

NYE COUNTY AGENDA INFORMATION FORM

Action
 Presentation
 Presentation & Action

Department: Planning		Agenda Date:	
Category: Regular Agenda Item		July 16, 2019	
Contact: Brett Waggoner		Phone: 775-751-4249	Continued from meeting of:
Return to: Brett Waggoner		Location: Pahrump	Phone:
Action requested: (Include what, with whom, when, where, why, how much (\$) and terms) <p>Discussion and deliberation on TM-2019-000017: A Tentative Subdivision Map (Residential) application containing 52 residential lots and no Common Element lots on approximately 13.93 acres gross, on property zoned Specific Plan (SP) and located within the Mountain Falls Master Planned Community, aka: Planning Area 3-3B. Assessor's Parcel Numbers 046-161-28 and 046-161-32. WF Development, LLC – Property Owner. Taney Engineering – Applicant.</p>			
Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures) <p>This matter was scheduled for the June 18th meeting and the BOCC continued this matter to the July 16, 2019 meeting.</p>			
Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.			
Expenditure Impact by FY(s): (Provide detail on Financial Form) <p style="text-align: right;"><input checked="" type="checkbox"/> No financial impact</p>			

Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date <i>N/A</i>
4.	Date	9. Finance	Date <i>N/A</i>
5.	Date	10. County Manager	Date

Place on Agenda

ITEM # 46

**NYE COUNTY BOARD OF COUNTY COMMISSIONERS
PLANNING DEPARTMENT STAFF REPORT**

Meeting Date: July 16, 2019

Case File No: TM-2019-000017

Application Type: Tentative residential subdivision map

Staff Recommendation: Approval of the map with standard/special conditions.

AGENDA ITEMS

This item was continued from the June 18, 2019 BOCC meeting:

Agenda Item: For possible action - Discussion and deliberation on Tentative Subdivision TM-2018-000012: a tentative subdivision map application containing 122 residential lots on approximately 25.5 acres gross, located within the Mountain Falls Master Planned Community, Planning Area 5B. Discussion and deliberation on Tentative Subdivision Map TM-2019-000017 a residential subdivision application containing 52 residential lots and no Common Element lots on approximately 13.93 acres gross, on property zoned Specific Plan (SP) and located within the Mountain Falls Master Planned Community, aka: Planning Area 3-3B, APNs: 046-161-28 and 046-161-32. WF Development, LLC – Property Owner. Taney Engineering – Applicant.

The property is located within the Mountain Falls Master Planned Community, and subject to a Development Agreement between Nye County and Mountain Falls Acquisition Corp., that was extended pursuant to a Settlement Agreement recorded 9/21/2015, and is effect until December 31, 2030. This tentative map is the completion of the mapping of Planning area 3-3B, known as Paradiso Villas.

Property Owners/Applicant: WF Development – Property Owner/Applicant. Taney Engineering – Agent

Requested Action: Approval of the tentative subdivision map.

Property Location: Mountain Falls Planning Area 3-3B.

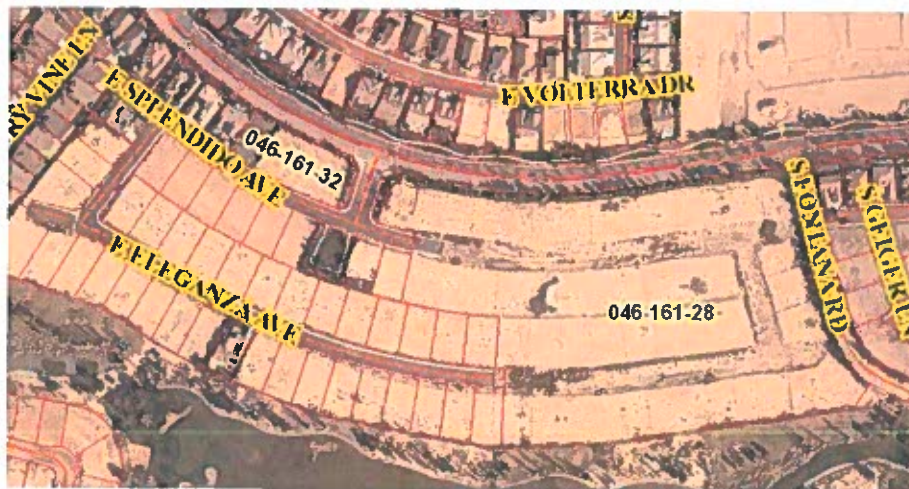


Figure 1: Mountain Falls Planning Area 3-3B showing both mapped and unmapped areas

RPC

Not Applicable. N/A

RECOMMENDATION

Should you elect to approve, disapprove, or add additional conditions, based upon the staff analysis, comments received, and the site inspection, staff offers the following motion(s) for your consideration:

Motion to Approve:

I move to approve Tentative Subdivision TM-2019-000017, subject to the conditions outlined in the "Conditions of Approval" section of this report, after having made the findings outlined in the staff report.

Motion to Disapprove:

I move to disapprove Tentative Commercial Subdivision TM-2019-000017 after having made alternative findings.

FINDINGS

Findings:

Findings for TM-2019-000017 as required under Section 278.349, Nevada Revised Statutes (NRS) along:

NRS Section 278.349: (Action on tentative map by governing body; considerations in determining action on tentative map; final disposition) provides the matters that shall be considered on a tentative map and are as follows:

- (a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

Environmental and health laws and regulations are required to be followed concerning water and air pollution, disposal of solid waste, supply water and public sewage disposal. Subject property is located within an area that is served by community water and sewer.

- (b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

Applicant has indicated that sufficient water-rights have been deeded to the utility company to provide service for this property. The Nevada Division of Water Resources is the approval agency for the sufficiency and health standards related to water.

- (c) The availability and accessibility of utilities;

The developer is responsible for the provision and connection to public utilities.

- (d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

Impact Fee Ordinance #302 adopted August 17, 2005 established Fire, Park, Police and Street impact fees. New construction of residential units will be subject to payment of impact fees for Fire, Police and Streets. Parks and recreational buildings are proposed and built throughout the Mountain Falls community therefore, WLH is exempt from paying into the Park Impact Fees.

- (e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

The proposed map is consistent with the 2014 Master Plan Update which designates the subject parcel as Specific Plan of Development (SPD).

- (f) General conformity with the governing body's master plan of streets and highways;

The proposal is in general conformity with the streets and highways plan. The developer will be required to participate in improvements to roadways throughout and adjacent to the subject site to standards approved by Public Works.

- (g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

Streets are proposed or required to serve the proposed subdivision. Improvements to the existing streets are required, as based upon the traffic impact study results.

All internal streets are planned as private streets, and will not be dedicated to Nye County for future ownership or maintenance.

- (h) Physical characteristics of the land such as floodplain, slope and soil;

There are no unusual physical characteristics associated with the subject land. The site exhibits minimal slopes within the proposed building area.

- (i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;

Nevada Division of Environmental Protection and the Department of Water Resources are the state reviewing agencies with respect to water pollution and sewage disposal, and water availability. The Great Basin Water Company is providing central water and sewage service for the subdivision.

- (j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands; and

The property is located within Great Basin Water Company's service area and will be provided with central water service. Fire hydrants are existing or will be provided by the developer as required.

- (k) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

The Nye County Treasurer's Office will determine that taxes on the property are paid in full prior to recording of the final map.

SUBDIVISION MAP / PROJECT ANALYSIS

Background: The subject Planning Area is a part of the Mountain Falls Development Agreement that was originally approved in 2001 and unilaterally extended to 2030.

Area Characteristics: The subject property contains approximately 13.93 (net) acres. The subject property has no unusual land features. The subject property is located within flood zone X (unshaded), which corresponds to areas outside the 500-year flood hazard area as indicated by the Flood Insurance Rate Map (FIRM).

External Comments: The Town of Pahrump, Emergency Services (Fire and Sheriff's Departments) offered no comments. Nye County Public Works supports approval of the tentative subdivision map subject to submittal and approval of the improvement plans.

Application Details: This map in the same pattern had been submitted and approved in 2005 and was let to expire. The subdivision has only one entrance/exit and with the total # of SFR lots in the subdivision, it may be reasonable to have a second entrance/exit. The subdivision designer was attempting to follow the original pattern of development as planned in 2005. This can be seen in the rough grading of the property. In 2005 when this subdivision was approved, the adjacent subdivisions had not been reviewed or approved. Since that time, the adjacent neighborhoods have filled-in and S. Fontana Road was since built. Based on a roughly estimated traffic count of 6 vehicle trips per day, at build-out, this subdivision will be generating 594 vehicle trips per day. The subdivision is situated adjacent to Mountain Falls Parkway, the main point of entrance/exit and S. Fontana Road. It appears that an additional point of access could be provided to S. Fontana without the loss of any of the lots.

The BOCC takes final action on Tentative Subdivision Maps and requires a simple majority vote of the members present to pass a motion.

The proposed Tentative Subdivision application contains sufficient information to make an informed recommendation.

Final Map Technical Review shall include:

1. Drainage Study will be required per NCC 16.28.310 B. Drainage Study will be used to determine on-site drainage improvements and assess developer for off tract mitigation per NCC 16.28.360.
2. Traffic Study Update will be required per NCC 16.28.280 N. A Traffic Study Master Plan shall be reviewed and approved for this development, for conformance to the approved Traffic Impact Analysis mitigation.

APPLICABLE REGULATIONS

NRS 278.330-353 (Subdivision of Land: Tentative Maps).
NCC 16.28 (Division of Land Regulations within the Pahrump Regional Planning District)

CONDITIONS OF APPROVAL

If the BOCC makes findings of approval of the application, the following **CONDITIONS OF APPROVAL** have been suggested and subject to the discretion of the Board:

Tentative Map Standard Conditions of Approval

1. Form of the Final map shall comply with all applicable state and local statutes, ordinances, codes, rules and regulations in effect at the time of recordation as well as compliance with plans, documents, reports, etc. submitted by the Developer(s).
2. Developer(s) shall, at their own cost, perform and complete all work and improvements required under the Development Agreement and state and county statutes, codes, regulations, etc.
3. No construction of public improvements shall occur until construction plans are submitted and approved in accordance with the Document Submittal Requirements along with the calculations of the construction valuation, and plans check and inspection fees shall be borne by the Developer(s).
4. Prior to submittal of the Final Map, a preliminary title report not more than ninety (90) days old must be provided. Should the title report reference additional holders(s) of security interest, written consent of each holder or record of a security interest must be provided by signing the map or by signing a separate document that shall be recorded along with the final subdivision map. If a separate document is recorded with the map, the map must contain notation to that fact.
5. At the time of final map submittal, all taxes for the current fiscal year shall be paid in full. (The Treasurer's signature will be obtained by the Planning Department).
6. Final monuments must be set by a professional land surveyor licensed in the State of Nevada before recordation of the final map. In lieu of setting monuments the Surveyor may furnish a performance bond or other suitable assurance to the governing body that will guarantee that the Surveyor will set the monuments on or before a date certain. Please note that the Surveyor's Statement indicates that the monuments depicted will occupy the position.
7. The form of the Final Map shall conform to the requirements outlined within N.R.S. 278.372.
8. Public utility rights-of-ways and easements must be approved by the utilities in whose favor the rights-of-way are being granted by signature of each utility's authorized representative appearing on the map.
9. All jurat sheet signatures must be present prior to submission of the Mylar (i.e., owner(s), Division of Health, Division of Water Resources, surveyor, county surveyor).
10. All utilities servicing the development shall be provided underground except for main lines entering the subdivision along the perimeter. Utility easements shall be provided ten (10) feet each side of the centerline of all existing pole lines; and a ten (10) foot public utility easement shall be provided along the perimeter of all properties within the boundary of the final map.
11. The Final Map will not be scheduled for final action until the engineered improvement plans for grading, streets, and utilities, the drainage study, the traffic study and/or traffic impact assessments have been reviewed and approved by the Nye County Public Works Department. These studies will be used to determine on-site improvements and assess developer for all off tract mitigation per NCC.
12. Off-Tract Assessments fees, bonding, and improvement agreements must be in place prior to Final Map approval.
13. All road obstructions and encumbrances shall be removed from the Right-of-Way.
14. Should the developer submit the Final map in phases, legal and physical access shall be provided to any remnant parcel(s).
15. In such cases where double frontage lots are unavoidable, restrictions shall be implemented to restrict residential access/addressing from the interior street(s) only.
16. The applicant shall pay for the cost and installation of street name signs in accordance with Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) standards and Nye County Public Works Department standards. This cost includes the placement and/or replacement of street name signs at all street intersections affected by this approval.

- a. Design and placement of traffic signs shall be in accordance with the Nye County Standard Details and Specifications for Public Improvements within the Pahrump Regional Planning District.
 - b. Design and location of street signs shall be shown on the engineer's plans for street improvements and shall be installed prior to final inspection of the roadway.
 - c. At least one (1) street sign shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed free of visual obstruction, and shall be installed under light standards where light standards exist. The design of street name signs shall be in accordance with the standards found in the document entitled *Standard Details and Specifications for Public Improvements within the Pahrump Regional Planning District*.
17. Driveway aprons shall extend from the edge of pavement within the street ROW to the private property and shall conform to the Standard Details and Specifications for Public Improvements Within the Pahrump Regional Planning District and includes:
 - a. Developer shall maintain the drainage swales and shall not obstruct flows adjacent to the subject property.
 - b. The type of ownership of land dedicated for open space purposes shall be defined and shall be subject to approval by the Board of County Commissioners at the time of Final Map review.
 - c. Conformance with the adopted Development Agreement and applicable Nye County standards regarding street ROWs and street improvements.
 - d. Developer(s) shall participate and perform and complete all work (at their own expense related to on-site and off-tract improvements) required by the Development Agreement and applicable federal, state and county statutes, codes, and regulations.
 18. Developer shall dedicate to County up to the full width of half the right of way of any streets and highway on their side of the property if such right of way is required by the Master Plan and/or County Capital Improvement Plan;
 19. All future development shall follow Mountain Falls Development Agreement Design Standards and Nye County, as applicable.
 20. The need for traffic improvements required as a result of a Traffic Impact Analysis (TIA) shall be reviewed and compared for compliance with the Master Mountain Falls Revised Transportation Plan.
 21. Geotechnical Reports and Technical Drainage Studies when required and must receive Public Department approval prior to submitting any improvement plans for review.
 22. Approval of this tentative map, shall be for a period of four years from the effective date of approval in accordance with NRS.

Tentative Map Special Conditions of Approval

23. Final Map will not be approved until the engineering improvement plans for grading, streets, utilities, the drainage study, the Traffic conformance have been reviewed and approved by Nye County Public Works Department. These studies will be used to determine on-site improvements and assess developer for all off-tract mitigation per NCC.
24. All utility boxes and vaults must be installed within the utility easement and not in Nye County Right-of-Way, otherwise the HOA shall maintain the sidewalks.
25. Prior to approval of the Final Map the Developer will provide an updated Master Plan to show how the 3,200 dwelling units are being distributed throughout the planned community.
26. Subdivision shall be provided with additional points of ingress/egress subject to a recommendation based on a Traffic Study



TANEY ENGINEERING
6030 SOUTH JONES BLVD, SUITE 100
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TELEPHONE: 702-362-8844
Fax: 702-362-5233

April 8, 2019

Job No. WFD-18-001

Re: Justification Letter – Tentative Map Submittal – Paradise Villas Unit 2/Mountain Falls Planning Area 3-3B

Cheryl Beeman
Nye County Planning Department
250 N Hwy 160
Pahrump, NV 89060

Dear Ms. Beeman:

A tentative map for Paradise Villas Unit 2 was initially approved in November of 2005. Subsequently, phase 1 which is comprised of 47 lots, or approximately half of the overall total, was recorded in April of 2006. The subdivision has been dormant since 2007 due a general slowdown in the economy.

Wulfenstein Development is now moving forward with development of the second phase. Accordingly, we are processing the expired tentative map for re-approval.

It needs to be noted that we are submitting the identical tentative map which was approved in 2006. Note that all Nye County and Mountain Falls Development criteria, as indicated on the map, are still met. We have updated addresses; altered name changes associated with utility purveyors, and altered street names to those that have been approved. All other information is identical.

We appreciate your consideration on the application submitted herein. If you need anything further to complete your review, please contact our office.

Sincerely,

Edward F. Taney, P.E.
President
Taney Engineering



Great Basin
Water Co.™

NOTICE OF INTENT TO SERVE

Re: Mt. Falls Paradisio Villas Subdivision – Unit 2
APNs: 046-161-28
Type: Central Water & Sewer
Utility Service Provider Name: Great Basin Water Co.

The undersigned Utility Service Provider agrees to provide the aforementioned parcel(s) water and sewer service in accordance with the terms and conditions of the then current utility tariffs approved by the Public Utilities Commission of Nevada (PUCN). Said property is located within the Utility Service Provider's service area as certificated by the PUCN.

This commitment to serve is conditioned upon the Utility Service Provider's receipt of necessary approvals from all required government agencies, *and* the payment of all appropriate fees and acceptance of any and all required infrastructure and water rights to the Utility Service Provider. Water rights have not been dedicated to the Utility Service Provider at this time.

Utility Service Provider intends to service the proposed development with potable water and sanitary sewer service for residential and common areas in Mt. Falls Paradisio Villas Subdivision Unit 2.

This document is agreed to under the signature of an agent of the Utility Service Provider authorized to sign the agreement. This notice of Intent to Serve will expire and become null and void if the service for the aforesaid parcel is not applied for with the Utility Service Provider within one year of the date of this document in accordance with the terms of the utility's tariffs in force at such time.

Name of Utility Service Provider's authorized agent: Wendy S.W. Bamett

Signature of Authorized Agent of Water Provider

July 3, 2019
Date

Great Basin Water Co.

1240 E. State Street, #115 • Pahrump, NV 89048 • P: 844-694-4404 • F: 775-727-7879 • www.greatbasinwaterco.com