



CITY OF FERNLEY

CITY COUNCIL AGENDA REPORT

Meeting Date: February 19, 2020

REPORT TO:	Mayor & City Council
REPORT THRU:	Daphne Hooper, City Manager
REPORT BY:	Tim Thompson, Planning Director
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 checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	FUND/ACCOUNT:
---	--	----------------------

ACTION REQUESTED:	<input type="checkbox"/> Consent	<input type="checkbox"/> Motion	<input checked="" type="checkbox"/> Ordinance
	<input type="checkbox"/> Presentation	<input type="checkbox"/> Receive/File	<input type="checkbox"/> Resolution

AGENDA ITEM: Staff Report (For Possible Action): First Reading, Introduction of Bill #284 (DA 2020-001) Discussion and possible action to introduce Bill #284 as an ordinance authorizing the City of Fernley to enter into a Development Agreement (DA 2020-001) with Jenuane Communities Onda Verde, LLC, to extend the period of time for the Friendly 5 Ranch final map approval of (TSM 2016-003), located north and south sides of Farm District Road approximately 500 lineal feet east of its intersection with Jessica Lane, APN(s): 021-303-09, 47, 49, 52 & 54.

AGENDA ITEM BRIEF:
Per NRS 278.360, the City Council may extend time frames associated with a tentative map and a development agreement entered into pursuant to NRS 278.0201 may specify a time frame longer than four years for the expiration of a tentative subdivision map.

RECOMMENDED MOTION:
Read bill by title and schedule 2nd reading, public hearing, and possible adoption of Bill #284 for the regularly scheduled meeting on March 4, 2020.

"I move to introduce Bill #284 and set the public hearing for the March 4, 2020 City Council Meeting."

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/POLICY REFERENCE

Nevada Statutes: NRS 278.360, NRS 278.0201

Fernley Municipal Code: FMC Title 32

Policies & Procedure Manual: N/A

Community Assessment: N/A

Fernley Development Code: Chapter 16

Other:

BACKGROUND

The Friendly 5 Ranch project was previously approved as a 538-lot Planned Unit Development (PUD) and tentative map in 2006 (PD 05-06). The 2006 Friendly 5 Ranch PUD contains approximately 269± acres for a Planned Development Community and was developed under the standards identified within the Master Plan for the Farm District Road Special Planning Area. The zoning for the subject properties is E-2/PD. Although the tentative map previously approved in 2006 has since expired, the PUD, as established by NRS 278A, is the permanent zoning regulations and design standards for the Friendly 5 Ranch. Since the approval of the 2006 PUD, the original tentative map expired and some of the original acreage has been sold to separate parties and are no longer a part of this proposal.

On March 16, 2016, the City of Fernley approved a tentative map (TSM 2016-003) for 514 single family lots as part of the Friendly 5 Ranch PUD. The current project is located on APN(s) 021-303-09, 47, 49, 52, and 54. The tentative map included sixteen conditions of approval that had to be met prior to recordation of the first final map.

Since that approval, the Friendly 5 development team has worked diligently to move toward recordation of the first final subdivision map. Beginning in November 2016, Wood Rodgers initiated discussions with the Truckee-Carson Irrigation District (TCID) and Bureau of Reclamation (BOR) to address drainage easements encumbering the northern portion of the property. Wood Rodgers and the Friendly 5 Ranch development team met with TCID Staff and BOR Staff several times to discuss the project impacts and the need to cross or relinquish the drainage easements.

After numerous attempts to gain TCID support, the Friendly 5 Ranch development team elevated the request to the BOR Area Manager. In August 2018, the BOR Area Manager suggested that Friendly 5 Ranch make a formal submission of an SF299 application so BOR could formally review the project as it related to the proposed sanitary sewer and maintenance road crossings or any other impacts to the easements.

This matter was combined on the SF299 application with a request to extend the development’s sanitary sewer main across BOR lands north of the site for connection to the City’s Donner Trails sewer lift station. This process also had several delays, redirections, and revisions, including the need to update application materials and resubmit after the project was sold to a new developer. The BOR final approval is expected to be issued by February 2020, after which it can be scheduled with the TCID Board for approval.

In September 2018, in accordance with Condition 12 of the Tentative Map (TSM 2016-003), Wood Rodgers submitted a revised planned development handbook reflecting the relocation of the 10-acre park site and

removal of APN 021-303-53 from the handbook. As a part of revising the handbook, the development team wanted to make sure there was some level of assurance from TCID/BOR that the lotting as approved with the 2016 tentative map and 2018 revision was acceptable. It should be noted that per Condition 12, recording of the updated handbook had to occur prior to approval and recordation of the first final map.

On December 19, 2018, more than 2 years following the tentative map approval, the Fernley City Council adopted Bill #268 as an ordinance for a zoning map amendment associated with ZMA 2018-004, which adopted the updated handbook and authorized the City to incorporate the planned development overlay zoning on the Friendly 5 Ranch property.

It should be noted, all the while Wood Rodgers was working to update the handbook, final engineering for the first final map was in process. Making no progress with TCID, Wood Rodgers worked with the owner to reconfigure the north development to eliminate all impacts to the easements except for a road and sewer crossing. On June 15, 2018, Wood Rodgers forwarded the revised configuration to the City Planning Director and, on June 18, 2018, received concurrence that it substantially conformed to the approved tentative map. Preparation of improvement plans for the first phase of development, including the off-site sewer main described above, commenced shortly thereafter.

In February 2019, Wood Rodgers began discussions with NDOT regarding its requirements for connection of the Friendly 5 Ranch with Farm District Road. On February 14, 2019, NDOT informed Wood Rodgers the traffic study prepared for the 2006 tentative map was insufficient for current conditions. Further, at a February 27, 2019 meeting with NDOT, Wood Rodgers was notified that improvements to mitigate all future impacts, both from the Friendly 5 Ranch subdivision and unrelated regional traffic, would have to be constructed with the first phase of the project. A meeting with representatives of the owner, City, NDOT, Wood Rodgers, and traffic consultant was conducted at City Hall on March 12, 2019, to discuss the scope of the traffic study and timing of project-related improvements. A traffic study was authorized following sale of the project to the current owner, and the final report was distributed on August 1, 2019. Approval of the traffic study was issued by NDOT on September 13, 2019.

Field surveying, topographic mapping, and design-related field work were completed in September 2019, followed by road improvement design and submittal of the encroachment permit application on October 21, 2019. Review comments were issued by NDOT on December 6, 2019, and a resubmittal was made in January 2020. The site improvement plans and Final Subdivision Map for Village 1 were also completed at this time, with submittal of the final map to the City of Fernley on November 27, 2019. After receiving review comments from BOR and NV Energy, the revised final map was redistributed to reviewing agencies on January 7, 2020.

Per Nevada Revised Statutes NRS 278.360 (1)(a), a tentative subdivision map expires four (4) years from the date of City Council approval, but could be extended for an additional year subject to City Council approval. As a result, unless extended, the tentative subdivision map for the Project expires March 16, 2020.

The above timeline demonstrates a diligent effort by the Friendly 5 Ranch development team to obtain the necessary approvals and permits and to satisfy conditions of approval for final map recordation prior to expiration of the tentative map. However, with various approvals still pending and the map expiration deadline approaching, per NRS 278.360, the City Council may extend time frames associated with a tentative map and a development agreement entered into pursuant to NRS 278.0201 may specify a time frame longer than four years for the expiration of a tentative subdivision map.

FINDINGS

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

1. 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. The subdivision is in conformance with the adopted Friendly 5 PUD handbook, which is consistent with the City's master plan.

2. 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.

3. 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, including the adopted Friendly 5 PUD handbook. The proposed development agreement preserves all development approvals, including the Friendly 5 PUD handbook (PD 05-06) and tentative map (TSM 2016-003), and provides certainty to both the City and Developer for the build out of this property.

4. 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 the adjacent property owners, residents or the general public, and conditions addressing this are included in the Conditions of Approval associated with TSM 2016-003. At the time the project was approved in 2006 (PD 05-06), it was determined that the project was consistent with goals and policies of the master plan. It was further determined that through the tentative map process, the project (TSM 2016-003) could adequately be served by public facilities, roads and services.

5. 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, including the Friendly 5 PUD and subsequent tentative map, and provides certainty to both the City and Developer for the build out of this property.

ANALYSIS

The Friendly 5 development is a master planned community and approved through the planned development provisions of NRS 278A. As such, there is a planned development design standards handbook which functions as the zoning ordinance for the project. For this reason, staff sees no benefit from requiring the applicant to resubmit for a tentative subdivision map. The current owner has been working diligently with staff on improvement plans and a final map application submittal. Staff supports the approval of the development agreement to extend the timeline associated with the filing of the first final map.

Staff recommends City Council to introduce Bill #284 as an ordinance authorizing the City of Fernley to enter into a Development Agreement (DA 2020-001) with Jenuane Communities Onda Verde, LLC, as presented and set the second reading and public hearing for the regularly scheduled City Council meeting on March 4, 2020.

ATTACHMENTS:

1. Bill #284
2. Development Agreement
3. Exhibit A
4. Exhibit A-1