

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-2019-000018: A Tentative Subdivision Map application containing 3 parcels and 6 Common Element lots on approximately 7.99 acres gross, on property zoned Specific Plan (SP) and located within the Mountain Falls Master Planned Community. Assessor's Parcel Numbers 045-031-19 & 045-021-50. Mountain Falls LLC – Property Owner, William Lyon Homes – Applicant. Taney Engineering – Agent.</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>WLA</i>
4.	Date	9. Finance	Date <i>WLA</i>
5.	Date	10. County Manager	Date

Place on Agenda

ITEM # 47

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

Meeting Date: July 16, 2019

Case File No: TM-2019-000018

Application Type: Tentative residential subdivision map

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

AGENDA ITEMS

Agenda Item: For possible action – Discussion and deliberation on a Tentative Subdivision Map application containing 3 parcels and 6 Common Element lots on approximately 7.99 acres gross, on property zoned Specific Plan (SP) and located within the Mountain Falls Master Planned Community. APNs: 045-031-19 & 045-021-50. Mountain Falls LLC – Property Owner, William Lyon Homes – Applicant. Taney Engineering – Agent.

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 creating the parcels that are occupied by Mountain Falls Parkway and Clubhouse Drive

Property Owners/Applicant: Mountain Falls LLC – Property Owner, William Lyon Homes - Applicant. Taney Engineering – Agent

Requested Action: Approval of the tentative subdivision map. The purpose of this map is to separate out the built roadway from the parcels.

Property Location: Manse and Clubhouse Drive



Figure 1: Current parcel configuration, Mountain Falls at Manse Road, Clubhouse Drive and Mountain Falls Parkway

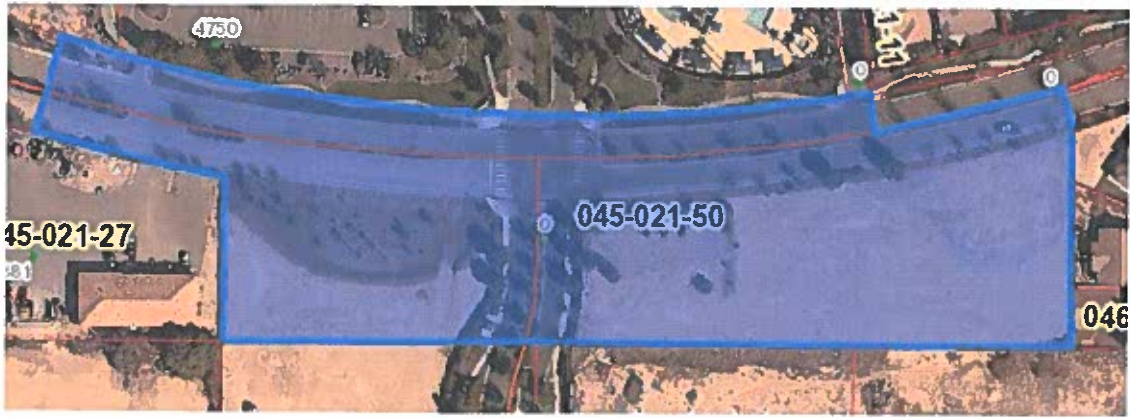


Figure 2: Mountain Falls Parkway currently a part of APN: 045-021-50



Figure 3: Clubhouse Drive currently a part of APN: 045-031-19 which is NAP of the Development Agreement



Figure 4: Portions of Clubhouse Drive and other improvements located on NAP

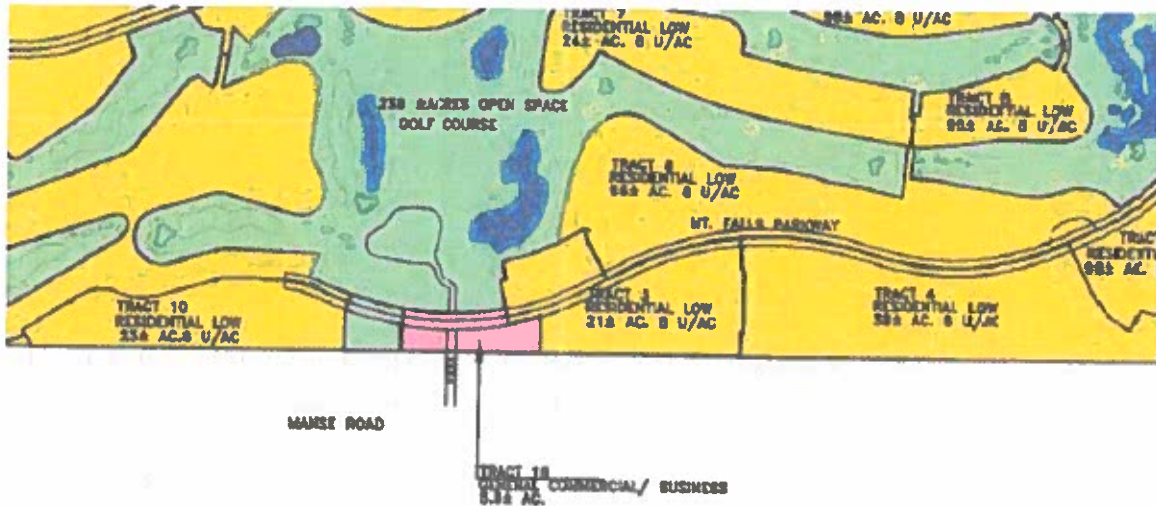


Figure 5: Mountain Falls Approved Plan of Development

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-2019-000018, 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-2019-000018 after having made alternative findings.

FINDINGS

Findings:

Findings for TM-2019-000018 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: Clubhouse drive was relocated on November 5th, 2009. On December 1, 2009 the BOCC released and discharged 100% of the financial security issued in connection with the Subdivision Bond Agreement #682038 based on the completion of the final Warranty Inspection for Clubhouse Drive relocation and recommended accepting the Offer of Dedication and Maintenance Responsibility of the roadway. The purpose of this map is to separate the built roadway from the parcels.

Area Characteristics: The subject property contains approximately 4.76 (net) acres. The subject properties are developed roadways. 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 separates Mountain Falls Parkway from APN: 045-021-50 and Clubhouse Drive from APN: 045-031-18. The subject roadways are already constructed, bonds have been fully released by BOCC actions and the County has accepted the maintenance of the roadways.

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

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~~

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~~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.~~

