

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**5:30 P.M., P.S.T., TUESDAY, JANUARY 5, 2021**  
**ELKO CITY HALL, COUNCIL CHAMBERS,**  
**1751 COLLEGE AVENUE, ELKO, NEVADA**  
<https://global.gotomeeting.com/join/258016149>

**CALL TO ORDER**

Jeff Dalling, Chairman of the City of Elko Planning Commission, called the meeting to order at 5:30 p.m.

**ROLL CALL**

**Present:**       **Jeff Dalling**  
                  **Tera Hooiman**  
                  **John Anderson**  
                  **Stefan Beck**  
                  **Gratton Miller**  
                  **Giovanni Puccinelli**  
                  **Mercedes Mendive**

**City Staff Present:**   **Cathy Laughlin, City Planner**  
                              **Michele Rambo, Development Manager**  
                              **Bob Thibault, Civil Engineer**  
                              **Jamie Winrod, Fire Marshal**  
                              **Shelby Archuleta, Planning Technician**

**PLEDGE OF ALLEGIANCE**

**COMMENTS BY THE GENERAL PUBLIC**

*There were no public comments made at this time.*

**APPROVAL OF MINUTES**

December 1, 2020 – Regular Meeting **FOR POSSIBLE ACTION**

**\*\*\*Motion: Approve the minutes from the December 1, 2020 meeting as presented.**

**Made by Tera Hooiman, seconded by Giovanni Puccinelli.**

*\*Motion passed unanimously. (7-0)*

**I. UNFINISHED BUSINESS**

**A. PUBLIC HEARING**

1. Review, consideration and possible recommendation to City Council for Rezone No. 3-20, filed by Elko Institute for Academic Achievement, for a change in zoning from CT (Commercial Transitional) to PQP (Public, Quasi-Public) Zoning District, approximately 11.38 acres of property, to allow for the development of a school, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is generally located on the northeast corner of the intersection of College Avenue and Ruby Vista Drive. (APN 001-620-058)

Lori Lynch, 1031 Railroad Street, explained that the Charter School was currently located in a warehouse facility on Railroad Street. They were under a 10 year lease, which expired as of June 2020. They had been looking at different opportunities for purchase to be able to move out of the current facility. The current facility is not conducive, or meeting the needs of the kids or the parents. They have been actively searching for an alternate location, either an existing building or a property to accommodate a new build. They have been working on it for about two years. They ended up purchasing this property last year and felt that the location, as far as the schools, school district, college, and general area, would be the perfect location to include an elementary school. Ms. Lynch explained that they are a K-8 school, with one classroom per grade. With the new location they are going to expand into two classrooms per grade. They are currently working with the USDA for financing of the facility. Charter Schools do not receive facility funds from the State, and they are not part of the pay as you go program. It is their goal to put an elementary school K-8 on the property. The facility is proposed to be approximately 30,000 square feet, which will include the playground and surrounding area. There have already been several environmental feasibility studies done on the property.

Julie Byrnes, 1213 Fairway Drive, explained that she lived in housing division located north of the property. The division has only one exit out of housing area, which is next to the Sinclair onto Ruby Vista Drive. There have been a lot of additions to the area in the last few years that include the State Offices, Flagview Intermediate School, and Adobe Middle School. The traffic for those schools goes across Ruby Vista, right by where the residents of the housing division exit. The College has grown as well, so all the traffic is going down along College Parkway. There has been no concern for traffic, or traffic control. With the addition of another school the traffic is going to grow, both automobile traffic and pedestrian traffic. The speed limit will probably be slowed to 15 MPH for the school zone. Ms. Byrnes said there would be times when she wouldn't be able to get out of her housing area. The traffic at the corner by Harbor House, there are times when you can't get across the street, and that is right where the school will be going. Ms. Byrnes asked how the City was going to manage the traffic, so that people living in this area can get in and out. There have been a lot of traffic accidents in the area, including fatalities.

Cathy Laughlin, City Planner, went through the City of Elko Staff Report dated December 21, 2020. Staff Recommended conditional approval with the findings and conditions included in the staff report. She also recommended that the Planning Commission include in their motion that they recognize that there was a minor typographical error and recommend that staff revise the legal notification prior to City Council. She clarified that College Parkway was referred to as College Avenue. Ms. Laughlin explained that Condition No. 2, regarding the Conditional Use Permit, should address Ms. Byrnes's concerns. The Conditional Use Permit Application would

be a public hearing and the surrounding neighbors would be notified of the public hearing. Planning Commission has the right to add conditions to the development to address concerns. The item tonight is to consider the zoning of the property, not the development of the property.

Michele Rambo, Development Manager, wanted to reiterate what Ms. Laughlin said. Since this is just a zone change, we don't have the exact design of the school yet, so we don't know certain development issues. When a design of the building is received, then we can calculate the trip generations. Usually it is based on either the number of students or the square footage of the building. Since we don't know that information, we can't get an exact traffic count. When we get that information if the trips per day is over 1,000, then it will trigger a traffic study. Ms. Rambo had no other comments.

Bob Thibault, Civil Engineering, had no additional concerns or comments, and recommended approval as presented.

Jamie Winrod, Fire Marshal, had no comments or concerns and recommended approval.

Ms. Laughlin stated that she would report for Mr. Wilkinson. He recommended approval as presented by staff, and had no comments/concerns.

Commissioner Gratton Miller asked how many students would be at the new facility.

Ms. Lynch explained that they were at capacity in their current facility with 198 students. The expansion, which will happen over extended period of time, would put their full capacity at around 400 students. They have a 22 student per classroom capacity, and they would not go beyond that. They would have two classrooms per grade. The plan at this time is to start with a double capacity of grades K – 2, then expand one classroom each year after that. It will take a few years to reach the full capacity.

Chairman Jeff Dalling asked if this was the same one they approved up into the Kmart.

Ms. Lynch said it was the same school, yes.

Ms. Byrnes said her biggest concern was only having one exit from the housing division. Even with putting the entrance/exit to the school on Ruby Vista Drive, there would still be times where they wouldn't be able to get in or out of the housing division. She also thought there would be times where emergency vehicles wouldn't be able to get in or out. Ms. Byrnes thought it was going to be a big traffic problem.

Chairman Dalling thought they could ask Ms. Winrod if the school would have to provide an entrance and an exit for Fire Department access.

Ms. Winrod explained that it would depend on the size of building and how much room there is around the building.

Ms. Lynch pointed out that their preliminary engineering and feasibility study showed two exits. One on College Parkway, and the other on Ruby Vista Drive. There is an entrance and exit on

both of those roads. They have been working with an engineer for the drop-off and pick-up. None of that would be on the street, it will all be internal.

Chairman Dalling asked if the main entrance was going to be on College Parkway.

Ms. Lynch explained that the way they were trying to plan for the traffic control was to have one entrance and one exit, so they wouldn't be going against traffic.

**\*\*\*Motion: Recognize that there is a minor typographical error in the agenda item, recommend staff correct it before the item is considered by City Council, and forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 3-20 subject to the conditions found in the City of Elko Staff Report dated December 21, 2020, listed as follows:**

- 1. E.I.A.A. to be actively engaged in developing the property as a school within 4 years after date of approval. Actively engaged could include but not be limited to application submitted for a building permit.**
- 2. Conditional Use Permit must be approved for the establishment of a new principal permitted use and shall be governed by the conditional use permit procedure as set forth in Elko City Code 3-2-18.**
- 3. If conditions 1 & 2 are not met, the City Council shall take action to revert the approved PQP zoning back to CT.**

**Commissioner Puccinelli's findings to support the motion were the proposed zone district is not in conformance with the Land Use Component of the Master Plan. The proposed zone district is compatible with the Transportation Component of the Master Plan and is consistent with the future transportation infrastructure. The property is not located within the Redevelopment Area. The proposed zone district and resultant land use is in conformance with the City Wellhead Protection Plan. The proposed zone district is in conformance with Elko City Code Section 3-2-4(B). The proposed zone district is in conformance with Elko City Code Section 3-2-8. The application is in conformance with Elko City Code 3-2-21. The proposed zone district is not located in a designated Special Flood Hazard Area (SFHA). Development under the proposed zone district will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains, etc., or pose a danger to human health and safety.**

**Made by Giovanni Puccinelli, seconded by Gratton Miller**

*\*Motion passed unanimously. (7-0)*

## **II. NEW BUSINESS**

### **A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS**

- 1. Review, consideration and possible approval of Final Map No. 11-20, filed by Copper Trails, LLC, for the development of a subdivision entitled Copper Trails Phase 2 Unit 2 involving the proposed division of approximately 16.96 acres of property into 10 lots for residential development and 1 remainder lot within the R (Single Family and**

Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located north of the intersection of Copper Street and Mittry Avenue. (APN 001-610-114)

Luke Fitzgerald, 2446 Crestview Drive, said he would be available for questions.

Ms. Rambo went through the City of Elko Staff Report dated December 6, 2020. Staff recommended conditional approval with the conditions and findings listed in the staff report.

Ms. Laughlin recommended approval as presented by staff.

Mr. Thibault mentioned that he had four conditions that were included in the staff report. He recommended approval as presented.

Ms. Winrod explained that she had one condition listed in the staff report and recommended approval.

Ms. Laughlin said that the City Manager's office recommended conditional approval with all corrections and revisions to the map completed prior to City Council consideration.

Commissioner Mercedes Mendive asked what the largest and smallest square footage of the single family homes were going to be.

Mr. Fitzgerald explained that they were currently in the planning stage. He was looking at keeping smaller homes, around 1,500 to 2,000 square feet. On these lots they have built upwards of 2,900 square foot homes, and that still could be a possibility. They have not determined the largest square footage. They may have a home as small as 1,200 square feet.

Commissioner Mendive asked if it was just going to be regular residential neighborhood or if there would be a Homeowner's Association.

Mr. Fitzgerald stated that it was a regular residential neighborhood with no Homeowner's Association.

**\*\*\*Motion: Recommend that the City Council accept, on behalf of the public, the parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication; that the final map substantially complies with the tentative map; that the City Council approve the agreement to install improvements in accordance with the approved construction plans that satisfies the requirements of Title 2, Chapter 3, and conditionally approve Final Map 11-20 with conditions listed in the Staff Report dated December 9, 2020, listed as follows:**

**Community Development:**

- 1. The Developer shall execute a Performance and Maintenance Agreement in accordance with Section 3-3-21 of City code. The Performance Agreement shall be secured in accordance with Section 3-3-22 of City code. In conformance with**

Section 3-3-21 of City code, the public improvements shall be completed within a time of no later than two (2) years of the date of Final Map approval by the City Council unless extended as stipulated in City code.

2. The Performance and Maintenance Agreement shall be approved by the City Council.
3. The Developer shall enter into the Performance and Maintenance Agreement within 30 days of approval of the Final Map by the City Council.
4. The Final Map for Copper Trails Phase 2 Unit 2 is approved for 10 residential lots and 1 remainder lot.
5. The Utility Department will issue a Will Serve Letter for the subdivision upon approval of the Final Map by the City Council.
6. Site disturbance shall not commence prior to approval of the project's construction plans by the Nevada Department of Environmental Protection.
7. Site disturbance, including clearing and grubbing, shall not commence prior to the issuance of a grading permit by the City of Elko.
8. Construction shall not commence prior to Final Map approval by the City Council and issuance of a will-serve letter by the City of Elko.
9. Conformance with the conditions of approval of the Tentative Map is required.
10. The Owner/Developer is to provide the appropriate contact information for the qualified engineer and engineering firm contracted to oversee the project along with the required inspection and testing necessary to produce an As-Built for submittal to the City of Elko. The Engineer of Record is to ensure all materials meet the latest edition of the Standard Specifications for Public Works. The Engineer of Record is to certify that the project was completed in conformance with the approved plans and specifications.

**Engineering:**

1. After recordation of the Unit 1 Final Map, verify the parcel number in the Assessor's and Treasurer's certificates.
2. Correct the year in the Planning Commission certificate to 2018.
3. Update the year for most other certificates to 2021.
4. Create an easement for gang boxes.

**Public Works:**

1. All public improvements at time of development per Elko city code.

**Utilities:**

1. Public utility improvements at time of development per approved plans and City code.

**Fire:**

1. Turnaround area at the north end of Mittry Avenue shall be a minimum of 96 feet in diameter per IFC D103.4

Commissioner Puccinelli's findings to support the motion were the Final Map for Copper Trails Phase 2 Unit 2 has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City Code. The Final Map is in conformance with the Tentative Map. The proposed subdivision is in conformance with the Land Use

**and Transportation Component of the Master Plan. The proposed development conforms with Sections 3-3-9 through 3-3-16 (inclusive). The Subdivider shall be responsible for all required improvements in conformance with Section 3-3-17 of City Code. The Subdivider has submitted construction plans in conformance with Section 3-3-18 of City Code. The Subdivider has submitted plans to the City and State agencies for review to receive all required permits in accordance with the requirements of Section 3-3-19 of City Code. The Subdivider has submitted construction plans which, having been found to be in conformance with Section 3-3-20 of City Code, have been approved by City Staff. The Subdivider will be required to enter into a Performance Agreement to conform to Section 3-3-21 of City Code. The Subdivider will be required to provide a Performance and Maintenance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-22 of City Code. The proposed development conforms to Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G), 3-2-17, and 3-8 of City Code.**

**Made by Giovanni Puccinelli, seconded by Mercedes Mendive.**

*\*Motion passed unanimously. (7-0)*

2. Review, consideration, and possible action to develop the Calendar Year 2021 Planning Commission Annual Work Program, and matters related thereto. **FOR POSSIBLE ACTION**

Each year the Planning Commission reviews the Annual Work Program. The work program gives the Planning Commission direction on various issues to address throughout the year.

Ms. Laughlin explained that it is a code requirement that we create a work program and the Planning Commission approves it, and it goes to City Council for their approval as well. Ms. Laughlin said when she started working on the Work Program this year and making revisions; she thought to herself that the Planning Commission probably thinks that we don't get anything done in a year. We get a lot done in a year. Some of these things have remained on the Work Program for several years, because some are tied up with legal and some of it is due to some very intense zoning revisions to the City Code that take a lot of time. The first thing that is on the Work Program is to repeal and replace the Sign Ordinance, which was started in February of 2019. We have started to write that Sign Ordinance. Ms. Laughlin explained that she received a scholarship to attend a Sign Ordinance Planning Workshop last year in April, but it was cancelled due to Covid-19. She was waiting to attend the workshop before she continued much further into the Sign Ordinance. The Sign Code is one of the most controversial codes, with the most court cases against zoning issues. Ms. Laughlin contracted with a legal firm that does nothing but reviews sign ordinances and represents municipalities in sign ordinance cases. The workshop has been rescheduled for April of this year. It is a really important workshop to attend before continuing much further with the Ordinance. That is still on the Program, and hoping to be completed by October 2021. Staff has reviewed the zoning for the RMH districts, and intend on revising the map. We have gone through every subdivision and how they were created. There are some areas that have soft set mobile homes next to permanent manufactured homes, and we are trying to determine what can and can't be done there. We would like to create a map that calls out the different RMH districts. Staff started revising the Planning and Zoning Applications

in October 2017. Several of those require Zoning Code amendments. A lot of them got held up with the legal counsel. Staff plans on continuing to work on those. We are doing Master Plan Amendments for miscellaneous revisions. There were several in 2020, and there will probably be several in 2021 as we come across things that need to be cleaned up. Staff started last month on a revision to Section 3-2-21, Zoning Amendments. Right now they are currently done by Resolution. We are completely changing that section, as we will be doing Zoning Amendments by Ordinance. We will also be adding in another section that will clarify when it is an amendment to the Zoning Code. The review between staff and legal determined that there are two other sections of code that need to be changed to reflect the changes being made to Section 3-2-21. We are also planning some revisions to Section 3-3, Divisions of Land. There are some clarifications that need to be done in that section. We always have the ongoing Planning Commission training. Due to 2020 and not having public meetings, we did not get the annual Open Meeting Law Training, but we will work on getting that done. It is a requirement by the State that all Planning Commissioners and City Council members have that training every year.

Chairman Dalling thought it looked good. He felt like they did get a lot done.

**\*\*\*Motion: Approve the 2021 Planning Commission Work Program as presented.**

**Made by Giovanni Puccinelli, seconded by Mercedes Mendive.**

*\*Motion passed unanimously. (7-0)*

**3. Election of officers, and matters related thereto. FOR POSSIBLE ACTION**

Pursuant to Section 3-4-3 A. of the City Code, the Planning Commission shall elect a Chairperson, Vice-Chairperson and Secretary in January every year.

**\*Chairman Jeff Dalling nominated Tera Hooiman for Secretary; a vote was taken and passed.**

**\*Commissioner Tera Hooiman nominated Giovanni Puccinelli for Vice-Chairman; a vote was taken and passed.**

**\*Commissioner Stefan Beck nominated Jeff Dalling for Chairman; a vote was taken and passed.**

### **III. REPORTS**

**A. Summary of City Council Actions.**

*Ms. Laughlin reported that there was only one City Council meeting in December, it was on the 8th. Planning only had one item on the agenda. They approved Revocable Permit No. 4-20 for Ygoa, Ltd. It was to occupy 3 feet of right-of-way on Silver Street and 3<sup>rd</sup> Street for the footing for a canopy that will be abutting their building, but it will be projecting over the right-of-way. There were no Redevelopment meetings in December.*

**B. Summary of Redevelopment Agency Actions.**



C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Miscellaneous Elko County

E. Training


## COMMENTS BY THE GENERAL PUBLIC

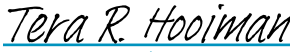
*There were no public comments made at this time.*

**NOTE:** The Chairman or Vice Chairman reserves the right to change the order of the agenda and if the agenda is not completed, to recess the meeting and continue on another specified date and time. Additionally, the Planning Commission reserves the right to combine two or more agenda items, and/or remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

## ADJOURNMENT

There being no further business, the meeting was adjourned.

  
Jeff Dalling (Apr 29, 2021 10:15 PDT)  
Jeff Dalling, Chairman

  
Tera R. Hooiman (Apr 29, 2021 14:33 PDT)  
Tera Hooiman, Secretary