



CITY OF ELKO

Planning Department

Website: www.elkocitynv.gov
Email: planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

PUBLIC MEETING NOTICE

The City of Elko Planning Commission will meet in a regular session on Tuesday, February 5, 2019 in the Council Chambers at Elko City Hall, 1751 College Avenue, Elko, Nevada, and beginning at 5:30 P.M., P.S.T.

Attached with this notice is the agenda for said meeting of the Commission. In accordance with NRS 241.020, the public notice and agenda were posted on the City of Elko Website at <http://www.elkocitynv.gov/>, the State of Nevada's Public Notice Website at <https://notice.nv.gov>, and in the following locations:

ELKO COUNTY COURTHOUSE– 571 Idaho Street, Street, Elko, NV 89801

Date/Time Posted: January 30, 2019 2:10 p.m.

ELKO COUNTY LIBRARY – 720 Court Street, Elko, NV 89801

Date/Time Posted: January 30, 2019 2:05 p.m.

ELKO POLICE DEPARTMENT– 1448 Silver Street, Elko NV 89801

Date/Time Posted: January 30, 2019 2:15 p.m.

ELKO CITY HALL– 1751 College Avenue, Elko, NV 89801

Date/Time Posted: January 30, 2019 2:00 p.m.

Posted by: Shelby Archuleta, Planning Technician
Name Title

Shelby Archuleta
Signature

The public may contact Shelby Archuleta by phone at (775) 777-7160 or by email at sarchuleta@elkocitynv.gov to request supporting material for the meeting described herein. The agenda and supporting material is also available at Elko City Hall, 1751 College Avenue, Elko, NV.

Dated this 30th day of January, 2019.

NOTICE TO PERSONS WITH DISABILITIES

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the City of Elko Planning Department, 1751 College Avenue, Elko, Nevada, 89801 or by calling (775) 777-7160.

Cathy Laughlin
Cathy Laughlin, City Planner

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING AGENDA
5:30 P.M., P.S.T., TUESDAY, FEBRUARY 5, 2019
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

The Agenda for this meeting of the Elko City Planning Commission has been properly posted for this date and time in accordance with NRS requirements.

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

APPROVAL OF MINUTES

January 3, 2019 – Special Meeting **FOR POSSIBLE ACTION**

I. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible recommendation to City Council for Rezone No. 1-19, filed by Defty Family Trust, for a change in zoning from AG (General Agriculture) to IC (Industrial Commercial) zoning district, approximately 27.605 acres of property, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northwest side of W. Idaho Street, approximately 1,376' northeast of I-80 Exit 298. (APN 001-679-012).

2. Review, consideration, and possible action of Conditional Use Permit No. 1-19, filed by Sundance Mini Storage, LP, which would allow for a mini storage facility, recreational vehicle storage, and U-Haul rental and storage within a C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally southwest of the intersection of Mountain City Highway and Sundance Drive (APN 001-01E-039 & APN 001-01E-040).

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible recommendation to City Council for Vacation No. 1-19, filed by MP Elko, LLC., for the vacation of a portion of the public utility and drainage easement located along the north and east property lines of APN 001-660-049, consisting of an area approximately 1,300 square feet, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southwest side of Mountain City Highway, approximately 370' northeast of Connolly Drive. (APN 001-660-049. 2525 Mountain City Highway)

2. Review, consideration and possible action on Temporary Use Permit No. 1-19, filed by Sundance Mini Storage, LP, to allow for a storage unit to be used as the renting office for the storage units, recreational vehicle storage, and U-Haul rentals, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally southwest of the intersection of Mountain City Highway and Sundance Drive. (3701 Sundance Drive)

3. Review and consideration of the 2019 City of Elko land inventory update. **FOR POSSIBLE ACTION**
4. Review, consideration, and possible action on the 2018 Annual Report of Planning Commission activities. **FOR POSSIBLE ACTION**

II. REPORTS

- A. Summary of City Council Actions.
- B. Summary of Redevelopment Agency Actions.
- C. Professional articles, publications, etc.
 1. Zoning Bulletin
- D. Preliminary agendas for Planning Commission meetings.
- E. Elko County Agendas and Minutes.
- F. Planning Commission evaluation. General discussion pertaining to motions, findings, and other items related to meeting procedures.
- G. Staff.

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

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

Respectfully submitted,


Cathy Laughlin
City Planner

CITY OF ELKO
PLANNING COMMISSION
SPECIAL MEETING MINUTES
5:30 P.M., P.S.T., THURSDAY, JANUARY 3, 2019
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

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

ROLL CALL

Present: **Evi Buell**
 Ian Montgomery
 Jeff Dalling
 John Anderson
 Stefan Beck
 Tera Hooiman

Excused: **Vacancy**

City Staff Present: **Scott Wilkinson, Assistant City Manager**
 Cathy Laughlin, City Planner
 Bob Thibault, Civil Engineer
 John Holmes, Fire Marshal
 Shelby Archuleta, Planning Technician

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments at this time.

APPROVAL OF MINUTES

December 4, 2018 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the minutes from the December 4, 2018 Planning Commission Meeting.**

Moved by Evi Buell, Seconded by Stefan Beck.

**Motion passed unanimously. (6-0)*

I. NEW BUSINESS

A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible recommendation to City Council for Vacation No. 4-18, filed by Koinonia Construction, Inc. on behalf of Copper Trails, LLC, for the vacation of 5' of the existing 10' public utility and drainage easement along the southwesterly lot line of parcel referred to as APN 001-61J-028, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southwest side of Copper Trail, approximately 427' northwest of Copper Street. (APN 001-61J-028)

Cathy Laughlin, City Planner, went over the City of Elko Staff Report dated December 20, 2018. Staff recommended conditional approval with the findings and conditions listed in the Staff Report.

Bob Thibault, Civil Engineer, had one clarification. The 10 foot easement was created by another map, prior to the Final Plat of this subdivision. It was a parcel map that put 10 foot easements all around the boundary line of the large parcel that this subdivision was cut out of. With that comment, Mr. Thibault recommended approval.

John Holmes, Fire Marshal, had no comments.

Scott Wilkinson, Assistant City Manager, recommended approval as presented by staff.

*****Motion: Forward a recommendation to City Council to adopt a resolution, which conditionally approves Vacation No. 4-18 subject to the conditions listed in the City of Elko Staff Report dated December 20, 2018, listed as follows:**

1. **The applicant is responsible for all costs associated with the recordation of the vacation.**
2. **Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.**

Commissioner Buell's findings were the proposed vacation is in conformance with the City of Elko Master Plan Land Use Component. The proposed vacation is in conformance with the City of Elko Master Plan Transportation Component. The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive. The proposed vacation is in conformance with City Code 3-2-5 and 8-7.

Moved by Evi Buell, Seconded by Stefan Beck.

***Motion passed unanimously. (6-0)**

2. 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.

Ms. Laughlin explained that the Commission could start by opening the floor up for nominations for Chair, select the Chair, move onto Vice-chair, and then Secretary.

Commissioner Stefan Beck asked where David Freistroffer was.

Vice-Chairman Jeff Dalling explained that Mr. Freistroffer submitted his letter of resignation since he couldn't make the meetings any more.

Ms. Laughlin explained that the City Council would accept, or not accept, the resignation on January 8th and authorize staff to advertise for the vacancy of the position. We will do a two week advertisement and then bring back the letters of interest to the City Council for selection of the new Commissioner.

Commissioner Evi Buell asked if anyone wanted to be Chairman. She said she would do it.

Vice-Chairman Dalling said that he had enjoyed being the Chairman.

Commissioner Beck said he didn't want to be Chairman.

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

***Vice-Chairman Jeff Dalling nominated Evi Buell for Vice-Chairman; a vote was taken and passed.**

***Commissioner Evi Buell nominated Tera Hooiman for Secretary; a vote was taken and passed.**

3. Review, consideration, and possible action to develop the Calendar Year 2019 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 this is the annual work program and it is considered every year in January. In the last two years Ms. Laughlin has simplified it. It used to have a variety of things in it and it was unrealistic. It has taken months to get some Ordinances approved and finalized. She has listed three things on the program. We are continuing to work on the Sign Ordinance, it is an ongoing project. She has started it, but ran out of time. She tries to catch up on it when she has time. The second item would be to review the zoning for RMH Districts and to revise the map. All of the RMH Districts on the GIS Map are a lump sum as RMH, it is not listed as RMH-1, RMH-2, RMH-3, or RMH-4. We have started on that process, and have started going through

how each of the subdivisions were created. That will be brought back to the Commission as a proposed change to the mapping and some changes to the RMH Districts. The third thing is to revise the Planning and Zoning Applications. We started that. We revised all the applications, sent them to legal counsel for review, but we haven't had a change to go through and work through some of the issues and concerns that the legal counsel had with the applications and with them in relation to the Code. We will continue to work on that and get the applications more streamlined and accurate in what our requirements are. It is open for Commissioners to recommend changes, additions, deletions, or whatever they would like to see on the Work Program.

Commissioner Beck said he had not kept up with this, but he thought they all sounded like good projects.

Vice-Chairman Dalling said the Sign Code was a tough one. There is so much grey area. He said his only thought was on the training. Last he talked to Curtis, he said he would line out the budget to give the Commissioner's training, and not just on ethics.

Ms. Laughlin said as far as Planning Commission training, she hasn't found any to send anyone to. She searches all of the Planning magazines. The American Planning Association, their Nevada Chapter Conference, Ms. Archuleta and Ms. Laughlin attended and there was not a thing at the conference that would have benefitted the Planning Commissioners. They were not classes that would help Commissioners understand what a Planning Commission should be doing. We have talked about training to help understand the Code and the Master Plan better. That is something that we can do, but Ms. Laughlin didn't think it should be a part of the meetings. We are working on one other presentation on communication. The American Planning Association, their Annual Conference and their Nevada State Chapter, she didn't find any classes that would pertain to Planning Commissioners.

Commissioner Buell asked if that item existed in the budget, if it would be possible to put together a library. She was aware of a few texts that she had used in regards to Planning and Urban Development that might be helpful.

Vice-Chairman Dalling felt that the more educated they were as a Commission was better for Staff and for the City.

Ms. Laughlin said she had been searching for months and hadn't found anything.

Vice-Chairman Dalling thought they could even allocate some money for books every month.

Ms. Laughlin said she had even looked for webinars. Webinars are specifically focused on certain aspects of Planning.

Mr. Wilkinson asked if Ms. Laughlin ever came across anything that dealt with long range planning. There are two different types, long range planning and short range planning. Short range planning deals with variances and those type of applications. Subdivisions get into long range planning, but true long range helps with annexations and understanding the obligations that the City already has with regard to the tremendous amount of vacant area that is annexed that the City is not serving with utilities yet. More to that point the City has developed the Development

Report, which is included by reference into the Master Plan, which deals with the long range planning for the City of Elko. It's a plan that the Planning Commission should be familiar with. If there are any courses that Ms. Laughlin comes across for long range planning those would be beneficial.

Ms. Laughlin stated that she had been looking for those as well. The majority of those are put on by large municipalities, so they don't relate to a rural community.

Mr. Thibault pointed out that there was a lot of stuff available on the City's website that he thought would be helpful. The City Code was one of them, Chapter 3 Zoning.

Commissioner Hooiman said something that helped her when she first started was list of definitions.

Ms. Laughlin explained that that was a section in the City Code, Section 3-2-2 Definitions.

Commissioner Buell said one thing she was hoping they could have on the radar, especially as they are working on filling in some spaces, is how they are allocating space for potential future trails through town, and pedestrian, bicycle, multi-use pathways. She thought that would be a big amenity going forward, but she wasn't sure where that fit.

Ms. Laughlin said there was a section in the Master Plan on that.

Mr. Wilkinson said those were some areas of the Master Plan that don't get a lot of attention. It may be beneficial for someone to take a look at it.

Vice-Chairman Dalling asked if anyone else had any questions or thoughts.

Mr. Wilkinson explained that in the Master Plan there is a list of projects. Those are areas we want to execute on.

Commissioner Hooiman said last year they had started having different Commissioners that had been assigned to different committees, and they had people come to the meetings and give a small report on what the committees were doing. She thought that was something that they could look at and start doing again.

Vice-Chairman Dalling said he attends the RAC and the RDA Meetings.

Commissioner Buell asked what sort of meetings they would like to have coverage on.

Commissioner Hooiman said the RDA and the RAC.

Ms. Laughlin said that Mr. Dalling was on the RAC, so he could report on the RAC Meetings, which are quarterly. The City Council makes up the RDA and they meet whenever there are action items, they don't have a set schedule. She wasn't sure what other committees the Commission would be interested in.

Commissioner Hooiman said she wasn't sure, but she enjoyed getting the feedback from everyone. Sometimes those meetings can influence the Commission's decisions.

Mr. Wilkinson thought it would be a good idea for Ms. Laughlin to give a presentation on the RDA. There is an RDA Plan. The RDA, at the advice of the RAC, has taken a lot of action that have us on target to execute in steps. It's really about the Corridor, because the Corridor is the project for the Redevelopment. There is a road map and that would be something that Cathy could put together presentation on, on what those actions have resulted in.

Vice-Chairman Dalling said he was good with what they have on the Program.

Commissioner Buell asked if there was anything that staff is looking to get onto.

Ms. Laughlin said they were looking at a possible revision to the Feasibility Annexation Potential study that was done in 2012. That could take months. She didn't foresee anything else.

*****Motion: Approve the Elko Planning Commission 2019 Work Program as presented by staff.**

Moved by Evi Buell, Seconded by Stefan Beck.

****Motion passed unanimously. (6-0)***

II. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported that the Great Basin Final Plat and their Performance Agreement had been tabled for the last several City Council Meetings. The reason for that is there is a Cease and Desist Order on that subdivision right now from NDEP. We are waiting for that to be lifted for Phase 3, Phase 2 was lifted today. Once that is lifted it will continue with the City Council. The Planning Department will have 9 or 10 items on the January 8th City Council Agenda. One will be to accept the resignation of David Freistroffer. Three of those applications are in relation to the Komatsu project, a Vacation, Deed of Dedication, and a Reversion to Acreage. After that all of the applications for Komatsu will be complete. The Vacation for AM Engineering will also be on there. There are a few other minor applications.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin reported that there would be a RAC Meeting at the end of the month. They will be working on the Block End designs for their next project. They are accumulating enough money to move into the next project. The Centennial Park Expansion Project is complete, so the next project will be the Block Ends.

Vice-Chairman Dalling said that the RDA is spending money and getting results. They are accomplishing tangible items. He thought it was moving pretty well.

Ms. Laughlin said the Storefront Program applications are accepted from Jan 1st to March 30th.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Preliminary agendas for Planning Commission meetings.

Ms. Laughlin reported that Tower Hills Phase 2 Final Map had been submitted for the February Meeting. It has been nice to have the timeline extended to 42 days prior to the meeting. Staff doesn't feel like they are rushing to get it out. We will be presenting the year-end review report. In 2018 the application numbers are up, as well as the revenues. That will be going to City Council after the Commission reviews it. There will be Ethics Training on Tuesday.

E. Elko County Agendas and Minutes.

F. Planning Commission evaluation. General discussion pertaining to motions, findings, and other items related to meeting procedures.

G. Staff.

COMMENTS BY THE GENERAL PUBLIC

There were no public comments 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, Vice-Chairman

Tera Hooiman, Secretary

**Elko City Planning Commission
Agenda Action Sheet**

1. **Review, consideration and possible recommendation to City Council for Rezone No. 1-19, filed by Defty Family Trust, for a change in zoning from AG (General Agriculture) to IC (Industrial Commercial) zoning district, approximately 27.605 acres of property, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 5, 2019**
3. Agenda Category: ***PUBLIC HEARINGS***,
4. Time Required: **15 Minutes**
5. Background Information: **The applicant recently purchased the property and is requesting the zone change in order to market the property for potential development**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Memo**
8. Recommended Motion: **Forward a recommendation to City Council to adopt a resolution which approves Rezone No. 1-19 based on facts and findings as presented in Staff Report dated January 17, 2019.**
9. Findings: **See Staff Report dated January 17, 2019**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **Defty Family Trust
P.O. Box 8606
Woodland CA 95776
SDefty@ddge.net**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 2/5

Do not use pencil or red pen, they do not reproduce

Title: Rezone 1-19
Applicant(s): Defty Family Trust
Site Location: 001-679-012, NW of W Idaho, ≈ 1.376' NE of I-80
Current Zoning: AG Date Received: 1/15/19 Date Public Notice: 1/25/19
COMMENT: This is to rezone APN 001-679-012 from
AG to IC

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 1/29/19

Recommend approval as presented by staff

SAW

Initial

City Manager: Date: 1/29/19

No comments/concerns.

W

Initial



City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7119

CITY OF ELKO STAFF REPORT

MEMO DATE: January 17, 2019
PLANNING COMMISSION DATE: February 5, 2019
AGENDA ITEM NUMBER: I.A.1
APPLICATION NUMBER: REZONE 1-19
APPLICANT: Defty Family Trust

PROJECT DESCRIPTION:

A rezone from (AG) General Agriculture to (IC) Industrial Commercial to allow for future development.



STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to findings of fact as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: 001-679-012

PARCEL SIZE: 27.605 acres

EXISTING ZONING: (AG) General Agricultural

MASTER PLAN DESIGNATION: (COMM-HWY) Commercial Highway

EXISTING LAND USE: Undeveloped land

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:
North and South: (AG) General Agricultural / Undeveloped
West: General Commercial (C) / Developed as Golden Gate Petroleum
East: Light Industrial and Elko County property / Developed

PROPERTY CHARACTERISTICS:

The property is generally flat with steeper topography in the northwest corner of the property.
The property is access from West Idaho Street and has a shared access point with Golden Gate Petroleum.

MASTER PLAN AND CITY CODES:

Applicable Master Plans and City Code Sections are:

-) City of Elko Master Plan – Land Use Component
-) City of Elko Master Plan – Transportation Component
-) City of Elko Airport Master Plan
-) City of Wellhead Protection Plan
-) City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
-) City of Elko Zoning – Section 3-2-11 – Industrial Commercial Zoning District
-) City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
-) City of Elko Zoning – Section 3-2-21 Amendments
-) City of Elko Zoning – Section 3-8 Flood Plain Management

BACKGROUND:

1. The applicant purchased the property on 1/15/2019.
2. The parcel was created by Parcel Map, recorded as document 736178 on January 24, 2018.
3. The rezone includes all of APN 001-679-012.
4. The property fronts West Idaho Street.
5. City water is located along the frontage of the property.
6. Sewer has not been extended to the area. Existing facilities in the area utilize septic for sanitary sewer.

7. Other non-city utilities are located in the immediate area.

MASTER PLAN

Land use:

1. The Master Plan Land Use Atlas shows the area as Commercial Highway.
2. IC- Industrial Commercial is a corresponding zoning district for Commercial Highway as well as Planned Commercial, General Commercial and Convenience Commercial.
3. Objective 4: Consider a mixed-use pattern of development for the downtown area, and for major centers and corridors, to ensure the area's adaptability, longevity, and overall sustainability.
4. Objective 6: Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
5. Objective 8: Encourage new development that does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

The proposed zone district is in conformance with the Land Use Component of the Master Plan.

Transportation:

1. The area will be accessed from West Idaho Street.
2. West Idaho Street under NDOT jurisdiction, is classified as a Major Arterial.

The proposed zone district is compatible with the Transportation Component of the Master Plan and is consistent with the existing transportation infrastructure.

AIRPORT MASTER PLAN

1. The area is located within the defined runway approach airspace area delineated in the airport master plan.
2. Development within the area will be restricted in accordance 14 CFR Part 77.9.
3. The restrictions stipulated in the federal code are not expected to have a significant, if any, impact on property development under the allowable land use stipulated in city code which are in conformance with the City Master Plan.

The proposed rezone is in conformance with the City of Elko Airport Master Plan.

ELKO REDEVELOPMENT PLAN:

The property is not located within the redevelopment area.

ELKO WELLHEAD PROTECTION PLAN:

1. A proposed well (test hole/monitoring well currently exists) approximately 3,100 feet from the property is expected to be installed as development occurs in the area. At that time, it could be expected that this property will be located within the 5 year capture zones.

SECTION 3-8

1. This parcel is not designated in a Special Flood Hazard Area (SFHA).

SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS

- J Section 3-2-4(B) Required Conformity To District Regulations: The regulations set forth in this chapter for each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as provided in this subsection.
- J Section 3-2-4(B)(4) stipulates that no yard or lot existing on the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth in this title.

The proposed zone change is in conformance with Elko City Code Section 3-2-4.

SECTION 3-2-11 (IC) Industrial Commercial Zoning District:

1. Conformance with the section is required as the property develops.

SECTION 3-2-17 Traffic, Access, Parking and Loading Regulations:

1. Conformance with the section is required as the property develops.

SECTION 3-2-21 Amendments:

1. The applicant has conformed to this section of code with the filing of the application.

FINDINGS

1. The proposed rezone is in conformance with the Master Plan Land Use Component.
2. The proposed rezone is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.
3. The proposed rezone is in conformance with the City of Elko Airport Master Plan.
4. The proposed rezone is consistent with City of Elko Wellhead Protection Plan.
5. The proposed rezone is consistent with Elko City Code 3-2-4 (B) & (C)\
6. The proposed rezone is in conformance with Section 3-2-11(B) IC-Industrial Commercial Zoning District.
7. The proposed rezone is consistent with Elko City Code 3-2-17
8. Development under the proposed rezone 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.

STAFF RECOMMENDATION:

Staff recommends this item be **APPROVED**



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 30, 2019

Defty Family Trust
PO Box 8606
Woodland, CA 95776

Re: Rezone No. 1-19

Dear Applicant/Agent:

Enclosed is a copy of the agenda for an upcoming Planning Commission meeting. Highlighted on the agenda is an item or items that you have requested to be acted on at the meeting. Also enclosed is pertinent information pertaining to your request. Please review this information before the meeting.

The Planning Commission requests that you, or a duly appointed representative, be in attendance at this meeting to address the Planning Commission. If you will not be able to attend the meeting but wish to have a representative present, please submit a letter to the Planning Commission authorizing this person to represent you at the meeting.

If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

CC:

Rez 119 Defty Family Trust

| YPNO | PANAME | PMADD1 | PMADD2 | PMCTST | PZIP |
|------------|---------------------------------|-----------------------------|-----------------------------|----------------|------------|
| 006090006* | BAR L RANCH ET AL | | PO BOX 1478 | ELKO NV | 89803-1478 |
| 001679009 | BAR L RANCH ET AL | | PO BOX 1478 | ELKO NV | 89803-1478 |
| 001679002* | BAR L RANCH ET AL | | PO BOX 1478 | ELKO NV | 89803-1478 |
| 001679006* | BAR L RANCH ET AL | | PO BOX 1478 | ELKO NV | 89803-1478 |
| 00609G037 | BARRICK GOLDSTRIKE MINES INC A | ATTN: REGIONAL LAND DEPT | 293 S RUCE RD | ELKO NV | 89801-4491 |
| 00609G003* | BOGUE, CLARENCE E ET AL | COS SUTHERLAND, JAMES ET AL | PO BOX 1731 | ELKO NV | 89803-1731 |
| 00609G012* | ELKO CITY OF | | 1755 COLLEGE AVE | ELKO NV | 89801 |
| 00609G031* | ELKO CITY OF | | 1755 COLLEGE AVE | ELKO NV | 89801 |
| 00609G030* | ELKO CITY OF | | 1755 COLLEGE AVE | ELKO NV | 89801 |
| 00609G009* | ELKO CITY OF | | 1755 COLLEGE AVE | ELKO NV | 89801 |
| 00609G008* | ELKO CITY OF | | 1755 COLLEGE AVE | ELKO NV | 89801 |
| 00609G005* | ELKO CITY OF | | 1755 COLLEGE AVE | ELKO NV | 89801 |
| 00609G027* | ELKO CITY OF | | 1755 COLLEGE AVE | ELKO NV | 89801 |
| 001660106* | ELKO CITY OF | | 1755 COLLEGE AVE | ELKO NV | 89801-3401 |
| 001679010* | ELKO INC | C/O COACH USA INC | 41050 V IDAHO ST | ELKO NV | 89801-9410 |
| 00609G004* | ESM 2 LLC | | PO BOX 2347 | ELKO NV | 89803-2347 |
| 00609G002* | ESM 2 LLC | | 3250 S NDANCE DR | ELKO NV | 89801-7909 |
| 00609G004* | ESM 2 LLC | | PO BOX 2347 | ELKO NV | 89803-2347 |
| 001679011 | GOLDEN GATE PETROLEUM OF NEVADA | | 16580 WEDGE PKWY STE 300 | RENO NV | 89511-3258 |
| 00609G025* | JPL INVESTMENTS LLC | | 1764 W 2900 S | OGDEN UT | 84401-3255 |
| 00609G011* | JPL INVESTMENTS LLC | | 1764 W 2900 S | OGDEN UT | 84401-3255 |
| 00609G010* | JPL INVESTMENTS LLC | | 1764 W 2900 S | OGDEN UT | 84401-3255 |
| 001679015* | KOMATSU MINING CORP | | 135 S 84TH ST, STE 300 | MILWAUKEE WI | 53214 |
| 001679005* | KOMATSU MINING CORP | | 135 S 84TH ST, STE 300 | MILWAUKEE WI | 53214 |
| 001679004* | MILLER, BRUCE & SIDNIE TR | Same as Bar L Ranch | PO BOX 1478 | ELKO NV | 89803-1478 |
| 00609G039* | PETE'S TRAILER PARK LLC | | 6366 RIO VISTA LN | CARSON CITY NV | 89701-9348 |
| 00609G038* | PETE'S TRAILER PARK LLC | | 6366 RIO VISTA LN | CARSON CITY NV | 89701-9348 |
| 00609N008* | PINNACLE INVESTMENTS PART ET AL | | 20 S SANTA CRUZ AVE STE 320 | LOS GATOS CA | 95030-6834 |
| 00609G006* | SUTHERLAND, JAMES N & JANICE I | | PO BOX 1731 | ELKO NV | 89803-1731 |
| 001679013 | SWIRE PACIFIC HOLDINGS INC | | 12634 S 265 W | DRAPER UT | 84020-7930 |

13

Mailed 1/24/19

* = Properties Outside the Original
300 ft radius to Achieve 30 parcels

NOTICE OF PUBLIC HEARING

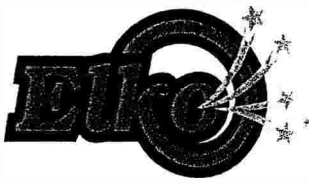
NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, February 5, 2019 beginning at 5:30 P.M. P.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on this matter under consideration in person, by writing, or by representative.

The specific items to be considered under public hearing format are:

- Rezone 1-19, filed by The Defty Family Trust for a change in zoning from AG (General Agricultural) to IC (Industrial Commercial), approximately 27.605 acres of property, specifically APN 001-379-012, located generally on the northwest side of W. Idaho Street, approximately 1,376' northeast of I-80 Exit 298, more particularly described as: A parcel of land located in Section 19, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, more particularly described as follows:
All of Parcel No. 2 as shown on the Parcel Map for Bruce Miller and Sidnie Miller as Trustees of the Bruce & Sidnie Miller Family Trust, Eric Young and Sidnie Miller, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 736178.
The intent of the zone change is to allow for Industrial and Commercial Development.

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

ELKO CITY PLANNING COMMISSION



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

January 22, 2019

Elko County Planning and Zoning
540 Court Street, Suite 104
Elko, NV 89801

Re: Rezone No. 1-19

In accordance with the Communication Policy between the City of Elko and Elko County, the City of Elko hereby notices and advises the Board of County Commissioners of the County of Elko of the City's intention to consider Rezone No. 1-19, filed by Defty Family Trust. Please find enclosed a double-sided copy of the application and related site plan for your review and comment.

The subject property consists of approximately 27.605 acres and is located on the northwest side of W. Idaho Street, approximately 1,376' northeast of I-80 Exit 298, as shown on the enclosed map.

Review by the Elko City Planning Commission is scheduled for February 5, 2019.

Please submit written comments to the City of Elko Planning Department as soon as possible. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue* Elko* Nevada* 89801

(775) 777-7160 phone* (775) 777-7219 fax

RECEIVED

APPLICATION FOR ZONE CHANGE

JAN 15 2019

APPLICANT(s): Spencer & Laura Defty Trustee's Defty Family Trust.
MAILING ADDRESS: PO Box 8608 Woodland CA. 95776
PHONE NO (Home): (530) 662-2042 (Business): (530) 662-2042
NAME OF PROPERTY OWNER (If different): (916) 761-1578
(Property owner's consent in writing must be provided.)
MAILING ADDRESS: Same as Above
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
ASSESSOR'S PARCEL NO.: 001-679-012 Address: 1427 Idaho Street Elko NV.
Lot(s), Block(s), & Subdivision: Old US Hwy 40
Or Parcel(s) & File No. 28, 1st File # 736 178

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Complete applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month).

Fee: A \$500.00 non-refundable filing fee.

Area Map: A map of the area proposed for this zone change must be provided.

Plot Plan: A plot plan provided by a properly licensed surveyor depicting the existing condition drawn to scale showing property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other pertinent information must be provided.

Legal Description: A complete legal description of the boundary of the proposed zone change must be provided as well as a map depicting the area to be changed stating the wording: area to be changed from "x" to "x"; (LI to R, for example).

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

Other Information: The applicant is encouraged to submit other information and documentation to support this Rezone Application.

1. Identify the existing zoning classification of the property: Ag
2. Identify the zoning Classification being proposed/requested: IC
3. Explain in detail the type and nature of the use anticipated on the property: Industrial Commercial For Mining, construction, commercial, and Retail.
Current Interested Parties are looking for opportunity for Mining Equipment
Repair, sales, service center. Trucking companies have expressed for yard space
and office locations.
Given the open space nature of this 28 acre property we anticipate
a mixed use.
4. Explain how the proposed zoning classification relates with other zoning classifications in the area: Both to the west and east there are commercial/Industrial uses.
This is up in the middle that would fit for a mixed use Int'l.
5. Identify any unique physical features or characteristics associated with the property: Uniquely located on Old Hwy 40 and Hwy 80 on a off ramp exit 298
to Hwy 80. This has a great opportunity for low impact High
Revenue for the City of Elko as it is outside the city center.

(Use additional pages if necessary to address questions 3 through 5)

By My Signature below:

- ☒ I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.
- ☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)
- ☒ I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.
- ☒ I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.
- ☒ I have carefully read and completed all questions contained within this application to the best of my ability.

Applicant / Agent Spencer DeFay
(Please print or type)

Mailing Address Po Box 86086
Street Address or P.O. Box

Woodland Ca. 95776
City, State, Zip Code

Phone Number: (916) 761-1578

Email address: salefay@ddge.net

SIGNATURE 

FOR OFFICE USE ONLY

File No.: 1-19 Date Filed: 1/15/19 Fee Paid: \$500 OK# 25618

Exhibit A

RECEIVED

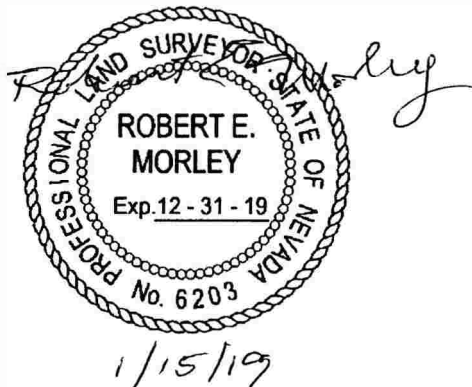
JAN 15 2019

**LEGAL DESCRIPTION
FOR DEFTY FAMILY TRUST
RE-ZONE APPLICATION**

January 15, 2019

A Parcel of land located in Section 19, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, more particularly described as follows:

All of Parcel No. 2 as shown on the Parcel Map for Bruce Miller and Sidnie Miller as Trustees of the Bruce & Sidnie Miller Family Trust, Eric Young and Sidnie Miller, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 736178



DRAWING NUMBER
3378

DRAWING NUMBER

DRAWING NUMBER

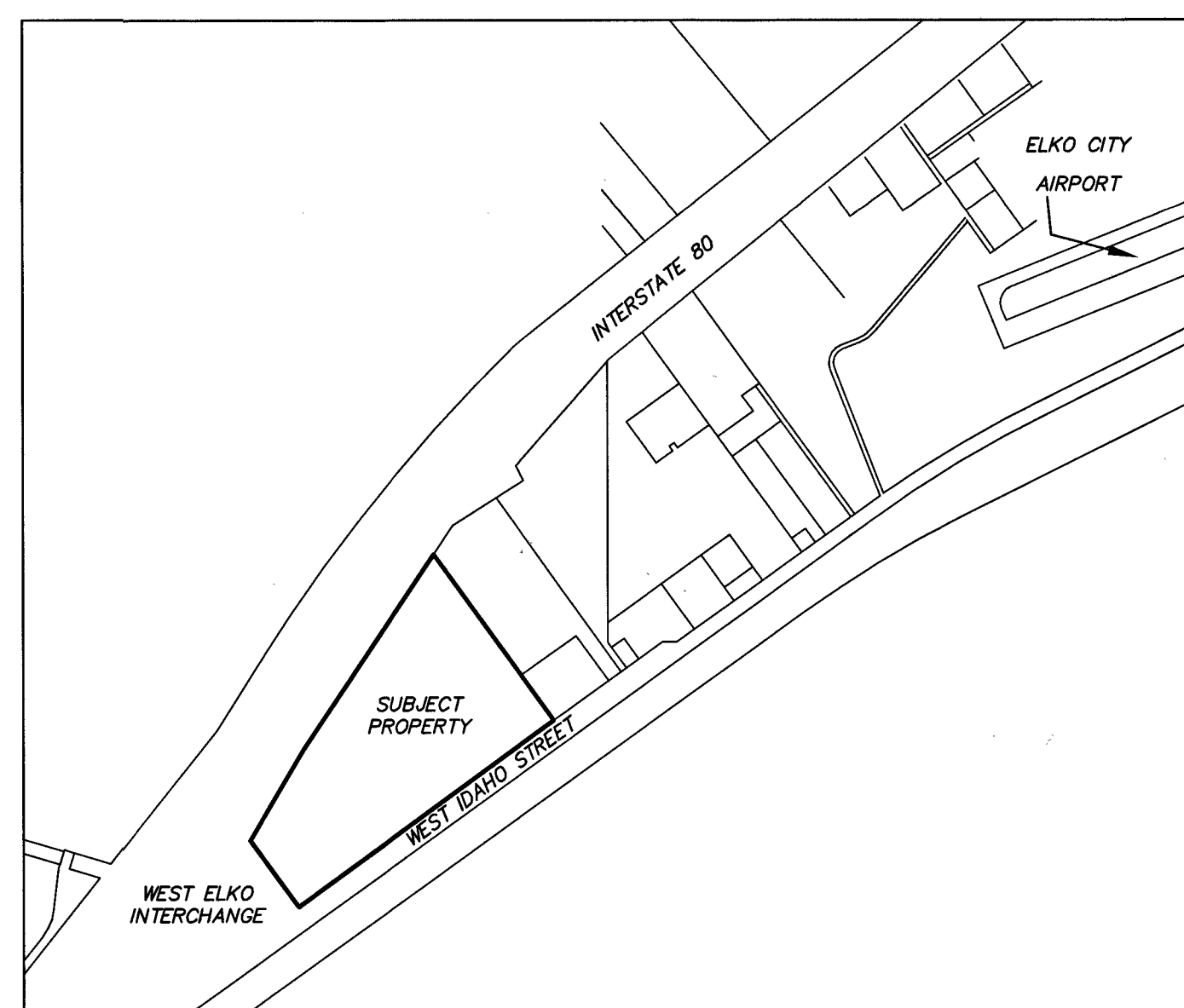
DRAWING NUMBER

EST 1974

SAVED PRODUCTS • NEW HIRE, MINNESOTA

SAVED PRODUCTS • NEW HIRE, MINNESOTA

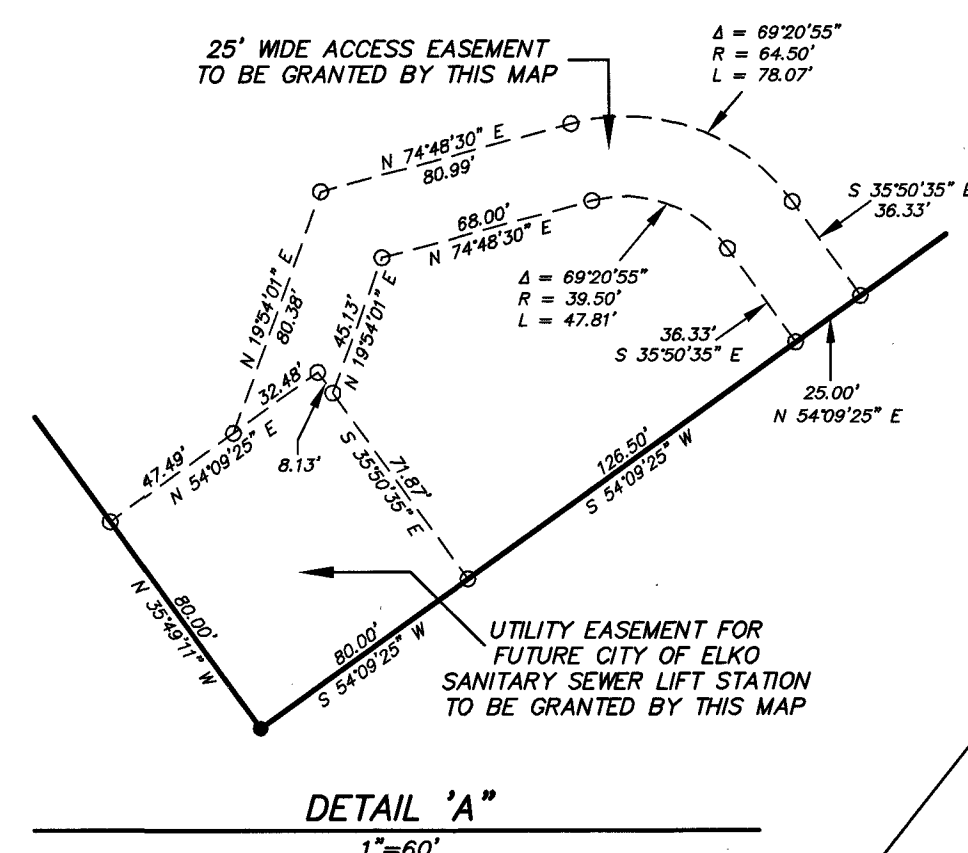
SAVED PRODUCTS • NEW HIRE, MINNESOTA



VICINITY MAP
NOT TO SCALE

APPROVAL - NEVADA DEPT. OF TRANSPORTATION

I, BOYD RATLIFF, P.E., DISTRICT ENGINEER, FOR THE NEVADA DEPARTMENT OF TRANSPORTATION, CERTIFY THAT I REVIEWED AND DO HEREBY APPROVE THIS MAP.
12-11-2017
DISTRICT ENGINEER DATE



DETAIL "A"
1"=60'

COUNTY TREASURER'S CERTIFICATE

I, REBECCA ERICKSON, CERTIFY THAT ALL PROPERTY TAXES ON PARCEL NO. 001-679-003 HAVE BEEN PAID FOR THIS FISCAL YEAR. 2018
Rebecca Erickson for R. Erickson 12/11/17
ELKO COUNTY TREASURER DATE

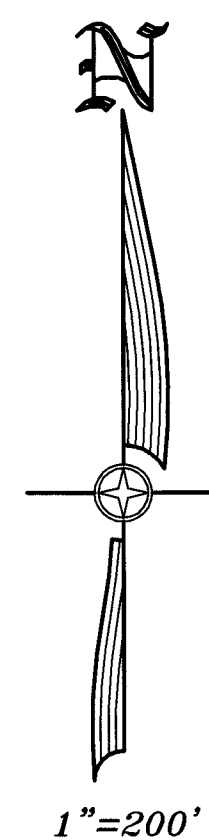
COUNTY ASSESSOR'S CERTIFICATE

I, KATRINKA S. RUSSELL, HEREBY CERTIFY THAT THE ASSESSOR'S PARCEL NUMBER SHOWN ON THIS PLAT ARE CORRECT AND THAT THE PROPOSED PARCELS ARE A DIVISION OF SAID ASSESSOR'S PARCEL NO. 001-679-003.
K.S. Russell by Joyce Wilson 12/11/17
ELKO COUNTY ASSESSOR DATE

LEGEND

- = FOUND NEVADA DEPARTMENT OF TRANSPORTATION MONUMENT AS NOTED
- = SET 5/8" REBAR WITH CAP MARKED PLS 6203.
- = FOUND 5/8" REBAR WITH CAP MARKED PLS 5072 UNLESS OTHERWISE NOTED.
- ◆ = FOUND SECTION CORNER AS NOTED
- ◇ = FOUND 1/4 SECTION CORNER AS NOTED
- = CALCULATED POINT ONLY, NOTHING FOUND, NOTHING SET

See #736177
RE: California Notary



EXISTING SHEEP TRAIL
ROAD GRADE
SEPARATION STRUCTURES

1"=200'

INTERSTATE ROUTE 80

INTERSTATE ROUTE 80

INTERSTATE ROUTE 80

INTERSTATE ROUTE 80

INTERSTATE ROUTE 80

INTERSTATE ROUTE 80

EXISTING SHEEP TRAIL
ROAD GRADE
SEPARATION STRUCTURES

FOUND 1/2" REBAR

FOUND 1/2" REBAR

FOUND 1/2" REBAR

FOUND 1/2" REBAR

FOUND 1/2" REBAR

FOUND 1/2" REBAR

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FOUND 1/2" REBAR

FOUND 1/2" REBAR

FOUND 1/2" REBAR

PARCEL NO. 2
27.605 ACRES

PARCEL NO. 1
7.821 ACRES

PARCEL NO. 1
7.821 ACRES

PARCEL NO. 1
7.821 ACRES

PARCEL NO. 1
7.821 ACRES

PARCEL NO. 1
7.821 ACRES

PUBLIC IMPROVEMENT NOTE:

PUBLIC IMPROVEMENTS ALONG PARCEL NO. 1 SHALL BE REQUIRED AT THE TIME OF PROPERTY DEVELOPMENT. PUBLIC IMPROVEMENTS ALONG PARCEL NO. 2 SHALL BE REQUIRED AT THE TIME OF PROPERTY DEVELOPMENT OF PARCEL NO. 2, OR SUBSEQUENT PARCELING OF PARCEL NO. 2.

FLOOD NOTE:

THE PARCELS SHOWN ON THIS MAP DO NOT LIE WITHIN A FEMA SPECIAL FLOOD HAZARD AREA. THE PARCELS ARE LOCATED IN AREAS DEFINED AS "OTHER AREAS - UNSHADED ZONE X". THESE AREAS ARE DEFINED ON THE FLOOD INSURANCE RATE MAP 3200705625E, EFFECTIVE SEPTEMBER 4, 2013, AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. FLOOD INSURANCE IS NOT REQUIRED FOR PROPERTIES IN "OTHER AREAS - UNSHADED ZONE X".

NOTES:

- 1) THE TOTAL SUBDIVIDED AREA OF THIS MAP EQUALS 35.426 ACRES.
- 2) BASIS OF BEARINGS: GPS OBSERVATIONS BASED ON THE CITY OF ELKO NAD 83 MODIFIED STATE PLANE CONTROL NETWORK.
- 3) IN ADDITION TO ANY EASEMENTS SHOWN, THE PARCELS SHOWN ARE SUBJECT TO 10.00 FT. PUBLIC UTILITY AND DRAINAGE EASEMENTS ALONG ALL FRONT, SIDE AND REAR BOUNDARY LINES.
- 4) A PUBLIC UTILITY EASEMENT IS HEREBY GRANTED SPECIFICALLY TO NV ENERGY WITHIN EACH PARCEL FOR THE EXCLUSIVE PURPOSE OF INSTALLING AND MAINTAINING UTILITY SERVICE FACILITIES TO THAT PARCEL, WITH THE RIGHT TO EXIT THAT PARCEL WITH SAID UTILITY FACILITIES FOR THE PURPOSE OF SERVING ADJACENT PARCELS, AT LOCATIONS MUTUALLY AGREED UPON BY THE OWNER OF RECORD AT THE TIME OF INSTALLATION AND THE UTILITY COMPANY.
- 5) A PUBLIC UTILITY EASEMENT IS HEREBY GRANTED SPECIFICALLY TO SOUTHWEST GAS CORP. WITHIN EACH PARCEL FOR THE EXCLUSIVE PURPOSE OF INGRESS/EGRESS, INSTALLING, MAINTAINING, INSPECTING AND REPAIRING UTILITY FACILITIES WHICH PROVIDE SERVICE TO THAT PARCEL, WITH THE RIGHT TO EXIT THAT PARCEL WITH ADDITIONAL UTILITY FACILITIES FOR THE PURPOSE OF SERVING ADJACENT PARCELS. RIGHTS ARE ALSO GRANTED TO USE EXISTING PUBLIC RIGHTS-OF-WAY FOR THE PURPOSE OF MAINTAINING, INSTALLING, INSPECTING AND REPAIRING SAID UTILITY FACILITIES.

OWNERS CERTIFICATE

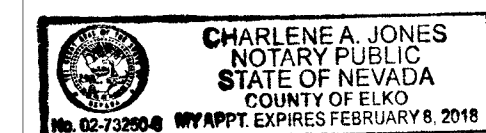
KNOWN OF ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, SIDNIE MILLER, INDIVIDUALLY, AND ERIC YOUNG, INDIVIDUALLY, BEING THE OWNERS OF THOSE PARCELS AS SHOWN ON THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR DEDICATION ALL OF THE EASEMENTS FOR PUBLIC ACCESS AND PUBLIC UTILITY PURPOSES AS DESIGNATED HEREON. IN WITNESS WE, THE OWNERS, SET OUR HANDS ON THE DATE SHOWN.

SIDNIE MILLER, INDIVIDUALLY 1/4/18
ERIC YOUNG, INDIVIDUALLY 1/11/2018
DATE

STATE OF NEVADA
COUNTY OF ELKO

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 4th DAY OF January, 2018, BY SIDNIE MILLER.

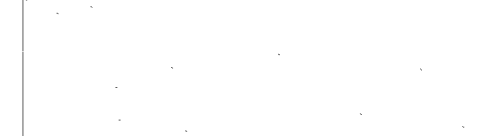
Charles A. Jones
NOTARY PUBLIC



STATE OF NEVADA
COUNTY OF ELKO

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 4th DAY OF January, 2018, BY ERIC YOUNG.

NOTARY PUBLIC



FILING DATA

FILE NO. 736178
FILED AT THE REQUEST OF HIGH DESERT ENGINEERING.
DATE January 24, 2018
TIME 9:14 A.M.

Shirley Jones Deputy Recorder
BLAINE SNALES
ELKO COUNTY RECORDER

OWNERS CERTIFICATE

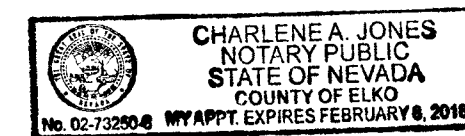
KNOWN OF ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BRUCE MILLER AND SIDNIE MILLER, TRUSTEES OF THE BRUCE & SIDNIE MILLER FAMILY TRUST, DATED APRIL 15, 2015, BEING THE OWNERS OF THOSE PARCELS AS SHOWN ON THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR DEDICATION ALL OF THE EASEMENTS FOR PUBLIC ACCESS AND PUBLIC UTILITY PURPOSES AS DESIGNATED HEREON. IN WITNESS WE, THE OWNERS, SET OUR HANDS ON THE DATE SHOWN.

BRUCE & SIDNIE MILLER FAMILY TRUST
BY: Bruce Miller 1-4-18
SIDNIE Miller 1/4/18
DATE

STATE OF NEVADA
COUNTY OF ELKO

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 4th DAY OF January, 2018, BY BRUCE MILLER, TRUSTEE OF THE BRUCE & SIDNIE MILLER FAMILY TRUST.

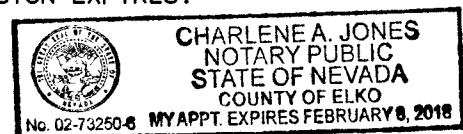
Charles A. Jones
NOTARY PUBLIC IN AND FOR THE STATE OF NEVADA
MY COMMISSION EXPIRES: Feb. 8, 2018



STATE OF NEVADA
COUNTY OF ELKO

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 4th DAY OF January, 2018, BY SIDNIE MILLER, TRUSTEE OF THE BRUCE & SIDNIE MILLER FAMILY TRUST.

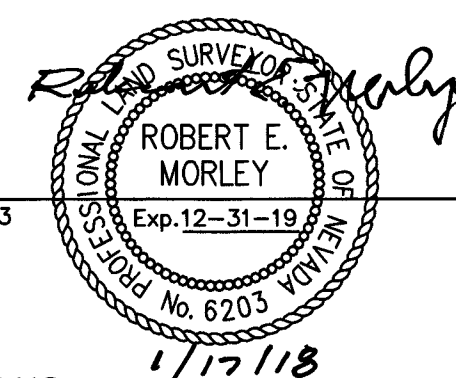
Charles A. Jones
NOTARY PUBLIC IN AND FOR THE STATE OF NEVADA
MY COMMISSION EXPIRES: Feb. 8, 2018



SURVEYOR'S CERTIFICATE

I, ROBERT E. MORLEY, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF NEVADA, CERTIFY THAT:

1. THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF BRUCE MILLER AND SIDNIE MILLER, TRUSTEES OF THE BRUCE & SIDNIE MILLER FAMILY TRUST.
2. THE LANDS SURVEYED LIE WITHIN SECTIONS 19 & 30, T.34 N., R.55 E., M.D.B. & M., AND THE SURVEY WAS COMPLETED ON MAY 18, 2017.
3. THIS PLAT COMPLIES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE GOVERNING BODY GAVE ITS FINAL APPROVAL.
4. THE MONUMENTS DEPICTED ON THE PLAT ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED AND ARE OF SUFFICIENT NUMBER AND DURABILITY.



ROBERT E. MORLEY, P.L.S. 6203

APPROVAL - CITY OF ELKO

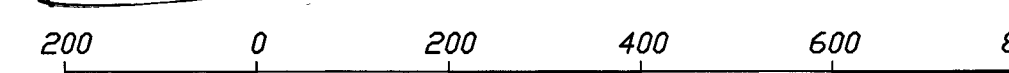
ON THE 18th DAY OF January, 2017, THIS MAP WAS APPROVED FOR SUBDIVISION PURPOSES PURSUANT TO N.R.S. 278.461 - 278.469 INCLUSIVE AND ANY APPLICABLE LOCAL ORDINANCES; AND ANY OFFERS OF DEDICATION SHOWN HEREON WERE ACCEPTED FOR PUBLIC USE.

City Engineer or Engineering Representative 1/18/18
City Planner or Planning Representative 1/18/18
DATE

APPROVAL - PUBLIC UTILITIES

THE PUBLIC UTILITY EASEMENTS, AS DESIGNATED HEREON, ARE APPROVED BY THE RESPECTIVE UTILITIES EXECUTING BELOW.

Frontier Communications 1-2-18
Sierra Pacific Power Company, D/B/A/ NV ENERGY 12/14/17
Southwest Gas Corp. 12/11/17
SatView Broadband 12/12/17
DATE



SCALE: 1"=200'

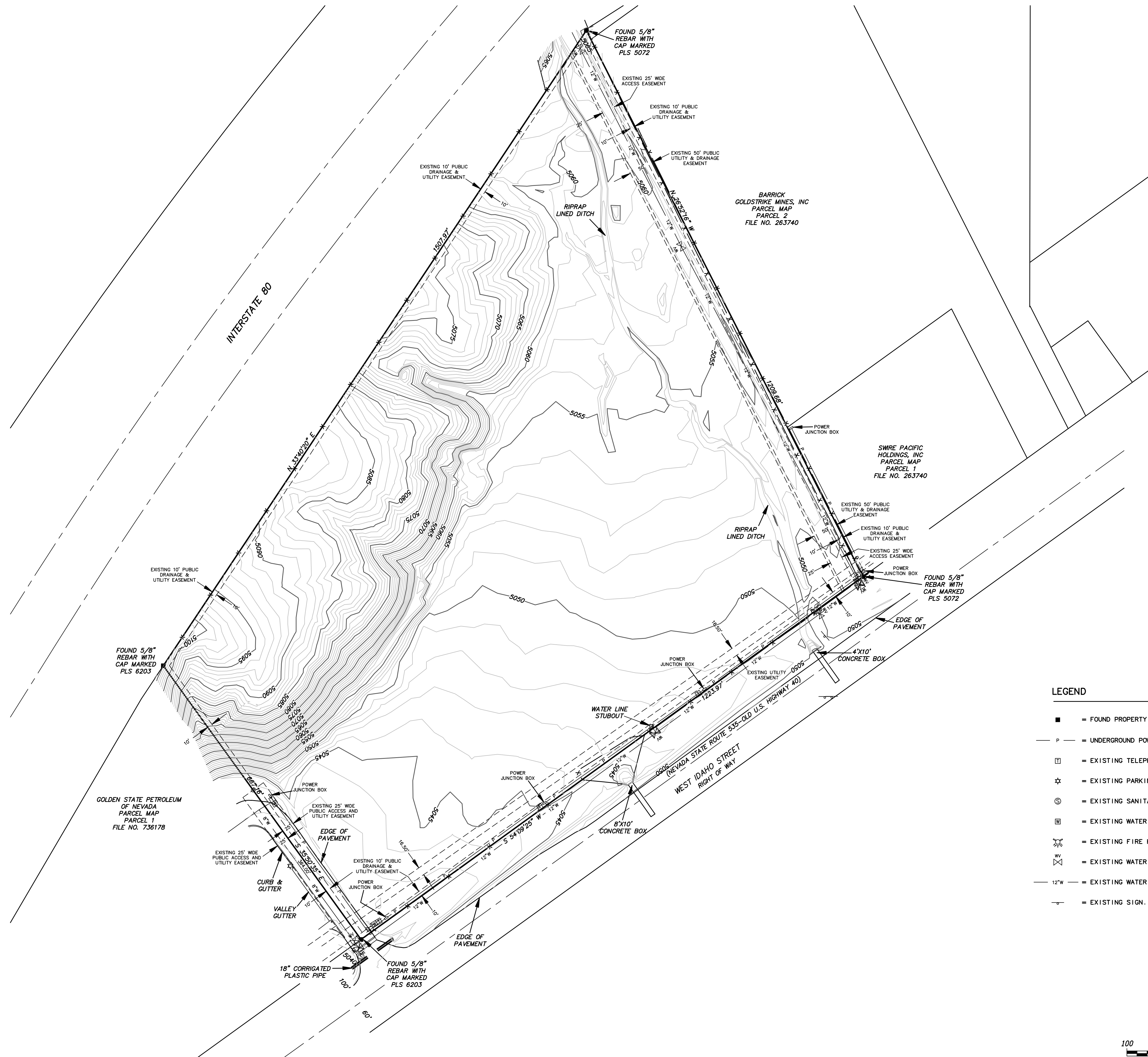
PARCEL MAP











FOR
BRUCE MILLER AND SIDNIE MILLER, AS TRUSTEES
OF THE BRUCE & SIDNIE MILLER FAMILY TRUST
ERIC YOUNG & SIDNIE MILLER
SECTIONS 19 & 30, T.34 N., R.55 E., M.D.B. & M.
CITY OF ELKO, NEVADA

HIGH DESERT
ENGINEERING, LLC
640 IDAHO STREET
ELKO, NEVADA 89801
(775) 738-4053


217037

3378



-  = FOUND PROPERTY CORNER, AS NOTED.
-  = UNDERGROUND POWER LINE.
-  = EXISTING TELEPHONE PEDESTAL.
-  = EXISTING PARKING LOT LIGHT.
-  = EXISTING SANITARY SEWER MANHOLE.
-  = EXISTING WATER IRRIGATION BOX.
-  = EXISTING FIRE HYDRANT.
-  = EXISTING WATER VALVE.
-  = EXISTING POWER LINE.
-  = EXISTING SIGN.



| | | | | | | | | | | | | | |
|--|--|---|---|--|---|--|--|--|------------|------------|-------------------|----------|--------------|
| <div><div>HIGH DESERT ENGINEERING LLC</div></div> | | CONSULTING, ENGINEERING & SURVEYING 640 IDAHO STREET ELKO, NEVADA 89801 (775) 738-4053 | SCALE: HORIZ. 1"=100' VERT. _____ JOB No. 5714 | | DEFTY PROPERTIES WEST EXIST TOPOGRAPHY EXISTING TOPOGRAPHY ELKO ELKO COUNTY NEVADA | | DESIGNED BY: _____ DRAWN BY: BAW CHECKED BY: REM DATE: DECEMBER, 2018 | | REV. _____ | DATE _____ | DESCRIPTION _____ | BY _____ | APP'D. _____ |
| SHEET 1 OF 1 | | DWG. No. 210262 | | | | | | | | | | | |

**Elko City Planning Commission
Agenda Action Sheet**

1. **Review, consideration, and possible action of Conditional Use Permit No. 1-19, filed by Sundance Mini Storage, LP, which would allow for a mini storage facility, recreational vehicle storage, and U-Haul rental and storage within a C (General Commercial) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 5, 2019**
3. Agenda Category: **NEW BUSINESS, PUBLIC HEARINGS**
4. Time Required: **15 Minutes**
5. Background Information: **CUP 8-15 was approved on October 6, 2015 for the development of the mini storage units. The property owner is now proposing an expansion of the development to include storage of recreational vehicles and U-Haul rentals and storage which will require a new CUP.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report**
8. Recommended Motion: **Move to conditionally approve Conditional Use Permit 1-19 based on the facts, findings and conditions presented in Staff Report dated January 18, 2019.**
9. Findings: **See staff report dated January 18, 2019**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **Andrew Knudsen
3701 Sundance Dr.
Elko, NV 89801**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 2/5

Do not use pencil or red pen, they do not reproduce

Title: Conditional Use Permit 1-19

Applicant(s): Sundance Mini Storage, LP

Site L o c 370 i Sundance Dr - APNs 001-01E-039 + 040

Current Zoning: C Date Received: 1/15/19 Date Public Notice: 1/25/19

COMMENT: This is to allow for a mini storage facility, recreational vehicle storage, and U-Haul rental and storage within a C Zoning District.

If additional space is needed please provide a separate memorandum

Assistant City Manager: 1/29/19

Recommend approval as presented by staff

SAW

Initial

City Manager: Date: 1/30/19

No comments/concerns.

ce

Initial



City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7119

CITY OF ELKO STAFF REPORT

| | |
|----------------------------------|------------------------------------|
| DATE: | January 18, 2019 |
| PLANNING COMMISSION DATE: | February 5, 2019 |
| AGENDA ITEM NUMBER: | I. A. 2 |
| APPLICATION NUMBER: | Conditional Use Permit 1-19 |
| APPLICANT: | Sundance Mini Storage, LP |
| PROJECT DESCRIPTION: | 3701 Sundance Drive |

Within the C general commercial zoning district, storage units shall be required to first obtain a conditional use permit. A conditional use permit is required for every new development on a lot or parcel in the C general commercial zoning district which abuts a residential zoning district. The property owner is proposing an expansion to the existing development and approved CUP.



STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to findings of fact, and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: APN 001-01E-040

PROPERTY SIZE: 4.128 acres, 6.764 acres with approval of BLA 1-19

EXISTING ZONING: C –General Commercial

MASTER PLAN DESIGNATION: (COMM-HWY) Commercial Highway

EXISTING LAND USE: 4.128 acres developed as Sundance Mini Storage

NEIGHBORHOOD CHARACTERISTICS:

- } North: Commercial Transitional / Developed
- } East: Commercial / Developed
- } South: Residential Suburban and Elko County / Developed
- } West: Commercial and Residential Suburban / Undeveloped and Developed

PROPERTY CHARACTERISTICS:

- } The property is currently developed with Sundance Mini Storage units and undeveloped in the area which is proposed for the expansion by BLA application 1-19.
- } The property is fairly flat.
- } The property is accessed from Sundance Drive.
- } The property has frontage along Mountain City Highway which is NDOT jurisdiction.
- } The property is not in a flood zone.

APPLICABLE MASTER PLANS AND CITY CODE SECTIONS:

- } City of Elko Master Plan-Land Use Component
- } City of Elko Master Plan-Transportation Component
- } City of Elko Redevelopment Plan
- } City of Elko Wellhead Protection Plan
- } City of Elko Code 3-2-3 General Provisions
- } City of Elko Code 3-2-4 Establishment of Zoning Districts
- } City of Elko Code 3-2-10 Commercial Zoning District
- } City of Elko Code 3-2-17 Traffic, Access, Parking and Loading Regulations
- } City of Elko Code 3-2-18 Conditional Use Permits
- } City of Elko Code 3-8 Flood Plain Management

BACKGROUND INFORMATION

- } The applicant is the owner of the property.
- } The property is zoned C- General Commercial.
- } The application for the Conditional Use Permit was filed as required under City Code 3-2-10(B)(4) and 3-2-10(B)(8).
- } Conditional use permit 8-15 was approved by Planning Commission on October 6, 2015 for the mini storage units in a Commercial zoned district.

- J Conditional use permit 8-15 was granted for 378 storage units comprised of 9 building and 1 office building. To date, 8 storage buildings have been completed, the final building has been started with the slab complete. The Developer improved on the site development with the addition of wrought iron fencing and concrete on the State Route 227 property line over the use of the building as a screen. Additionally, the developer has satisfied 15 of the prior conditions. Condition not satisfied is the pedestrian access easement for the sidewalk along Mountain City Highway that was built on private property. The condition for landscaping as a buffer between the residential properties was satisfied with the rock landscaping as the Utility Department doesn't want trees planted along the sewer line in that easement. Lighting for the property as conditioned, has only partially been satisfied as the power for building D & H comes from Building I which is the final building. The lighting is currently on the ends of buildings G and E and will be relocated away from the residential property when power is supplied to building D.
- J The applicant is proposing to expand the property by Boundary Line Adjustment application 1-19.
- J The applicant is proposing to use the new expanded area for recreational vehicle storage as well as U-Haul rentals and storage.
- J The property is not located in the Redevelopment Area.

MASTER PLAN

Land Use

1. The Master Plan Land Use Atlas shows the area as Commercial Highway.
2. C- General Commercial is listed as a corresponding zoning district for Commercial Highway in the Master Plan Land Use.
3. Objective 6: Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
4. Objective 8: Encourage new development that does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

The conditional use is in conformance with the Land Use Component of the Master Plan.

Transportation

1. The Master Plan identifies Sundance Drive as Residential Collector. There is no access from Mountain City Highway into the property.
2. The site has pedestrian access along Mountain City Highway as well as Sundance Drive.
3. The existing property meets the goals listed in the Master Plan Transportation Document as Best Practice Objective 1; Provide a balanced transportation system that accommodates vehicle, bicycles, and pedestrians, while being sensitive to, and supporting the adjacent land uses.

The conditional use is in conformance with the Transportation Component of the Master Plan and existing transportation infrastructure.

ELKO WELLHEAD PROTECTION PLAN

The property is located outside the 30-year capture zone for City wells.

The conditional use is in conformance with the Wellhead Protection Plan.

SECTION 3-2-3 GENERAL PROVISIONS

Section 3-2-3 (C) 1 of City code specifies use restrictions. The following use restrictions shall apply.

1. Principal Uses: Only those uses and groups of uses specifically designated as “principal uses permitted” in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited as principal uses
2. Conditional Uses: Certain specified uses designated as “conditional uses permitted” may be permitted as principal uses subject to special conditions of location, design, construction, operation and maintenance hereinafter specified in this chapter or imposed by the planning commission or city council.
3. Accessory Uses: Uses normally accessory and incidental to permitted principal or conditional uses may be permitted as hereinafter specified.

Other uses may apply under certain conditions with application to the City.

1. Section 3-2-3(D) states that “No land may be used or structure erected where the land is held by the planning commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety and general welfare of the community. The planning commission, in applying the provisions of this section, shall state in writing the particular facts upon which its conclusions are based. The applicant shall have the right to present evidence contesting such determination to the city council if he or she so desires, whereupon the city council may affirm, modify or withdraw the determination of unsuitability.”

The proposed use is required to have an approval as a conditional use to be in conformance with ECC 3-2-3 as required in ECC 3-2-10(B).

SECTION 3-2-3(J)

Required Screen Walls: Under certain conditions, the planning commission may require screen walls to separate incompatible uses; e.g., separation of abutting or industrial uses and residential uses.

The existing site layout and development included a separation between uses of 20 feet abutting the one residential parcel to the west and the rear of the building served as a screen beyond that point. The existing site layout and development to the south included a separation of uses of 60 feet comprised of easement area and the rear of the building served as screen beyond that point.

A screen wall or screen fencing is not shown on the site plan along the south property line abutting the residential district within the proposed expansion area. The site indicates an undefined screen wall or fencing along the north and west property lines.

The Planning Commission is required to determine if a screen wall or screen fencing is necessary and approve of the type of screening if proposed.

SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS

1. Section 3-2-4(B) Required Conformity To District Regulations: The regulations set forth in this chapter for each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as provided in this subsection.
2. Section 3-2-4(B)(4) stipulates that no yard or lot existing on the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth in this title.

The proposed use is in conformance with Elko City Code 3-2-4.

SECTION 3-2-10 COMMERCIAL DISTRICTS

1. Section 3-2-10(B)(4) Commercial Storage Units are listed as a permitted conditional use.
2. Section 3-2-10(B)(8) Commercial Zone Abutting Residential Zone: A conditional use permit pursuant to section [3-2-18](#) of this chapter is required for every new development on a lot or parcel in the C general commercial zoning district which abuts a residential zoning district. All such developments are subject to the screen wall requirements set forth in subsection [3-2-3J](#) of this chapter.
3. Height Restrictions: All structures within the C general commercial zoning district must comply with the height and other requirements of the current city airport master plan, to the extent the plan applies to that location.
4. The property does abut a residential zone so therefore is subject to the screen wall requirements set forth in subsection 3-2-3(J).
5. Development of the property is required to be in conformance with City code and conditions for the CUP.

The proposed use is in conformance with Elko City Code 3-2-10.

SECTION 3-2-17 TRAFFIC, ACCESS, PARKING AND LOADING REGULATIONS

1. Conformance with this section is required. The current facility is in conformance and will be evaluated with plan submittal for the expanded uses.

The proposed use conforms to section 3-2-17 of Elko city code.

SECTION 3-2-18 CONDITIONAL USE PERMITS

General Regulations:

1. Certain uses of land within designated zoning districts shall be permitted as principal uses only upon issuance of a conditional use permit. Subject to the requirements of this chapter, other applicable chapters, and where applicable to additional standards established by the Planning Commission, or the City Council, a conditional use permit for such uses may be issued.
2. Every conditional use permit issued, including a permit for a mobile home park, shall automatically lapse and be of no effect one (1) year from the date of its issue unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.
3. Every conditional use permit issued shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with

the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.

4. Conditional use permits shall be reviewed from time to time by City personnel. Conditional use permits may be formally reviewed by the Planning Commission. In the event that any or all of the conditions of the permit or this chapter are not adhered to, the conditional use permit will be subject to revocation.

3-8 FLOOD PLAIN MANAGEMENT

The parcel is not located within a designated flood plain.

FINDINGS

1. The conditional use is in conformance with the Land Use Component of the Master Plan.
2. The conditional use is in conformance with the Transportation Component of the Master Plan and existing transportation infrastructure.
3. The conditional use is in conformance with the Wellhead Protection Plan.
4. Approval of the Conditional Use Permit is required for the proposed use to be in conformance to section 3-2-10 of the Elko city code.
5. Approval of the Conditional Use Permit is required for the proposed use to be in conformance with sections 3-2-3, 3-2-4, 3-2-17, and 3-2-18 of the Elko city code.
6. The proposed use conforms to section 3-8 of Elko city code.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of CUP 1-19 with the following conditions:

1. The permit is granted to the applicant Sundance Mini Storage, LP allowing for the development of commercial storage units, recreation vehicle storage and U-Haul rentals and storage.
2. The permit shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.
3. The conditional use permit shall automatically lapse and be of no effect one year from the date of its issue unless the permit holder is actively engaged in developing the specific property in use for which the permit was issued.
4. CUP 1-19 to be recorded with the Elko County Recorder within 90 days after the commencement of the expansion to the current facility.

5. A landscaping plan is required. All landscaping required by Elko City Code shall be maintained in a manner acceptable to the City of Elko at all times by the property owner.
6. The development of curb, gutter and sidewalk along Mountain City Highway is hindered by a pet cemetery located in NDOT right of way. A 5' wide sidewalk shall be installed in a pedestrian easement along the Mountain City Highway frontage. The property owner will be required to request a waiver for curb and gutter along Mountain City Highway based on the information provided by NDOT.
7. Lighting of the property shall be cut-off shielded lighting and directed away from the residential properties. Site lighting complying with 3-2-17 shall be presented to meet the code furthest away from the residential properties.
8. Access to the property shall be limited to Sundance Drive as shown on the plans.
9. A screen-wall or fencing is required unless determined otherwise by the Planning Commission. This condition is to be clarified by the Planning Commission on the type of screen wall or fencing that is necessary and acceptable.
10. BLA 1-19 be approved and recorded at the Elko County Recorder's office.
11. Expanded area to have an all-weather surface such as base with a minimum of 6" deep in all areas outside of designated fire department access areas.

Fire Department Conditions:

1. IFC D102.1 Access and Loading: Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.
2. IFC 503.1.2 Additional access: The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.
3. IFC Appendix C - Fire Hydrants need to be shown on plan review and needed for new area proposed.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 30, 2019

Andrew Knudsen
3701 Sundance Drive
Elko, NV 89801

Re: Conditional Use Permit No. 1-19 and Temporary Use Permit No. 1-19

Dear Applicant/Agent:

Enclosed is a copy of the agenda for an upcoming Planning Commission meeting. Highlighted on the agenda is an item or items that you have requested to be acted on at the meeting. Also enclosed is pertinent information pertaining to your request. Please review this information before the meeting.

The Planning Commission requests that you, or a duly appointed representative, be in attendance at this meeting to address the Planning Commission. If you will not be able to attend the meeting but wish to have a representative present, please submit a letter to the Planning Commission authorizing this person to represent you at the meeting.

If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

CC:

CUP 1-19 Sundance Mini Storage

| YPNO | PANAME | PMADD1 | PMADD2 | PMCTST | PZIP |
|-----------|-------------------------------|---------|-------------------------|--------------|------------|
| 00101F044 | 3607 AUTUMN COLORS LLC | | 3220 PARAGON POINTE ST | LAS VEGAS NV | 89129-6702 |
| 00609F006 | ALANIS, JUSTIN R | | 3713 SUNDANCE DR | ELKO NV | 89801-4784 |
| 00101E042 | ALLSUP, JOHN MONROE ET AL | | 1523 TAMARACK RD | ELKO NV | 89801 |
| 00101E041 | ANDERSON, CHAD L & KIMBERLY D | | 1529 TAMARACK RD | ELKO NV | 89801 |
| 00101F260 | ASUSTA, BRYAN S | | PO BOX 1838 | ELKO NV | 89803-1838 |
| | AUTUMN COLORS HOMEOWNERS | } 1p.c. | | | |
| 00101F083 | ASSOC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| | AUTUMN COLORS HOMEOWNERS | | | | |
| 00101F261 | ASSOC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F367 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F378 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F377 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F359 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F366 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F362 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F363 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F361 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F364 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F360 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F365 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F351 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F354 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F356 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F352 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F350 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F347 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F348 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F349 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F358 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F355 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F353 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101F357 | AUTUMN COLORS LLC | | 780 W SILVER ST STE 104 | ELKO NV | 89801-3820 |
| 00101E025 | AVERY, BRETT K & KATHLEEN A | | 2000 ROYAL CREST DR | ELKO NV | 89801-4925 |

00101F238 BAILEY, DAVID } 1 p.c.
 00101F247 BAILEY, DAVID }
 00101F039 BAILEY, JAMES A ET AL
 00101F241 BAILEY, JONATHAN D TR
 00101F045 BAILEY, JONATHAN D TR
 00101F055 BAILEY, JOSEPH E
 00101E027 BALOK, KELLY & JEANIE
 00101F244 BECKSTEAD, JACE C
 00101F064 BROVKO, SVITLANA S TR
 00101E031 CHACON, VINCENT & ALICE
 00101F249 CZEREPAK, LIDIA
 00101F252 DALTON, LINDSEY
 00101F059 DUNLAP, TYLER D
 00101F037 EGBERT, DANIEL G & CAROL N
 00609F025 ESTRADA, MARIO & AMY
 00101F061 FISHER, MICHAEL P TR
 00101F250 FRANCOIS, MITCHELL J
 00101F246 FRARY, KAITLIN
 00101F060 GIGNAC, BRANDON G
 00101F062 GOMEZ, MARIANO JUNIOR
 00101F051 GRESS, CHERYL
 00101F254 GUITAR, CHERISH S
 00101F245 GUSKY, SARINA K
 00101F237 HANNAH, STEVE
 00101F239 HEBERLEIN, ERICA
 00101F057 HERNANDEZ, JORGE & NATALIE
 00609B001 HERR, ROY & KIM
 00101F038 HINES, CAROLYN ARLENE
 00101F058 IDLER, NICOLE
 00101F050 ISERNHAGEN, PATRICIA A TR
 00101F243 JACAWAY, GARY L & ROBIN L
 00101F259 JEFFRESS, MARY PAIGE & JAMES B
 00101F054 JENKINS, REBECCA A
 00101F253 KEATEN, RENDY TR

355 BLAKELAND DR
 355 BLAKELAND DR
 188 BELLWOOD DR
 3915 LAKEMOORE CIR
 2820 DANA KRISTIN LN
 558 SPRING CREEK PKWY
 2035 ROYAL CREST DR
 PO BOX 1387
 3553 AUTUMN COLORS DR
 1578 TAMARACK RD
 3741 AUTUMN COLORS DR
 3735 AUTUMN COLORS DR
 3543 AUTUMN COLORS DR
 3631 AUTUMN COLORS DR
 1515 TAMARACK RD
 1689 AMBER WAY
 3739 AUTUMN COLORS DR
 3761 AUTUMN COLORS DR
 3545 AUTUMN COLORS DR
 3549 AUTUMN COLORS DR
 3573 AUTUMN COLORS DR
 3731 AUTUMN COLORS DR
 3759 AUTUMN COLORS DR
 3801 AUTUMN COLORS DR
 3797 AUTUMN COLORS DR
 605 CARL WAY
 372 MOUNTAIN CITY HWY UNIT 11
 3629 AUTUMN COLORS DR
 3557 AUTUMN COLORS DR
 8320 SPINNAKER COVE DR
 780 W SILVER ST STE 104
 2433 PUCCINELLI PKWY
 3565 AUTUMN COLORS DR
 3733 AUTUMN COLORS DR

SPRING CREEK NV 89815-6010
 SPRING CREEK NV 89815-6010
 SPRING CREEK NV 89815-5313
 RENO NV 89509
 RENO NV 89503-4949
 SPRING CREEK NV 89815-5317
 ELKO NV 89801-4925
 CARLIN NV 89822-1387
 ELKO NV 89801-7800
 ELKO NV 89801
 ELKO NV 89801-7805
 ELKO NV 89801-7805
 ELKO NV 89801-7800
 ELKO NV 89801-7801
 ELKO NV 89801-7906
 ELKO NV 89801-4160
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 ELKO NV 89801-4471
 ELKO NV 89801-9517
 ELKO NV 89801-4856
 ELKO NV 89801-7800
 LAS VEGAS NV 89128-7727
 ELKO NV 89801-3820
 ELKO NV 89801-5031
 ELKO NV 89801-7800
 ELKO NV 89801-7805

| | | | | | |
|-----------|---------------------------------|-------------------|------------------------------|---------------|------------|
| 00101A021 | KLO GLOBAL LLC | | PO BOX 339 | ELKO NV | 89803-0339 |
| 00101F251 | KROUPA, ROBIN R | | 3737 AUTUMN COLORS DR | ELKD NV | 89801-7805 |
| 00609F027 | LEONIS, ALICIA E | | 3721 SUNDANCE DR | ELKO NV | 89801-4784 |
| 00101F248 | LIBRO, DENNIS & MARY | | 7485 ALLEN RD | WINNEMUCCA NV | 89445-8224 |
| 00609B088 | LIPPARELLI, BARRY W & LYNN M TR | | 517 IDAHO ST | ELKD NV | 89801-3756 |
| 00609B087 | LIPPARELLI, BARRY W & LYNN M TR | | 207 MOUNTAIN CITY HWY UNIT 6 | ELKO NV | 89801-9514 |
| 00101F041 | MASON, RICHARD D & ASHLEE C | | 3601 AUTUMN COLORS DR | ELKO NV | 89801-7801 |
| 00101F256 | MATLOCK, JORDAN N | | 3697 AUTUMN COLORS DR | ELKD NV | 89801-7801 |
| 00101F257 | MCPHIE, AIMEE | | 3699 AUTUMN COLORS DR | ELKO NV | 89801-7801 |
| 00101F042 | MEYERS, SHANLEE | | 3603 AUTUMN COLORS DR | ELKO NV | 89801-7801 |
| 00101F255 | MONSON, WILLARD & SUSAN | | 3695 AUTUMN COLORS DR | ELKD NV | 89801-7801 |
| 00101F053 | MORRIS, TYE R | | 3567 AUTUMN COLORS DR | ELKO NV | 89801 |
| 00101F052 | NOTESTINE, BRANDIE | | 3571 AUTUMN COLORS DR | ELKO NV | 89801-7800 |
| | | C/O THERESA M | | | |
| | | PORTWOOD | | | |
| 00609F030 | PORTWOOD, BRUCE E TR ET AL | | 3715 SUNDANCE DR | ELKO NV | 89801-4784 |
| 00101F047 | ROBINSON, MACK E | | 3581 AUTUMN COLORS DR | ELKO NV | 89801-7800 |
| 00101E026 | ROMERO-GAETA, JESUS ET AL | | 2030 ROYAL CREST DR | ELKO NV | 89801-4925 |
| 00101F063 | SALDANA, LETICIA | | 3551 AUTUMN COLORS DR | ELKO NV | 89801-7800 |
| 00101E030 | SALLEE, MICHAEL S & KATHRYN J | | 1590 TAMARACK RD | ELKO NV | 89801-7906 |
| 00101E037 | SIROTEK, DAVID M & MARINA E | | 1530 TAMARACK RD | ELKO NV | 89801-7906 |
| 00101F242 | SLOAN, LEANDER J | | 3791 AUTUMN COLORS DR | ELKO NV | 89801 |
| 00101F240 | STEWART, ASHLEY A | | 3795 AUTUMN COLORS DR | ELKO NV | 89801 |
| 00101F056 | THOMAS, JEANNE A | | 3561 AUTUMN COLORS DR | ELKO NV | 89801-7800 |
| 00101F036 | THOMAS, SI YOUNGBEAR | | 3633 AUTUMN COLORS DR | ELKO NV | 89801-7801 |
| 00101E034 | THOMSON, CONNIE D ET AL | | 1566 TAMARACK RD | ELKO NV | 89801 |
| 00101F040 | THURINGER, DERRICK L & JORDAN J | | 3625 AUTUMN COLORS DR | ELKO NV | 89801-7801 |
| 00101F258 | TIKI PROPERTIES II-3701 AUTUMN | C/O PEREDA, JULIO | 1886 LAUKAHI ST | HONOLULU HI | 96821-1361 |
| 00101F043 | TYBO, LANCE C | | 3605 AUTUMN COLORS DR | ELKO NV | 89801-7801 |
| | | C/O BLM-SUPPORT | | | |
| | | SERVICES AP | | | |
| 001995001 | USA | | 3900 E IDAHO ST | ELKO NV | 89801-4692 |
| 00101E036 | VERA, JUAN J & LESLIE A | | 1542 TAMARACK RD | ELKO NV | 89801-7906 |
| 00101F049 | WACHOB, SHANNON D & WILLIAM J | | 3577 AUTUMN COLORS DR | ELKO NV | 89801-7800 |
| 00101F035 | WILLER, THEODORE D | | 3635 AUTUMN COLORS DR | ELKO NV | 89801-7801 |
| 00609B061 | WINES, IRA T & HEATHER D | | HC 32 BOX 240 | TUSCARORA NV | 89834-9703 |

00101F046 WUESTHOF, HARALD ET AL
00101F048 YU, SHAOHAI
00101E035 ZUMWALT, DONNIE D & HOLLY L TR

3611 AUTUMN COLORS DR
3579 AUTUMN COLORS DR
1554 TAMARACK RD

ELKO NV
ELKO NV
ELKO NV

89801-7801
89801-7800
89801

76

mailed 1/24/19

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a series of public hearings on Tuesday, February 5, 2019 beginning at 5:30 P.M. P.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on these matters under consideration in person, by writing, or by representative.

The specific item to be considered under public hearing format is:

Conditional Use Permit No. 1-19, filed by Sundance Mini Storage, LP, to allow for a mini storage facility, recreational vehicle storage, and U-Haul rental and storage within a C (General Commercial) Zoning District, located generally southwest of the intersection of Mountain City Highway and Sundance Drive (APN 001-01E-039 & APN 001-01E-040).

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

ELKO CITY PLANNING COMMISSION



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

(775) 777-7160 phone* (775) 777-7119 fax

APPLICATION FOR CONDITIONAL USE PERMIT APPROVAL

APPLICANT(s): Sundance Mini Storage, LP
(Applicant must be the owner or lessee of the proposed structure or use.)
MAILING ADDRESS: 181 W. Bullion Road, Unit 4, Elko, NV 89801
PHONE NO. (Home) (775) 777-3468 **(Business)** (775) 397-5568
NAME OF PROPERTY OWNER (If different): Sundance Mini Storage, LP
(Property owner's consent in writing must be provided.)
MAILING ADDRESS: 181 W. Bullion Road, Unit 4, Elko, NV 89801
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
ASSESSOR'S PARCEL NO.: 001-01E-039 & 040 **Address** 3701 Sundance Drive
Lot(s), Block(s), & Subdivision See attached
Or Parcel(s) & File No. Parcel 2 and a portion on Parcel 1, File 716041

FILING REQUIREMENTS

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month).

Fee: A \$750.00 non-refundable fee.

Plot Plan: A plot plan provided by a properly licensed surveyor depicting the proposed conditional use permit site drawn to scale showing property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other pertinent information that shows the use will be compliant with Elko City Code.

Elevation Plan: Elevation profiles including architectural finishes of all proposed structures or alterations in sufficient detail to explain the nature of the request.

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

Other Information: The applicant is encouraged to submit other information and documentation to support this conditional use permit application.

RECEIVED

JAN 15 2019

1. Current zoning of the property: C – General Commercial
2. Cite the provision of the Zoning Ordinance for which the Conditional Use Permit is required:
3-2-10 (B) 4: Storage units.
3. Explain in detail the type and nature of the use proposed on the property: The property is currently used for a mini storage facility. In addition, the property will be used for open and covered recreational vehicle storage and U-Haul rentals and storage. Included in these uses are retail sales of moving supplies and trailer supplies to compliment the mini storage, U-Haul rental and recreational vehicles storage operations.
4. Explain how the use relates with other properties and uses in the immediate area: As noted above, the property is currently being used for a mini storage facility. The additional uses mentioned above are complimentary to this use.
5. Describe any unique features or characteristics, e.g. lot configuration, storm drainage, soil conditions, erosion susceptibility, or general topography, which may affect the use of the property: No unique features. Site will be developed in accordance with City of Elko requirements.
6. Describe the general suitability and adequacy of the property to accommodate the proposed use: Site is suitable for the existing and proposed uses and will be developed in accordance with City of Elko requirements.

7. Describe in detail the proposed development in terms of grading, excavation, terracing, drainage, etc.: _____

Site drains from west to east. Minimal grading of the site will be required for the additional U-Haul and recreational vehicle parking.

8. Describe the amounts and type of traffic likely to be generated by the proposed use: _____

Minimal traffic generation over and above the existing traffic generated by the existing use,

9. Describe the means and adequacy of off-street parking, loading and unloading provided on the property: _____

Adequate acreage is available for off street parking, loading and unloading.

10. Describe the type, dimensions and characteristics of any sign(s) being proposed: _____

Signage advertising the mini storage, U-Haul rentals and recreational vehicle storage in accordance with City of Elko codes.

11. Identify any outside storage of goods, materials or equipment on the property: _____

Recreational vehicles and U-Hauls.

12. Identify any accessory buildings or structures associated with the proposed use on the property: _____

Sales office currently under construction to accommodate all uses of the property.

(Use additional pages if necessary to address questions 3 through 12)

By My Signature below:

☒ I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.

☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

☒ I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

☒ I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

☒ I have carefully read and completed all questions contained within this application to the best of my ability.

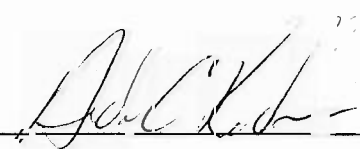
Applicant / Agent Sundance MiniStorage, LP by Andrew Knudsen
(Please print or type)

Mailing Address 181W Bull Run Road Unit 4
Street Address or P.O. Box

Elko, NV 89801
City, State, Zip Code

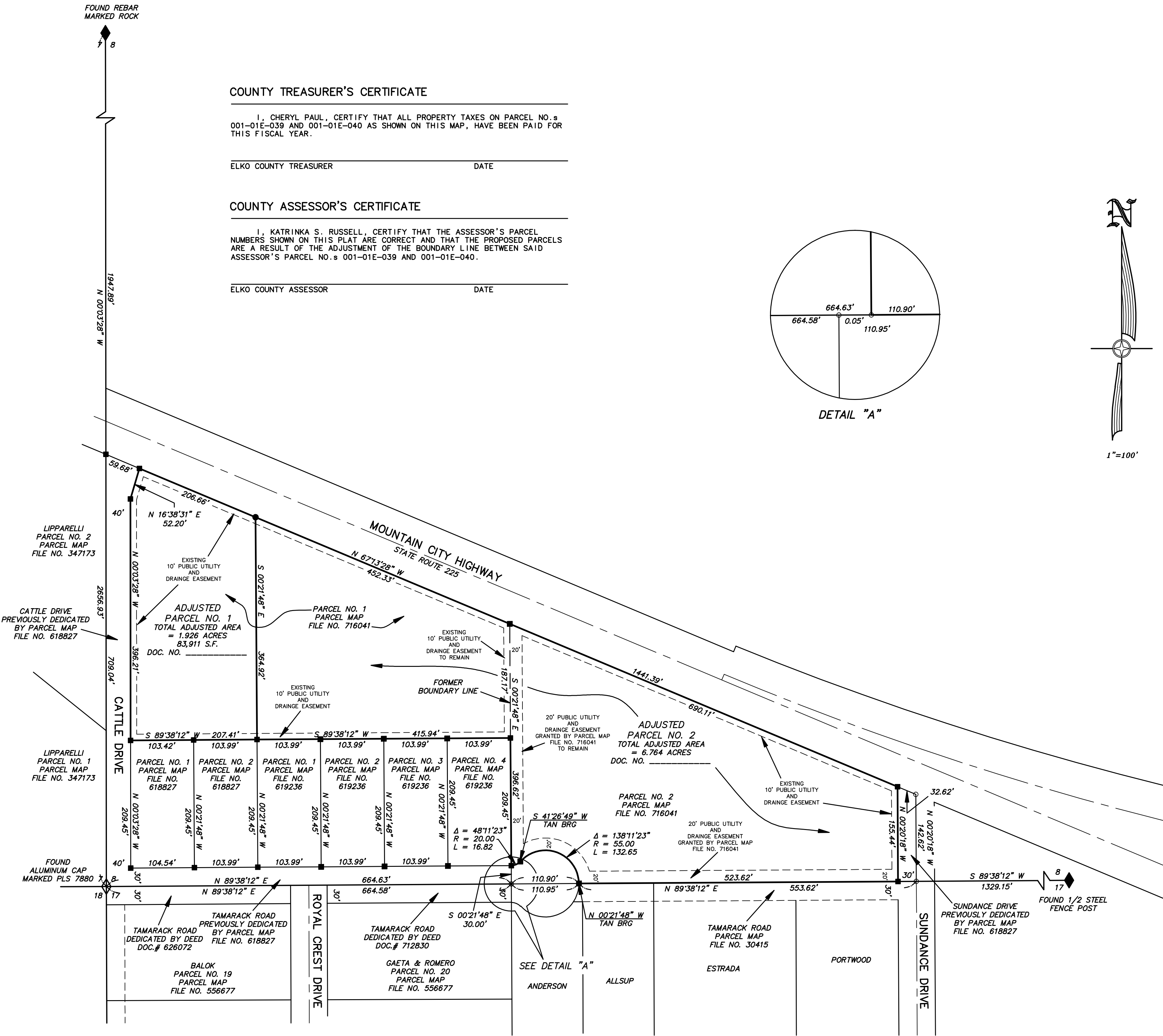
Phone Number: (775) 397-5568

Email address: knudsenandrew@hotmail.com

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 119 **Date Filed:** 1/15/19 **Fee Paid:** \$750 **CK#** 2038



NOTES:

- 1) THE TOTAL SUBDIVIDED AREA OF THIS MAP EQUALS 8.802 ACRES.
- 2) BASIS OF BEARINGS: THE LINE BETWEEN THE FOUND SOUTHWEST CORNER AND WEST 1/4 CORNER OF SECTION 8, T.34 N., R.55 E., M.D.B. & M., TAKEN AS N 00° 03' 28" W.
- 3) THIS MAP ADJUSTS THE BOUNDARY LINE BETWEEN PARCEL NO. 1 AND PARCEL 2 AS SHOWN ON THE PARCEL MAP FOR SUNDANCE MINI STORAGE, LP, ON FILE IN THE OFFICE OF THE ELKO COUNTY RECORDER, ELKO, NEVADA, AS FILE NO. 716041.

LEGEND

- ◇ = FOUND SECTION CORNER AS NOTED.
- ◆ = FOUND 1/4 CORNER AS NOTED.
- = FOUND 5/8" REBAR WITH CAP MARKED PLS 6203.
- = SET 5/8" REBAR WITH CAP MARKED PLS 6203.
- = CALCULATED POINT, NOTHING FOUND, NOTHING SET.

APPROVAL – PUBLIC UTILITIES

THE PUBLIC UTILITY EASEMENTS, AS DESIGNATED HEREON, ARE APPROVED BY THE RESPECTIVE UTILITIES EXECUTING BELOW.

| | |
|--|------|
| FRONTIER COMMUNICATIONS | DATE |
| SIERRA PACIFIC POWER COMPANY D/B/A NV ENERGY | DATE |
| SOUTHWEST GAS CORP. | DATE |
| SATVIEW BROADBAND | DATE |

FILING DATA

FILE NO. _____

FILED AT THE REQUEST OF
HIGH DESERT ENGINEERING.

DATE _____, 2016

TIME _____M.

D. MIKE SMALES
ELKO COUNTY RECORDER

OWNERS CERTIFICATE

KNOWN OF ALL MEN BY THESE PRESENTS THAT, THE CITY OF ELKO, SUNDANCE MINI STORAGE, LP, BEING THE OWNERS OF THOSE PARCELS AFFECTED BY THE ADJUSTMENT OF THE BOUNDARY LINE AS SHOWN ON THIS PLAT, DO HEREBY CERTIFY THAT:

- 1) THEY HAVE EXAMINED THIS PLAT AND APPROVE AND AUTHORIZE THE RECORDATION THEREOF.
- 2) THEY AGREE TO EXECUTE THE REQUIRED DOCUMENTS CREATING ANY EASEMENTS WHICH ARE SHOWN.
- 3) THEY AGREE TO EXECUTE THE REQUIRED DOCUMENTS ABANDONING ANY EXISTING EASEMENT, IF NECESSARY, PURSUANT TO THE PROVISIONS OF NRS 278.010 TO 278.630 INCLUSIVE.
- 4) ALL PROPERTY TAXES ON THE LAND FOR THIS FISCAL YEAR HAVE BEEN PAID.
- 5) ANY LENDER WITH AN IMPOUND ACCOUNT FOR THE PAYMENT OF TAXES HAS BEEN NOTIFIED OF THE ADJUSTMENT OF THE BOUNDARY LINE OR THE TRANSFER OF THE LAND.

IN WITNESS WE, THE OWNERS, SET OUR HANDS ON THE DATE SHOWN.

SUNDANCE MINI STORAGE, LP

BY: YLA, INC.
ITS GENERAL PARTNER

BY: ANDREW KNUDSEN, PRESIDENT DATE

STATE OF NEVADA
COUNTY OF ELKO

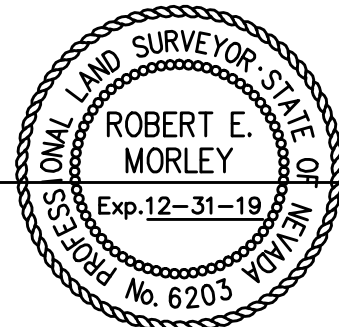
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2019, BY ANDREW KNUDSEN, PRESIDENT OF YLA, INC., GENERAL PARTNER OF SUNDANCE MINI STORAGE, LP.

NOTARY PUBLIC

LAND SURVEYOR'S CERTIFICATE

I, ROBERT E. MORLEY, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF NEVADA DO HEREBY CERTIFY THAT:

- 1) THIS IS A TRUE AND ACCURATE MAP OF THE LAND SURVEYED UNDER MY SUPERVISION AND DIRECTION ON THE 11TH DAY OF JANUARY, 2019, AT THE INSTANCE OF ANDREW KNUDSEN, PRESIDENT OF YLA, INC., GENERAL PARTNER OF SUNDANCE MINI STORAGE, LP.
- 2) ALL CORNERS AND ANGLE POINTS OF THE ADJUSTED BOUNDARY LINE SHOWN HAVE BEEN SET AND THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED HEREON AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.
- 3) THIS MAP IS NOT IN CONFLICT WITH THE PROVISIONS OF NRS 278.010 TO 278.630 INCLUSIVE, ANY OTHER APPLICABLE NEVADA REVISED STATUTE OR LOCAL ORDINANCE.



ROBERT E. MORLEY, P.L.S. NO. 6203

APPROVAL – CITY OF ELKO

WE THE UNDERSIGNED, BEING THE CITY ENGINEER OR ENGINEERING REPRESENTATIVE AND THE CITY PLANNER OR PLANNING REPRESENTATIVE FOR THE CITY OF ELKO, NEVADA, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THIS MAP AND FIND THAT ALL PROVISIONS OF N.R.S. 278.5693 AND 625.340 AND ALL LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL HAVE BEEN COMPLIED WITH, AND THAT WE ARE SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

CITY ENGINEER OR ENGINEERING REPRESENTATIVE DATE

CITY PLANNER OR PLANNING REPRESENTATIVE DATE



SCALE: 1"=100'

**BOUNDARY LINE ADJUSTMENT
RECORD OF SURVEY**
FOR
SUNDANCE MINI STORAGE, LP
IN
SECTION 8, T.34 N., R.55 E., M.D.B. & M.
CITY OF ELKO, NEVADA

HIGH
DESERT
ENGINEERING

640 IDAHO STREET
ELKO, NEVADA 89801
(775) 738-4053

219001

**Elko City Planning Commission
Agenda Action Sheet**

1. Title: **Review, consideration, and possible recommendation to City Council for Vacation No. 1-19, filed by MP Elko LLC., for the vacation of a portion of the public utility and drainage easement located along the north and east property lines of APN 001-660-049, consisting of an area approximately 1,300 square feet, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 5, 2019**
3. Agenda Category: ***NEW BUSINESS, MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS***
4. Time Required: **15 Minutes**
5. Background Information: **The owner is proposing an expansion to the Dotty's Casino and the proposed expansion will extend over the existing easement. CL**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Memo**
8. Recommended Motion: **Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 1-19 based on facts, findings and conditions as presented in the Staff Report dated January 17, 2019.**
9. Findings: **See Staff Report dated January 17, 2019.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **MP Elko, LLC
David Fonua
1801 Tiburon Blvd, Suite 800
Tiburon, California 94920
dffinancial@sbcglobal.net**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 2/5

Do not use pencil or red pen, they do not reproduce

Title: Vacation 1-19

Applicant(s): MP EKO, LLC

Site Location: 2525 Mountain City Hwy

Current Zoning: C Date Received: 1/3/19 Date Public Notice: N/A

COMMENT: This is to vacate a portion of the public
Utility and drainage easement located along the North
and East property lines of APN 001-660-1349.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 1/28/19

Recommend approval as presented by staff

SAW

Initial

City Manager: Date: 1/29/19

No comments/concerns.

CC

Initial



City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7119

CITY OF ELKO STAFF REPORT

| | |
|----------------------------------|-------------------------|
| REPORT DATE: | January 17, 2019 |
| PLANNING COMMISSION DATE: | February 5, 2019 |
| AGENDA ITEM NUMBER: | I.B.2 |
| APPLICATION NUMBER: | Vacation 1-19 |
| APPLICANT: | MP Elko LLC |
| PROJECT DESCRIPTION: | APN 001-660-049 |

Vacation of a drainage and utility easement along the north property line abutting APN 001-660-049



STAFF RECOMMENDATION:

RECOMMEND to APPROVE subject to findings of fact and conditions.

PROJECT INFORMATION

PARCEL NUMBER: 001-660-049

PARCEL SIZE: 1.741 acres

EXISTING ZONING: (C) General Commercial

MASTER PLAN DESIGNATION: (COMM-HWY) Commercial Highway

EXISTING LAND USE: Developed, Retail

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

North: Commercial / Developed
East: Commercial / Developed
South: Commercial / Developed
West: Commercial / Undeveloped

PROPERTY CHARACTERISTICS:

The property is currently developed.

The property is part of the Junction Shopping Center and shares access from Mountain City Highway with other uses of the complex.
Parking is also considered a shared use among the shopping center.

MASTER PLAN AND CITY CODES:

Applicable Master Plans and City Code Sections are:

NRS 278.479 to 278.480, inclusive
City of Elko Master Plan – Land Use Component
City of Elko Master Plan – Transportation Component
City of Elko Redevelopment Plan
City of Elko Code – Section 3-2-10 General Commercial Zoning District
City of Elko Code – Section 8-7 Street Vacation Procedures

BACKGROUND:

1. The property has always been developed as commercial.
2. Dotty's is proposing an expansion to their space and it will extend over the existing easement.
3. There are adjacent easements which will remain.

NRS 278.479 to 278.480 inclusive

1. 278.480(4) If any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall, not less than 10 business days before the public hearing described in subsection 5.
2. NRS 278.480 (5) Except as otherwise provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.31895.
3. Per NRS 278.480(6) Public utility companies have been notified of the vacation on November 19, 2018.
4. The utilities located within the area are proposed to be relocated.

MASTER PLAN – Land Use:

1. The Master Plan Land Use Atlas shows the area as Commercial Highway.
2. C- General Commercial Zoning District is listed as a corresponding zoning district for Medium Density.
3. Objective 6: Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
4. Objective 8: Encourage new development that does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains, etc., or pose a danger to human health and safety.

The proposed vacation is in conformance with the Master Plan Land Use component.

MASTER PLAN - Transportation:

1. The area is accessed from Mountain City Highway and Connolly Drive.
2. The proposed vacation is not part of the right-of-way for either access roadway.

The proposed vacation is in conformance with the Master Plan Transportation component.

REDEVELOPMENT PLAN

The easement proposed for vacation is located outside the Redevelopment Area.

ELKO CITY CODE SECTION 3-2-10 C, COMMERCIAL ZONING DISTRICTS

1. The easement proposed for vacation is part of the existing parcel 001-660-049. The existing parcel will not change in size or area with the vacation.

The proposed vacation is in conformance with Section 3-2-10 of City code.

ELKO CITY CODE SECTION 8-7 STREET VACATION PROCEDURES

1. If it is determined by a majority vote of the city council that it is in the best interest of the city and that no person will be materially injured thereby, the city council, by motion, may propose the realignment, change, vacation, adjustment or abandonment of any street or any portion thereof. In addition, any abutting owner desiring the vacation of any street or easement or portion thereof shall file a petition in writing with the city council and the city council shall consider said petition as set forth above.

) The City Council accepted the petition at their meeting on January 22, 2019 and referred the matter to the Planning Commission for further consideration.

2. Except for a petition for the vacation or abandonment of an easement for a public utility owned or controlled by the city, the petition or motion shall be referred to the planning commission, which shall report its findings and recommendations thereon to the city council. The petitioner shall, prior to the consideration of the petition by the planning commission, pay a filing fee to the city in an amount established by resolution of the city council and included in the appendix to this code.

) The filing fee was paid by the applicant.

3. Whenever any street, easement or portion thereof is proposed to be vacated or abandoned, the city council shall notify by certified mail each owner of property abutting the proposed vacation or abandonment and cause a notice to be published at least once in a newspaper of general circulation in the city setting forth the extent of the proposed vacation or abandonment and setting a date for public hearing, which date may be not less than ten (10) days and not more than forty (40) days subsequent to the date the notice is first published.
4. Order of City Council: Except as provided in subsection E of this section, if, upon public hearing, the City Council is satisfied that the public will not be materially injured by the proposed vacation or abandonment, and that it is in the best interest of the city, it shall order the street vacated or abandoned. The city council may make the order conditional, and the order shall become effective only upon the fulfillment of the conditions prescribed.

The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City code.

FINDINGS

1. The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive.
2. The proposed vacation is in conformance with the City of Elko Master Plan Land Use component
3. The proposed vacation is in conformance with the City of Elko Master Plan Transportation component
4. The easement proposed for vacation is not located within the Redevelopment Area.

5. The proposed vacation is in conformance with City Code 3-2-10(B).
6. The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City Code.
7. The proposed vacation will not materially injure the public and is in the best interest of the City.

STAFF RECOMMENDATION:

Staff recommends forward a recommendation to City Council to adopt a resolution which conditionally APPROVES the proposed vacation with the following conditions:

1. The applicant is responsible for all costs associated with the recordation of the vacation.
2. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 30, 2019

MP Elko, LLC
Attn: David Fonua
1801 Tiburon Blvd, Suite 800
Tiburon, CA 94920

Re: Vacation No. 1-19

Dear Applicant/Agent:

Enclosed is a copy of the agenda for an upcoming Planning Commission meeting. Highlighted on the agenda is an item or items that you have requested to be acted on at the meeting. Also enclosed is pertinent information pertaining to your request. Please review this information before the meeting.

The Planning Commission requests that you, or a duly appointed representative, be in attendance at this meeting to address the Planning Commission. If you will not be able to attend the meeting but wish to have a representative present, please submit a letter to the Planning Commission authorizing this person to represent you at the meeting.

If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

CC:



January 28, 2019

Shelby Archuleta
City of Elko Planning Department
1751 College Avenue
Elko, Nevada 89801

RE: Proposed Vacation No. 1-19

Dear Ms. Archuleta:

per your request in the letter dated January 14, 2019 regarding the proposed vacation of a portion of the public utility easement located generally along the north and east property lines of APN 001-660-049. NV Energy has underground utility facilities in the vicinity of the proposed vacation. If these facilities are within the area to be vacated, we request an easement 10 feet in width, centered on the existing facilities to remain.

If you have any questions/concerns please feel free to contact me at 775-834-3097 or at jakejohnson@nvenergy.com

Sincerely,

A handwritten signature in dark ink, appearing to read "Jake Johnson".

Jake Johnson
NV Energy



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 14, 2019

NV Energy
Mr. Jake Johnson
6100 Neil Road
Reno, NV 89511

SUBJECT: Proposed Vacation No. 1-19

Dear Mr. Johnson:

Please be advised that the City of Elko Planning Department is processing a request filed by MP Elko, LLC to vacate a portion of the public utility and drainage easement located generally along the north and east property lines of APN 001-660-049. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on February 5, 2019. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 14, 2019

Southwest Gas Corporation
Engineering Department
PO Box 1190
Carson City, NV 89702-1190

SUBJECT: Proposed Vacation No. 1-19

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by MP Elko, LLC to vacate a portion of the public utility and drainage easement located generally along the north and east property lines of APN 001-660-049. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on February 5, 2019. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 14, 2019

Satview Broadband
Mr. Tariq Ahmad
PO Box 18148
Reno, NV 89511

And VIA EMAIL: taroil@yahoo.com

SUBJECT: Proposed Vacation No. 1-19

Dear Mr. Ahmad:

Please be advised that the City of Elko Planning Department is processing a request filed by MP Elko, LLC to vacate a portion of the public utility and drainage easement located generally along the north and east property lines of APN 001-660-049. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on February 5, 2019. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 14, 2019

Frontier Communication
Mr. William Whitaker
111 W. Front Street
Elko, NV 89801

SUBJECT: Proposed Vacation No. 1-19

Dear Mr. Whitaker:

Please be advised that the City of Elko Planning Department is processing a request filed by MP Elko, LLC to vacate a portion of the public utility and drainage easement located generally along the north and east property lines of APN 001-660-049. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on February 5, 2019. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 14, 2019

Beehive Broadband
2000 N. Sunset Road
Lake Point, UT 84074

SUBJECT: Proposed Vacation No. 1-19

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by MP Elko, LLC to vacate a portion of the public utility and drainage easement located generally along the north and east property lines of APN 001-660-049. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on February 5, 2019. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures

Shelby Archuleta

From: Teresa Gust <teresa.e@canyonconstructionco.com>
Sent: Friday, January 25, 2019 10:55 AM
To: Shelby Archuleta
Subject: Proposed Vacation No. 1-19

Shelby, please be advised that Michael W. Lattin, VP-Field Operations, has reviewed your letter of January 14, 2019, Re: Proposed Vacation No. 1-19 and has determined that Elko Heat Company has no present or future interests in the area stated. This email complies with NRS 278.480(6).

Thank you

Teresa

Accounting Clerk
Canyon Construction &
Elko Heat Co.
Phone: (775) 738-2210 ext 107
Fax: (775) 753-8049
teresa.e@canyonconstructionco.com



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 14, 2019

Elko Heat
P.O. Box 2347
Elko, NV 89803

SUBJECT: Proposed Vacation No. 1-19

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by MP Elko, LLC to vacate a portion of the public utility and drainage easement located generally along the north and east property lines of APN 001-660-049. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on February 5, 2019. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

(775) 777-7160 * (775) 777-7119 fax

APPLICATION FOR VACATION OF CITY STREET, EASEMENT OR OTHER PUBLIC RIGHT-OF-WAY

APPLICANT(s) M P E K o L L C

MAILING ADDRESS: 1801 Tiburon Blvd., Suite 800, Tiburon California, 94920-2575

PHONE NO (Home) _____ (Business) 7 7 5 - 3 1 8 0 0 1 1

NAME OF PROPERTY OWNER (If different): _____

(Property owner's consent in writing must be provided.)

MAILING ADDRESS: _____

LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):

ASSESSOR'S PARCEL NO.: 001-660-049 Address 2525 Mountain City Highway

Lot(s), Block(s), & Subdivision _____

Or Parcel(s) & File No. Parcel A, File No. 8772

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice.

Fee: A \$600.00 non-refundable fee.

Plot Plan: A plot plan provided by a properly licensed surveyor depicting the existing condition drawn to scale showing property lines, existing and proposed buildings, building setbacks, parking and loading areas, driveways and other pertinent information must be provided.

Legal Description: A complete legal description of the area proposed for vacation along with an exhibit depicting the area for vacation.

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

Other Information: The applicant is encouraged to submit other information and documentation to support the request.

RECEIVED

JAN 08 2013

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

MP Elko LLC, 1801 Tiburon Blvd, Suite 800, Tiburon California 94920

(Name)

(Address)

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

MP Elko LLC, 1801 Tiburon Blvd, Suite 800, Tiburon California 94920

(Name)

(Address)

1. Describe the nature of the request: _____

The proposed Dotty's Casino building expansion extends into a drainage and utility easement that has no utilities at this area and is not needed for drainage.

There are also adjacent easements that can be used for utilities and drainage if needed for future development.

The owner requests vacation of these easements for the building expansion.

2. Describe any utilities currently located in the area proposed for vacation, and if any are present how they will be addressed: There are no utilities located in the portion of the requested easement vacation.

Use additional pages if necessary

This area intentionally left blank

By My Signature below:

☒ I consent to having the City of Elko Staff enter on my property only for the sole purpose of inspection said property as part of this application process.

☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not effect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

☒ I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

☒ I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

☒ I have carefully read and completed all questions contained within this application to the best of my ability.

Applicant / Agent David Fonua
(Please print or type)

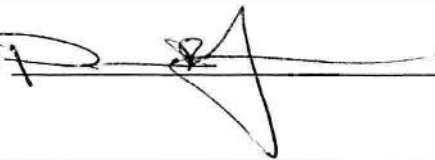
Mailing Address 1801 Tiburon Blvd, Suite 800
Street Address or P.O. Box

Tiburon, California 94920
City, State, Zip Code

Phone Number: 775-318-0011

Email address: dffinancial@sbcglobal.net

SIGNATURE:



FOR OFFICE USE ONLY

File No.: 1-19 **Date Filed:** 1/3/19 **Fee Paid:** \$ 600 **CK #** 1485

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JAN 03 2019

EXHIBIT A

EASEMENT VACATION FOR MP ELKO, LLC

December 31, 2018

A parcel of land being a portion the public utility and drainage easement located on Parcel 10-A as shown on the Parcel Map for MP Elko, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada as File No. 687792, more particularly described as follows:

Commencing at the most Westerly Corner of said Parcel 10-A, thence N 61° 18' 13" E, 5.10 feet along the Northerly Line of said Parcel 10-A to Corner No. 1, the True Point of Beginning;

Thence continuing N 61° 18' 13" E, 193.25 feet along the said Northerly Line of Parcel 10-A to Corner No. 2;

Thence S 28° 40' 55" E, 49.19 feet to Corner No. 3;

Thence S 61° 18' 13" W, 7.50 feet to Corner No. 4, a point being on the Southwesterly Line of an existing 15.00 foot public utility and drainage easement granted by and as shown on the Parcel Map for Elko C & R Associates on file in the office of the Elko County Recorder, Elko, Nevada as File No. 246602;

Thence N 28° 40' 55" W, 44.19 feet along the Southwesterly Line of the existing 15.00 foot public utility and drainage easement granted by and as shown on the said Parcel Map for Elko C & R Associates, File No. 246602, to Corner No. 5, a point being on the Southerly Line of an existing 5.00 foot public utility and drainage easement granted by and as shown on the Parcel Map for MP Elko, LLC, on file in the office of the Elko County Recorder, Elko, Nevada as File No. 687792;

Continued on Page 2

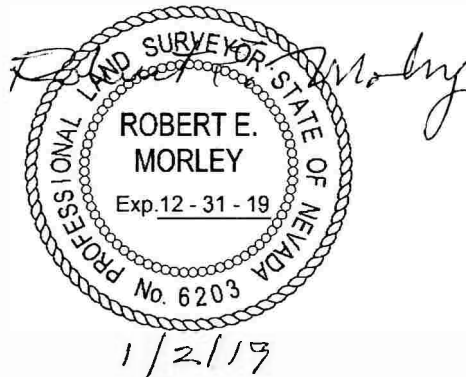
Easement Vacation
for MP Elko, LLC
Continued from Page 1

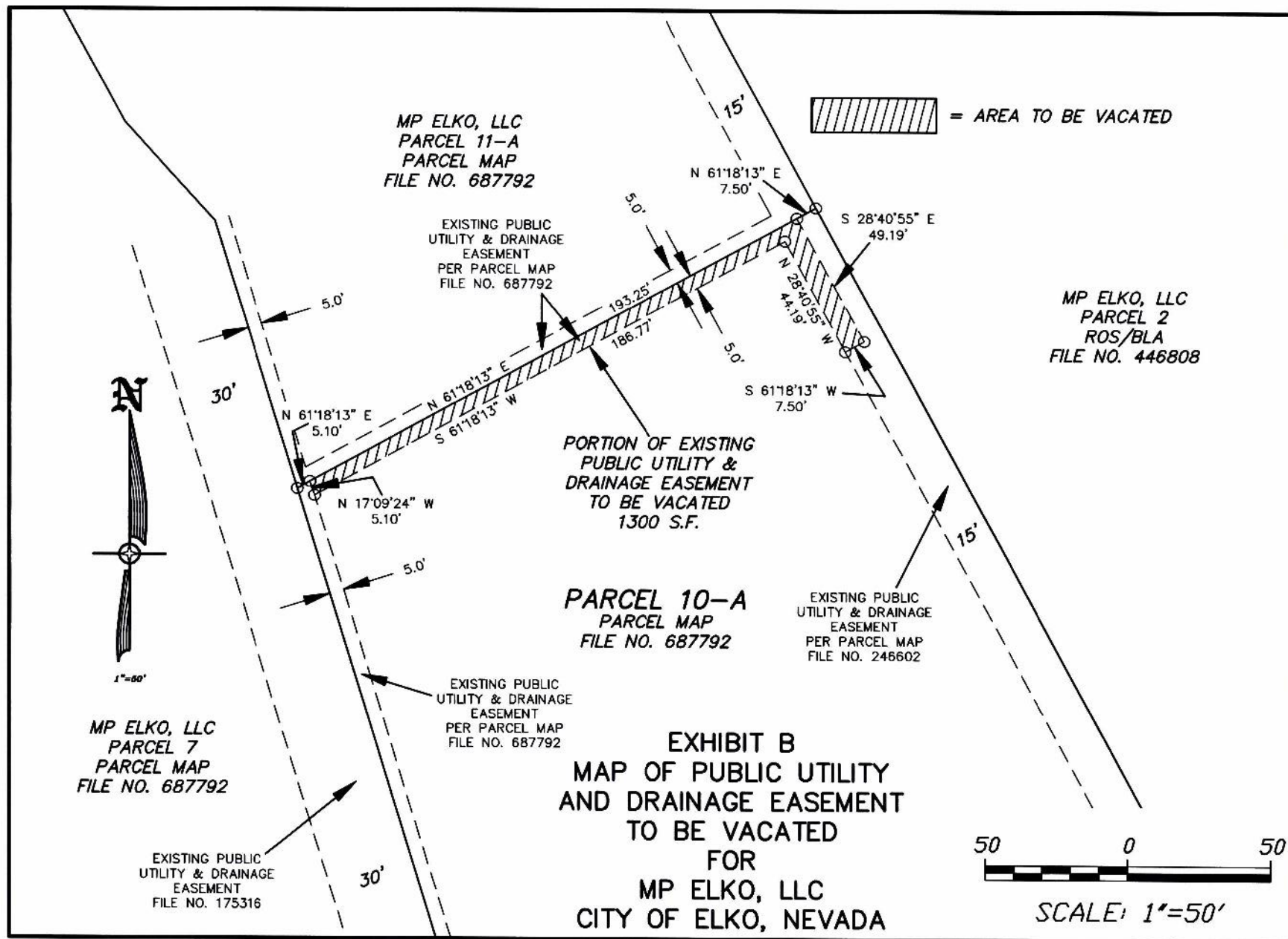
Thence S 61° 18' 13" W, 186.77 feet along the Southerly Line of the existing 5.00 foot public utility and drainage easement granted by the said Parcel Map for MP Elko, LLC, File No. 687792. to Corner No. 6, a point being on the Easterly Line of an existing 5.00 foot public utility and drainage easement granted by the said Parcel Map for MP Elko, LLC, File No. 687792.;

Thence N 17° 09' 24" W, 5.10 feet along the Easterly Line of the 5.00 foot existing public utility and drainage easement granted by the said Parcel Map for MP Elko, LLC, File No. 687792, to Corner No. 1, the point of beginning, containing 1,300 square feet more or less.

Reference is hereby made to Exhibit B, Map of Public Utility and Drainage Easement to be Vacated for MP Elko, LLC, attached hereto and made a part hereof.

The basis of bearings for the above described parcel is the Parcel Map for MP Elko, LLC, on file in the office of the Elko County Recorder, Elko, Nevada as File No. 687792

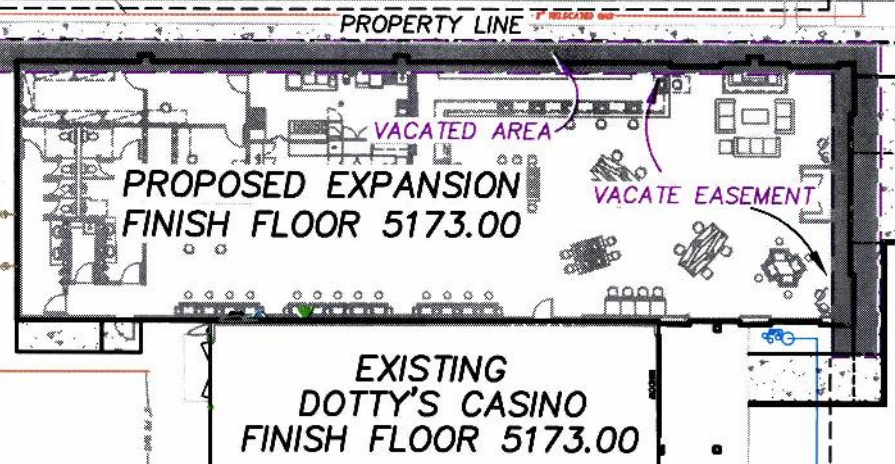




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JAN 03 2019

1"=30'



RECEIVED

JAN 03 2019

**Elko City Planning Commission
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action on Temporary Use Permit No. 1-19, filed by Sundance Mini Storage LP, to allow for a storage unit to be used as the renting office for the storage units, recreational vehicle storage and U-Haul rentals, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 5, 2019**
3. Agenda Category: **NEW BUSINESS, MISCELLANEOUS ITEMS**
4. Time Required: **15 Minutes**
5. Background Information: **TUP 2-17 was approved on July 18, 2017 for a one year approval for the sales office to be located in the storage unit. That TUP expired July 18, 2018. Mr. Knudsen was issued a building permit on 5/1/18 and is currently under construction for his office which will be used for the sales of the storage units, recreational vehicle storage and U-Haul rentals.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report**
8. Recommended Motion: **Move to conditionally approve Temporary Use Permit 1-19 based on facts, findings and conditions as presented in the Staff Report dated January 16, 2019.**
9. Findings: **See Staff Report dated January 16, 2019**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **Andrew Knudsen
3701 Sundance Dr.
Elko, NV 89801**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 2/5

Do not use pencil or red pen, they do not reproduce

Title: Temporary Use Permit 1-19

Applicant(s): Sundance Mini Storage, LP

Site Location: 3701 Sundance Dr.

Current Zoning: C Date Received: 1/15/19 Date Public Notice: N/A

COMMENT: This is to allow for a storage unit to be used
as the renting office for the storage units, recreational
vehicle storage, and U-Haul rentals.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 1/28/19

Recommend approval as presented by
staff

SAW

Initial

City Manager: Date: 1/29/19

No comments/concerns.

CC
Initial



City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7119

CITY OF ELKO STAFF REPORT

PLANNING COMMISSION DATE: February 5, 2019
AGENDA ITEM NUMBER: I.B.3
APPLICATION NUMBER: Temporary Use Permit 1-19
APPLICANT: Sundance Mini Storages LP/Andrew Knudsen
PROJECT DESCRIPTION: 3701 Sundance Drive
ADDITIONAL APPLICATIONS: BLA 1-19, CUP 1-19

A Temporary Use Permit to allow a sales office within a storage unit



STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to findings of fact, and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: 001-01E-040

PROPERTY SIZE: 4.128 Acres

EXISTING ZONING: C (Commercial District)

MASTER PLAN DESIGNATION: Commercial Highway

EXISTING LAND USE: Commercial with an approved Conditional Use Permit 8-15, applicant has applied for a new CUP 1-19 to be heard by Planning Commission

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:
North/East/West/South: Developed / Residential Use

PROPERTY CHARACTERISTICS:

The property is fairly flat with a slope down to Mountain City Highway. The slope will be addressed as part of the requirements of the CUP.

BACKGROUND:

-) Each building of the storage units was permitted as a separate permit. As typical with this type of development, issuance of a certificate of occupancy is per building as site development progresses. Issuance of a certificate of occupancy is not granted until all conditions have been satisfied.
-) Building A received a certificate of occupancy December 2, 2016. Soon after that, Mr. Knudsen began using one of the storage units as a sales office for the complex. It was requested by staff, several times, for the developer to apply for the temporary use permit as the office was not approved in the storage unit as part of the CUP or plan submittal.
-) Mr. Knudsen applied for the TUP 2-17 on June 22, 2017. It was approved by Planning Commission on July 18, 2017 for a one year TUP to allow for the sales office for the storage units to remain in the storage unit. The temporary office doesn't provide restroom facilities and one of the conditions from Building Department was to provide an ADA accessible restroom.
-) TUP 2-17 expired on July 18, 2018 and there wasn't a request from the applicant to extend the TUP as allowed and stated in condition 1 of the Development Department conditions.
-) The applicant is proposing to expand his business operations into rental and storage of U-Haul units and proposed to operate the sales office out of the same office as Sundance Mini Storage.
-) The City of Elko issued a building permit to Mr. Knudsen for the construction of the office which was approved as part of the CUP 8-15 on May 1, 2018. He is currently under construction of the office but has not requested any inspections since October 18,

2018.

APPLICABLE MASTER PLANS AND CITY CODE SECTIONS:

- } City of Elko Master Plan – Land Use Component
- } City of Elko Master Plan – Transportation Component
- } City of Elko Zoning – Section 3-2-3 (C) (5) Temporary Use Permit
- } City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- } City of Elko Zoning – Section 3-8 Flood Plain Management

MASTER PLAN:

Land use:

1. The Master Plan identifies the area as Commercial Highway

The proposed TUP is in conformance with the Land Use Component of the Master Plan.

Transportation:

1. The property is accessed off of Sundance Drive.
2. A traffic study is not required for this application.

The proposed TUP is in conformance with the Transportation Component of the Master Plan.

SECTION 3-2-3(C)(5)

1. Section 3-2-3(C)(5) of City code specifies temporary uses. The following use restrictions shall apply:

Temporary Uses: Certain temporary uses such as interim administrative and sales offices, sales offices for mobile and manufactured homes, model home sales complex for residential subdivisions, materials storage, mixing, assembly, manufacturing of a portable nature and similar uses determined to be functionally comparable, and, as specified in this subsection C5, temporary emergency shelters, temporary camping and temporary campgrounds may be permitted by temporary use permit.

The proposed TUP is in conformance with Elko City Code 3-2-3(C)(5).

SECTION 3-2-17

1. Sundance Drive is classified as a Minor Collector.
2. Parking Requirement: There is sufficient off street parking provided based on calculations for the future office shown on the original plans.

The proposed TUP is in conformance with Elko City Code 3-2-17.

SECTION 3-8:

The parcel is not located in a designated flood zone.

FINDINGS:

1. The proposed TUP is in conformance with the Land Use Component of the Master Plan.
2. The proposed TUP is in conformance with the Transportation Component of the Master Plan.
3. The proposed TUP is in conformance with Elko City Code 3-2-3(C)(5).
4. The proposed TUP is in conformance with Elko City Code 3-2-17.
5. The parcel is not located in a designated flood zone.

STAFF RECOMMENDATION:

City Staff recommends **APPROVAL** of TUP 1-19 as submitted subject to the following conditions.

CONDITIONS:

Planning Department:

1. The duration of the temporary use is no longer than 6 months.
2. Completion and certificate of occupancy for the office currently under construction required prior to the expiration of the TUP 1-19.

Building Department:

1. B Occupancies require the following:
Accessible restroom as per 2009 IBC 2902.1 / chapter 6 ICC A117.1-2009



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 30, 2019

Andrew Knudsen
3701 Sundance Drive
Elko, NV 89801

Re: Conditional Use Permit No. 1-19 and Temporary Use Permit No. 1-19

Dear Applicant/Agent:

Enclosed is a copy of the agenda for an upcoming Planning Commission meeting. Highlighted on the agenda is an item or items that you have requested to be acted on at the meeting. Also enclosed is pertinent information pertaining to your request. Please review this information before the meeting.

The Planning Commission requests that you, or a duly appointed representative, be in attendance at this meeting to address the Planning Commission. If you will not be able to attend the meeting but wish to have a representative present, please submit a letter to the Planning Commission authorizing this person to represent you at the meeting.

If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

CC:



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

(775) 777-7160 phone * (775) 777-7119 fax

APPLICATION FOR TEMPORARY USE PERMIT

APPLICANT(s): Sundance Mini Storage, LP
MAILING ADDRESS: 181 W. Bullion Road, Unit 4, Elko, NV 89801
PHONE NO. (Home) (775) 777-3468 (Business) (775) 397-5568
NAME OF PROPERTY OWNER (If different): Sundance Mini Storage, LP
(Property owner consent in writing must be provided.)
MAILING ADDRESS: 181 W. Bullion Road, Unit 4, Elko, NV 89801
ADDRESS AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
3701 Sundance Drive
Elko, NV 89801

ASSESSOR PARCEL NO(S): 00-0E-09&040

FILING REQUIREMENTS

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month).

Fee: A \$300.00 non-refundable fee.

Plot Plan: A plot plan provided by a properly licensed surveyor depicting the existing condition drawn to scale showing property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other pertinent information that shows the use will be compliant with Elko City Code.

Elevation Plan: Elevation profiles including architectural finishes of all proposed structures or alterations in sufficient detail to explain the nature of the request.

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

Other Information: The applicant is encouraged to submit other information and documentation to support this temporary use permit application.

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JAN 15 2019

1. Identify the zoning of the property: C - General Commercial

2. Explain in detail the type and nature of the use proposed on the property: _____

The property is currently used for a mini storage facility. In addition, the property will be used for open and covered recreational vehicle storage and U-Haul rentals and storage. Included in these uses are retail sales of moving supplies and trailer supplies to compliment the mini storage, U-Haul rental and recreational vehicles storage operations.

The temporary use will allow the continued use of a storage unit to be used as the renting office, and matters related thereto.

3. Describe the type of vehicles and traffic likely to be associated with the proposed temporary use: _____

Light duty vehicles. Minimal traffic generation over and above the existing traffic generated by the existing use,

4. Identify any outside storage of goods, materials or equipment on the property: _____

Recreational vehicles and U-Hauls.

5. Describe the projected time frame associated with the temporary use: _____
1 year

6. Describe any long term plans for permanent buildings or structures on the property: _____

Sales office currently under construction to accommodate all uses of the property.

Use additional pages if necessary to address questions)

By My Signature below:

☒ I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.

☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

☒ I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

☒ I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

☒ I have carefully read and completed all questions contained within this application to the best of my ability.

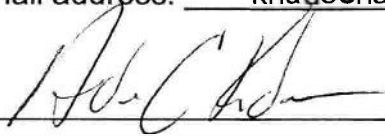
Applicant / Agent Sundane MinStorage, LP by Andrew Knudsen
(Please print or type)

Mailing Address 181 W. Bullion Road, Unit 4
Street Address or P.O. Box

Elko, NV 89801
City, State, Zip Code

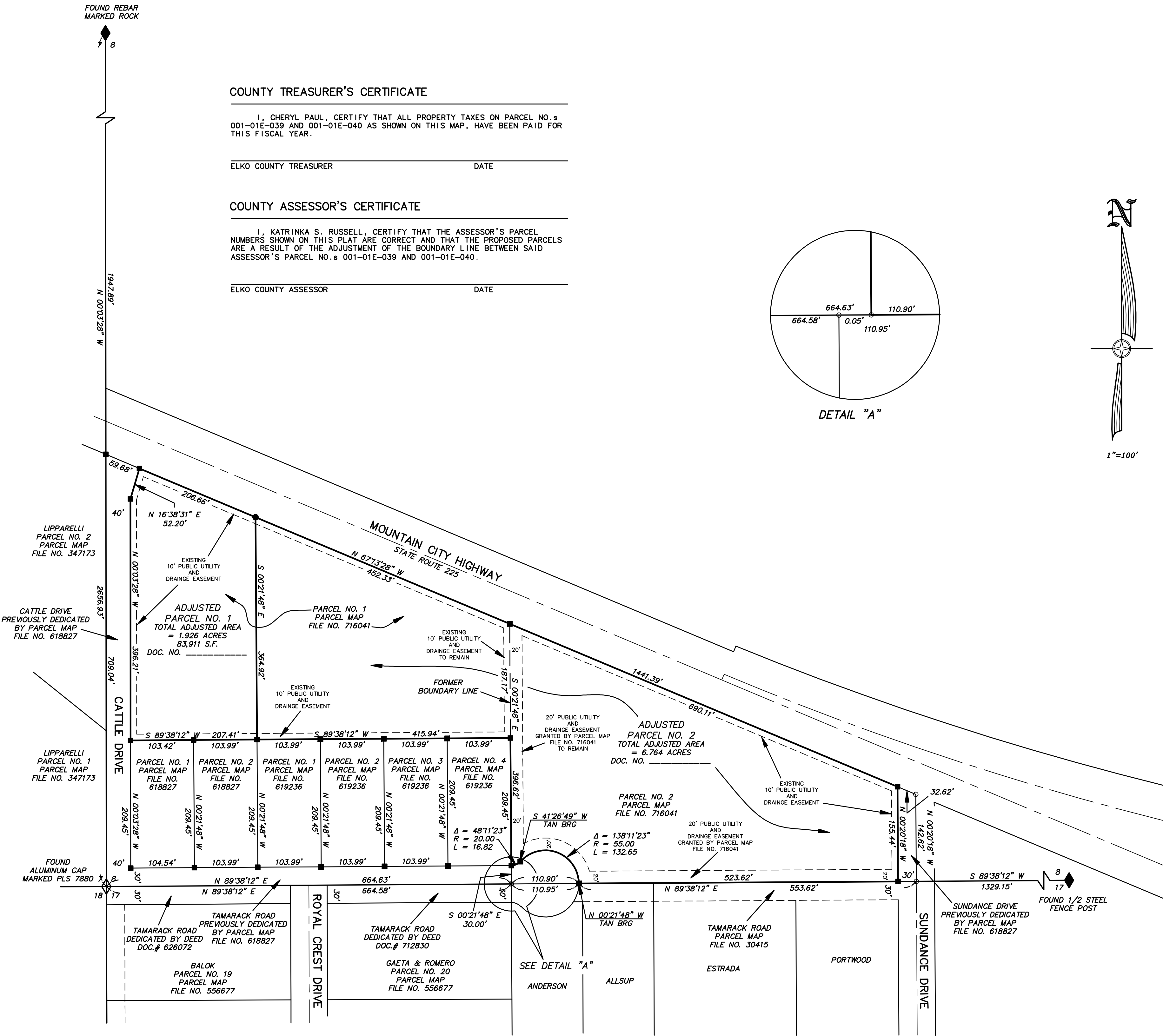
Phone Number: (775) 397-5568

Email address: knudsenandrew@hotmail.com

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 1-19 **Date Filed:** 1/15/19 **Fee Paid:** \$300 CK# 2038



- NOTES:
- 1) THE TOTAL SUBDIVIDED AREA OF THIS MAP EQUALS 8.802 ACRES.
 - 2) BASIS OF BEARINGS: THE LINE BETWEEN THE FOUND SOUTHWEST CORNER AND WEST 1/4 CORNER OF SECTION 8, T.34 N., R.55 E., M.D.B. & M., TAKEN AS N 00° 03' 28" W.
 - 3) THIS MAP ADJUSTS THE BOUNDARY LINE BETWEEN PARCEL NO. 1 AND PARCEL 2 AS SHOWN ON THE PARCEL MAP FOR SUNDANCE MINI STORAGE, LP, ON FILE IN THE OFFICE OF THE ELKO COUNTY RECORDER, ELKO, NEVADA, AS FILE NO. 716041.

- LEGEND
- ◇ = FOUND SECTION CORNER AS NOTED.
 - ◆ = FOUND 1/4 CORNER AS NOTED.
 - = FOUND 5/8" REBAR WITH CAP MARKED PLS 6203.
 - = SET 5/8" REBAR WITH CAP MARKED PLS 6203.
 - = CALCULATED POINT, NOTHING FOUND, NOTHING SET.

- APPROVAL – PUBLIC UTILITIES
- THE PUBLIC UTILITY EASEMENTS, AS DESIGNATED HEREON, ARE APPROVED BY THE RESPECTIVE UTILITIES EXECUTING BELOW.
- | | |
|--|------|
| FRONTIER COMMUNICATIONS | DATE |
| SIERRA PACIFIC POWER COMPANY D/B/A NV ENERGY | DATE |
| SOUTHWEST GAS CORP. | DATE |
| SATVIEW BROADBAND | DATE |

- FILING DATA
- FILE NO. _____
- FILED AT THE REQUEST OF HIGH DESERT ENGINEERING.
- DATE _____, 2016
- TIME _____M.
- D. MIKE SMALES
ELKO COUNTY RECORDER

- OWNERS CERTIFICATE
- KNOWN OF ALL MEN BY THESE PRESENTS THAT, THE CITY OF ELKO, SUNDANCE MINI STORAGE, LP, BEING THE OWNERS OF THOSE PARCELS AFFECTED BY THE ADJUSTMENT OF THE BOUNDARY LINE AS SHOWN ON THIS PLAT, DO HEREBY CERTIFY THAT:
- 1) THEY HAVE EXAMINED THIS PLAT AND APPROVE AND AUTHORIZE THE RECORDATION THEREOF.
 - 2) THEY AGREE TO EXECUTE THE REQUIRED DOCUMENTS CREATING ANY EASEMENTS WHICH ARE SHOWN.
 - 3) THEY AGREE TO EXECUTE THE REQUIRED DOCUMENTS ABANDONING ANY EXISTING EASEMENT, IF NECESSARY, PURSUANT TO THE PROVISIONS OF NRS 278.010 TO 278.630 INCLUSIVE.
 - 4) ALL PROPERTY TAXES ON THE LAND FOR THIS FISCAL YEAR HAVE BEEN PAID.
 - 5) ANY LENDER WITH AN IMPOUND ACCOUNT FOR THE PAYMENT OF TAXES HAS BEEN NOTIFIED OF THE ADJUSTMENT OF THE BOUNDARY LINE OR THE TRANSFER OF THE LAND.
- IN WITNESS WE, THE OWNERS, SET OUR HANDS ON THE DATE SHOWN.
- SUNDANCE MINI STORAGE, LP
- BY: YLA, INC.
ITS GENERAL PARTNER
- BY: ANDREW KNUDSEN, PRESIDENT DATE

- STATE OF NEVADA
COUNTY OF ELKO
- THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2019, BY ANDREW KNUDSEN, PRESIDENT OF YLA, INC., GENERAL PARTNER OF SUNDANCE MINI STORAGE, LP.
- NOTARY PUBLIC

- LAND SURVEYOR'S CERTIFICATE
- I, ROBERT E. MORLEY, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF NEVADA DO HEREBY CERTIFY THAT:
- 1) THIS IS A TRUE AND ACCURATE MAP OF THE LAND SURVEYED UNDER MY SUPERVISION AND DIRECTION ON THE 11TH DAY OF JANUARY, 2019, AT THE INSTANCE OF ANDREW KNUDSEN, PRESIDENT OF YLA, INC., GENERAL PARTNER OF SUNDANCE MINI STORAGE, LP.
 - 2) ALL CORNERS AND ANGLE POINTS OF THE ADJUSTED BOUNDARY LINE SHOWN HAVE BEEN SET AND THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED HEREON AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.
 - 3) THIS MAP IS NOT IN CONFLICT WITH THE PROVISIONS OF NRS 278.010 TO 278.630 INCLUSIVE, ANY OTHER APPLICABLE NEVADA REVISED STATUTE OR LOCAL ORDINANCE.

- ROBERT E. MORLEY, P.L.S. NO. 6203
- APPROVAL – CITY OF ELKO
- WE THE UNDERSIGNED, BEING THE CITY ENGINEER OR ENGINEERING REPRESENTATIVE AND THE CITY PLANNER OR PLANNING REPRESENTATIVE FOR THE CITY OF ELKO, NEVADA, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THIS MAP AND FIND THAT ALL PROVISIONS OF N.R.S. 278.5693 AND 625.340 AND ALL LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL HAVE BEEN COMPLIED WITH, AND THAT WE ARE SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.
- CITY ENGINEER OR ENGINEERING REPRESENTATIVE DATE
- CITY PLANNER OR PLANNING REPRESENTATIVE DATE

100 0 100 200 300 400

SCALE: 1"=100'

**BOUNDARY LINE ADJUSTMENT
RECORD OF SURVEY**
FOR
SUNDANCE MINI STORAGE, LP
IN
**SECTION 8, T.34 N., R.55 E., M.D.B. & M.
CITY OF ELKO, NEVADA**

HIGH DESERT ENGINEERING 640 IDAHO STREET
ELKO, NEVADA 89801
(775) 738-4053

219001

**Elko City Planning Commission
Agenda Action Sheet**

1. Title: **Review, consideration and possible recommendation to City Council for the 2019 City of Elko Land Inventory update. FOR POSSIBLE ACTION**
2. Meeting Date: **February 5, 2019**
3. Agenda Category: *MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS*
4. Time Required: **10 Minutes**
5. Background Information: **City of Elko Land Inventory spreadsheet is to be updated when necessary**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Spreadsheet, Memo**
8. Recommended Motion: **Forward a recommendation to City Council to update the City of Elko Land Inventory**
9. Findings:
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution:

2019 City Land Inventory Update

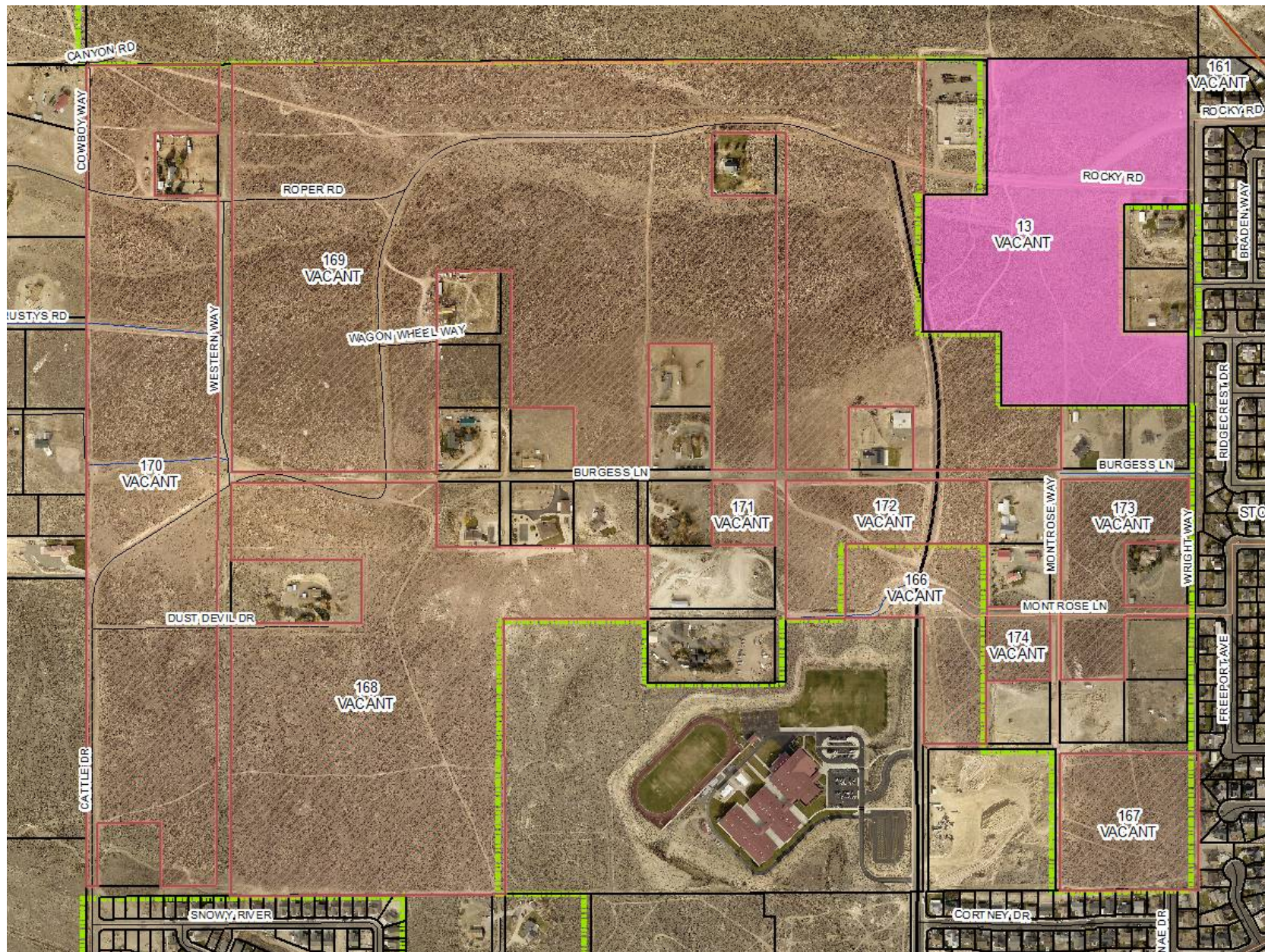
| PROP_REF_NO | PROPERTY_LOCATION | APN | PROP_SIZE | ZONING | MASTER_PLAN_DESIGNATION | CURRENT_USE | PROPERTY_DETERMINATION | NOTES |
|-------------|---|-------------|-----------|------------------------|-------------------------|------------------------------|-------------------------|--|
| 1 | N 5TH STREET | 001-610-094 | 3.38 | AG | RES-MD | VACANT | SELL | RETAIN AN EASMENT FOR WATER LINE |
| 2 | N 5TH STREET | 001-610-095 | 2.5 | AG | RED-MD | VACANT | SELL | |
| 3 | N OF MITTRY AND SPRUCE | 001-610-103 | 84.076 | AG | PARKS | VACANT | PARKS | OPEN SPACE, |
| 4 | 500 FT NORTH OF MITTRY | 001-610-104 | 41.887 | AG | RES-MD | VACANT | SELL / RETAIN A PORTION | RESIDENTIAL / FUTURE CEMETERY |
| 5 | N OF COPPER ST, 500 FT W OF 5TH ST | 001-610-092 | 3.8 | PQP | RES-MD | STORMWATER CHANNEL/DETENTION | UTILITIES | |
| 6 | S OF CHRIS AVE, 180 FT SW OF N 5TH ST | 002-610-074 | 19.24 | PQP | PUBLIC | STORMWATER DETENTION | UTILITIES | |
| 7 | SE OF RUBY VISTA AND COLLEGE PKWY | 001-620-059 | 1.16 | PQP | PUBLIC | CADV | LEASED | CADV |
| 8 | RUBY VISTA DR, 550 FT E OF COLLEGE PKWY | 001-620-060 | 1.3 | PQP | PUBLIC | VACANT | LEASED | AMERICAN LEGION |
| 9 | S OF RUBY VISTA | 001-620-021 | 1.69 | PQP | PUBLIC | VACANT | RETAIN | |
| 10 | S OF RUBY VISTA | 001-620-015 | 1.02 | PQP | PUBLIC | VACANT | RETAIN | |
| 11 | NW OF RUBY VISTA DR | 001-530-024 | 3.25 | PQP | RES-MD | SENIOR CENTER | LEASED | SENIOR CENTER |
| 12 | W OF DELAWARE | 001-860-106 | 5.65 | AG | PUBLIC | VACANT | RETAIN SELL | FOR SALE |
| 13 | ROCKY ROAD | 001-01A-012 | 38.08 | AG | RES-MD | VACANT | PARKS SELL | CEMETERY |
| 14 | S OF RUBY VISTA | 001-620-061 | 1.24 | PQP | PUBLIC | VACANT | RETAIN | |
| 15 | S OF RUBY VISTA | 001-620-029 | 1.44 | PQP | PUBLIC | VACANT | RETAIN | |
| 16 | S OF RUBY VISTA | 001-530-022 | 0.355 | PQP | GI | VACANT | RETAIN | PUBLIC USE |
| 17 | SEC 17 T 35N R 55E | 006-100-030 | 800 | ELKO COUNTY | RES-LOW | VACANT | SELL | AVAILABLE FOR SALE OR EXCHANGE |
| 18 | N OF W. IDAHO ST | 006-09G-027 | 8.69 | ELKO COUNTY LI | IBP | VACANT | AIRPORT | RETAIN FOR AIRPORT EXPANSION |
| 19 | W IDAHO ST | 006-09G-031 | 2.55 | ELKO COUNTY LI/COM | IBP | LEASED | LEASED | FUTURE AIRPORT EXPANSION |
| 20 | W IDAHO ST | 006-09G-030 | 2.96 | ELKO COUNTY LI/COM | IBP | LEASED | LEASED | FUTURE AIRPORT EXPANSION |
| 21 | W IDAHO ST | 006-09G-012 | 13 | ELKO COUNTY AG RES/COM | IBP | VACANT | AIRPORT | FUTURE EXPANSION |
| 22 | W OF HOT SPRINGS RD | 001-671-001 | 0.45 | LI | IBP | VACANT | SELL | ACCESS IS ACROSS RAILROAD SPUR |
| 22 | W OF HOT SPRINGS ROAD | 001-673-003 | 2.61 | LI | IBP | VACANT | SELL | SELL WITH 001-671-001 |
| 23 | 398 HOT SPRINGS ROAD | 001-677-001 | 9.34 | LI | IBP | VACANT | SELL | |
| 24 | W SAGE ST | 001-660-003 | 7.29 | PQP | PARKS OPEN SPACE | ANGEL PARK/VACANT | PARKS | |
| 26 | WATER ST | 001-411-006 | 0.378 | PQP | MIXED USE DOWNTOWN | PEDESTRIAN BRIDGE | CITY FACILITY | MAINTAIN FOR PEDESTRIAN BRIDGE |
| 27 | 5551 MANZANITA LN | 001-860-071 | 2.29 | AG | GI | WELL 38 | UTILITIES | RETAIN FOR UTILITIES, PUBLIC WORKS, FREEWAY ON/OFF |
| 28 | HIGHLAND DR | 001-132-001 | 1.64 | RES | MD-RES | VACANT | AIRPORT | RUNWAY PROTECTION ZONE |
| 29 | N OF HIGHLAND DR | 001-142-006 | 1.495 | RES | MD-RES | VACANT | AIRPORT | RUNWAY PROTECTION ZONE |
| 30 | MTN CITY HGWY | 001-660-105 | 12.21 | PLANNED COMMERCIAL | HIGHWAY COMMERCIAL | VACANT | AIRPORT LEASE | LEASED |
| 31 | MTN CITY HGWY & THOMAS GALLAGHER WY | 000-660-126 | 1.373 | PC | PC | LEASED | AIRPORT LEASE | ASPEN PLAZA |
| 31 | 1657 MTN CITY HGWY | 001-660-125 | 0.882 | PC | PC | LEASED | AIRPORT LEASE | ASPEN PLAZA |
| 31 | 1655 MTN CITY HGWY | 001-660-124 | 3 | PC | PC | LEASED | AIRPORT LEASE | ASPEN PLAZA |
| 32 | W SAGE ST | 001-640-033 | 0.78 | RES | MD-RES | VACANT | SELL | |
| 33 | W OAK STREET | 001-152-002 | 0.59 | RES | MD-RES | VACANT | SELL | PROCEEDS OF SALE GO TO HARP |
| 34 | W IDAHO ST | 006-09G-009 | 5 | ELKO COUNTY COM | IBP | VACANT | AIRPORT | FUTURE EXPANSION |
| 35 | W IDAHO STREET | 006-09G-005 | 2.7 | ELKO COUNTY COM | IBP | VACANT | AIRPORT | FUTURE EXPANSION |
| 36 | W IDAHO ST | 006-09G-008 | 1.59 | ELKO COUNTY COM | IBP | VACANT | AIRPORT | FUTURE EXPANSION |
| 38 | LAUREL DR | 001-660-103 | 0.16 | RES | MD-RES | VACANT | UTILITIES | DRAINAGE EASEMENT |
| 40 | WALNUT | 001-026-003 | 0.057 | RES | RES-MD | VACANT | RETAIN | STORM DRAIN |
| 41 | SAGE ST | 001-026-007 | 0.057 | RES | RES-MD | VACANT | RETAIN | STORM DRAIN |
| 42 | SAGE ST | 001-061-003 | 0.057 | RES | RES-MD | VACANT | RETAIN | STORM DRAIN |
| 43 | ELM ST | 001-061-007 | 0.057 | RES | RES-MD | VACANT | RETAIN | STORM DRAIN |
| 44 | ELM ST | 001-064-004 | 0.057 | RES | RES-MD | VACANT | RETAIN | STORM DRAIN |
| 45 | MAPLE ST | 001-064-007 | 0.057 | RES | RES-MD | VACANT | RETAIN | STORM DRAIN |
| 46 | 8TH ST | 001-066-005 | 0.092 | RES | RES-MD | VACANT | SELL | |
| 47 | 8TH ST | 001-066-012 | 0.034 | RES | RES-MD | VACANT | SELL | |
| 48 | MAPLE ST | 001-067-003 | 0.057 | RES | RES-MD | VACANT | RETAIN | POSSIBLE HORNBAKER LEASE |
| 49 | ASH ST | 001-067-007 | 0.057 | RES | RES-MD | VACANT | RETAIN | |
| 50 | ASH ST | 001-103-003 | 0.057 | RES | RES-MD | VACANT | RETAIN | STORM DRAIN |
| 51 | FIR ST | 001-103-006 | 0.057 | RES | RES-MD | VACANT | RETAIN | STORM DRAIN |
| 52 | FIR ST | 001-106-003 | 0.057 | RES | RES-MD | VACANT | RETAIN | STORM DRAIN |
| 53 | CEDAR ST | 001-106-005 | 0.057 | RES | RS-MD | VACANT | RETAIN | STORM DRAIN |
| 54 | WATER STREET | 001-411-004 | 0.93 | GI | MIXED USE DOWNTOWN | FISH BUIDING | LEASED | |
| 55 | 1060 DOUGLAS ST | 001-413-002 | 0.12 | GI | GI | VACANT | CITY FACILITY | RETAIN FOR CITY SHOPS/STORAGE |
| 56 | W OF GOLF COURSE ROAD | 001-620-018 | 0.7 | PQP | PUBLIC | LDS STORAGE | LEASED | COUNTY ASSESOR SHOWS THIS AS 3.46 ACRES |
| 57 | SHARPS ACCESS | 001-630-019 | 0.89 | PQP | PUBLIC | SHARPS ACCESS ROW | DEDICATE AS ROW | |
| 58 | 1415 MTN CITY HGWY | 001-660-032 | 1.38 | C | GC | LEASED | AIRPORT LEASE | SHELL GAS STATION |
| 59 | IDAHO ST AND MANZANITA LN | 001-601-016 | 0.03 | COM | GC | VACANT | RETAIN | |
| 60 | MAIN ST | 001-691-009 | 0.07 | LI | COM | VACANT | SELL | SELL AS REMNANT TO ADJACENT PROPERTY OWNER |
| 61 | S OF SILVER STREET | 001-710-044 | 0.69 | GI | IBP | VACANT | RETAIN | LANDLOCKED, DISPOSABLE TO GEOTHERMAL USERS |
| 62 | IDAHO ST | 001-214-014 | 0.27 | COM | MD-RES | VACANT | RETAIN | SLOPE EASEMENT |

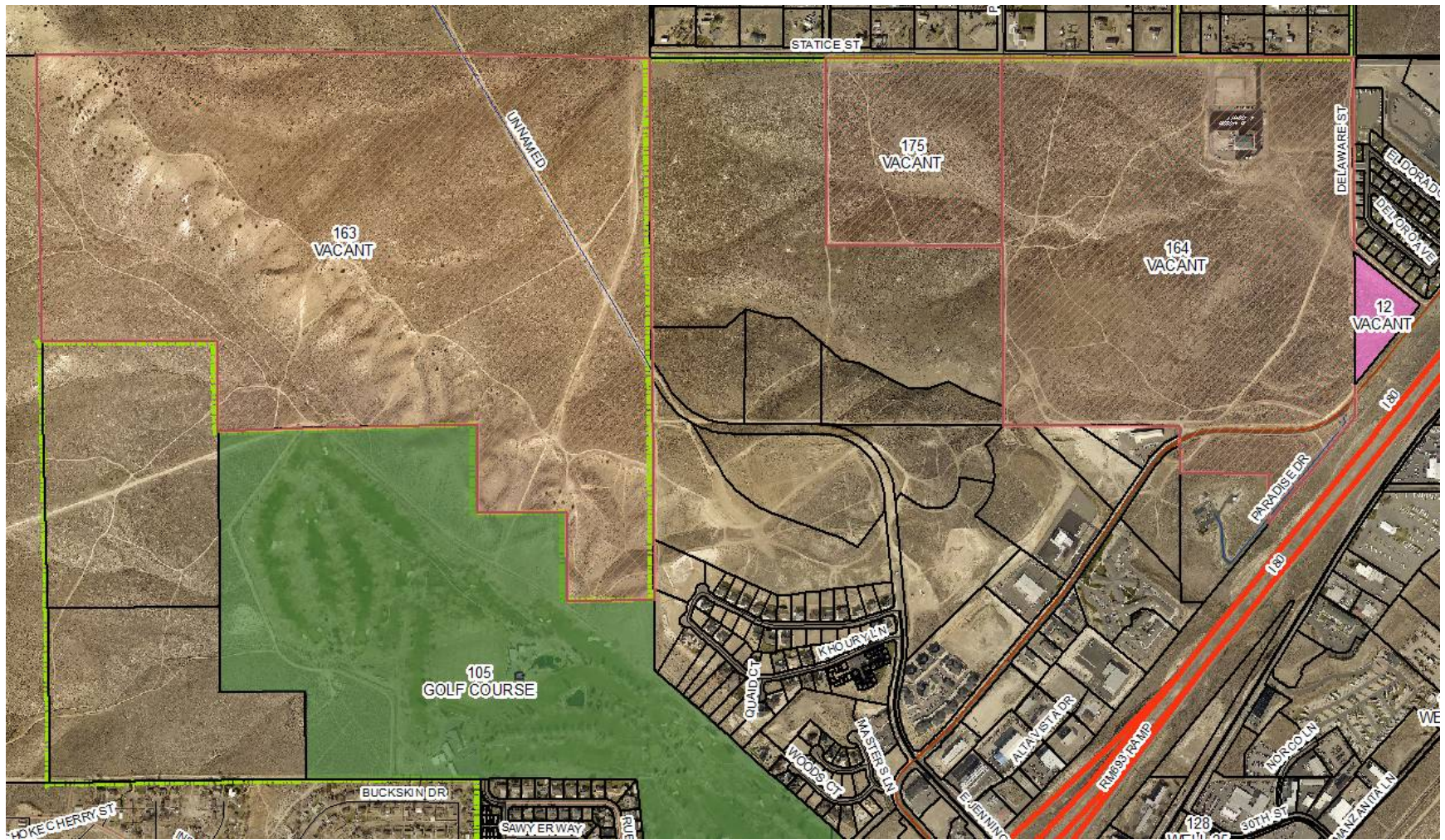
2019 City Land Inventory Update

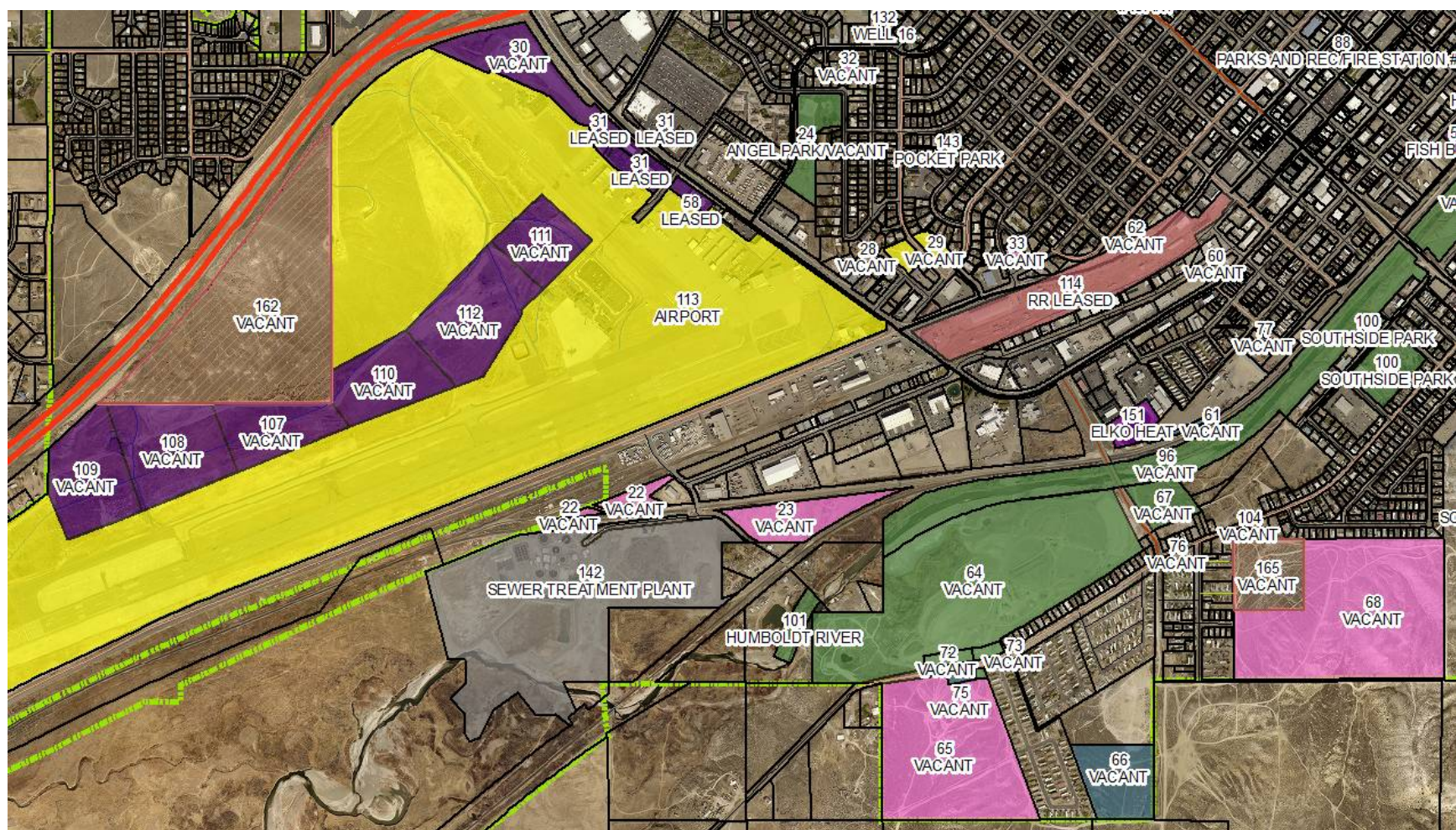
| PROP_REF_NO | PROPERTY_LOCATION | APN | PROP_SIZE | ZONING | MASTER_PLAN_DESIGNATION | CURRENT_USE | PROPERTY_DETERMINATION | NOTES |
|-------------|-----------------------|-------------|-----------|-------------|-------------------------|-------------------------------|---------------------------------|---|
| 63 | W IDAHO ST | 001-214-010 | 0.07 | RES | MD-RES | VACANT | SELL | AVAILABLE FOR SALE/LANDLOCKED/SELL AS REMNANT |
| 64 | ERRECART | 001-690-001 | 69.7 | PQP | PQP | VACANT | PARKS | IDENTIFIED FOR SPORTS COMPLEX |
| 65 | BULLION ROAD | 001-690-001 | 38.7 | RES | MD-RES | VACANT | SELL | |
| 66 | BULLION ROAD | 001-690-001 | 11.1 | PQP | MD-RES | VACANT | RETAIN | POSSIBLE EXCHANGE WITH SCHOOL DISTRICT |
| 67 | ERRECART | 001-690-001 | 4.4 | PQP | PQP | VACANT | PARKS | |
| 68 | VICTORIA STREET | 001-710-055 | 50 | AG | MD-RES | VACANT | SELL | EXCHANGE |
| 69 | WASHINGTON AVE | 001-730-004 | 11.76 | AG | MD-RES | SOUTHSIDE DAM | UTILITIES | |
| 70 | ERRECART BLVD | 001-770-003 | 45.78 | PC | IBP | VACANT | SELL | |
| 72 | BULLION ROAD | 001-690-018 | 1.27 | RMH | MD-RES | VACANT | PARKS | USE FOR PARK ACCESS |
| 73 | BULLION ROAD | 001-690-019 | 0.83 | RMH | MD-RES | VACANT | PARKS | |
| 74 | BULLION ROAD | 001-690-020 | 0.62 | RES | MD-RES | VACANT | PARKS | |
| 75 | BULLION ROAD | 001-690-021 | 0.228 | RES | MD-RES | VACANT | RETAIN | |
| 76 | BULLION ROAD | 001-700-040 | 0.039 | RMH | MD-RES | VACANT | DEDICATE AS ROW | |
| 77 | S OF DOUGLAS ST | 001-710-023 | 0.059 | GI | MIXED USE DOWNTOWN | VACANT | RETAIN | |
| 78 | STITZEL ROAD | 001-920-064 | 0.147 | RES | MD-RES | VACANT | PARKS | |
| 79 | STITZEL | 001-925-035 | 0.147 | RES | MD-RES | VACANT | PARKS | |
| 80 | PINION RD | 001-927-002 | 163.63 | AG | PQP | LANDFILL/VACANT | LANDFILL | |
| 81 | SEC 6 T 33N R55E | 006-080-013 | 186.82 | ELKO COUNTY | UNKNOWN | VACANT | RETAIN, WRF | |
| 82 | SEC 32 T 34N R 55E | 006-090-014 | 591.17 | ELKO COUNTY | PUBLIC | WRF PERC PONDS | UTILITIES | |
| 83 | POWDERHOUSE ROAD | 006-09E-019 | 25.13 | ELKO COUNTY | RES-HD | LAMOILLE WATER TANK | UTILITIES | EX TANK AND FUTURE EXPANSION |
| 86 | SEC 18 | 001-995-001 | 634 | AG | RES-MD | VACANT | PURCHASE | RESIDENTIAL DEVELOPMENT |
| 87 | STATICE ST | 006-10C-002 | 112 | ELKO COUNTY | IBP, PUBLIC | VACANT | PURCHASE:INDUSTRIAL DEVELOPMENT | PURCHASE FROM STATE |
| 88 | 725 RAILROAD ST | 001-275-007 | 0.23 | C | MIXED USE DOWNTOWN | PARKS AND REC/FIRE STATION #2 | CITY FACILITY | |
| 89 | 9TH STREET | 001-185-002 | 0.18 | PQP | PQP | CEMETERY | PARKS | PORTION OF MASONS AND ODDFELLOWS CEMETERY |
| 90 | 12TH STREET | 001-293-001 | 0.12 | C | COMM- GEN | 12TH STREET TURN LANE | DEDICATE AS ROW | |
| 91 | 1751 COLLEGE AVE | 001-560-051 | 3 | PQP | PQP | CITY HALL | CITY FACILITY | |
| 92 | 1401 COLLEGE AVE | 001-200-002 | 1.34 | R | PQP | OLD ELKO POLICE DEPARTMENT | CITY FACILITY | |
| 93 | MANZANITA | 001-560-040 | 0.5 | C | COMM-GEN | LEASED TO CAL-RANCH | LEASED | LEASED BY WATER DEPT |
| 94 | MANZANITA | 001-560-040 | 1.36 | C | COMM-GEN | WELL/LAYDOWN YARD | UTILITIES | |
| 95 | IDAHO STREET | 001-860-001 | 0.498 | LI | IND-GEN | WELL 33 | UTILITIES | CONSTRUCTION WATERWELL |
| 96 | FRONT STREET | 001-01R-001 | 38.1 | PQP | PARKS | HUMBOLDT RIVER | PARKS | |
| 97 | 12TH STREET | 001-630-021 | 2.16 | PQP | PARKS | HUMBOLDT RIVER | PARKS | |
| 98 | 12TH STREET | 001-630-063 | 0.2 | R | RES-HD | ACCESS EASEMENT | RETAIN | RIVER VIEW DRIVE |
| 99 | WALNUT | 001-024-001 | 0.023 | RES | RES-MD | VACANT | SELL | |
| 100 | FRONT STREET | 001-710-024 | 6.77 | PQP | PARKS | SOUTHSIDE PARK | PARKS | |
| 101 | HUMBOLDT RIVER | 001-680-007 | 2.53 | GI | PARKS | HUMBOLDT RIVER | PARKS | |
| 102 | 875 S. 5TH ST | 001-472-014 | 0.308 | C | RES - MD | LEE ENGINE | CITY FACILITY | |
| 103 | WASHINGTON AVE | 001-730-003 | 2 | AG | PUBLIC | WATER TANK | UTILITIES | |
| 104 | 301 BULLION RD | 001-700-013 | 0.001 | RMH | RES - MD | VACANT | SELL | SELL AS REMNANT |
| 105 | RUBY VIEW GOLF COURSE | 001-530-001 | 221 | PQP | PARKS | GOLF COURSE | PARKS | |
| 106 | SILVER STREET | | 67.2 | C / GI | LI/GI | VACANT/RR LEASE | PURCHASE | |
| 107 | AIRPORT | 001-660-106 | 12 | PQP | PUBLIC | VACANT | AIRPORT LEASE | |
| 108 | AIRPORT | 001-660-106 | 19.7 | PQP | PUBLIC | VACANT | AIRPORT LEASE | |
| 109 | AIRPORT | 001-660-106 | 16.9 | PQP | PUBLIC | VACANT | AIRPORT LEASE | |
| 110 | AIRPORT | 001-660-106 | 3.25 | PQP | IND- BS PARK | VACANT | AIRPORT LEASE | |
| 111 | AIRPORT | 001-660-106 | 13.8 | PQP | IND- BS PARK | VACANT | AIRPORT LEASE | |
| 112 | AIRPORT | 001-660-106 | 9.9 | PQP | IND- BS PARK | VACANT | AIRPORT LEASE | |
| 113 | AIRPORT | 001-660-106 | 479 | PC/C/PQP | PQP | AIRPORT | AIRPORT | |
| 114 | IDAHO STREET | | 27.48 | C / LI | COMM-GEN | RR LEASED | PURCHASE | |
| 115 | SAGECREST DRIVE | 001-01F-086 | 1.04 | R | RES-MD | STORM DRAIN DETENTION | UTILITIES | |
| 116 | MITTRY AVE | 001-620-035 | 2.39 | | RES-MD | MITTRY AVE | DEDICATE AS ROW | |
| 117 | N 5TH ST | 001-610-036 | 2.47 | AG | | N 5TH ST | DEDICATE AS ROW | |
| 118 | RUBY VISTA DR | 001-620-015 | 0.36 | PQP | RES-HD | RUBY VISTA | DEDICATE AS ROW | A PORTION OF 001-620-015 |
| 119 | FLAGVIEW DRIVE | | 2.4 | PQP | PQP | FLAGPOLE LOCATION | PARKS | BALL FIELDS PARCEL 001-620-017 AND ALL OF 001-530-001 |
| 120 | FAIRGROUNDS ROAD | 001-620-014 | 35 | PQP | PUBLIC | FAIRGROUNDS | LEASED | |
| 121 | GOLF COURSE ROAD | 001-620-017 | 26.5 | PQP | PARKS - OS | KUMP/WORNECK FIELDS | PARKS | |
| 122 | IDAHO STREET | 001-560-001 | 21.2 | PQP | PARKS - OS | MAIN CITY PARK | PARKS | |
| 123 | COUNTRY CLUB DRIVE | 001-560-001 | 12.2 | PQP | PARKS - OS | JOHNNY APPLESEED PARK | PARKS | |
| 124 | HAWTHORNE DR | 001-61F-029 | 0.63 | RES | RES-MD | STORM WATER DETENTION | UTILITIES | 100 YR DETENTION AREA |
| 125 | N OF INDUSTRIAL | | 0.006 | | | WELL 24 | UTILITIES | PORTION OF 006-090-021 |
| 126 | 3695 MANZANITA LANE | 001-860-080 | 0.115 | LI | IND- GEN | WELL 37 | UTILITIES | |
| 126 | MTN CITY HWY | | 0.06 | PQP | PUBLIC | WELL 30 | UTILITIES | PORTION OF 001-660-106 |

2019 City Land Inventory Update

| PROP_REF_NO | PROPERTY_LOCATION | APN | PROP_SIZE | ZONING | MASTER_PLAN_DESIGNATION | CURRENT_USE | PROPERTY_DETERMINATION | NOTES |
|-------------|--|-------------|-----------|-------------|-------------------------|-----------------------|--------------------------|-------------------------------------|
| 127 | IDAHO ST | 001-590-008 | 0.24 | C | COMM- GEN | WELL 12 | UTILITIES | |
| 128 | 30TH ST | 001-560-081 | 0.014 | C | COMM- GEN | WELL 25 | UTILITIES | ON WILSON BATES PROPERTY |
| 129 | WALNUT & 7TH | 001-028-001 | 0.028 | R | RES-MD | WELL 18 | UTILITIES | |
| 130 | IDAHO ST | 001-601-012 | 0.12 | C | COMM- GEN | WELL 13 | UTILITIES | ON WENDY'S PROPERTY |
| 131 | 1771 IDAHO ST | 001-560-086 | 0.013 | C | | WELL 14 | UTILITIES | |
| 132 | SEWELL | 001-013-018 | 0.071 | R | RES-MD | WELL 16 | UTILITIES | |
| 133 | E OF RAPTOR ST | 001-610-074 | 0.096 | PQP | PUBLIC | WELL 15 | UTILITIES | |
| 134 | IDAHO ST, CHRIS SHERRIN | 001-560-001 | 0.103 | PQP | PARKS | WELL 10-A | UTILITIES | |
| 135 | 4745 MANZANITA | 001-860-001 | 0.264 | LI | IND-GEN | WELL 31 | UTILITIES | |
| 136 | 5231 MANZANITA LN | 001-860-012 | 0.23 | LI | IND-GEN | WELL 27 | UTILITIES | |
| 137 | RUBY VISTA DR AND STATICE ST | 001-860-065 | 0.63 | IBP | IND- BS PARK | WELL 36 | UTILITIES | |
| 138 | GOLF COURSE | 001-530-001 | 0.064 | AG | PARKS | WELL 20 | RETAIN | |
| 140 | 1535 INDIAN VIEW HEIGHTS DRIVE | 001-530-025 | 2.84 | PQP | PUBLIC | VACANT | UTILITIES | WATER TANKS |
| 141 | EXIT 298 | 001-679-007 | 0.75 | LI | IND- BS PARK | UTILITY | RETAIN | FUTURE WELL SITE |
| 142 | STP ROAD | 001-670-003 | 77 | GI | PQP | SEWER TREATMENT PLANT | UTILITIES | TREATMENT PLANT AND EXPANSION AREA |
| 143 | ALLEY BETWEEN ASH AND FIR | 001-082-024 | 0.3 | PQP | RES-MD | POCKET PARK | PARKS | |
| 144 | MOUNATIN VIEW PARK | 001-610-075 | 24.56 | PQP | PARKS - OS | PARKS | PARKS/ SELL A PORTION | SELL APPROX. 5,000 SQ. FT. AT ENTRY |
| 145 | PEACE PARK | 001-620-069 | 8.6 | PQP | PARKS -OS | PARKS | PARKS | |
| 146 | 1090 DOUGLAS ST | 001-413-003 | 0.24 | GI | IND-GEN | WATER SHOP | CITY FACILITY | |
| 147 | 10TH STREET | 001-412-001 | 0.48 | GI | IND-GEN | STREET DEPARTMENT | CITY FACILITY | |
| 148 | 203 10TH ST | 001-413-001 | 0.35 | GI | IND-GEN | STREET DEPARTMENT | CITY FACILITY | |
| 149 | 975 WATER ST | 001-412-003 | 0.36 | GI | IND-GEN | FLEET DEPARTMENT | CITY FACILITY | |
| 150 | 1005 WATER ST | 001-413-004 | 0.7 | GI | IND-GEN | FACILITIES | CITY FACILITY | |
| 151 | ERRECART BLVD | 001-380-006 | 3 | PQP | IND-BS-PARK | ELKO HEAT | LEASED | LEASE TO ELKO HEAT |
| 152 | IDAHO ST | 006-320-037 | 1.033 | | IND-GEN | WELL 1-96 | UTILITIES | |
| 154 | HUMBOLDT RIVER -5TH TO 370' E. OF LYON | 001-01R-001 | 12.6 | PQP | PARKS-OS | HUMBOLDT RIVER | PARKS | |
| 155 | CEDAR STREET | 001-620-000 | 11.47 | PQP | PUBLIC | CEMETERY | RETAIN | CITY OF ELKO CEMETERY |
| 156 | CEDAR STREET | 001-185-001 | 3.61 | PQP | PUBLIC | CEMETERY | RETAIN | MASONS AND ODDFELLOWS CEMETERY |
| 157 | 1448 SILVER STREET | 001-630-086 | 3.066 | LI | IND- GEN | POLICE DEPARTMENT | CITY FACILITY | POLICE DEPARTMENT |
| 158 | OWL RD | 001-926-110 | 0.304 | RMH | RES-MD | VACANT | RETAIN | CEDAR ESTATES STORM DRAINAGE |
| 159 | 1755 5TH STREET PARK | 001-620-023 | 2.32 | PQP | PARKS -OS | PARKS | PARKS | |
| 160 | 1701 5TH STREET | 001-620-001 | 0.9 | PQP | PARKS - OS | VACANT | IN PROCESS OF PURCHASING | FUTURE PARKING FOR 5TH STREET PARK |
| 161 | 200 WEST RIVER | 001-381-010 | 0.133 | GI | IND-GEN | VACANT | RETAIN | EASEMENT TO TOWER AND SEWER |
| 162 | SOUTH OF I-80 NORTH OF AIRPORT RUNWAY | 001-660-009 | 60.19 | PQP | IND-BS-PARK | VACANT | CITY PURCHASE | AIRPORT MASTER PLAN DESIGNATION |
| 163 | NORTH OF GOLF COURSE - JENNINGS WAY EXTENSION | 006-090-900 | 295 | ELKO COUNTY | RES-MED | VACANT | CITY PURCHASE | |
| 164 | BUS BARN FACILITY | 001-562-002 | 179.96 | PQP | PUBLIC | ECSD BUS BARN | CITY PURCHASE | |
| 165 | SECTION 22 BLM PARCEL SOUTH OF BULLION | 001-710-007 | 10 | AG | RES- MED | VACANT | CITY PURCHASE | |
| 166 | JENNINGS WAY BY ADOBE MIDDLE SCHOOL | 001-01A-016 | 10.97 | PQP | RES-MED | VACANT | CITY PURCHASE | |
| 167 | BLM PROPERTY EAST OF HUMBOLT HILLS SUBDIVISION | 006-090-900 | 10 | ELKO COUNTY | RES-MD | VACANT | CITY PURCHASE | |
| 168 | SECTION 8 BLM LAND | 006-090-900 | 51.9 | ELKO COUNTY | RES-MD | VACANT | CITY PURCHASE | |
| 169 | SECTION 8 BLM LAND | 006-090-900 | 135 | ELKO COUNTY | RES-MD | VACANT | CITY PURCHASE | |
| 170 | SECTION 8 BLM LAND | 006-090-900 | 49.3 | ELKO COUNTY | RES-MD | VACANT | CITY PURCHASE | |
| 171 | SECTION 8 BLM LAND | 006-090-900 | 2 | ELKO COUNTY | RES-MD | VACANT | CITY PURCHASE | |
| 172 | SECTION 8 BLM LAND | 006-090-900 | 9 | ELKO COUNTY | RES-MD | VACANT | CITY PURCHASE | |
| 173 | BLM LAND MONTROSE LANE | 006-090-900 | 9.7 | ELKO COUNTY | RES-MD | VACANT | CITY PURCHASE | |
| 174 | SECTION 8 BLM LAND | 006-090-900 | 2 | ELKO COUNTY | RES-MD | VACANT | CITY PURCHASE | |
| 175 | PARCEL ADJACENT TO BUS BARN FACILITY | 001-562-003 | 43.74 | AG | RES-MD | VACANT | CITY PURCHASE | |







**Elko City Planning Commission
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action on the 2018 Annual Report of Planning Commission activities. FOR POSSIBLE ACTION**
2. Meeting Date: **February 5, 2019**
3. Agenda Category: **MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS**
4. Time Required: **10 Minutes**
5. Background Information: **Pursuant to City Code Section 3-4-23, the Planning Commission is required to prepare and present an annual report of its activities to the City Council.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information:
8. Recommended Motion: **Move to approve the 2018 Annual Report of Planning Commission Activities as presented, and forward a recommendation to City Council to approve the report.**
9. Prepared By: **Cathy Laughlin, City Planner**
10. Agenda Distribution:

City of Elko Planning Commission 2018 Annual Report

**Chairman David Freistroffer
Vice-Chairman Jeff Dalling
Secretary Tera Hooiman
Commissioner John Anderson
Commissioner Evi Buell
Commissioner Stefan Beck
Commissioner Ian Montgomery**

APPLICATIONS PROCESSED

A summary of the tasks and accomplishments of the City of Elko Planning Commission for the 2018 calendar year:

| <u>Application</u> | <u>2018</u> | <u>2017</u> | <u>2016</u> | |
|---|-------------|-------------|-------------|-----|
| Annexations | 1 | 3 | 1 | |
| Boundary Line Adjustments (admin.) | 0 | 1 | 4 | |
| Conditional Use Permits | 7* | 6 | 4 | |
| Appeals (City Council) | 0 | 1 | 0 | |
| Curb, Gutter, Sidewalk Waivers | 2 (C.C.) | 1* (C.C.) | 3* (C.C.) | |
| Appeals (City Council) | 0 | 0 | 0 | |
| Home Occupation Permits (admin.) | 53* | 37* | 43* | |
| Land Sales/Leases/Acquisitions (C.C.) | 0 | 2* | 2* | |
| Parcel Maps (mostly administrative) | 10 | 8* | 7 | |
| Parking Waivers | 2 | 0 | 0 | |
| Reversions to Acreage (City Council) | 1 | 2 | 5 | |
| Revocable Permits (mostly City Council) | 5 | 4 | 3 | |
| Rezones | 8 | 12 | 10 | |
| Appeals (City Council) | 0 | 0 | 0 | |
| Site Plan Reviews | 2 | 0 | 0 | |
| Subdivisions | | | | |
| Pre-Applications, Stage 1 | 4 | 0 | 2 | |
| Preliminary Plats | 3 | 2 | 2 | |
| Final Plats | 7 | 2 | 4 | |
| Temporary Sign Clearances (admin.) | 2 | 4 | 3 | |
| Temporary Use Permits | 2* | 4 | 3 | |
| Vacations | 4 | 1 | 3 | |
| Variances | 13* | 5 | 2 | |
| Appeals (City Council) | 1 | 0 | 0 | |
| * see next page | TOTAL | 127 | 95 | 101 |

APPLICATIONS PROCESSED Cont.

Application

| | |
|---------------------------------------|--|
| Conditional Use Permits | 1 – 2018 Conditional Use Permit Transfer from 2003 1 – 2018 Conditional Use Permit Transfer from 1986 |
| Curb, Gutter, & Sidewalk Waivers | 2 – 2016 applications on hold 1 – 2017 application on hold |
| Home Occupation Permits (admin.) | 1 – 2018 application pending pickup 1 – 2018 application withdrawn 1 – 2017 application paid but never finished 1 – 2017 application withdrawn 2 – 2016 applications paid but never finished |
| Land Sales/Leases/Acquisitions (C.C.) | 1 – 2017 application in progress |
| Parcel Maps | 3 – 2017 applications refunded |
| Temporary Use Permits | 1 – 2018 application withdrawn |
| Variances | 1 – 2018 application refunded |

***INTERACTION WITH and SUPPORT OF
the
REDEVELOPMENT AGENCY
and the
REDEVELOPMENT ADVISORY COUNCIL***

- **Analyzed applications within the Redevelopment Area for general conformance with the Redevelopment Plan.**
- **Commissioner Dalling is a member of the Redevelopment Advisory Council and therefore keeps the Planning Commission informed of redevelopment happenings.**

CITY OF ELKO MASTER PLAN and other PROJECT PLANS

- **Revision to Atlas Map #8 of the City of Elko Master Plan to remove Res-MD and replace with Public for area surrounding old PD Station on College Ave.**
- **Updated the City of Elko Land Inventory.**
- **Zoning revisions or clarification on properties throughout the City of Elko. (Ongoing)**
- **Review zoning for the RMH districts, revise map. (In progress)**

***CITY OF ELKO
ZONING and SUBDIVISION
ORDINANCE and CITY CODE
AMENDMENTS***

- **Repeal and Replaced Section 3-3 Subdivisions**
- **Revisions to Section 3-4-2 Meetings, Records, Quorum, and Voting**
- **Revisions to Section 3-2-11 IBP, IC District adding development standards**
- **Revisions to the Section 3-9 Sign Ordinance. (In progress)**
- **Revisions to the Planning Department applications. (In Progress)**

PLANNING DEPARTMENT FILING FEES COLLECTED

| | <u>2018</u> | <u>2017</u> |
|--|--------------------|--------------------|
| Annexations | \$ 1,000 | \$ 2,250 |
| Conditional Use Permits | \$ 3,750 | \$ 4,875 |
| Curb, Gutter and Sidewalk Waivers | \$ 500 | \$ 50 |
| Home Occupation Permits | \$ 2,575 | \$ 800 |
| Parking Waivers | \$ 100 | \$ 0 |
| Parcel Maps | \$2,325 | \$ 1,425 |
| Reversions to Acreage | \$ 300 | \$ 600 |
| Revocable Permits | \$ 2,000 | \$ 1,600 |
| Rezoning | \$ 3,300 | \$ 3,000 |
| Subdivisions | \$ 16,100 | \$ 6,925 |
| Temporary Use Permits | \$ 300 | \$ 400 |
| Vacations | \$ 2,400 | \$ 600 |
| Variances | \$ 4,350 | \$ 500 |

TOTAL FEES COLLECTED FOR 2018
\$39,000

2017 - \$23,025 (difference of \$15,975)

Zoning Bulletin

in this issue:

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Special Exception/Variance/Public Interest—Area residents challenge zoning board's grant of special exception and area variances for construction of large homeless shelter

Residents argue that zoning board erroneously applied a "flexible" public interest standard in evaluating the non-profit

Contributors

Corey E. Burnham -Howard

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applicants' variance requests

Citation: *Neighbors for Responsive Government, LLC v. District of Columbia Board of Zoning Adjustment*, 2018 WL 5068814 (D.C. 2018)

DISTRICT OF COLUMBIA (10/18/18)—This case addressed the issue of whether a zoning board's grant of zoning relief (in the form of a special exception and area variances) for construction of a large homeless shelter in a "residential apartment" zoning district was proper. Among other things, the case addressed the issue of a zoning board's application of a "flexible" public interest standard where the zoning relief applicant is a non-profit entity.

The Background/Facts: In 2016, the Council of the District of Columbia (the "Council") enacted the Homeless Shelter Replacement Act of 2016 (the "Act"). The Act authorized the construction of new emergency homeless shelters in the District of Columbia (the "City"), including one 50-family shelter on a large, City-owned tract in Ward 3 (the "Site"). That Site was located in a Residential Apartment ("RA") zoning classification, which permitted all types of urban residential development, including emergency homeless shelters. A shelter for more than four persons in an RA zone, however, required the City's Board of Zoning Adjustment ("BZA") to approve the shelter as a special exception. The RA zone restricted lots to one primary structure per lot, and imposed a maximum building height permitted as of right at 40-feet and three stories.

In order to fulfill the vision of the City government and the purpose of the Act, the City's Department of General Services ("DGS") proposed a plan to construct on the Site, a 50-family residential unit in a six-story, 69-foot tall building. The DGS applied to the BZA for a special exception and variance relief. In August 2017, the BZA granted DGS' requests for zoning relief. In granting that zoning relief, the BZA found that DGS had satisfied the applicable conditions for approval of the proposed shelter use as a special exception and for area variances allowing the shelter to be the second primary structure on the lot and to exceed the height permitted in an RA-1 zone as of right.

A group of area residents led by Neighbors for Responsive Government (collectively, "NRG") filed a timely petition to the District of Columbia Court of Appeals to review the BZA's decisions. The NRG challenged the grant of the special exception, contending that the proposed shelter was so large that it could not be found to be "in harmony with the general purpose and intent" of an RA-1 Zone, as required by City code. The NRG challenged the grant of the variances. The NRG argued that the BZA erred in applying a principle that it could be more flexible in evaluating a request for a variance and finding an exceptional condition when the applicant is a non-profit organization seeking the variance to enable it to serve a public need. The NRG contended that such flexibility was only available when the non-profit was seeking to expand or continue an existing, previously authorized use on its property—which was not the case here. The NRG also argued that the BZA erred in relying on the Act's designation of the Site because the Act did not override zoning requirements or mandate the use of the Site for that purpose. Finally, the NRG argued that the BZA should have denied the variances because the exceptional condition necessitating relief was self-imposed in that, instead of choosing other possible locations, DGS chose the Site, knowing a variance would be needed.

DECISION: Judgment of Board of Zoning Adjustment affirmed.

The District of Columbia Court of Appeals rejected all of the NRG's arguments, concluding that the BZA properly granted the zoning relief requested by DGS.

Responding to NRG's challenge to the special exception, the court noted that City requirements for special exception approval imposed "no *per se* limit on the maximum size of an emergency shelter in an RA-1 Zone." The court further noted that "an increase in population density [such as with a 50-family homeless shelter] [was] not 'necessarily incompatible' with a residential neighborhood." Rather, the court said that compatibility depended on whether the proposed shelter would have an "adverse impact on the neighborhood in terms of traffic, noise, or other effects." The court found there was "sufficient evidentiary support" for the BZA's findings that the proposed shelter would not have an adverse impact on the neighborhood's residential neighbors.

Responding to NRG's challenge to the variances, the court first rejected NRG's proposed limitation of the BZA's flexibility in evaluating requests for variance relief to enable non-profit entities to serve an important public need or purpose. The court noted that the rationale for such flexibility was that the "public need for the use is an important factor in granting or denying the variance." The court held that "when a nonprofit organization applies for a variance as being necessary to enable it to meet a public need or serve the public interest without undue burden, the BZA has discretion to take the public benefit into account in assessing whether the requirements for a variance are met (including the existence of an exceptional condition affecting the property), regardless of whether the applicant seeks to expand or continue an existing, authorized use, or to add or substitute a new use of the property in question." Accordingly, the court found no legal error in the Board's decision to apply the "flexible" public interest standard in this case in which the applicant, a non-profit (governmental) entity, sought to add a new use to its property to meet a substantial public need for an emergency homeless shelter in the ward.

The court also rejected the NRG's argument that the BZA had erred in relying on the Act's designation of the Site. NRG argued that the Act did not override zoning requirements or mandate the use of the Site for that purpose. The court found that the BZA was not under the impression that the Act overrode zoning requirements or compelled it to grant the variances DGS sought. Still, the court said that did not mean that the Council's designation of the Site was immaterial to the question of whether the Site was subject to an exceptional condition for purposes of granting the requested variances. The court noted that the Council had made a legislative determination of a critical public need to utilize the Site for the homeless shelter because it was "uniquely valuable" and "uniquely suitable" for that purpose. The court determined that the BZA "properly considered that determination, not as overriding applicable zoning requirements, but in applying those requirements to the application at hand."

Finally, the court agreed with NRG that it was "fair" to characterize DGS' need for variance relief as self-imposed or self-inflicted since DGS chose the Site knowing it would need the variances. Still, the court noted that such a self-imposed difficulty "is not a bar to an area variance." The court found substantial evidence supported the conclusion that the Site was the only property in Ward 3 that could feasibly be used for the shelter needed there. Thus, the court found

that DGS could not be said to have deliberately preferred a site requiring variance relief over an acceptable alternative location that would not have needed such relief. Accordingly, the court concluded that the BZA did not abuse its discretion in granting the area variance despite DGS having chosen the property knowing it would need a variance.

See also: *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164 (D.C. 1990).

Case Note:

NRG had also argued that the variances being sought were actually use variances and not area variances. The court rejected that claim.

Decisions of boards or officers— Planning board denies site plan application, opining that proposed facility would not be a good fit for the area

Noting the site plan application met all zoning requirements, applicant challenges denial as illegally subjective despite all objective criteria being met

Citation: *Trustees of Dartmouth College v. Town of Hanover*, 2018 WL 5796932 (N.H. 2018)

NEW HAMPSHIRE (11/06/18)—This case addressed the issue of whether a planning board unreasonably denied a site plan application. More specifically, it addressed whether a planning board had the authority to deny a site application despite the application meeting all zoning requirements.

The Background/Facts: In March 2016, the Trustees of Dartmouth College (“Dartmouth”) submitted to the Town of Hanover’s Planning Board (“the Board”) a site plan application for the construction of an Indoor Practice Facility (“IPF”). The proposed IPF was to be a 69,860 square foot facility within the college’s 41-acre athletic complex located in the Institutional Zoning District (“I-District”) in the Town of Hanover (the “Town”). The proposed IPF site abutted a neighborhood of single-family homes in a Single Residence zoning district. Pursuant to the Town zoning ordinance, the I-District allowed for large facilities for educational and recreational purposes but set stringent height limitations and setback requirements on buildings in close proximity to residential districts.

Abutters of the proposed IPF site “vigorously opposed” the IPF. Among other things, they voiced concerns that the building’s height would “block an unreasonable amount of sunlight and cast shadows on their homes.”

The Town’s Zoning Administrator informed the Board that the IPF would be

fully compliant with the Town's zoning ordinances, including ordinances regulating height restrictions, setback requirements and building-to-lot size ratio limitations. Board staff recommended approval of Dartmouth's site plan application for the IPF with 21 conditions. Dartmouth agreed to comply with all 21 conditions. Nevertheless, the Board ultimately voted to deny the application. Citing the Town's Site Plan Review Regulations, the Board based its denial on three enumerated reasons: (1) the application did not conform with the Town's Master Plan; (2) the application would have negative impacts on "the abutters, neighborhood and others, town services and fiscal health"; and (3) the application did not "relate to the harmonious and aesthetically pleasing development of the [T]own and its environs."

Dartmouth appealed the Board's denial of its site plan application for the IPF to the trial court. The trial court concluded that the Board's decision was "lawful and reasonably based upon a particular concern that the IPF 'would block an unreasonable amount of sunlight from reaching abutting homes.'"

Dartmouth again appealed. Among other things, Dartmouth argued that the trial court's decision was unreasonable and legally erroneous because the court: "(1) relied upon factual claims and a rationale, not supported by the evidence or the [B]oard's deliberations; and (2) upheld a planning board decision that was based upon ad hoc decision-making and personal feelings, rather than objective or discernible facts, to find that the application failed to meet the general considerations."

DECISION: Judgment of trial court reversed, and matter remanded.

Agreeing with Dartmouth, the Supreme Court of New Hampshire held that, since Dartmouth's site plan application complied with the Town's specific zoning ordinances and site plan regulations, the Board unreasonably and erroneously denied Dartmouth's site plan application.

In so holding, the court explained that a planning board's site plan review is intended to ensure "that sites will be developed in a safe and attractive manner and in a way that will not involve danger or injury to the health, safety, or prosperity of abutting property owners or the general public." In performing its review, the court noted that a planning board does not have the authority to deny a particular use "simply because it does not feel that the proposed use is an appropriate use of the land."

Here, the court concluded that the Board exceeded its authority because, although the site plan application met all zoning requirements, the Board "essentially decided" that the IPF was: "(1) too large and imposing, despite the project's compliance with Hanover's I-District zoning ordinances regulating a structure's height and size; (2) too close to the abutting neighborhood, despite the project's compliance with the unique setback and height restrictions imposed by its proximity to a residential neighborhood; and (3) not a harmonious or aesthetically pleasing fit with the development of the [T]own and its environs, despite the fact that the IPF constitute[d] a permitted use within a 'special district' that not only contemplate[d] large warehouse and recreational facilities, . . . [but included] two indoor sports facilities of similar sizes." The court held that "a planning board cannot supersede the specific regulations and ordinances that control the site plan review process with their own personal feelings and then justify their reasoning through the application of general considerations." While a planning board may rely on its own judgment and experience, it must

base its decision on more than the mere personal opinions of its members, said the court.

See also: *Town of Deering ex rel. Bittenbender v. Tibbetts*, 105 N.H. 481, 202 A.2d 232 (1964).

See also: *Condos East Corp. v. Town of Conway*, 132 N.H. 431, 566 A.2d 1136 (1989).

Case Note:

In overturning the trial court, the Supreme Court of New Hampshire also held that the evidence did not reasonably support the trial court's findings. Specifically, the court found that, contrary to the trial court's findings, the Board had not denied Dartmouth's application because the IPF would deprive abutting homes of sunlight. In fact, the Supreme Court of New Hampshire found that the Board members only briefly touched on that issue, and, in actuality, based their denial on their "feelings" that the proposed IPF did not meet the standard of being a harmonious and aesthetically pleasing development.

Case Note:

In its decision, the Supreme Court of New Hampshire emphasized that it was not suggesting that site plan reviews should be "reduced to the mechanical process of determining conformity with specific zoning and site plan regulations." However, the court also made clear that a planning board cannot solely base its decision upon general considerations that, in doing so, override the site plan's conformity with specific regulations and ordinances.

Time for proceedings— Environmental group challenges tree removal agreement between city and utility

Utility argues that group's challenge must be dismissed as untimely for failing to meet statute of limitations

Citation: *Save Lafayette Trees v. City of Lafayette*, 293 Cal. Rptr. 3d 222 (Cal. App. 1st, Oct. 23, 2018)

CALIFORNIA (10/23/18)—This case addressed the issue of whether causes of action based on violations of planning and zoning law were timely served.

The Background/Facts: On March 27, 2017, the City of Lafayette (the "City") approved a tree removal agreement (the "Agreement") with Pacific Gas and Electric Company ("PG&E") which authorized and imposed conditions on the removal of up to 272 trees within PG&E's local natural gas pipeline rights-

of-way. On June 26, 2017, Save Lafayette Trees, Michael Dawson, and David Kosters (collectively, “Save Lafayette Trees”) filed a petition challenging the Agreement. The petition was served the following day. Among other things, the petition alleged that the City: (1) failed to comply with the California Environmental Quality Act (“CEQA”) before approving the Agreement; and (2) approved the Agreement in violation of the substantive and procedural requirements of the planning and zoning law, the City’s general plan, and the tree ordinance (collectively, “planning and zoning law claims”).

PG&E filed a demurrer to the petition. PG&E contended that the petition was time barred by California statutory law—Government Code section 65009, subdivision(c)(1)(E). That statute requires that an action challenging a decision regarding a zoning permit be filed and served within 90 days of the decision. Specifically, section 65009, subdivision (c)(1), provides that:

no action or proceeding shall be maintained in any of the following cases by any person unless the action or proceeding is commenced and service is made on the legislative body within 90 days after the legislative body’s decision: . . . (E) To attack, review, set aside, void, or annul any decision on the matters listed in Sections 65901 and 65903, or to determine the reasonableness, legality, or validity of any condition attached to a variance, conditional use permit, or any other permit.

The “matters listed” in sections 65901 and 65903 include “conditional uses or other permits when the zoning ordinance provides therefor” and “variances from the terms of the zoning ordinance.” (§ 65901, subd. (a).)

PG&E explained that while Save Lafayette Trees’ petition was timely filed on June 26, 2017, it was not served until the next day, which was after the 90-day deadline.

Save Lafayette Trees maintained that its claims fell outside the scope of section 65009. Alternatively, it maintained that even if section 65009 applied to its planning and zoning law claims, its CEQA claim was timely filed and served under the statute of limitations provided under the state’s Public Resources Code. Public Resources Code section 21167, subdivision (a), allows 180 days from an agency’s decision to challenge that decision as having a significant effect on the environment.

Finding for PG&E, the trial court sustained the demurrer. The court found that Save Lafayette Trees failed to serve the action within the 90-day period for service set forth in section 65009(c)(1)(E).

Save Lafayette Trees ultimately appealed. On appeal, it argued that its planning and zoning law claims were subject to the 180-day statute of limitations for challenging City Council decisions found in section 6-236 of the City’s Municipal Code rather than the 90-day statute of limitations in section 65009 of the state’s Government Code. Save Lafayette Trees pointed to the fact that the Agreement for tree removal was not an issuing “permit” regulated under the Government Code, but rather was an agreement making exceptions to the requirements of the City’s tree ordinance subject to the City’s Municipal Code section 6-1705. Save Lafayette also argued that section 65009 did not apply because, in entering the Agreement with PG&E, the City was not acting in one of the roles specified in sections 65901 and 65903—namely as a board of zoning adjustment, zoning administrator, or a board of appeals. Finally, and alternatively, Save Lafayette Trees argued that section 65009 was not applicable to its CEQA cause of action because the statute of limitations in section 65009

conflicted with the more specific CEQA statute of limitations found in the Public Resources Code.

DECISION: Judgment of superior court affirmed in part and reversed in part.

The Court of Appeal, First District, Division 3, California, held that Save Lafayette Trees' planning and zoning law claims were untimely and thus properly dismissed. The court, however, also found that the CEQA cause of action was timely filed and served.

In so holding, the court rejected Save Lafayette Trees' arguments that the 90-day statute of limitations in section 65009 did not apply. The court found it irrelevant that the City had entered into an agreement approving the removal of trees under the section 6-1705 of the City's Municipal Code, rather than issuing a permit for their removal. The court found no difference between such an agreement and a permit in this instance. Accordingly, the court found that since section 65009 applied to an action challenging "any decision" of a "legislative body" regarding a permit provided for by a local zoning ordinance, section 65009's 90-day statute of limitations applied here.

The court also rejected Save Lafayette Trees' argument that the City Municipal Code's 180-day statute of limitations for actions challenging City Council decisions applied. The court found that section 65009 expressly conflicted with the local ordinance, and thus preempted it.

The court also found, with regard to the application of section 65009, that it was irrelevant that the City was not acting as a zoning board when it approved the tree removal Agreement. The court found that section 65009 applied to "matters listed" in sections 65901 and 65903 (including zoning permits), "regardless of the legislative body charged with making the decision."

Still, the court agreed with Save Lafayette Trees that section 65009 did not apply to its CEQA action. The court found that section 65009, subdivision (c)(1)(E) and Public Resources Code sections 21167 and 21167.6 both related to the same subject: "the time period within which service of a petition challenging approval of a zoning permit must be made." The court explained that, in cases such as this—where the statutes cannot be harmonized—the more specific applies. Thus, in the case, the court concluded that the more specific Public Resources Code provisions governed. Applying the Public Resources Code's 180-day statute of limitations, the court concluded that Save Lafayette Trees' CEQA action was timely filed and served.

See also: *Royalty Carpet Mills, Inc. v. City of Irvine*, 125 Cal. App. 4th 1110, 1119, fn 6, 23 Cal. Rptr. 3d 282, 35 Env'tl. L. Rep. 20017 (4th Dist. 2005).

Standing—In judicial action, special use permit applicant contends that group challenging its permit lacked standing

Challengers argue applicant waived that standing argument by not raising it at administrative level

Citation: *York v. Athens College of Ministry, Inc.*, 2018 WL 5729088 (Ga. Ct. App. 2018)

GEORGIA (11/02/18)—This case addressed the issue of whether the grant of a special use permit was a legislative or quasi-judicial action—thus impacting when a challenge to a party's standing must first be made—at the administrative or judicial level.

The Background/Facts: Athens College of Ministry, Inc. ("ACM") sought to build a college campus in Oconee County (the "County"). In furtherance of the proposed development, ACM applied to the County Board of Commissioners (the "Board") for a special use permit. Property owners in the area—Kevin York and Icy Forest, LLC (collectively, the "Objectors")—sent a letter to the Board, objecting to ACM's special use permit application. Eventually, following a public hearing, the Board granted ACM the special use permit, subject to specific conditions.

The Objectors then filed in the County Superior Court a petition for writ of certiorari, challenging the grant of the special use permit. ACM and the County moved to dismiss the Objectors' petition. They argued that the Objectors lacked the required legal standing to challenge the Board's decision. Specifically, they argued that the Objectors had failed to show that they would be damaged in a way that was uncommon to similarly situated property owners.

The Objectors argued that ACM and the County could not now challenge the Objectors' standing because they waived that challenge by failing to raise the issue of standing before the Board. Specifically, they contended that the decision to grant the special use permit to ACM was quasi-judicial, and, therefore, ACM and the County were required to raise any standing issue before the Board. The Objectors argued that the failure to raise the standing issue before the Board resulted in a waiver of any standing challenge since the trial court's review was limited to the arguments raised before the Board.

ACM and the County countered, arguing that the Board's decision to issue the special use permit was legislative. As such, they maintained that the trial court could therefore review the issue of standing in the first instance.

The trial court agreed with ACM and the County, concluding that the Board's issuance of the special use permit was legislative and that therefore the standing issue could be raised in the first instance before the trial court. The trial court then ruled that the Objectors lacked standing to challenge the Board's decision because they failed to show special damage or injury.

The Objectors appealed. On appeal, they argued that the trial court erred in addressing the standing issue and dismissing their petition.

DECISION: Judgment of superior court reversed.

Agreeing with the Objectors, the Court of Appeals of Georgia held that the decision by the Board to issue the special use permit was quasi-judicial, not legislative, and, thus that the County and ACM had waived their challenge to the Objectors' standing by not raising the issue of standing before the Board.

In so holding, the court explained that “[w]hen a party seeks certiorari review in the trial court of a decision of an administrative body acting in a quasi-judicial capacity, the trial court is bound by the facts and evidence presented to the administrative body, and the issue of standing is waived if it was not raised before the administrative body.” On the other hand, explained the court, when a party seeks review of a local government’s legislative decision, the trial court may hear newly introduced evidence, including with regard to the question of standing.

In determining whether the Board’s decision to issue the special use permit to ACM was quasi-judicial or legislative, the court detailed the following test:

Generally, [a quasi-judicial] decision operates to address a specific dispute or determine rights and obligations of a particular party or parties. The resulting decision seeks to establish those rights and obligations or otherwise resolve the dispute, and is immediate in application. A legislative decision, on the other hand, is usually marked by a general inquiry, often not limited to the facts and circumstances of specific people or properties, which results in a rule of law or course of policy that will apply in the future.

The court noted that the decision making process “for applying preexisting standards to individual circumstances”—such as where a special permit is sought under terms set out in the local ordinance—is adjudicatory with the governing body (i.e., here, the Board) acting in “a quasi-judicial capacity to determine the facts and apply the law.”

Here, the court found that the Board, in assessing ACM’s special use permit application, analyzed the application against 10 objective “standards for special use consideration” set forth in the County ordinance. The court concluded that this process used for the Board’s decision—involving the determination of facts and application of the facts to the ordinance’s legal standards—was a decision-making process akin to a judicial act. Thus, the court concluded that the Board’s determination to grant the special use permit was quasi-judicial. Accordingly, the court also concluded that ACM and the County waived their challenge to the Objectors’ standing since they failed to raise the issue before the Board.

See also: *Druid Hills Civic Ass’n, Inc. v. Buckler*, 328 Ga. App. 485, 760 S.E.2d 194 (2014) (disapproved of by, *Hourin v. State*, 301 Ga. 835, 804 S.E.2d 388 (2017)).

See also: *City of Cumming v. Flowers*, 300 Ga. 820, 797 S.E.2d 846 (2017).

Case Note:

The trial court, in deciding that the Board’s decision was legislative, had interpreted Georgia statutory law—OCGA § 36-66-3 (4) as governing this dispute. That statute defines a “zoning decision” as a “final legislative action by a local government,” including “[t]he grant of a permit relating to a special use of property.” But the appellate court disagreed with this interpretation, noting that the statute defined a “zoning decision,” not a “special use permit” or “special use approval” decision. In other words,

the appellate court concluded that the statute did not, on its face, “make a local government’s issuance of any and all ‘permit[s] relating to a special use of property’ ‘legislative action[s],’ regardless of the process that was used to make any such decision.” The court emphasized it was the decision-making process used by the local entity that determined whether the entity’s decision was quasi-judicial or legislative. Here, the court concluded that the Board’s decision was a “quasi-judicial” (not legislative) action by a local government resulting in “[t]he grant of a permit relating to a special use of property.” (See OCGA § 36-66-3(4)(E).) Thus, the court concluded that OCGA § 36-66-3(4)(E) did “not apply or compel the conclusion that the Board’s decision was legislative.”

Zoning News from Around the Nation

MASSACHUSETTS

The City of Lowell is considering a zoning law change that would limit the number of unrelated tenants to three people per apartment unit.

Source: *Boston 25 News*; www.boston25news.com

MICHIGAN

In November, Michigan voters approved Ballot Proposal 1, legalizing recreational use of marijuana in the state. Under the measure, possession of recreational marijuana is illegal “at K-12 schools or lands owned by the federal government, such as national forests or parks.” Local governments must now establish regulations related to the commercial sale of recreational marijuana, and can, among other things, adopt an ordinance to ban marijuana sales or adopt local zoning laws to regulate marijuana businesses.

Source: *Cadillac News*; www.cadillacnews.com

WASHINGTON

The City of Olympia has adopted new regulations that “relax restrictions and legalize more types of modest multifamily dwellings citywide.” Among other things, the new regulations allow more housing types in zoning districts, and loosen restrictions such as building size limits.

Source: *Sightline Institute*; www.sightline.org