

CITY OF FERNLEY

CITY COUNCIL AGENDA REPORT

Meeting Date: February 3, 2021

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 type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	FUND/ACCOUNT:
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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: Second Reading, Public Hearing on Bill #292 – DA20002, Red Hawk Ranch (FOR POSSIBLE ACTION)

Discussion and possible action authorizing the City of Fernley to enter into a Development Agreement (DA20002) with Relief Springs, LLC, to establish specific adjacency requirements for future development in compliance with the Adjacency Standards set forth in §32.09.030 of the Fernley Municipal Code, and providing other matters properly related thereto for a site approximately 129.94 acres in size generally located south of Main Street, east of Stock Lane, west of Miller Lane, and north of the existing Miller Meadows Subdivision, Fernley, NV. (APN 021-041-07, 021-041-08, and 020-041-10)

AGENDA ITEM BRIEF:

The purpose of this development agreement is to memorialize specific requirements which would satisfy the adjacency standards set forth in §32.09.030 of the Fernley Municipal Code based on comments and concerns raised by the public and City Council as it relates to potential future development of the Red Hawk Ranch project.

RECOMMENDED MOTION:

"I move to Adopt Bill #292, an Ordinance authorizing the City of Fernley to enter into a Development Agreement (DA20002) with Relief Springs, LLC, to establish specific adjacency requirements for future development in compliance with the Adjacency Standards set forth in §32.09.030 of the Fernley Municipal Code, and providing other matters properly related thereto."

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):** • DA20002
- REQUESTED ACTION(S):** • Development Agreement
- PROJECT DESCRIPTION:** • Authorizing the City of Fernley to enter into a Development Agreement (DA20002) with Relief Springs, LLC, to establish specific adjacency standards for future development in compliance with the Adjacency Standards set forth in §32.09.030 of the Fernley Municipal Code, and providing other matters properly related thereto.
- PROPERTY OWNER:** • Relief Springs, LLC
- APPLICANT:** • Relief Springs, LLC
- LOCATION:** • Generally located south of Main Street, east of Stock Lane, west of Miller Lane, and north of the existing Miller Meadows Subdivision, Fernley, NV.
- SITE SIZE:** • 129.94 acres
- EXISTING ZONING:** • SF12 & C1
- PROPOSED ZONING** •
- EXISTING LAND USE:** • Single Family Residential & Mixed Residential
- WARD INFORMATION:** • Ward 2 – Felicity Zoberski

***A PUBLIC HEARING IS REQUIRED**

POLICY REFERENCE

- Nevada Statutes:* NRS 278A
- Fernley Municipal Code:* Title 32
- Policies & Procedure Manual:* N/A
- Community Assessment:* N/A
- City of Fernley Development Code:* Chapter 32.03.100

BACKGROUND

On August 19, 2020, the Fernley City Council considered an ordinance for a Zoning Map Amendment to (1) change the zoning on two parcels totaling ±95.30 acres from SF12 (Single-Family Residential, 12,000 sq. ft minimum lot size) to SF6 (Single-Family Residential, 6,000 sq. ft minimum lot size). (APN's 021-041-07 and 021-041-10) and (2) change the zoning on a ±34.64-acre parcel from SF12 and C1 to MDR14 (Medium Density Residential, 14 dwelling units per acre). (APN 021-041-08).

After Council discussion and deliberation, a motion to approve the zoning map amendment failed. Subsequent motions to reconsider the item and then to continue the item to a future meeting passed by a vote of 3-2.

Based on comments and concerns raised by the public and City Council, the applicant desires to memorialize specific standards related to Section 32.09.030 – Adjacency Standards.

ANALYSIS

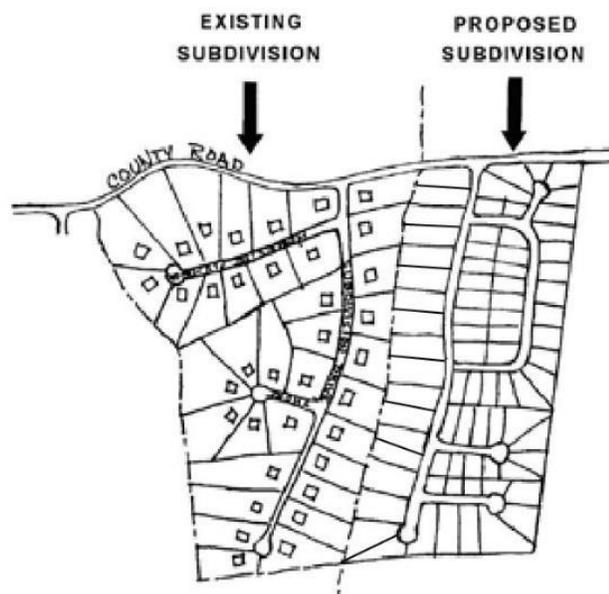
The purpose of this development agreement is to memorialize specific standards which would satisfy the adjacency standard requirements based on comments and concerns raised by the public and City Council as it related to potential future development of the Red Hawk Ranch project.

With the adoption of the revised development code in March 2020, there are now adjacency standards which will help to provide further protection for abutting the residential-rural lots by requiring additional buffering for any future single-family development. Per Section 32.09.030 – Adjacency Standards, the purpose of this section *“is to define adjacency standards for different types and intensities of development.”* Section 32.09.0309(d) specifically provides lot adjacency and transition standards for single family residential development in order to provide adequate transition between varying sizes of single-family residential parcels.

Section 32.09.0309(d) identifies three options for satisfying the adjacency standards: (1) Transition; (2) Buffering; (3) Yard Matching.

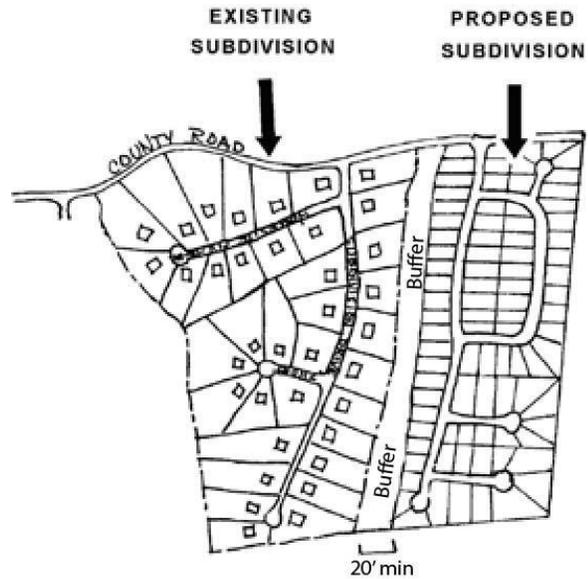
Transition

New subdivision lots adjacent to existing subdivision lots shall match the rear yard setbacks per base zoning, not exceed the number of stories of the existing adjacent homes and shall not exceed a fifty percent (50%) reduction in lot size of the existing subdivision lots. If existing subdivision lots are less than half acre, no transition is required.



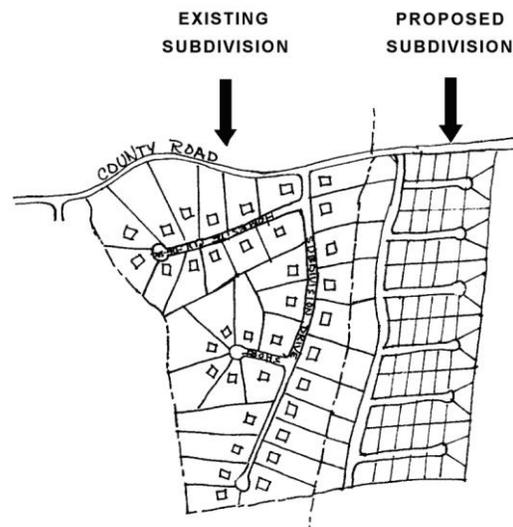
Buffering

A "buffer zone" shall be established and shall be a minimum of 20 feet wide. The buffer zone may be common open space for the proposed subdivision and shall include at least one of the following improvements: paths, trails, drainageways, landscaping, berms, or other subdivision amenities. The City may require a larger landscape buffer of a specific width, or other visual and/or sound barrier (open view fence, wall, landscaping, or combination of such measures), to mitigate any potential adverse impacts. The City may allow a major roadway or railroad right of way to constitute adequate buffering.



Yard Matching

The rear yard widths of the proposed development shall match the rear yard widths of the existing development as depicted in Figure:



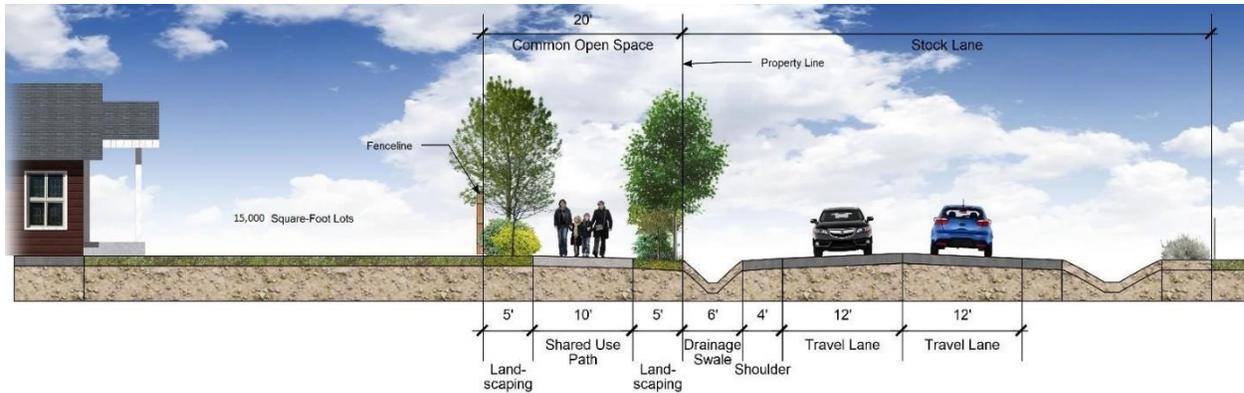
The adjacency standards would typically be applied at the Tentative Map stage of the development process. A tentative subdivision map would be reviewed by city staff, the Planning Commission, and City Council for compliance with all applicable regulations. The tentative subdivision map process is the appropriate time to review the adjacency standards and place additional conditions on the proposed project. However, the applicant is proposing to impose requirements on any future development associated with the parcels identified in the Vicinity Map below.



These requirements include:

- Buffer Zone along Stock Lane (western boundary) and the southern boundary at a minimum of 20 feet to include landscaping and a path along Stock Lane.
- Minimum 15,000 square foot Lots adjacent to Stock Lane (western boundary) and the southern boundary.
- Units adjacent to Stock Lane (western boundary) and the southern boundary will be limited to single story.
- Dwelling units adjacent to Stock Lane (western boundary) and the southern boundary shall have a minimum required setback of 20 feet to the western and southern boundaries.
- Density within the proposed SF6 zoning designation will be limited to 3.6 dwelling units per acre.
- The agreement cannot be modified without notification of adjacent property owners.

A typical cross section of the proposed transition and buffer along Stock Lane and the western boundary of the project site is shown below.



The proposed development agreement provides clear and substantial benefit to the residents of the city by providing buffering standards that exceed the development code requirements for adjacency (§32.09.030(d)) for the proposed SF6 zoning designations along Stock Lane (western boundary) and the southern boundary. These buffering standards will provide a benefit for residents of the City adjacent to these areas and ensure the standards are met with any future development within the SF6 zoning designations within the subject parcels. Therefore, staff recommends the planning commission forward a recommendation of approval to the City Council to execute the proposed development agreement.

FINDINGS

The proposed development agreement furthers goals and policies outlined in the master plan.

Applicable Master Plan Policies:

Population, housing & Employment

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.1.2.1 Foster flexibility in the division of land and the siting of buildings and other improvements to reduce new development's impact on environmentally sensitive areas.

HP.1.2.2 Use resource efficient technologies and materials in housing construction that increase the useful life of new and existing housing.

Land Use

LU.1.1 Encourage and plan for new development in areas where adequate public services and facilities can be provided efficiently.

LU.1.1.1 Require new development to provide its proportionate share of improvements to avoid a degradation of services for existing residents. This requirement will be applied regardless of project size in order to avoid incremental erosion of services and facilities.

LU.1.1.2 Encourage development of vacant or underutilized lands within the community core where adequate infrastructure and facilities currently exists.

LU.1.1.3 Require new development to provide certified, stamped studies demonstrating the impact proposed development will have on existing infrastructure and to

provide improvements and/or funding in lieu of improvements in proportion to the impacts of the proposed projects on the city's roadway, sewer and water systems.

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.1.2.1 Consistently monitor development applications that intend to utilize the underlying zoning. Modify the Fernley Development Code as necessary to ensure compatible development that reflects the community goals envisioned in the Comprehensive Master Plan.

LU.1.5 Promote infill development.

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

LU.1.5.2 Complete the downtown historic district area plan and development standards, which may involve intensification of land use.

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.1.5.4 Adopt development regulations that recognize the relationship between land use timing and the provision of services and facilities.

In addition to furthering goals and policies established in the master plan, the proposed development agreement complies with the requirements of Nevada Revised Statutes. The City is authorized, pursuant to NRS 278.0201 through 278.0207, inclusive, and Code §32.03.100(a), to enter into binding development agreements with any person having a legal or equitable interest in land concerning the development of that land—such as an agreement to determine proper application of the Adjacency Rule to particular property—provided that such agreement is consistent with the City of Fernley Comprehensive Master Plan August 2018.

The proposed development agreement is consistent with this development code and all other applicable codes and ordinances. The proposed development agreement sets forth buffering standards that meet or exceed the development code (§32.09.030(d)) for future development within the proposed SF6 zoning designations within the subject parcels.

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. This proposed development agreement has been designed to reduce and mitigate any effects to adjacent residents and property owners. Any conditions agreed upon with the applicant and the governing bodies will be integrated into future development plans as required by this development agreement.

ATTACHMENTS

1. Bill #292 – Ordinance Authorizing City to Enter into a Development Agreement
2. Development Agreement