



CITY OF FERNLEY

CITY COUNCIL AGENDA REPORT

Meeting Date: December 1, 2021

REPORT TO: Mayor & City Council		
REPORT THRU: Daphne Hooper, City Manager		
REPORT BY: Tim Thompson, Planning Director		
REVIEWED BY: Brandi Jensen, 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 checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Presentation <input type="checkbox"/> Receive/File <input type="checkbox"/> Resolution		
AGENDA ITEM: First Reading, Introduction Bill #301 – ZMA21002		
Consideration and possible action to introduce Bill #301 as an Ordinance for a Zoning Map Amendment request to change the zoning from RR1 (Residential-Rural 1 acre-minimum lot size) to SF9 (Single Family 9,000 sq. ft. minimum lot size) on a site approximately 10 acres in size located at 2315 Farm District Road (APN: 021-303-17)		
AGENDA ITEM BRIEF:		
The proposed project is on the parcel (APN: 021-303-17) generally located south of Farm District Road and directly west of Barker Lane. The applicant has filed for a Zoning Map Amendment (ZMA21002) and Subdivision Map request (TSM21002) for a 20-lot Single Family Residential project. The applicant is proposing a rezoning of the parcel at 2315 Farm District Road from RR1 (Residential Rural, 1-acre minimum lot size), to SF9 (Single Family 9,000 sq. ft. minimum lot size). Consideration and possible final action on both the Zoning Map Amendment and Tentative Subdivision Map is scheduled for the December 15, 2021, City Council meeting.		
RECOMMENDED MOTION:		
Read bill by title and schedule 2 nd Reading, public hearing, and possible action on Bill #301 for the regularly scheduled City Council meeting on December 15, 2021.		
"I move to introduce Bill #301 and set the public hearing for the December 15, 2021, City Council Meeting."		
Business Impact (per NRS Chapter 237):		
<input type="checkbox"/> A Business Impact Statement is Attached. <input checked="" type="checkbox"/> 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):** • ZMA21002 & TSM21002
- REQUESTED ACTION(S):** • Zoning Map Amendment and Tentative Subdivision Map
- PROJECT DESCRIPTION:** • The proposed development will consist of a 20-lot Single Family Residential subdivision in the proposed SF9 (Single Family 9,000 sq. ft. minimum lot size) zoning district with a Land Use designation of SFR (Single Family Residential). The surrounding area generally consists of properties designated Single Family Residential, as well as land designated for Parks and Open Space (OSP). Of the 20 proposed lots, 18 will have new, Single-Family houses constructed on them, with the remaining 2 lots containing the existing residential structures.
- PROPERTY OWNER(s):** • Hero Land Holdings, LLC
- APPLICANT:** • Hero Land Holdings, LLC
- LOCATION:** • 2315 Farm District Road
- SITE SIZE:** • ±10 Acres
- EXISTING ZONING:** • RR1 (Residential Rural, 1-acre minimum lot size)
- PROPOSED ZONING** • SF9 (Single Family 9,000 sq. ft. minimum lot size)
- EXISTING LAND USE:** • SFR (Single Family Residential)
- WARD INFORMATION:** • Ward 2 – Councilwoman Zoberski

***A PUBLIC HEARING IS REQUIRED**

POLICY REFERENCE

Nevada Statutes: NRS 278
Fernley Municipal Code: Title 32
Policies & Procedure Manual: N/A
Community Assessment: N/A
City of Fernley Development Code: §32.03.040(e) (Zoning Map Amendments)
§32.03.060(f) (Subdivision Maps)
§32.06.070 (Residential – Single-Family)
§32.09.030 (Adjacency Standards)
§32.09.035 (Dedication of Water)
§30.09.140 (Streets (roadways))
§32.09.150 (Utilities)

BACKGROUND

The parcel at 2315 Farm District Road was created by a parcel split in 1987. The Final Parcel Map was recorded by Lyon County in September of 1987 (DOC# 110352). From 1991 to 2013, the parcel had been approved for Agricultural Purposes, via a Greenbelt approval (DOC# 145013). When the City of Fernley Master Plan was adopted in 2018, the parcel was given a Land Use Designation of Single Family Residential (SFR). The parcel was acquired by Hero Land Holdings LLC in February 2021 (DOC# 631637).

To take advantage of the Single-Family Residential land use designation, the applicant has submitted a Zoning Map Amendment application in conjunction with the Tentative Subdivision Map application (ZMA 21002). This will bring the zoning into conformance with the adopted land use by changing the zoning from RR1 (Residential Rural 1-acre min. lot size) to SF9 (Single Family 9,000 sq. ft. minimum lot size), which would allow for the subdivision of the parcel into twenty (20) 9,000 square foot lots.

ANALYSIS

The applicant has submitted a Zoning Map Amendment and Tentative Subdivision Map request to allow for a 20-lot Single Family Residential Subdivision, generally located south of Farm District Road and directly west of Barker Lane (APN: 021-303-17). The property contains two existing residential structures, and two accessory structures (i.e., sheds, garages, workshops, etc.). The developer proposes to keep the two existing residential structures and demolish the accessory structures, with the two houses being identified as lots 1 and 2 within the project plans.

The project site currently has a Land Use Designation of Single Family Residential (SFR), and a Zoning Designation of RR1 (Residential Rural 1-acre min. lot size). To bring this project into compliance with the goals and policies of the 2018 Comprehensive Master Plan, the applicant is requesting a Zoning Map Amendment to change the existing RR1 zoning to SF9. The SF9 zoning is an equivalent zoning category within the Single-Family Residential Land Use designation and can be designed to be compatible with the surrounding area. Currently, the parcels of land surrounding the project site are zoned either Single Family Residential, or General Rural, with Land Use designations of Single Family Residential, or OSP (Open Space & Parks).

The project site is located at the southwest corner of Farm District Road and Barker Lane. Farm District Road is a state highway, owned by the Nevada Department of Transportation (NDOT), while Barker Lane is a private driveway situated on the parcel directly to the east of the project site (APN: 021-303-18). Barker Lane currently provides access into the site through the eastern boundary of the parcel but will not be utilized within the proposed development. A separate access will be created on the northwestern portion of the site to provide access to Lot 1 and also serve as secondary emergency access. The primary access will be provided through the city owned parcel located to the west to align with Rainbow Lane at Farm District Road to improve overall access management. The proposed roadway is oriented north to south along the parcel, with housing units distributed along both the east and west sides of the roadway. The roadway ends in a 110-foot-wide cul-de-sac and is proposed for dedication to the city.

Sewer and Water discoveries were made by the applicant during the development process. Given that the project is proposed to be rezoned to SF9 zoning (Single Family 9,000 sq. ft. minimum lot size), connecting to City sewer and water services are required, as stated within the City of Fernley development code. All 20 lots will receive City sewer and water connections. The two existing houses on the property currently utilize septic systems, which will be removed, and replaced with the aforementioned sewer connections. For this project, the applicant proposes to connect to the City's existing sewer infrastructure located on

Jasmine Lane, which is approximately 450 feet to the northeast of the project site. The proposed sewer connection will utilize an 8-inch sewer main, which be constructed underneath the project's emergency access roadway and connect to each individual lot via a 4-inch sewer lateral. In order to connect to the existing sewer infrastructure, the new sewer will be undergrounded through Farm District Road and on to Jasmine Lane. The existing infrastructure on Jasmine Lane will then transfer sewage to the Donner Trails Lift Station near Highway 50A, to the northeast of the project site. The developer has also ensured that the additional sewer infrastructure will not exceed the limits of the existing network, by calculating the average and peak flow rates for the project.

Drainage for the project will be handled via a retention pond, the development of curb, gutter, sidewalks, and lot line swales. The slope of the project site is relatively low, with an overall 2% downward slope from the southernmost point of the parcel to its northernmost point. The retention pond will be constructed towards the northern end of the parcel, directly west of lot number 5. Lot 5 is a lower elevation point on the project site, where it is expected that most of the runoff will collect. As this occurs due to the slope of the land, the developer has proposed the construction of a storm drain system near Lot 5 and the retention pond, to deliver runoff straight to the retention basin underneath the main roadway. The retention pond itself will have a capacity of 12,710 cubic feet and will be constructed and screened to the approval of the city. As runoff fills the retention basin over time, it is slowly released into the soil via infiltration.

As part of the Zoning Map Amendment and Tentative Map requests, a Trip Generation Letter was provided to identify the number of peak trips made during peak AM & PM hours. This letter was created following the guidelines laid out within the ITE (Institute of Transportation Engineers) Trip Manual, 10th edition. The Trip Generation Letter indicated that the Izzy Estates project would result in an additional 189 weekday ADT (Average Daily Trips) along Farm District Road, with 16 AM peak hour trips, and 20 PM peak hour trips. Given that these values are below 100 peak hour trips, a full traffic analysis was not required, as it was determined that this project will not have a significant impact to existing conditions along Farm District Road.

Should the Planning Commission determine the project, as submitted and conditioned, is consistent with the existing surrounding land uses, will not have a significant adverse impact on the existing surrounding uses, promotes the public health, safety, and general welfare, and can make the applicable Findings, the Planning Commission can approve the item with the attached conditions of approval.

If the Planning Commission cannot make some or all the applicable Findings and determines the project is not consistent with the existing surrounding uses, will have a significant adverse impact on the existing uses, and/or does not promote the public health, safety and general welfare, the Planning Commission can deny the application. The motion to deny should be based on information received in written materials and at the public hearings on this matter and the Planning Commission's inability to make any Finding(s) should be explicitly described.

FINDINGS

Zoning Map Amendment

Z1. Consistency with the City's Master Plan and otherwise consistent with State & Federal Law.

Relationship to the Master Plan

1. SFR (Single Family Residential)

The proposed development is located within an area designated as Single Family Residential (SFR) within the city's Comprehensive Master Plan. The description of the Single-Family Residential land use states that the equivalent zoning districts are SF6 (Single Family, 6,000 sq. ft. minimum lot size), SF9 (Single Family, 9,000 sq. ft. minimum lot size), SF12 (Single Family, 12,000 sq. ft. minimum lot size), and SF20, (Single Family, 20,000 sq. ft. minimum lot size. Per the Comprehensive Master Plan document, Single Family Residential focuses on single-family detached residences, along with parks, open spaces, and religious institutions. Lot sizes generally vary within subdivisions but are always above the minimum level depending on the zoning code.

The Comprehensive Master Plan also goes on to state that Municipal services are required in Single Family Residential designations, that they be buffered from adjacent roadways and differing uses, and that residences be sited to offer privacy to the occupants of these areas, while providing connectivity and ease of access to surrounding areas. The Single-Family Residential land use consists of primarily single family detached homes with varies lot sizes. The maximum density associated with the SF9 zoning classification is 4 dwelling units per acre.

2. The Land Use Plan Goals and Action Strategies in the 2018 Comprehensive Master Plan that are relevant to this proposal include:

Population, Housing & 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.1.1.4 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.1.2.1 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.1.8 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.

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.1.4 Ensure existing and future land uses are compatible.

- LU.1.4.5 Require development plans to address conditions unique to the developing area and minimize impacts to adjacent properties.
- 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.1.5.3 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.

LU.1.8 Ensure that future growth is sensitive to the existing agricultural/farming uses.

- LU.1.8.1 Encourage flexibility in development proposals in the Farm District Road to vary lot sizes, cluster dwelling units and use innovative approaches to site planning.

Public Services & Facilities

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

PSF.1.1.4 Areas planned for urban or suburban development (residential densities of one or more dwelling units per acre or comparable non-residential development will be served by a community water supply system consistent with adopted policies in the Land Use Chapter of the Fernley Comprehensive Master Plan.

Z2. Consistent with the surrounding land uses

The Zoning Map Amendment request conforms with the underlying Master Plan designation and is compatible with the character of the adjacent area. The project site is just off of Farm District Road, a major residential thoroughfare within the city of Fernley. Other nearby residential communities less than 1 mile away include Upland Ranch, Truckee River Ranch, and Silverland Estates. The properties directly surrounding the project site have a Master Plan Land Use Designation of either Single Family Residential, or Open Space and Parks. Given that the proposed SF9 zoning is directly mentioned as a compatible zoning with the SFR land use, the proposed zone change would be consistent with the surrounding land uses.

Z3. Public notice was given, and a public hearing has been scheduled per the requirements of the Development Code and Nevada Revised Statutes

Public notice was given, and a public hearing was scheduled per the provisions outlined in the City's Municipal Code and Nevada Revised Statutes.

Tentative Subdivision Map

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 sewer disposal.

The developer shall 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. Prior to the recordation of a final map for the project, the developer shall provide the City with a utility plan for water and sanitary sewer that is in conformance with the City of Fernley's Municipal Code and Public Works Design Manual to the approval of the City Engineer, Public Works Director, and Administrator. The map must be reviewed and approved by the Nevada Department of Environmental protection prior to construction.

TM2: Availability of water that meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision.

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.

The developer shall pay all fees and provide all the information necessary to complete water and sewer modeling of the project. Modeling will be performed by the City of Fernley's consultant and any additional infrastructure or capacity identified by the modeling shall be included in the improvement plans and constructed by the developer.

TM3: Availability and accessibility of utilities.

The project proposes to tie into an existing water line located within Farm District Road. The developer is required to dedicated sufficient water rights to serve the project prior to approval and recordation of a final map. A retention basin is proposed as part of the development which will address storm water and drainage. Gas and power are provided by Southwest Gas and NV Energy, respectively.

The project proposes to connect to the City's existing sewer infrastructure located on Jasmine Lane, which is approximately 450 feet to the northeast of the project site. The proposed sewer connection will utilize an 8-inch sewer main and connect to each individual lot via a 4-inch sewer lateral. To connect to the existing sewer infrastructure, the new sewer will be undergrounded through Farm District Road and on to Jasmine Lane. The existing infrastructure on Jasmine Lane will then transfer sewage to the Donner Trails Lift Station near Highway 50A.

All utilities necessary to serve the proposed subdivision currently exist adjacent to the project site. The existing utilities have capacity to serve the development and there are no significant off-site improvements required.

TM4: Availability and accessibility of public services such as schools, police and fire protection, transportation, recreation facilities, and parks.

Schools:

Students residing in this development will attend East Valley Elementary School, Fernley Intermediate School, Silverland Middle School, and Fernley High School. The existing school bus routes include the intersection of Barker Lane and Farm District Road as a bus stop for both East Valley Elementary School and Fernley Intermediate School. Per the Lyon County School District's 2016 Facilities Plan, it appears that the existing schools 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 planned to be built in the next 4 to 6 years, to address elementary school capacity.

Police & Fire:

The Lyon County Sheriff's office provides police protection. The North Lyon County Fire Protection District provides fire protection. The proposed project is located near existing development that is already served by these agencies.

Transportation:

The primary access to the project site will be provided by a new road which will align with Rainbow Lane at the intersection of Farm District Road. Secondary emergency access will be provided via an access located in the northeastern corner of the project site.

Parks:

The proposed project is approximately 1-kilometer (0.6) miles from Ponderosa Park, which is situated towards the West, just off Farm District Road. Autumn Winds Park is located 2.3 miles down Farm District Road, towards the East. Additionally, two parcels adjacent to the project site (APN(s): 021-303-16, 022-411-05) also have a Master Plan Land Use Designation of OSP (Open Space & Parks), which may be an indicator that future parks will be developed on those parcels.

TM5: Consistency with the zoning district regulations.

The proposed zoning for this development is SF9 (Single Family, 9,000 square foot minimum lot size). This zoning allows for a maximum of up to four (4) dwelling units per acre. Given that the average lot size for this project is approximately 15,054 square feet, the project provides an average of 2.89 dwelling units per acre. The proposed development is also required to comply with all development code requirements including but not limited to dimensional standards (§32.06.070), design standards (§32.06.070), and development standards (Chapter 32.09).

TM6: Conformity with the Master Streets and Highways Plan.

The developer shall construct any roadway improvements necessary to serve the project to the approval of the Zoning Administrator, City Engineer, and Public Works Director.

The main arterial road that will serve the project site is Farm District Road, also known as Nevada State Route 828. This road was identified within the City of Fernley's Comprehensive Master Plan update of 2018 as an important residential corridor over the next twenty (20) years, as many adjacent properties have a land use classification of SFR (Single Family Residential). Any improvements made by the developer will need to ensure adequate capacity on Farm District Road for future projects within the surrounding area. Additionally, a dedicated Right turn entry lane would need to be constructed at all cross streets, as is stated within the City's Future Roadway Plan.

TM7: Effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision

The developer shall construct any roadway improvements necessary to serve the project to the approval of the Zoning Administrator, City Engineer, and Public Works Director.

The Trip Generation Letter provided with this application indicated the proposed project would result in an additional 189 weekday ADT (Average Daily Trips) along Farm District Road, with 16 AM peak hour trips, and 20 PM peak hour trips. Given that these values are below 100 peak hour trips, a full traffic analysis was not required, as it was determined that this project will not have a significant impact to existing conditions along Farm District Road.

TM8: Physical Land Characteristics, such as floodplain, slope, soil, and elevation differentials with abutting properties.

The project site is surrounded by existing rural residential development directly to the east (APN: 021-303-18), and slightly Northwest across Farm District Road (021-303-42). The parcels directly to the north and directly west are both vacant lands owned by the City of Fernley, zoned SF20 (Single Family 20,000 sq. ft. min. lot size) but are designated as Open Space & Parks within the city's 2018 Comprehensive Master Plan.

The project site is relatively flat, with a gentle 2% slope going from south to north across the parcel. According to the Flood Insurance Rate Map (FIRM) 32019C0105E, effective as of the 16th of January 2009, prepared by the Federal Emergency Management Agency (FEMA, 2009), the project parcel is located within an "Unshaded X" Flood Zone, which indicates an area of minimal flood hazard.

TM9: Recommendations and comments of Review Bodies

The application was distributed to the City's Public Works Department, City Engineer, and several outside agencies for comment. Comments were received and provided to the applicant. The application has been conditioned so that all comments and recommendations of reviewing bodies shall be addressed prior to Final Map Approval.

TM10: Conformity to the Master Sewer and Water Utility Plan

The developer shall 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. Prior to the recordation of a final map for the project, the developer shall provide the City with a utility plan for water and sanitary sewer that is in page 6 of 6 conformance with the City of Fernley's Municipal Code and Public Works Design Manual to the approval of the City Engineer, Public Works Director, and Zoning Administrator. The project must also be reviewed and approved by the Nevada Department of Environmental Protection prior to construction.

TM11: Compliance with this Code and all other applicable regulations

The developer shall 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. The developer shall comply with all engineering requirements within the City's Municipal Code Title 32, including but not limited to : Compliance with Site Development Standards, Floodplain Management, Roadways, Undergrounding of Utilities, and Water & Wastewater Facilities to the approval of the Zoning Administrator, City Engineer, and Public Works Director, prior to the recordation of a Final Map for the project.

ATTACHMENTS:

1. Vicinity Map
2. Ordinance – Bill 301
3. Land Use Map
4. Existing-Proposed Zoning Map