

<b>Application:</b>	<u>6-Serial Parcel Maps for 16 lots</u>	<b>Use Listing:</b>	<u>Land Division/ residential</u>
<b>Applicant:</b>	<u>Jessica Stranger of Nev Dev LLC</u>		
<b>Owner:</b>	<u>Nev Dev LLC (Maps 1-3) &amp; Mason1 LLC (Maps 4-6)</u>		
<b>Representative:</b>	Steve Bell, Bell Land Surveying		
<b>Site:</b>	North side of Dillon Rd. (APN: 008-113-49 & -.56) – 80.64 acres		
<b>Designations:</b>	Master Plan – Urbanizing // Zoning - E-1		

**Summary:** The Master Plan land use designation for this area is Urbanizing, with the intent that urban densities and infrastructure be extended from the central core of the community over time. The zoning district is E-1, which allows 1-acre lots (or smaller) if adequate services are in place.

The site is located on Dillon Road and on the north side of the Sky Ridge development – which is a large neighborhood of 1-acre lots on well and septic systems. Large 1-acre developments like that are no longer allowed without community sewer or water services (and paved roads).

The applicant has submitted a series of 6 Parcel Map applications to implement the previously approved Tentative Parceling Plan to split 2 adjacent 40-acre vacant lots into 16 5-acre residential lots. The process for serial parcel maps is to do the first map of 3 small lots and a remainder, then on the remainder do 3 small lots and a new remainder, then repeat the process until all lots in the plan are completed. Because they are used for larger developments, serial parcel maps are subject to additional requirements similar to subdivisions.

According to the development code, serial parcel maps are not allowed to create lots of less than 5-acres, so the applicant has configured the plan to create 5-acre lots. In addition, new 5-acre lots must either front on a public road or have a paved road built to each new lot. Dillon Road is a paved County maintained road, so the applicant has arranged all lots to front Dillon Road and avoid the need to build a new paved road.

#### Road Issues

Initially, lot configuration dominated the review of the parceling plan, ultimately causing its rejection and redesign. The review of subsequent redesigned alternatives was dominated by road issues. The final approved parceling plan provides for 16 lots arranged in two rows. The south row has direct road frontage along Dillon Road. The north row of lots is provided with direct road frontage by making them “flagpole” lots where each pair of lots are configured to extend strips of lot down a shared driveway to touch on Dillon Road, with a public road easement lain on the driveway. The easement passes between a pair of south row lots that can also use the easement. This arrangement creates groups of 4 lots that each have frontage and usage of the driveway. Each driveway also lines up with the alignment of the existing roads in the Sky Ridge development so that the driveways have the future potential to directly extend those roads, and important issue during the parceling plan review.

Another major issue in the parceling plan approval, was the concern that owners would misconstrue the status of the private driveways to be public roads. Each driveway may have a road easement but will not be a road at this time. It will just be a shared driveway that is privately maintained. But it could be upgraded in the future if one or more of the four owners fronting the easement develops their property into smaller lots. To make the status of private driveway clear, each group of 4 lots will share maintenance costs through a private road maintenance agreement – a draft of which has been developed in conjunction with staff and included with the meeting packet. A recommended condition of approval will require that the final maintenance agreement for

each driveway be recorded with the maps creating the lots fronting on the driveway. In addition, the parceling plan approval also required that signage be posted on the driveway stating that it is privately maintained.

There are a number of road easements involved with this project. Dillon Road fronts the south side of the development, is a paved County-maintained road, and is in good condition. It lies within a 60' road easement on the south side of the property line that was established with the Sky Ridge development, and a 30' road easement from the original patent along the north side of the property line, giving a total width of 90-feet. The Road Supervisor has reviewed the proposal, and does not want individual lot access onto Dillon Road when the driveways are available. A parceling plan condition prohibits access onto Dillon Road, and these maps implement it. Roberson Lane runs along the west property line, lying in a 60' road easement centered on the property line, and is a privately maintained dirt road that is highly degraded in some places. It is not adequate to meet the requirements for new lots to access a publicly maintained road. A parceling plan condition prohibits access onto Roberson Lane, and these maps implement it. . The north property line has a proposed 30' access easement that provides half of a future 60' road easement in case properties to the north develop. The east property line also serves as the centerline of a 60' road easement; however the east half (off the property) is not complete along the full length. As noted above, the applicant proposes a 60' road easement between each pair of lots fronting Dillon Road that overlies the "flagpoles" to the rear pair of lots. These will be shared access driveways for groups of 4 lots that line up with the existing roads in the Sky Ridge Development. These driveways will need paved aprons onto Dillon Road. The apron and private road signage (noted above) will be needed to be installed or bonded before recording.

As required by NRS 278.378, offers to grant easements, and dedicate land to the County must be accepted or rejected along with approval of the map, and will take place with each parcel map. Staff often recommends that the lands under existing roads be dedicated along with recording the map so that the County has full ownership and authority of activities in the roadway. In this case, the existing Dillon Road is not on the property, Roberson Lane is a privately maintained road, and no new roads are proposed. Staff does NOT recommend the dedication of road lands for Dillon Road. Staff DOES recommend that Roberson Lane be "offered" for dedication but rejected by the County at this time. Staff recommends that the driveway road easements be "offered" for dedication but rejected by the County at this time. As usual, all easements that are offered would be accepted by the County. Appropriate recommended actions are included in the motions.

#### Development Issues

The property is a mix of different land features. Each lot has a reasonable area of generally flat and easily developable land, and this is usually near Dillon Road. The exception is that Lot 5 will be significantly encumbered by a salt pan depression near Dillon Road, which is unsuitable for home construction due to water ponding, and unsuitable for septic system operation due to clay soils. But the lot is big enough to provide a developable area away from the depression. The flagpole segments of Lots 6 and 7 will also cross the edge of the salt pan depression, and driveway construction will need to deal with it. The north row of new lots have much of their area located on sand hills. These are not high, but many have steep side-slopes. Making those areas more accessible for use will require minor grading of the steep slopes and developing these lots may be a challenge in locations where they may be pure sand.

#### **Criteria Review:**

***CCC 16.04.040(C) Design Standards: Churchill County has adopted development standards, which shall be complied with in all application submittals.***

The proposed development must conform to the County Development Code. Conditions of approval will address specific issues.

- **Setbacks and Easements:** New lot lines will not create setback problems for existing buildings. The existing and proposed road easements, including those provided for the driveways, will have setbacks that limit the location of buildings.
- **Lot size and width:** The E-1 zone has a 1-acre minimum lot size. The proposed lots comply with this standard. Minimum lot width is 60', with a minimum average width of 100.' The proposed lots comply.
- **Access, sewer, and water facilities:** See comments under Criterion 4, below.
- **Water rights and community development fees:** Community development fees will be due with home construction on the proposed vacant lot. The exception is that water dedication is required for new lots, unless no water rights exist on the property, in which case a payment-in-lieu is allowed. The existing lots are vacant and do not have water rights. The 16 proposed lots will have to make a payment-in-lieu of water rights fee of \$3276 per lot, paid with the parcel maps creating the lots.
- **Adjacent Property Access:** County standards require that firefighting access be provide to large tracts of land adjacent to a development. Standards also require that development not isolate lots behind the development from access. The south, east, and west edges of the property already have access easements. The development proposes another access easement along the north property line. This will provide access to the large undeveloped properties north of the project.

***CCC 16.04.050(A) Conditional Development Approval: The planning director, planning commission or county commissioners are authorized to apply conditions to applications for development. Conditions are employed to development projects to ensure:***

***1. Conformity with the master plan.***

The **Master Plan** designates the area as Urbanizing and is implemented by the existing E-1 zoning district. Most Master Plan policies are not applicable to the issue of a land division, but **Goals PSF 1 and 2** (and their associated policies) tie the use of sewer and water services to lot size, especially for lots of less than 5-acres. As noted previously, the 5-acre lot configuration was chosen to use the serial parcel map process and because community services are required for developments with smaller lots. Both **GOAL LU 2** and Policy LU 2.1 discuss compatibility issues that are discussed under criterion 2, below.

***2. Compatibility with existing adjacent properties and uses.***

The adjacent uses are smaller-lot residential development south and west of the property. The proposed lots will be 5-acres, and most of these lots (excluding a homesite) will be largely undeveloped. The proposal is compatible with the nearby developed areas, and with the adjacent largely vacant lands to the north and east. The 16 proposed lots will be residential, which are allowed uses under the zoning code. Very little alteration of the neighborhood character will result from the proposal other than an increase in traffic and human activity due to the additional lots being developed.

***3. Protection of the public health, safety and general welfare.***

The creation of 16 additional developable lot will substantially increase human activity on Dillon Road, and modestly increase human activity in the immediate vicinity, but such activity is of the same character as the existing neighborhood. The protection of public health, safety and welfare will not be affected.

***4. That adequate public facilities and services are available to the development.***

With the proposal, the potential development of two existing lots will become the potential development of 16 lots, thus increasing potential future traffic on adjacent roads. As described previously, due to road condition and traffic concerns, the parceling plan approval prohibited access onto Roberson Lane and Dillon Road, and these maps implement it. This means that all lots need to take access on the shared driveways they front on, then those driveways will access onto Dillon Road.

See the discussion above regarding road issues. Dillon Road is a County maintained paved road that will not be overburdened by the project traffic. Roberson Lane is inadequate to provide access to new lots, and its use is prohibited (as noted previously). New road easements are being provided for the shared driveways that are adequate for the current proposed development, but can be adequately upgraded for additional development in the future. While the driveways do not have to be paved, the parceling plan required that they be constructed to County gravel road standards, and this is carried through to these maps in the recommended conditions of approval.

There are no public sewer and water facilities on or near the site. Other public utilities (power, communication, gas) do exist in the Sky Ridge neighborhood and can serve the proposed lots. Current county practice is for road easements and property lines to include utility easements.

As previously discussed, new septic systems will be needed for each proposed lot. In certain locations, soils may pose problems for septic systems, particularly in or near the depression with the clay and alkali soils on Lots 5, 6, & 7, and also in those extremely sandy locations on all lots, but the lots are large enough to find suitable septic locations. New water wells will be needed for each proposed lot, and no obvious problems with water supply exist.

5. ***As a part of the review and analysis of the development request, findings of conformance with the goals and objectives of the code and the master plan must be made in order to recommend approval and impose conditions. The conditions imposed by the staff may be modified by the final decision-making body.***

Based on the above assessment, options for Findings are provided below.

**STAFF RECOMMENDATION:**                      **APPROVAL - as provided below.**

**MOTION FOR FINDINGS:** The motion should be modified by the Planning Commission as needed.

Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for 6 parcel map applications implementing a previously approved parceling plan on APN 008-113-49 & -.56. to split the lots into 16 parcels thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report.

**For DENIAL the motion should ADD:**

Specifically, the project fails to ... .. **[ADD NEEDED REASONING RELATED TO CRITERIA]**

**MOTION FOR DECISION:** The motion should be modified by the Planning Commission as needed.

- Based on the previously adopted findings made for this project, I move to recommend that the Board of County Commissioners:
  - (A) [**APPROVE // DENY**] the 6 parcel maps entitled 1<sup>st</sup> through 3<sup>rd</sup> Parcel Map for Nev Dev LLC, and 4<sup>th</sup> through 6<sup>th</sup> Parcel Map for Mason1 LLC to divide APNs 008-113-49 & -.56 into 16 parcels.  
[For **APPROVAL add**] This approval is subject to conditions, as listed in the Staff Report.
  - (B) ACCEPT the offer to grant easements identified on the map.
  - (C) REJECT all offers to dedicate lands and improvements at this time

**Recommended Conditions (NOT PART OF MOTION):** Based on code requirements and issues raised during review of the project, the following conditions of approval are recommended to be included with any approval:

- 1) Changes shall be made for compliance with Churchill County Code and the parceling plan conditions of approval, including but not limited to:
  - a) Corrections for clarification and typographic errors
  - b) Adding additional Note 2 references (regarding road maintenance agreements) on all road easements for the private driveways.
- 2) Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:
  - a) Corrections for clarification and typographic errors
- 3) The shared driveways serving each group of 4 lots shall include the following:
  - a) Paved aprons meeting Road Dept. standards shall be provided for each driveway at its intersection with Dillon Road.
  - b) Shared driveways shall be constructed to County gravel road standards.
  - c) Each driveway shall be provided with signage near Dillon Road to state "Privately maintained driveway"
  - d) Improvements for each shared driveway shall be completed or bonded before recording the maps that create the lots fronting the shared driveway.
- 4) A road maintenance agreement acceptable to the Public Works Director shall be recorded along with the maps creating the parcels using the driveway.