



**Meeting Date:** 09/20/2017  
**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.

**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:** Melinda Bauer, Assistant Planner

**REVIEWED BY:** Brandi Jensen, City Attorney

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

**AGENDA ITEM:** **Public Hearing, TSM 2017-001** – Consideration and possible action on a Tentative Subdivision Map (Cook Ranch Estates Phase 3) request associated with TSM 2017-001, to allow for a 76-lot single family residential subdivision on a site that is ± 22.62 acres in size. The property is master planned Residential High Density in the NR-3 (Single Family, 9000 Square Feet Minimum Parcel Size) zoning district, generally located south of Cottonwood Lane, north of Crimson Road, west of Jill Marie Lane, Fernley, NV. (APN(s) 021-171-52).

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

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**RECOMMENDATION:**

“I move to approve the Tentative Subdivision Map associated with TSM 2017-001, to allow for a 76-lot single family residential subdivision, adopting Findings 1 through 8 and the facts supporting these Findings as set forth in the staff report and subject to the Conditions of Approval 1 through 20 as listed in the staff report.”

- Key Points:**
1. The Cook Ranch Estates subdivision was originally approved on February 4, 2004. Final Maps for Phases 1 and 2 were recorded on March 7, 2005 and June 21, 2005, respectively.
  2. The previous tentative subdivision map expired because a subsequent map was presented to the city in accordance with NRS 278.360.
  3. The property is currently zoned NR-3 (Single Family, 9000 Square Feet Minimum Parcel Size) with a land use designation of Residential High Density.
  4. Prior to acceptance of any public improvements, the infrastructure shall meet City standards specifically in the Public Works Design Manual and Development Code.
  5. City water and sewer services are available.

**POLICY REFERENCE:**

*Nevada Statutes:* NRS 278.330 through 278.353

*Fernley Municipal Code:* FMC Title 10

*Policies & Procedure Manual:* N/A

*Community Assessment:* N/A

*Fernley Development Code:* Chapter 31

*Other:*

**ANALYSIS:**

The project proposal is to allow for a 76-lot single-family residential subdivision. The Cook Ranch Estates subdivision was originally approved in 2004. Two final maps for a total of 71 lots were recorded in 2005. Currently, there are 29 homes which have been constructed. Because a subsequent map was not presented in accordance with state law, the previous tentative map expired.

The proposed subdivision is consistent with the city’s master plan and is required to comply with the requirements of the development code. The property is currently zoned NR-3 (Single Family, 9000 Square Feet Minimum Parcel Size) with a land use designation of Residential High Density.

The subdivision will be accessed off Cottonwood Lane via Rosewood Drive connecting to Jill Marie Lane. A traffic analysis was submitted for the project and demonstrates the existing transportation facilities in the vicinity are adequate to serve the development. Although the city doesn’t have a regional road impact fee, each residence pays a “road tax” which is collected by the county and distributed back to the city through the regional transportation commission. These funds are intended to be used for capacity improvements or other capital improvements for to city roadways.

The subdivision will be served by the municipal water and sewer utilities. Prior to the approval and recordation of a final map, the developer is required to dedicate sufficient water to adequately serve the development. Currently, the requirement is 1.12 acre-feet of water per lot. Provided sufficient water is dedicated, there is capacity within both the water and wastewater systems to serve the project. Solid waste disposal is subject to the requirements set forth in the Fernley Municipal Code. In accordance with the city’s franchise agreement, Waste Management is the current trash provider for residential uses.

The application was distributed to the public works department, city engineer, and local fire district for comment. The North Lyon County Fire Maintenance District provides fire and EMS services and the Lyon County Sheriff provides law enforcement within the city.

The project is located on relatively flat land with existing ditches and drains. According to the most recent FEMA Flood Insurance Rate Maps, the property is not located within a floodplain.

Pursuant to NRS 278.335, the city distributed the application to state agencies for review and comment.

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

This item was heard at the August 9, 2017 Planning Commission meeting, the commissioners recommend approval, adopting Findings 1 through 8 and the facts supporting these Findings as set forth in the staff report and subject to the Conditions of Approval 1 through 20 as listed in the staff report.

**PROJECT SUMMARY:**

Project Name	Cook Ranch Estates Phase 3
Site Location	South of Cottonwood Lane, north of Crimson Road, west of Jill Marie
APNs	021-171-52
Applicant	Fernley Tuscany, LLC
Owner	Fernley Tuscany, LLC
Proposed Actions	Tentative Parcel Map, TSM 2017-001
Planning Area	Central Fernley
Land Use Classification	Residential High Density
Current Zoning	NR-3
Flood Zone Designation	Per FIRM map # 32019C0105E, dated January 16, 2009, it appears that this property is located in Zone X.
Gross Site Area	22.62 acres

<b>Surrounding Properties and Uses:</b>	<b>Current Zoning District</b>	<b>Comprehensive Plan Land Use Classification</b>
<b><u>West</u></b> Undeveloped Residential	RR-2 & RR-3T	Residential 12000 SQ. FT. Min
<b><u>North</u></b> Developed Residential	NR-1	Residential High Density
<b><u>East</u></b> Developed & Undeveloped Residential	NR-3 & E-1	Residential High Density
<b><u>South</u></b> Developed Residential	NR-1	Residential Low Density

Findings		Staff Analysis
1.	The property to be divided is zoned for the intended uses and the density and design of the subdivision conforms to the requirements of the zoning regulations contained in the Development Code and policies of the Master Plan.	The property is master planned Residential High Density in the NR-3 (Single Family, 9000 Square Feet Minimum Parcel Size). NR-3 zoning is in conformance with the Residential High Density land use.
2.	If a planned development is proposed, the tentative subdivision map conforms to the density requirements, lot dimensions standards and other regulations applicable to planned developments.	This is not part of a planned development.
3.	The tentative subdivision map conforms to public facilities and improvement standards contained in the development code and the public works design standards.	Prior to acceptance of any public improvements, the infrastructure shall meet City standards specifically in the Public Works Design Manual and Development Code.
4.	If applicable, that a phasing plan has been submitted and is deemed acceptable.	During the development review meeting, the applicant indicated the development would be constructed in 2 phases. Based on this, staff included condition #14 which requires any final map to include a minimum of 30 lots. For this reason, the phasing of the development is deemed acceptable.
5.	There are no delinquent taxes or assessments on the land to be subdivided, based on the records of the county treasurer.	All taxes have been paid for the current year. The applicant will be required to pay the new fiscal year taxes in full prior to recording the final map.
6.	The project is not located within an identified archeological or cultural study area, as recognized by the City. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report.	Per the Deputy Historic Preservation Officer for the State of Nevada, there are no previous inventories or previously recorded sites in the project area.

7.	If the proposed subdivision map is adjacent to public lands, adequate public access is provided to those lands.	There are no public lands adjacent to this property
8.	The project provides for orderly growth and results in compatible and consistent development with surrounding neighborhoods.	In accordance with the previously-approved (and expired) Tentative Map, there are 79 parcels remaining on the remainder parcel. The proposed Phase 3 Tentative Map maintains a similar lot layout, number of units, grading, and utility as previously approved. This request is for 76 family residential units (plus Parcel A to be offered to the City of Fernley) on the 22.62 acre project site, consistent with the expired Tentative Map. There are 3 fewer units proposed in order to accommodate current setback requirements with the current pad sizes, and retention.

**FINANCIAL INFORMATION:**

**FISCAL IMPACT:**

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

**FISCAL SYNOPSIS:**

Processing of this application is covered by the \$1,100.00 application fee at the time of submittal.

**BACKGROUND INFORMATION:**

The property is zoned NR-3 (Single Family, 9000 Square Feet Minimum Parcel Size) zoning district, generally located south of Cottonwood Lane, north of Crimson Road, west of Jill Marie Lane, Fernley, NV. APN(s) 021-171-52. The property is within the City of Fernley’s Comprehensive Plan Designation of Residential High Density. The project is a residential development with a maximum of 76 single family residential lots on 22.62 ± acres.

**PRIOR COUNCIL ACTION/REVIEW:**

Cook Ranch Estates Phase 1 subdivision map doc. # 344624 (40 parcels) was recorded on March 7, 2005 and Phase 2 subdivision map doc. # 354267 (31 parcels) was recorded on June 21, 2005.

**CONDITIONS OF APPROVAL:**

1. APPROVAL:

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

2. PROJECT DESCRIPTION:

THE PROJECT APPROVAL IS LIMITED TO SINGLE FAMILY RESIDENTIAL DEVELOPMENT WITH A MAXIMUM OF 76 SINGLE FAMILY RESIDENTIAL LOTS ON 22.62 ± ACRES.

3. EXPIRATION DATE:

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

4. WATER RIGHTS:

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

5. CONSTRUCTION MAINTENANCE:

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

6. ARCHITECTURAL DESIGN:

FOR PURPOSES OF CONTINUITY THE ARCHITECTURAL DESIGN OF THE HOMES SHOULD USE MATERIALS AND DESIGN ELEMENTS SIMILAR TO THOSE USED PREVIOUSLY IN THE SUBDIVISION.

7. PROJECT CONTACT:

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

8. DESIGN STANDARDS:

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

9. ENGINEERING DIVISION:

THE DEVELOPER SHALL COMPLY WITH ALL ENGINEERING REQUIREMENTS WITHIN THE CITY'S DEVELOPMENT CODE INCLUDING BUT NOT LIMITED TO COMPLIANCE WITH CHAPTERS 40 (SITE DEVELOPMENT STANDARDS), 43 (FLOODPLAIN MANAGEMENT), 44 (ROADWAYS), 46 (UNDERGROUNDING OF UTILITIES), AND 47 (WATER AND WASTEWATER FACILITIES) TO THE APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER AND PUBLIC WORKS DIRECTOR PRIOR TO THE APPROVAL OF A FINAL MAP FOR THE PROJECT.

10. STREETS:

THE DEVELOPER SHALL INCLUDE A NOTE ON THE FINAL MAP OR PROOF OF A RECORDED DEED RESTRICTION WHICH STATES THAT NO LOT SHALL HAVE DIRECT ACCESS TO COTTONWOOD LANE AND NO LOT SHALL BE ALLOWED MORE THAN ONE DRIVEWAY OTHER THAN THE ORIGINAL DRIVEWAY CONSTRUCTED AS PART OF THE HOME.

THE DEVELOPER SHALL RENAME ANTHONY COURT TO ANTHONY LANE/STREET AND CHANGE ANY EXISTING ADDRESSES FOR ANTHONY COURT TO ANTHONY LANE/STREET WITH A CERTIFICATE OF AMENDMENT TO THE COOK RANCH ESTATES PHASE 1 FINAL SUBDIVISION MAP.

THE DEVELOPER SHALL INCLUDE CURB, GUTTER SIDEWALK AND HALF STREET IMPROVEMENTS ALONG THE SOUTH SIDE OF COTTONWOOD LANE BETWEEN THE EAST AND WEST BOUNDARIES OF THE COOK RANCH ESTATES SUBDIVISION. IMPROVEMENT PLAN SHALL BE SUBMITTED WITH THE FIRST FINAL MAP AND SHALL BE COMPLETED PRIOR TO APPROVAL AND RECORDATION OF A SUBSEQUENT FINAL MAP TO THE APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR.

11. DRAINAGE AND GRADING:

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF CHAPTER 42 (DRAINAGE AND GRADING) OF THE CITY'S DEVELOPMENT CODE AND CHAPTER 10 OF THE CITY OF FERNLEY PUBLIC WORKS DESIGN STANDARDS TO THE APPROVAL OF ADMINISTRATOR AND THE CITY ENGINEER PRIOR TO THE ISSUANCE OF A BUILDING OR GRADING PERMIT FOR THE PROJECT.

THE DEVELOPER SHALL DEDICATE FACILITIES FOR STORM DRAINAGE WHICH ARE REASONABLY NECESSARY TO INSURE ADEQUATE STORM COLLECTION AND DISPOSAL FOR THE PROPERTY OR ANY ALTERNATIVE WHICH WOULD PROVIDE FOR THE PERPETUAL MAINTENANCE OF THE FACILITIES TO THE APPROVAL OF THE ADMINISTRATOR AND PUBLIC WORKS DIRECTOR.

THE DEVELOPER SHALL PLACE A NOTE ON THE FINAL MAP OR PROVIDE A RECORDED DEED RESTRICTION WHICH PLACES MAINTENANCE RESPONSIBILITY FOR THE 20-FOOT DRAINAGE EASEMENT, EXCLUDING THE EXISTING TCID EASEMENT, BEHIND LOTS 61 THROUGH 76 ON THE DEVELOPER, HOME OWNER'S ASSOCIATION, OR SUCCESSORS IN INTEREST (I.E. INDIVIDUAL PROPERTY OWNERS).

12. GEOTECHNICAL REPORT:

AT THE TIME OF ANY FINAL MAP SUBMITTAL, THE DEVELOPER SHALL PROVIDE A RELIANCE LETTER FROM THE ENGINEER THAT WROTE AND STAMPED THE GEOTECHNICAL REPORT THAT WAS SUBMITTED WITH THE TENTATIVE MAP. THIS LETTER SHOULD ADDRESS ANY CORRECTIONS OR UPDATES TO THE ORIGINAL GEOTECHNICAL REPORT AND STATE THAT THE REPORT IS STILL VALID FOR THE PROJECT.

13. RESIDENTIAL CONSTRUCTION TAX:

THE DEVELOPER IS SUBJECT TO THE PROVISIONS OF FERNLEY MUNICIPAL CODE TITLE 4 CHAPTER 1, RESIDENTIAL CONSTRUCTION TAX. THE RESIDENTIAL CONSTRUCTION TAX FEE SHALL BE PAID PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR EACH SINGLE-FAMILY RESIDENCE.

14. FINAL MAPS:

NO FINAL MAP PRESENTED FOR RECORDATION SHALL INCLUDE LESS THAN 30 RESIDENTIAL LOTS.

15. IMPROVEMENT PLANS:

WITH THE SUBMITTAL OF ANY FINAL MAP APPLICATION, THE DEVELOPER SHALL SUBMIT THE ASSOCIATED IMPROVEMENT PLANS FOR REVIEW AND APPROVAL. THE IMPROVEMENT PLANS SHALL BE APPROVED PRIOR TO THE RECORDATION OF ASSOCIATED THE FINAL MAP.

THE DEVELOPER SHALL CONSTRUCT ALL REQUIRED PUBLIC IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO PUBLIC UTILITY AND ROADWAY INFRASTRUCTURE ASSOCIATED WITH THE PROJECT OR PROVIDE A SURETY BOND IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN CHAPTER 48 (IMPROVEMENTS AND AGREEMENTS) OF THE DEVELOPMENT CODE.

16. NORTH LYON COUNTY FIRE PROTECTION DISTRICT:

THE DEVELOPER SHALL COMPLY WITH TH REQUIREMENTS OF THE NORTH LYON COUNTY FIRE PROTECTION DISTRICT TO THE APPROVAL OF THE ADMINISTRATOR AND THE FIRE CHIEF PRIOR TO THE RECORDATION OF A FINAL MAP.

17. RIGHT TO FARM:

THE DEVELOPER SHALL PLACE A NOTE ON THE FINAL MAP PROVIDING NOTICE TO ANY AND ALL SUBSEQUENT PURCHASERS OF "THE RIGHT TO FARM" PROVISIONS INCLUDED IN NEVADA REVISED STATUTES 40.140 AND THIS TITLE.

18. PERIMETER FENCING:

THE DEVELOPER SHALL REPAIR THE PERIMETER FENCING ALONG COTTONWOOD LANE TO THE APPROVAL OF THE ADMINISTRATOR AND CITY ENGINEER PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR ANY SINGLE-FAMILY RESIDENCE.

THE DEVELOPER SHALL PROVIDE A MASONRY WALL ALONG THE WESTERN BOUNDARY OF THE SUBDIVISION OR OTHER NON-COMBUSTIBLE FENCING MATERIAL TO THE APPROVAL OF THE ADMINISTRATOR AND CITY ENGINEER PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR ANY SINGLE-FAMILY RESIDENCE ON ANY LOT WHICH IS ADJACENT TO THE PROPERTY LOCATED TO THE WEST (APN 021-171-31).

19. UNITED STATE POSTAL SERVICE:

THE DEVELOPER SHALL PROVIDE AN EASEMENT FOR ANY NEW CLUSTER MAILBOX LOCATION TO THE APPROVAL OF THE ADMINISTRATOR AND LOCAL POSTAL INSPECTOR PRIOR TO THE APPROVAL AND RECORDATION OF A FINAL MAP.

20. TRUCKEE CARSON IRRIGATION DISTRICT:

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

**ATTACHED INFORMATION:**

1. Vicinity Map
2. Proposed tentative subdivision map