided concurrently with new development.”***

In addition, Goal LU.1.12 states:

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

- LU.1.12.1 Subdivision or intensification of land without adequate public facilities available to serve the new development as it occurs shall not be allowed.***
- LU.1.12.2 Any land use entitlement applications for subdivision or intensification of land shall also be required to submit a fiscal impact analysis to the approval of the City Manager or their designee.*
- LU.1.12.3 The City of Fernley should explore the implementation of impact fees associated with the subdivision or intensification of land.*
- LU.1.12.4 The City, landowner(s), and/or future developer(s) shall develop Area Plans for the Future Development Areas to efficiently plan for adequate public facilities”***

Based on this analysis and the discussion included in Findings MP1 and MP2, staff cannot support the proposed Comprehensive Master Plan Amendment at this time.

Staff reviewed the proposed tentative subdivision map and identified several concerns. First and foremost, Section 32.12.010(E.) of the City’s Development Code, codifies *“Future Development Areas identified in the City of Fernley Comprehensive Master Plan shall be required to have an Area Plan...”* As discussed previously, no area plan for the South Fernley Future Development Area has been adopted by the City.

The required area plan would address many of the infrastructure concerns raised by staff. There are concerns regarding water, wastewater, stormwater, and transportation infrastructure. The area south of the canal within the South Fernley Future Development Area does not include public infrastructure. There are currently no water, wastewater, or stormwater facilities within the area to serve future development. Because of topography, there is a water tank located approximately 3 miles west of the proposed subdivision which serves other areas of the city north of the Truckee Canal. In addition, there are no city or county roads within the South Fernley Future Development Area. Roads inside this area are within easements, some perhaps prescriptive and some by map or document. There are few instances where an offer of roadway dedication remains open, however neither the county nor city have accepted any of these offers.

Although the area is comprised of many parcels with various ownership, they are dependent upon one another for the provision of public facilities and services such as roadways, emergency access, and utilities.

In addition to the lack of an adopted area plan as required in the development code, staff identified a number of concerns regarding the proposed Tentative Subdivision Map. Based on the information provided and the discussion in the Findings listed below, staff cannot determine whether adequate public facilities exist to serve the project.

While staff acknowledges previous approvals, those previous approvals are not germane to the newly proposed development. Staff must process development applications in accordance with current goals, policies, and regulations as adopted and approved by the City Council. The 2018 Comprehensive Master Plan update and subsequent development code update was a conscious effort to alter the City's land development pattern in order to meet goals included in the City's 2017-2021 Strategic Plan with an emphasis on sustainability.

The previous approvals were granted under a completely different set of circumstances than exist today. Since that time, the City endured through the Great Recession and has since reevaluated many aspects of city operations, including development patterns and fiscal sustainability as it relates to infrastructure and provision of services.

The lack of an area plan, as stipulated in both the Comprehensive Master Plan and Development Code precludes staff from determining whether adequate public facilities exist to serve the development and if this development comprises a logical extension of those facilities to support the proposed intensification and subdivision of land. The development code is the primary tool used to implement the City's Comprehensive Master Plan.

Because an adopted area plan is a prerequisite to further intensification and subdivision of land within the South Fernley Future Development Area, the proposed master plan amendment and tentative subdivision map requests are untimely.

Based on this analysis and the City's inability to meet several Findings listed below, including several goals and policies contained in the City's Comprehensive Master Plan, staff and the Planning Commission cannot support the proposed comprehensive master plan amendment or tentative subdivision map. Therefore, staff and the Planning Commission recommend the City Council certify the Planning Commission's action on Resolution #20-018, thus denying the Master Plan Amendment request. Staff and the Planning Commission also recommend the City Council deny the Tentative Subdivision Map request.

FINDINGS

Master Plan Amendment

FINDING MP1:

Implementation of the goals listed within the City of Fernley Master Plan.

Land Use Goals and Policies included in the City's 2018 Comprehensive Master Plan which are relevant to this project include the following:

Housing, Population, & Employment

- HP.1.1 Enhance Fernley’s vitality as a community by providing a variety of housing types, density and costs that accommodate the needs, desires and financial abilities of the current and future households.**
HP.1.1.2 Encourage large-scale housing development that incorporates efficient land use techniques and creates a distinct sense of place and neighborhood diversity.
- HP.1.1.4** Encourage the efficient use of land and existing infrastructure by focusing on achieving good design in new housing or redeveloped housing on either vacant land, infill parcels and/or under-developed parcels.
- HP.1.2 Encourage housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to services and public facilities such as parks, and resource efficient design and construction.**
- HP.1.7 Coordinate population growth with the availability of housing, water, sanitary sewer, streets, and other public facilities and services.**
- HP.1.8 Coordinate population growth with the availability of water, sanitary sewer, streets and highways and other public facilities and services.**
HP.1.8.1 The City of Fernley Department of Community Development staff will document the demands for public services and facilities relative to existing and planned population in staff reports prepared in conjunction with applications to amend the Comprehensive Master Plan.
- HP.1.9 Ensure that applications to amend the Comprehensive Master Plan include an analysis of the impact the proposed amendment will have on the projected population and any corresponding impact on demand for public services and facilities.**

Conservation

- C.1.3 Maintain and improve the quality of Fernley’s air, water and land resources and protect neighborhoods from detrimental noise pollution.**
C.1.3.7 Maintain coordination of land use planning and capital improvements to insure the most efficient use of the city’s sanitary and stormwater run-off facilities.

Land Use

- LU.1.1 Encourage and plan for new development in areas where adequate public services and facilities can be provided efficiently.**
- LU.1.2 Encourage new development to be in accordance with the Comprehensive Master Plan land use category, and other land use controls to accomplish community principles.**
- LU.1.4 Ensure existing and future land uses are compatible.**
LU.1.4.2 Projects shall be evaluated with the intent to promote land use compatibility; community design measures can increase compatibility among adjoining land uses.
LU.1.4.6 Review all projects in relation to their geographic location, impacts to adjacent communities, fiscal impact and mitigation measures to protect natural and cultural resources. Apply specific conditions of approval tailored for each development proposal.

LU.1.5 Promote infill development.

LU.1.5.1 Encourage the intensification of land use in the existing community core.

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

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

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

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

LU.1.12.2 Any land use entitlement applications for subdivision or intensification of land shall also be required to submit a fiscal impact analysis to the approval of the City Manager or their designee.

LU.1.12.3 The City of Fernley should explore the implementation of impact fees associated with the subdivision or intensification of land.

LU.1.12.4 The City, landowner(s), and/or future developer(s) shall develop Area Plans for the Future Development Areas to efficiently plan for adequate public facilities (Emphasis added).

Transportation

T.1.1 Require that roadway facilities be maintained and constructed as needed to ensure high quality and safe travel on major streets and at major intersections.

Public Services & Facilities

PSF.1.1 To provide and maintain a reliable and adequate water supply and delivery system.

PSF.2.1 Insure an efficient, adequate and self-supporting wastewater collection treatment and disposal system that will meet the needs of the public and comply with federal, state and local clean water requirements.

PSF.3.1 Develop a regional stormwater drainage system.

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

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

PSF.3.3.2 Consider the financial impacts in all growth management decisions.

The proposed Master Plan Amendment may support housing goals established by the master plan, however, there are many other goals and polices that, currently, appear to conflict with the proposed project.

The proposed project may provide additional housing options for Fernley's expanding population. However, adequate public facilities must be provided in support of any proposed development. When looking at the identified Future Development Areas, these areas could potentially support additional development. But from a public facilities and services standpoint, the city would be remiss in not looking

at what infrastructure may be needed to support intensification and subdivision of land within those Future Development Areas. Hence the requirement for an area plan.

Goal LU.1.1 encourages planning for new development to occur in areas where adequate public facilities and services can be provided efficiently. Until an approved Area Plan has been adopted, it cannot be concluded that the project will achieve an efficient use of existing infrastructure.

Goal LU1.5 is intended to promote infill development. The purpose for promoting infill development is to take advantage of capacity within existing infrastructure to provide for a more efficient use of public facilities. Policy LU1.5.3 further states that development on the perimeter of Fernley is appropriate only where orderly extension of existing public services and facilities can occur. Again, the city would be remiss to not look at the entire Future Development Area and plan for what public facilities and services would be needed to support potential development within that area.

To ensure public facilities and services can be provided in a timely, orderly, and efficient manner, Goal LU.1.12 stipulates that the City, landowner(s), and/or future developer(s) shall develop Area Plans for the Future Development Areas to efficiently plan for adequate public facilities and services.

The master plan states that Area Plans should address the following at a minimum:

- ✓ *Transportation and Traffic*
 - *Roadways*
 - *Bike and Pedestrian Connectivity*
 - *Future transit opportunities*
 - *(Park and Ride Lots)*
- ✓ *Land Use and Zoning*
- ✓ *Development Standards*
- ✓ *Flooding and Regional Drainage Facilities*
- ✓ *Community Infrastructure (Water, Sewer, Wastewater, Reclaimed Water)*
- ✓ *Community Services (Police, Fire)*
- ✓ *Parks and Open Space*
- ✓ *Fiscal Impacts*

In conclusion, the text of the master plan states: *“the existing zoning or land use shall not be intensified in any of these areas until an Area Plan has been approved and adopted by the City of Fernley to ensure concurrency management, and the provision of new infrastructure and City services can be provided concurrently with new development.”* The evidence discussed above leads staff to conclude Finding MP1 cannot be satisfied. The proposed Comprehensive Master Plan Amendment is not consistent with many of the goals and policies outlined in the City’s Comprehensive Master Plan. Therefore, the amendment would not implement the goals listed within the Fernley Comprehensive Master Plan.

FINDING MP2:

Compatible with surrounding land uses.

	<i>Surrounding properties and uses:</i>	<i>Current Zoning District:</i>	<i>Comprehensive Plan Land Use Designation:</i>
<i>North:</i>	Developed residential	SF20 (Single Family 12,000 sq. ft. minimum lot size)	Single Family Residential (SFR) & Open Space & Parks (OSP)
<i>West:</i>	Undeveloped residential	RR1 (Rural Residential 1-acre minimum lot size)	Rural Residential (RR)
<i>East:</i>	Undeveloped public land	GR20 (General Rural 20-acre minimum lot size)	Open Space & Parks (OSP)
<i>South:</i>	Undeveloped public land	GR20 (General Rural 20-acre minimum lot size)	Open Space & Parks (OSP)

The table above identifies the existing surrounding land use and zoning. It's important to point out the Truckee Canal is located adjacent to and directly north of the project site. The canal separates the existing single family residential (zoned SF20) from the proposed development site (zoned SF6).

When the comprehensive master plan was updated in 2018, it was determined this area, based on surrounding land uses, was most appropriate for residential rural type development. An over arching goal of the master plan is to focus on infill development. It was also determined the area could potentially support future development. The requirement for an adopted area plan prior to intensification or subdivision of land with identified Future Development Areas, would allow an opportunity to revisit land uses and ensure they are commensurate with available public facilities and services.

The proposed development is not consistent with the master plan or compatible with the rural character which exists south of the Truckee Canal. Therefore, staff cannot make Finding MP2.

FINDING MP3:

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

Public notice was given and a public hearing was scheduled. The Planning Commission Meeting functions as the public hearing for this matter as required in the City's Municipal Code and Nevada Revised Statutes.

Pursuant to Section 3 of the Declaration of Emergency Directive 006 the requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate has been suspended until further notice. Also suspended in Section 3 of Directive 006, are the requirements contained in NRS 241.020(4)(a) that public notice agendas be posted at physical locations within the State of Nevada. To view the entire Declaration of Emergency Directive 006 please visit.

Tentative Subdivision Map

FINDING TM1:

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

Developer are required to comply with all standards, codes, and requirements regarding connection to the City's sanitary sewer and potable water systems, including but not limited to, associated fees, easements, design standards, system looping, development code requirements, and state requirements. However, further studies must be conducted to ensure connections to the City's infrastructure are timely, orderly, and efficient. One lesson learned coming out of the Great Recession, is the extension of infrastructure into fringe areas of the city are costly for the city, its taxpayers, and utility ratepayers. For these reasons, staff cannot determine compliance with environmental health laws and thus, cannot make Finding TM1.

FINDING TM2:

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

Developers are required to dedicate sufficient water to serve the development, pay all fees, and provide all studies or other information necessary to ensure connections to the City's infrastructure are timely, orderly, and efficient.

FINDING TM3:

Availability and accessibility of utilities.

The proposed development appears to straddle two pressure zones within the city's water system. The applicant indicates the project will connect to an existing 12-inch water line located north of the Truckee Canal. There appears to be some discrepancy as the application also indicates that a single 8-inch water main connection is proposed under the canal. The water system must be looped. The applicant also states that a new storage tank will be required for this project. The City's draft water master plan does not identify the proposed site to fall within the planned service area for the City's Gravity Pressure Zone 1 (Farm District Road 18" main). Additional studies must be conducted to assess system operations and the goals of the water distribution system. A small higher-pressure zone which only serves a single development creates an unequitable demand on the City's water distribution system/resources. The proposed water system would only serve this development, it must be determined whether the extension of the water system creates logical extension, promotes the efficient use of public facilities, and is sustainable by the water utility.

The sewer report indicates that sufficient capacity exists within the wastewater system to serve the development.

As previously mentioned, the City is in the process of completing a stormwater master plan. Areas located south of the Truckee Canal have proven difficult from a storm drainage standpoint. Because of the topography, stormwater from the higher elevations located to the south flow north where the

Truckee Canal acts as a weir. Federal law prohibits stormwater from discharging into the Truckee Canal. This development proposes the use of retention basins located directly adjacent to the Truckee Canal. The grading plan appears to indicate some disturbance within the Bureau of Reclamation easement for the canal. Staff is also concerned about the proposed retention basins undermining the structural integrity of the canal wall. Within the City, many residential subdivisions utilize retention basins to capture stormwater. In the majority of these instances, the City is responsible for the operation and maintenance of the facility. Because the proposed basins are adjacent to and appear to infringe upon the canal, condition may exist which place extraordinary requirements upon the city's maintenance responsibilities. The city also identified several other concerns regarding the drainage study provided with the application.

Gas and power are provided by Southwest Gas and NV Energy, respectively.

Although resources may be available to serve the site, both the Comprehensive Master Plan and development code require an area plan be adopted prior to intensification or subdivision of land. Again, the area plan is intended to ensure public facilities and services can be provided in a timely, orderly, and efficient manner within the South Fernley Future Development Area.

Along with the requirement for an area plan, additional studies are necessary to address the concerns cited in this section and in demonstrating whether this project provides a logical extension and promote the efficient use of public facilities. For these reasons, staff cannot make Finding TM3.

FINDING TM4:

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

Sewer, Water, and Utilities
See FINDING TM3 & TM10

Schools

The project site is likely to be served by East Valley Elementary, Fernley Intermediate, Silverland Middle, and Fernley High School which are all located within about a ten-minute drive from the proposed development. According to the Lyon County School District's 2016 Facilities Plan, all of the Fernley schools are currently under capacity and are planned to be within adequate utilization through 2025, with the exception of one elementary school. The School District's 10-year capital program identifies a new elementary school that is planned to be built in the next 4 to 6 years, which would address elementary school capacity.

Police & Fire

Police protection is provided by the Lyon County Sheriff's office. Fire protection is provided by the North Lyon County Fire Protection District. The subject site is located near existing development that is already served by these agencies.

There is a concern regarding emergency access to the project site. Primary access is proposed from Clearwater Parkway. However, the application does not appear to adequately address emergency access. Access within the South Fernley Future Development Area is provided through a series of unimproved rural roads which are not maintained by the county or city. Roads within this area are within easements, some perhaps prescriptive and some by map or document. There are few instances where an offer of

roadway dedication remains open, however neither the county nor city have accepted any of these offers. The International Fire Code requires secondary emergency access for subdivision of more than 30 units. Given the topography and unimproved rural roads, secondary emergency access is crucial.

Parks/Recreation

Autumn Winds Park is located to the north of the proposed development. According to the City's Parks Master Plan, no additional are required within this development. The subject site is surrounded by publicly owned parcels on two sides. The parcel to the east is owned by Bureau of Reclamation (BOR) and the parcel to the south is owned by Bureau of Land Management (BLM).

Based on the discussion pertaining to emergency access, staff cannot make Finding TM4.

FINDING TM5:

Consistency with the zoning district regulations.

The project site has an existing zoning designation of SF6 (Single Family 6,000 sq. ft. minimum lot size). The project is required to meet any and all requirements of the zoning district including but not limited to height and setback requirements, architectural standards, minimum lot size, parking, adjacency standards and other development standards within the city's development code.

In reviewing the proposed subdivision, it does not appear the project has taken into account the Adjacency Standards listed in Section 32.09.030 of the development code. Meeting the required adjacency standards could have a significant impact on the design of the subdivision. Therefore, it is imperative to consider adjacency standards when designing the proposed subdivision.

FINDING TM6:

Conformity with the Master Streets and Highways Plan.

Developer are typically required to construct any roadway improvements necessary to serve the project in conformance with adopted design standards to the approval of the Administrator, City Engineer, and Public Works Director.

Both primary and secondary access to the project site was identified as a significant concern. Although there is an existing bridge which crosses the Truckee Canal, this bridge remains in private ownership. Staff has been unable to find any construction plans or permits which allowed for the construction of the bridge structure. It is unclear what standards the bridge was constructed to and whether the structural integrity will serve the amount of traffic the development will generate. Staff cannot commit to accepting any offer of dedication until these items have been addressed and it has been determined that accepting the existing bridge is in the public's interest.

As mentioned previously, primary access is proposed from Clearwater Parkway. However, the application does not appear to adequately address emergency access. Access within the South Fernley Future Development Area is provided through a series of unimproved rural roads which are not maintained by the county or city. Roads within this area are within easements, some perhaps prescriptive and some by map or document. There are few instances where an offer of roadway dedication remains open, however neither the county nor city have accepted any of these offers. The International Fire Code requires secondary emergency access for subdivision of more than 30 units. Given the topography and unimproved rural roads, secondary emergency access is critical.

Ensuring that adequate transportation infrastructure exists to serve development in the South Fernley Future Development Area would be a critical component to the required area plan. Staff cannot make Finding TM6.

FINDING TM7:

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

The trip generation memo prepared by Solaegui Engineers estimated that the proposed 286 lot subdivision will generate 2,734 daily trips and 283 PM peak hour trips - fewer trips than the original Truckee River Ranch Subdivision. For the purposes of the memo, the study assumed access to the site would be via Clearwater Way which connects to Farm District Road as the primary access. The application states that *“secondary access will be provided via Desert Shadows Road, which is currently an unimproved dirt road, that will be improved to Rural Road standards in accordance with the public works design manual.”*

It is unclear what the limits of the Desert Shadows Lane improvements are. Based on the zoning, the development code would require the portion of Desert Shadows Lane adjacent to the development to include curb, gutter, and sidewalk. But exactly how much of Desert Shadows Lane the applicant is proposing to construct uncertain.

As mentioned previously, access within the South Fernley Future Development Area is provided through a series of unimproved rural roads which are not maintained by the county or city. Roads within this area are within easements, some perhaps prescriptive and some by map or document. This raises a question regarding legal access and whether this subdivision has a legal right to utilize Desert Shadows Lane.

The application included only a trip generation letter. A traffic analysis which includes existing level of service (LOS) and post development LOS to was not submitted with the application. The traffic analysis is necessary to ensure there is necessary mitigation of local and regional impacts the development will have on the transportation network.

Additional information is necessary to determine whether the existing roads and proposed streets or highways are adequate to serve the subdivision. Staff cannot make Finding TM7.

FINDING TM8:

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

Floodplain

The subject property is located at the base of the alluvial fan, and above the existing TCID canal embankment, which runs parallel to the northern property boundary of the site. Stormwater runoff from the south enters the site generally in sheet flow fashion, although there are a number of small shallow drainages present as well. Existing flows inundate in shallow low areas created by the canal embankment, where they ultimate infiltration and evaporate, as there are no existing pipes, open channels or other conveyance systems for drainage. As such, the proposed development will be required to intercept the existing run-on flows that enter the site in an open channel along Desert Shadow Drive. These intercepted offsite flows will be captured and conveyed within piped storm drain systems within the project site that will also capture and convey developed flows onsite. The piped storm drain systems will convey existing

and developed flows to two proposed on-site retention basins. No conveyance or discharge of existing or proposed stormwater flows is proposed.

Slope

According to the application, approximately 91% of the site area has a slope of between 0% - 10%. Based on this information, it does not appear the site is subject to the City's hillside development ordinance. There does not appear to be any significant elevation differences with abutting properties.

Soil

A preliminary geotechnical analysis was provided in the application materials. The site is located in a seismic zone and any construction should meet the applicable building code criteria. In addition, the report states, *"the site and surrounding low lying topography are such that the potential for slope instability at the site due to gravitational or seismic activity is not applicable."*

FINDING TM9:

Recommendations and comments of review bodies.

The application was distributed to the City's Public Works Department, City Engineer, and outside agencies for comment. Several comments were received and provided to the applicant.

The Nevada Division of Environmental Protection is requiring the applicant to submit the Tentative Subdivision Map to their agency for review.

The City also received comments from the United States Bureau of Reclamation, the Truckee Carson Irrigation District, and the Nevada Department of Transportation.

Comment letters from these agencies have been attached to this report.

FINDING TM10:

Conformity to the Master Sewer and Water Utility Plan.

As discussed previously, the city is in the process of finalizing an updated water utility plan based on the land uses established in the 2018 Fernley Comprehensive Master Plan.

The applicant also states that a new storage tank will be required for this project. The City's draft water master plan does not identify the proposed site to fall within the planned service area for the City's Gravity Pressure Zone 1 (Farm District Road 18" main). Any previous studies to bring water to the site need to be updated based on recent system operations and the goals of the water distribution system. A small higher-pressure zone which only serves a single development creates an unequitable demand on the City's water distribution system/resources. In addition, the water system must be looped.

The City did have some minor comments regarding the preliminary sewer report provide with the application. The City is also recommending additional sewer modeling/discovery. Therefore, staff cannot make Finding TM10.

FINDING TM11:

Compliance with this Code and all other applicable regulations.

Developer are required to comply with the design standards and regulations as set forth in the City of Fernley's Development Code and Public Works Design Manual unless in conflict with the local, state, or federal regulations, in which case the more stringent regulation will take precedence.

Most notably, the proposed Tentative Subdivision Map does not comply with the requirements outlined in Chapter 32.12 of the Fernley Municipal Code. Specifically, the project site is located in the South Fernley Future Development Area. As such, an adopted area plan is required prior to the intensification or subdivision of land. Additionally, based on an analysis of the information provided staff was unable to determine whether adequate public facilities exist to serve the project.

This chapter also requires *"any development project application which includes the subdivision or intensification of land shall be required to submit a fiscal impact analysis to the approval of the Administrator."* A fiscal impact analysis was submitted by the applicant. However, the Administrator was not involved in the scoping of the analysis to ensure the methodology and assumptions used in the analysis where appropriate.

For instance, the analysis states the project consists of 308 residential units. However, the tentative subdivision map application states the project will consist of 278 lots (units). This is a substantial discrepancy which likely affects the analysis' conclusion. The analysis also uses as average per capita cost methodology for a single fiscal year. This method can be problematic when including capital improvement expenditures. Capital improvement projects and costs vary from year to year. The City's financial resources dedicated to capital projects are dependent upon yearly revenues, project priorities, and project cost. In addition, the analysis doesn't include details regarding the number of years estimated for build-out and estimated annual absorption. Nor does the analysis provide for a 20-year time frame for estimating impact. The analysis also does not appear to demonstrate what impact long term operation and maintenance of the proposed dedicated roadways will have on the City's budget. It is important the City has an opportunity to vet the methodology and assumptions used in any fiscal analysis. In this case, the analysis was not *"to the approval of the Administrator."*

For the reasons listed above, staff cannot make Finding TM11.

ATTACHMENTS

1. Resolution 20-018 - A Resolution for a Master Plan Amendment
2. Vicinity Map
3. Existing Land Use Designation Map
4. Proposed Land Use Designation Map
5. Site Plan
6. Aerial Photo
7. Tentative Map
8. Phasing Plan
9. Agency Comments
10. Conditions