



**Meeting Date:** September 6, 2017  
**Agenda Item:** # \_\_\_\_\_

### **Mission Statement**

To provide our growing dynamic community excellent municipal services to make Fernley a great place to live, work, and play. Together, we enhance the desirability, safety, friendliness, aesthetics and quality of life in our city.

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## **CITY OF FERNLEY CITY COUNCIL MEETING STAFF REPORT**

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**REPORT TO:** Mayor & City Council

**REPORT THRU:** Daphne Hooper, City Manager

**REPORT BY:** **Tim Thompson, Planning Director**

**REVIEWED BY:** Stephen C. Balkenbush, Contract Attorney  
Thorndal Armstrong Delk Balkenbush & Eisinger

**REVIEWED BY:** Denise Lewis, Finance Director

**AGENDA ITEM:** First Reading, Introduction: DA 2017-001. Discussion and possible action to introduce Bill #**262** as an ordinance authorizing the City of Fernley to enter into a Development Agreement (DA 2017-001) with D. L. G. Associates, LLC, to extend the period of time for Phase II Final Map approval of the Golf Club at Fernley (TSM 05-05), located at 4000 farm district road (APN's: 020-581-03, 020-581-04, and 020-581-05).

**ACTION REQUESTED:**  Consent  Ordinance  Resolution  Motion  Receive/File

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### **RECOMMENDED ACTION BY CITY COUNCIL**

Read bill by title.

I move to introduce Bill #**262** as an ordinance authorizing the City of Fernley to enter into a Development Agreement (DA 2017-001) with D. L. G. Associates, LLC, as presented and set the second reading and public hearing for the regularly scheduled City Council meeting on September 20, 2017.

**Key Points:**

1. Extension is for four (4) years and pertains to only the remaining undeveloped parcels of TSM 05-05 which are APN's 020-581-03, 04 and 05.
2. There are approximately 80 proposed residential lots remaining of TSM 05-05 for Final Map approval for The Golf Club at Fernley.

**POLICY REFERENCE**

<i>Nevada Statutes:</i>	<i>NRS 278</i>
<i>Fernley Municipal Code:</i>	<i>FMC Title 10</i>
<i>Policies &amp; Procedure Manual:</i>	<i>N/A</i>
<i>Community Assessment:</i>	<i>N/A</i>
<i>City of Fernley Development Code:</i>	<i>Chapter 16</i>

**SUPPORTING INFORMATION**

N/A

**FINANCIAL INFORMATION**

**FISCAL IMPACT:**

1. Is There A Fiscal Impact? No
2. Is it Currently Budgeted? N/A
3. If Budgeted, Which Line Item/Account? N/A

**FISCAL SYNOPSIS:**

The Development Agreement process is covered by the application fee of \$900.00 which is paid at the time of submittal; cost of publications and recordation.

**BACKGROUND INFORMATION**

On or about June 1, 2005, the City Council approved a tentative subdivision map (TSM 05-05) for the Project. Per Nevada Revised Statues in effect at the time, tentative subdivision maps expired two (2) years from the date of City Council approval, but could be extended for an additional year subject to City Council approval.

On or about April 18, 2007, the City Council approved an extension of time request (EOT 07-06) to extend the time for presenting a final map, in accordance with state law, to June 1, 2008.

On or about May 20, 2008, the City Council approved a final map (FSM 08-05) for the Golf Club at Fernley Phase I subdivision which was recorded with the Lyon County Recorder's Office on May 23, 2008, Lyon County Recorder Document number 426503.

On May 7, 2009, AB 74 was signed into law, thus extending the time period for presenting a subsequent final map to May 23, 2011.

Per the Lyon County Recorder Document number 475081, titled "Development Agreement" regarding development of The Golf Club at Fernley, between the City of Fernley and D L G Associates, LLC, the project approvals associated with a tentative subdivision map (TSM 05-05) were extended to May 23, 2013. Specifically, the time frame for presenting a Final Map consisting of a portion of the Golf Club at Fernley Phase II under NRS 278.360 for the project was extended to May 23, 2013

Per the Lyon County Recorder Document number 503441, titled "Development Agreement" regarding development of The Golf Club at Fernley, between the City of Fernley and D L G Associates, LLC," the project approvals associated with a tentative subdivision map (TSM 05-05) were extended to May 23, 2015. Specifically, the time for presenting a Final Map consisting of a portion of the Golf Club at Fernley Phase II under NRS 278.360 for the project was extended for two (2) years to May 23, 2015.

Per the Lyon County Recorder Document number 541238, titled "Development Agreement Between the City of Fernley and D L G Associates, LLC," the project approvals associated with a tentative subdivision map (TSM 05-05) were extended to August 19, 2017. Specifically, the time frame for the presentation of a final subdivision map, in accordance with the provisions set forth in NRS 278, for The Golf Club at Fernley was extended to August 19, 2017.

### **ANALYSIS**

The purpose of a development agreement is to provide an alternative mechanism, when deemed appropriate by the city council, to give assurance to a property owner who has obtained the necessary approvals for a project that they may proceed with and complete development, as specified in and in accordance with the development agreement, in return for specified benefits pursuant to the terms of a development agreement.

D. L. G. Associates, LLC is requesting an Amendment to the previously approved Development Agreement for the Golf Club at Fernley Subdivision in Fernley, Nevada. The Golf Club at Fernley is a 92-lot residential subdivision that was approved on June 6, 2005 as Tentative Map application TM05-05. D. L. G. Associates has previously requested and received approval for a Development Agreement on April 6, 2011 (DA 11-24), February 6, 2013 (DA 13-09), and August 19, 2015 (DA 15-004). D. L. G. Associates has recorded one Final Map on the project known as The Golf Club at Fernley Phase 1. This map was recorded on May 23, 2008 and is Lyon County Recorder document number 426503.

D. L. G. Associates is requesting an Amended Development Agreement to extend the time to file the next Final Map for an additional four years (August 2021). The Amendment to the Development Agreement is being requested because there is current litigation associated with the development. The developer has been unable to move forward on the project and the City is unable to issue any new will-serve commitments associated with the disputed water rights until the dispute is fully resolved. D. L. G. Associates is hopeful that the dispute will be resolved quickly and amicably so that the project can

ultimately move forward. Maintaining the entitlements on the property is a benefit to the City of Fernley as it will ensure that there is single family residential inventory available during the current economic upturn.

**Staff recommends the City Council approve the development agreement to extend the time for the filing of a subsequent final map to August 19, 2021.**

**PRIOR COUNCIL ACTION/REVIEW**

See Background Information

**FINDINGS**

Prior to taking an action to approve a Development Agreement, the City Council shall find as follows:

**A. The proposed Development Agreement conforms to the maps and policies of the Master Plan.**

The proposed Development Agreement conforms to the maps and policies of the Master Plan. At the time the subdivision was approved, it was determined that the proposed development was consistent with the city's master plan.

**B. The proposed Development Agreement complies with the requirements of NRS.**

The proposed development Agreement complies with the requirements of NRS 278.0201. All requirements and processes set forth have been satisfied during the processing of this application.

**C. The proposed Development Agreement is consistent with this Development Code and all other applicable codes and ordinances.**

The proposed Development Agreement is consistent with the city's development code and all other applicable codes and ordinances. The proposed development agreement preserves all development approvals and provides certainty to both the city and developer for the build out of this tract of land.

**D. The proposed Development Agreement will not be detrimental to or cause adverse effects to adjacent property owners, residents, or the general public, and conditions must be included to address the completion or phasing of improvements as well as provisions to address abandonment of the project. Conditions and assurance measures shall address dust control, vandalism, weed control, traffic, community blight, safety and maintenance issues resulting in the case of partial development or abandonment. All such conditions and assurance measures shall match the duration of the Development Agreement.**

The proposed Development Agreement will not be detrimental to or cause adverse effects to adjacent property owners, residents, or the general public, and conditions addressing this are included in the "Conditions of Approval" which match the duration of the Development Agreement. At the time the project was approved in 2005, it was determined the project was consistent with the goals and policies of the master plan. It was determined the project can be adequately served by public facilities, roads, and services. Through the tentative map process, the city is required to make Findings related to

provision of service. The conditions of approval for the tentative map address any impacts of the development and ensure those impacts are properly mitigated.

**E. The proposed Development Agreement provides clear and substantial benefit to the residents of the City.**

The proposed Development Agreement provides clear and substantial benefit to the residents of the City. The proposed development agreement preserves all development approvals and provides certainty to both the city and developer for the build out of this tract of land.

**ATTACHED INFORMATION**

1. Bill #**262**, An Ordinance authorizing the City of Fernley to enter into a development agreement (DA 2017-001)
2. Development Agreement w/Exhibits