



CITY OF ELKO

Planning Department

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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, April 2, 2019 in the Council Chambers at Elko City Hall, 1751 College Avenue, Elko, Nevada, and beginning at 5:30 P.M., P.D.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: March 27, 2019 2:10 p.m.

ELKO COUNTY LIBRARY – 720 Court Street, Elko, NV 89801
Date/Time Posted: March 27, 2019 2:05 p.m.

ELKO POLICE DEPARTMENT – 1448 Silver Street, Elko NV 89801
Date/Time Posted: March 27, 2019 2:15 p.m.

ELKO CITY HALL – 1751 College Avenue, Elko, NV 89801
Date/Time Posted: March 27, 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 27th day of March, 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.D.S.T., TUESDAY, APRIL 2, 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

March 5, 2019 – Regular Meeting **FOR POSSIBLE ACTION**

I. NEW BUSINESS

A. PUBLIC HEARING

1. Review and consideration of Tentative Map No. 5-19, filed by Granite Holdings, LLC, for the development of a subdivision entitled Orchard Cove Unit 2 involving the proposed division of approximately 6.947 acres of property into 19 lots and a remainder parcel for residential development within the R (Single-Family and Multiple-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally south of the intersection of Colt Drive and Winchester Drive. (APN 001-958-004)

2. Review, consideration, and possible adoption of Resolution 1-19, containing amendments to the Atlas Map #12 and the Transportation Component of the City of Elko Master Plan, and matters related thereto. **FOR POSSIBLE ACTION**

Planning Commission reviewed and initiated the amendment to the City of Elko Master Plan at its March 5, 2019 meeting.

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible approval of Final Map No. 6-19, filed by Copper Trails, LLC, for the development of a subdivision entitled Copper Trails Phase 2 involving the proposed division of approximately 19.194 acres of property into 29 lots and 1 remainder parcel for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located at the intersection of Copper Street and Mittry Avenue. (APN 001-610-114)

II. REPORTS

- A. Summary of City Council Actions.
- B. Summary of Redevelopment Agency Actions.
- C. Professional articles, publications, etc.
 1. Zoning Bulletin
- D. Miscellaneous Elko County
- E. Training

COMMENTS BY THE GENERAL PUBLIC

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

CALL TO ORDER

Jeff Dalling, Chairman of the City of Elko Planning Commission, called the meeting to order at 5:38 p.m.

ROLL CALL



Present: Evi Buell
 Gratton Miller
 Jeff Dalling
 Stefan Beck
 Tera Hooiman

Excused: Ian Montgomery
 John Anderson.

City Staff Present: Scott Wilkinson, Assistant City Manager
 Cathy Laughlin, City Planner
 Ty Trouten, Police Department Captain
 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

February 5, 2019 – Regular Meeting **FOR POSSIBLE ACTION**



*****Motion:** Approve the minutes from the February 5, 2019 Planning Commission Meeting.

Moved by Evi Buell, Seconded by Tera Hooiman.

**Motion passed. (4-0, Gratton Miller abstained)*

I. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible action on Conditional Use Permit No. 2-19, filed by The Stage Door Elko, LLC, which would allow a bar within a C (General Commercial) Zoning District located within the Central Business District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southwest side of 3rd Street, approximately 75' northwest of Railroad Street (303 3rd Street, Suite A).

Emily Anderson, 149 Elm Street, gave some background information. She introduced her business partner Greg, who sits with her on a non-profit that she Chairs called Ghost Light Productions, which is a theater company in town. She has an extensive background in the arts. She has worked in professional theater all over the State. She moved to Elko and started Ghost Light Productions, which is a non-profit theater company. They do a lot of shows and fundraisers for local non-profits. She is currently working with the Nevada Arts Council to bring a program to Elko that will bring urban artists to town and rural artists across the state. She just left the Chamber of Commerce after for years, so she knows a lot about small businesses, how the community works, and what it is lacking, which is the arts. Her background is in educational arts with children, teens, and adults. She has wanted to open a performance venue for a long time. Part of her mission was to bring rural arts exposure, education, and programming workshops to Elko. They found a location that they would like to have their venue in. It is going to be a studio theater. They would like to have a bar to serve alcohol during shows and events, along with food. They are in process of getting their restaurant license. The idea is that they want to host shows, so artists will have an affordable venue. The venues to do shows in Elko can be outstanding in Price to local non-profits. They want to make that space available for artists, actors, people who want to do art shows, jewelry shows, and bringing more entertainment shows and life to downtown. There are a lot of opportunities out there, but they are lacking an affordable venue. She passed out a sheet with some ideas on what they want to do. They need to have some sort of sustainable income, aside from their big nights, so they also want to do some smaller events. Bottom line they are about bringing arts and arts exposure to the area.

Ty Trouten, Captain Elko Police Department, thought this was a very unique and novel idea and would be a very welcome addition to the community. The Police Department had a couple of concerns and asked for some special conditions upon the permit, if the bar is allowed. He understood that they wanted to bring in some children's events. He pointed out that it was a tight area and it had no natural, physical, barriers built in that separate the bar area from the theater, or the tables. One of the conditions he was asking for was if there was a children's event going on, and if there were going to be children present, that the bar be closed at that time. They can't have the minors in there, because it becomes very difficult to ensure that the children aren't accessing alcohol, or being provided alcohol from others in there. The other thing that came up in discussion of this was that there be restrictions against any temporary sexually oriented business, or special event, licenses for this premise. It was Mr. Trouten's understanding that the property had an easement along the Commercial Street frontage for parking. He asked that it be in

compliance with Elko City Code 3-2-17 for additional lighting. He mentioned that lighting tended to diminish criminal activity, which protects the clients and customers.

Chairman Jeff Dalling asked if it was paved. (No)

Mr. Trouten said his last question concerned the limitation on hours. He wasn't sure what the applicants plans were. Is this going to be a bar that is open all hours, day and night?




Nitin Bhakta, 294 Idaho Street, said he was representing the Midtown Motel, which is located next to the subject property. They have several concerns regarding the bar going in. With this building in close proximity to the motel, he thought noise was going to be a big factor. They were concerned about the noise. Because there is only 5 feet of separation between the proposed bar building and the guest rooms. He has a lot of miners and guest that stay at the motel that work on swing shifts and they are in bed by 7 or 8 o'clock. Both are old buildings with thin walls. They have been in the motel for 37 years. They have seen a lot of events happen in and around town. They've seen a lot of people park in their parking lot to travel to other places. They like to have that space available for their guests. The other concern he has, with alcohol people will possibly be loitering outside the building. Noise tends to migrate. Those are some of the issues they have.

Cathy Laughlin, City Planner went over the City of Elko Staff Report dated February 21, 2019. Staff recommended approval with the conditions and the findings listed in the staff report. Staff asked that the Planning Commission add to Condition No. 1 what the permitted use will be.

Bob Thibault, Civil Engineer, recommended approval.

John Holmes, Fire Marshal, had two condition. The applicant is responsible for obtaining any and all associated building and fire related construction annual operational permits required to gain approval for the proposed use. Also, to keep in conformance with occupancy number as associated with the business, and an occupancy load sign will be required.



Scott Wilkinson, Assistant City Manager, said they had heard some public comment with regard to noise, parking, and loitering. It looked like the applicant was proposing to lease half the building. If you look at the floor plan, half of that space would be a bar area. He thought the biggest issue with regard to that would be on half of that lease area on the 3rd Street side. That is something the Planning Commission could keep in mind as they consider the public comment in regards to noise. With regard to parking the corridor is there. Under Code the corridor is utilized for parking in the downtown area for all types of businesses within 400 feet. The corridor is probably going to be more convenient parking, than going around to Idaho Street. He saw that as less of a concern, although it could happen.  There is some concern about loitering outside the building and how that might impact the occupants of the hotel. Mr. Wilkinson didn't have a response to that. That is something that may, or may not, occur. If they are on the front side of the building, in the vacant area, you would have a buffer of the whole building between them and the hotel. Personally, he wasn't convinced that this is a good location for a bar. He recommended, if approved, that Condition No. 1 would be a conditional approval for a bar associated with cabaret performances, performances by art groups, non-profit artists, artist displays, and/or art workshops, or closely related activities. Mr. Wilkinson thought that give

quite a bit of room. He would go further and say that the CUP for the bar shall not be valid if the bar is not associated with the listed activities. Rather than have a CUP issued to an individual business, he thought if they considered, in this case, being that specific it would be worth the while. Typically, he didn't like to see CUP with that much specificity in them, but he thought it was appropriate in this case for the Commission to consider that.

Ms. Laughlin pointed out that in the Staff Report there were the four conditions from the Police Department and the last two conditions that the Fire Department started are not in the Staff Report.

Commissioner Stefan Beck said Captain Trouten had some good points. He thought they should try and do everything they could to minimize the responsibility of the Police Department. He also thought the motel owner had good concerns. Commissioner Beck said he hoped this would work.

Commissioner Gratton Miller asked if the applicant already was operating out of the building.

Ms. Anderson explained that one of their friends associated with Ghost Light is trying to get a Comedy Night going, so he is touring at other venues.

Chairman Dalling asked what the square footage was of the half of the building that she is leasing.

Ms. Anderson said it was around 2,100 square feet.

Chairman Dalling asked if half of that square footage would be bar.

Ms. Anderson explained that half would be the lobby, but the bar would be located in there as well.

Commissioner Tera Hooiman asked if the front area was a gallery area, where there would be food service and where the bar would be located.

Ms. Anderson explained that the front area, with the table and chairs, would be where people would sit for cabaret nights, art nights, or whatever they had going on. That space would be movable, if they wanted to move chairs out of the way for different events. The bar would be in that area and next to it is the stage. There is also a dressing/green room, a small kitchen, and bathrooms.

Chairman Dalling asked if they were having to build the bathrooms and the other walls.

Ms. Anderson explained that the walls were already up and the bathrooms were existing.

Chairman Dalling asked if the bathrooms were ADA. (Yes) He asked if they couldn't use the Art Club Building.

Ms. Anderson said it was small. This had been a dream of hers, to start her own venue where there could be a variety of shows.

Chairman Dalling said he was worried about how they were going to make money if they were doing all the events for charity.

Ms. Anderson said there were different things depending on the nonprofit and whatever proposal letters they sent, either the rehearsal space or the show space would be for free. If it's a larger non-profit they could work out a deal where it is a portion of ticket sales. They will also get food and beverage sales. They will do different things like raffles, but most of the revenue would come in from the bar area, which is why they are trying to get their CUP.

Chairman Dalling asked if it would be a normal full bar. (Yes) He asked if there was performance and they teamed up with the College, how it would work if they had performers that were under age.



Ms. Anderson said it would depend on what kind of stipulations were put into the CUP. They have done a lot of show with Ghost Light at the museum and they get their special event liquor license, and serve and check IDs. She has a show that they want to open with. She's mentoring a 17 year old in directing. It would depend on what kind of conditions were put on them.

Mr. Wilkinson pointed out that the City doesn't allow the performers in other bars to be under age. This isn't a bar bar. It is a request in association with all of the cabaret and theater and all of that, so it is a little different. That's why he thought the CUP needed some specific conditions with it on what is being approved. He thought if they were going to have alcohol that they don't allow performers to be under age. We have had those issues in other establishments.

Ms. Anderson said they were getting their restaurant license.

Mr. Trouten said one of the concerns was the nature of the business. A restaurant that also serves alcohol is a different type of business than a bar that may also serve food. There are some businesses that are a hybrid, with a bar on one side and a restaurant on one side, but there is a physical barrier to separate the two, so that those who aren't drinking i.e. minors, juveniles can be on one side while adults can enjoy alcoholic beverages on the other side. This is a tight space, so it does presents some concerns. They've had requests come in from other bars to have a band with a juvenile member, which have been denied. How do you control that without having eyes on the whole time? That is not the job of law enforcement or anyone else. That is the reason for the condition that if there are minors and juveniles that the bar be closed during that time.

Chairman Dalling asked if the applicant was ok with that.

Ms. Anderson said she understood where Captain Trouten was coming from.

Chairman Dalling said he would still classify this as a bar. They would gave food, but He wouldn't call them a restaurant. He then asked about what she had planned for hours of operation.

Ms. Anderson said as of right now Wednesday through Saturday they would be open from 4pm to 2am. She said the closing time would depend, comedy nights start pretty late. She said they

were definitely not looking to be a rager bar. They want to do art and be able to bring people and create some more nightlife and culture downtown.

Chairman Dalling asked how the applicant felt about the condition about excluding sexually oriented events, such as exotic dancers.

Ms. Anderson said she was fine with that.

Mr. Dalling said the parking should be fine because they were within 400 feet of the corridor. Mr. Dalling said he was trying figure out a way to clean up some of the empty dirt lots in town. He asked if this was different because it was on Railroad property.

Mr. Wilkinson said it was a different lease area.

Chairman Dalling asked if that meant it was a free for all.

Mr. Wilkinson explained that it wasn't leased to the proposed tenants of this building, or the lease holder of that building. He didn't think they would have any rights or authority to do any improvements to that area without the Railroad allowing for them to do that, and then they would probably be forced to lease that area from the Railroad. That dirt area is a delineated area for the railroad to lease at some point in time. The City took a look at improving that as a parking lot, and it would be several hundred thousand dollars.

Commissioner Miller asked if they had to go through any type of leasing permits to get approval from the Railroad to park in there, or if it was through Dennis Parkers lease.

Mr. Wilkinson said that Dennis Parker could sublease the premise as he sees fit.

Ms. Anderson said they were going to try to get more gravel to fill in some of the holes and smooth it out. She hoped most people would park in the corridor.

Chairman Dalling said Captain Trouten was hoping they would do some lighting on the Post Office side. He asked if Ms. Anderson was ok with that.

Ms. Anderson said she was.

Chairman Dalling asked if she was ok with Mr. Wilkinson's condition on make the CUP specific to art events.

Ms. Anderson said yes.

Mr. Wilkinson said his concern was that Conditional Use Permits run with the land. If we do a Condition Use Permit for a bar and the performing art aspect goes away, the applicants could transfer the CUP to someone else for just a bar. He wasn't sure that was a good location for that type of use. He thought a CUP that tied it to art type activities would be worth considering.

Chairman Dalling thought Ms. Anderson was in the right realm, and wished her good luck.

Commissioner Beck thought it was great what she was trying to do.

Chairman Dalling said he understood Mr. Bhakta's concerns, but he thought it helped that the applicant was only renting the front half of the building. He thought that people should respect the parking and park in the corridor. It sounded like the applicant was willing to add the lighting on the one side and close the bar when children are present.

Commissioner Evi Buell said the only question was on the hours of operation.

Chairman Dalling said he got 4pm to 2am.

Commissioner Buell asked if everyone was comfortable with that.

Commissioner Beck said yes.

Commissioner Hooiman thought that with the CUP the alcohol specific stuff should be specific to the event. If it's not specific to the event and there are juveniles there it would be an issue.

Chairman Dalling said they would have to close the bar if there are any minors.

Commissioner Hooiman asked how they would regulate that.

There was discussion about having 21 and older events and advertising them as such.

Commissioner Hooiman said she would support that if that's how it was going to be. If there is any chance that the bar is going to be open, she didn't want there to be a grey area. There are plenty of other locations to get alcohol.

Commissioner Buell asked if they needed to codify in as an additional condition the hours of operation.

Ms. Laughlin said it was Police Condition No. 4.

Commission Buell said they would need to clarify what that condition is.

Commissioner Hooiman asked if there was something with regards to the noise ordinance that would satisfy what the Bhakta's were concerned with.

Ms. Laughlin said there was nothing in the conditions.

Commissioner Hooiman asked if that was something they needed to worry about.

Chairman Dalling said all the bars downtown were supposed to have a window that the PD could see through. A lot of the bars cover them up with heavy tint or signs. That was a concern. They need to make sure that they have to have a window that the PD could see through

Mr. Wilkinson asked if that was in the Liquor Code already.

Ms. Laughlin said the Liquor Code states that there has to be visibility.

Mr. Wilkinson said it was already a Code requirement.

Chairman Dalling said he wanted to reiterate it, because a lot of things are in Code and no one monitors that. He thought it was best to just put it in the conditions.

 *****Motion: Conditionally approve Conditional Use Permit No. 2-19 subject to the conditions in the City of Elko Staff Report dated February 21, 2019, with modifications listed as follows:**

1. The permit is granted to the applicant The Stage Door Elko, LLC for a bar associated with cabaret performances, performances by art groups, non-profits, artist, art displays, and/or art workshops and closely related activities. The CUP for the bar shall not be valid if the bar is not associated with the listed activities.
2. The conditional use permit shall automatically lapse and be of no effect one year from the issuance unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.
3. 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.
4. CUP 2-19 to be recorded with the Elko County Recorder within 90 days after the commencement of the expansion to the current facility.
5. Signage will require a separate application with the Building Department and be subject to Elko City Code 3-9 as well as Redevelopment Agency approval.
6. Applicant to maintain an account with Elko Sanitation at all times for collection of garbage, refuse, or waste. Receptacles shall be of adequate capacity and be provided in sufficient number to hold all garbage, refuse or waste that accumulates between collections.
7. Exterior of the building to be properly lit with lighting that is shielded from the adjacent motel windows.

Building Department:

1. Building permits are required for all work proposed for access.

City Clerk:

1. A business license is required prior to opening for business.
2. A liquor license is required prior to serving liquor.

Fire Department:

1. The applicant is responsible for obtaining any and all associated building and fire related construction and/or operational permits required to gain approval for the proposed use.
2. Abide by occupancy regulations.
3. Post the building occupancy.

Police Department:

1. Bar to be closed during any children's events.
2. No conditional use for special event sexually oriented business.
3. Lighting to be installed to illuminate the parking area within the lease agreement.
4. Limit hours of operation as deemed appropriate by Planning Commission.

Planning Commission:

1. Window and storefront regulations by the Liquor License are to be observed at all times.
2. Hours of operation shall be 4:00 p.m. to 2:00 a.m.

Commissioner Buell's findings to support the motion were the conditional use is in conformance with the Objectives in the Land Use Component of the Master Plan. The conditional use is in conformance with the Transportation Component of the Master Plan and existing transportation infrastructure. The conditional use is in conformance with the Wellhead Protection Plan. 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. The proposed use conforms to Section 3-8 of Elko City Code.

Moved by Evi Buell, Seconded by Tera Hooiman.

**Motion passed unanimously. (5-0)*

Mr. Wilkinson notified the applicant and audience that there were 10 days to file an appeal if they weren't satisfied with the outcome.

2. Review, consideration, and possible action of Conditional Use Permit No. 3-19, filed by Elite Storage and RV, LLC, which would allow for a storage facility and recreational vehicle storage within a C (General Commercial) Zoning District and abutting a R (Single-Family and Multi-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northeast corner of the intersection of Opal Drive and S 12th Street (1500 Opal Drive – APN 001-630-056).



Commissioner Miller disclosed that he works for Farr West Engineering, which did survey work on the property.

David Mitton, 45 Teton Drive, Lindon, Utah, said he was the owner of Elite Storage and RV, LLC. They are well underway on the project. The project is considered a Class A storage unit

facility. Class A requires a certain mix. They have RV storage, climate controlled units, and standard units. He explained that the northern portion of the property was 3 acres and they intend to use it as outdoor RV storage. This difference between this facility and other storage facilities is that there are gates that are controlled electronically by an app, which will be able to be accessed by the tenants. The property will be locked down after 10pm. As it relates to the neighbors around the facility, storage is the lowest impact project allowed in the Commercial Zone. The temperature controlled units and the RV area are almost full and they don't even have a sign on the property. Elko just doesn't have any temperature controlled units. They would like to ask the Commission to approve two more buildings. They will have the same look, color, and feel of the buildings they are building now. When their current buildings are about 60% they would like to begin construction on additional climate controlled, or insulated, units. The other thing was when they initially submitted the CUP they intended to construct an 8 foot screen wall around the entire property. They were able to construct half of it as a screen wall. There is a section that is rather problematic for an 8 foot wall. When they submitted for the original CUP, they requested approval for a screen wall or a screen fence. They would like to clarify for the Planning Commission that they would like the north and east sides to be a screen fence. They submitted copies of what that would look like. It is the highest quality screen fence you can get. The 8 foot screen wall is part of the CUP, not just for security. They will have a clientele that will have expensive equipment. The 8 foot screen fence and the 8 foot screen wall is a security issue for them. If they lower the wall, or the fence, they would compromise the integrity and safety of the property. They were asking for the Commission to allow the 8 foot screen fence. If they were to lower the fence in any place that would become the point of easiest access. When they understood that the neighbors were concerned about the size of the fence, they asked their engineer and the fence company to remove the four rows of barbed wire on top of it, so it doesn't look so prison like. They were hoping that compromise would help soften the neighbors' objections to the fence. They were just asking the Commission to let them keep moving forward and have this available.

Commissioner Hooiman asked if the first application was for a 6 foot slatted fence.

Mr. Mitton said in the application it stated an 8 foot screen wall or screen fence, but when they did the illustration it all showed the screen wall. Now they are asking for a portion of the boundary to be a screen fence.

Commissioner Hooiman asked if they were going to put barbed wire on top of it.

Mr. Mitton explained that they have removed all of that. He thought it would be a nicer product for the neighbors. The other thing was on their Conditional Use Permit they are required to screen the area lighting from the neighbors. That is another reason the neighbors would want them to have an 8 foot fence, because the site will be lit at night. He wanted the Planning Commission to understand that this was all driven by security and a quality product.



Ron Chappell, 1735 Flagstone Drive, said he was one of the neighbors that Mr. Mitton was trying to wall in. When he looks out of his back door all he can see is giant poles. When they put the fence in all he will be able to see from his sliding glass door is a wall. He bought his house a year ago and he knew that they were going to build the storage units, but he didn't know that they were going to build a prison wall around it. He said that the applicant said this was for security. He asked whose security they were trying to get, the applicant's or his. The fence

company said they were going to build this fence, and that they were going to tear his fence down to put it up. They want to come in and take part of the fence down, so they can construct their fence, this wall. He was thinking that they should try to work together. If they couldn't lower the fence, maybe they could pull some of the slats down, so they wouldn't be so high and so they wouldn't be looking at a wall. He heard what they were saying and what they have to do. You also have to try to think about the people who invested all that money when they bought those homes.

Mr. Mitton said part of this might be a communication problem. Before they submitted for the CUP, Mr. Capps was in process of subdividing those properties. Mr. Mitton talked to Mr. Capps at length about the fence. Mr. Capps would have liked Mr. Mitton's fence to go in first, but he put a fence up first right on the property line. When the fences are built they start with 10 foot poles. As they set the foundations for the poles the grade moves up and down. Once the poles are in they will pull a string line and cut the tops of the poles off to 8 feet. Right now the poles are about 9 ½ feet tall. They won't be any higher than 8 feet once the fence is complete. Mr. Mitton could see where the concern was.

Mr. Chappell said what they did was they kept packing dirt until the dirt was level with his property. Once they got it wide enough then they put in the poles for the fence. He said it was more than 8 feet tall from the applicants side of the fence.

Chairman Dalling call for a Break, which started at 6:51 p.m.

The Break ended at 6:54 p.m.

Ms. Laughlin, went over the City of Elko Staff Report dated February 25, 2019. Staff recommended approval with the findings and conditions in the staff report, with a modification to Condition No. 1 allowing for the storage of RV units, either indoor or outdoor.

Mr. Thibault recommended approval.

Mr. Holmes said with listening to the applicant he wanted to add a condition that the applicant follow the 2012 IFC D103.5, which states that the electric gate shall be equipped with the means of opening the gate by the Fire Department personnel for emergency access. Otherwise, he recommended approval.

Mr. Wilkinson recommended approval as presented by staff and clarify that it would include RV storage, either indoor or outdoor.

Commissioner Beck asked the applicant if the height of the fence could be modified to the point where all parties would be satisfied.

Chairman Dalling said it sounded like part of Mr. Chappell's concern was the height of the poles.

Mr. Mitton said they were more concerned, not about putting wall around his house, but the integrity of the project, and the security of project. It is the dollar volume of property that they will have on the property. If they were to lower the fence to 6 feet then it would become the easiest point of access and people could potentially go right through the neighbors' yards. They

have taken the four rows of barbed wire off the top. They were approved for an 8 foot screen fence, or wall, and they need it to be 8 feet.

Chairman Dalling said they were approved for an 8 foot screen wall, so the Commission would keep it as a wall and they would be happy.

Mr. Wilkinson said if you look at the exhibits included in the last application it stated an 8 to 9 1/2 foot tall wall, depending on what they needed to do there. That was approved by the Planning Commission. Typically, when we look at screening a property, in particular residential use, we end up at 8 foot. It is a happy medium for everybody. At the last meeting the neighbors wanted it to be 14 feet tall. It just depends, but 8 foot is what we typically see on almost all applications where we consider screen walls as a requirement for the use.

Commissioner Beck said he understood what Mr. Mitton said. His only other question was if the original agreement on the interference of the wall with the homeowners in any way compromised by later decisions to add a bunch of dirt so the wall would be higher, which would interfere with the view of the mountains. Commissioner Beck said he understood the importance of the wall.

Mr. Mitton explained that one of the main reasons they were in front of the Commission today was the area adjacent to the condos was compromised. When they built the condos they pushed all the dirt out to the crest. The entire embankment is fill dirt. When Mr. Capps cut his property he pushed all the dirt south and raised the natural grade. The difference between wall and fence is astronomical. The wall weighs 4,500 pounds per panel. The panels can't be supported with fill dirt. They need to build a fence that is consistent with the same size and same scope. Because of the fill dirt it would be impossible. The other thing they had a problem with was there is natural drainage that comes off of property, and if they build a concrete wall it would become a dam.

Lana Carter, Carter Engineering, PO Box 794, explained that all they can do with the neighbors is match the existing grade. They haven't built up their property higher than what is there, they are matching the existing grade. The drainages coming off the existing condo property are really hard to isolate where they are. They know they are coming onto the property and they are mitigating that through there, because it is an existing condition they have no control over and it was done years ago when the condos were built. There are a few different types of drains and some new work that has gone on from the condos and they are just mitigating the drainage onto Mr. Mitton's property in a concentrated flow. They don't really have a choice, that's just the way it's going. If we build the wall it creates a physical barrier to hold the drainage it. With the chain-link they could mitigate the drainage through.

Chairman Dalling asked if it was correct that the condo property was not allowed to drain on to Mr. Mitton's property.



Ms. Carter said she wouldn't know what they could do about it at this point in time.

Chairman Dalling said if they did build a wall and it dammed up, wouldn't it be the condos problem.

Ms. Carter said they could consider it that way, but there is a lot of water coming off of there and they have had to deal with it. Along that whole property line they have had to deal with it. Every

time it rains there is a bunch of water that comes off of that property onto Mr. Mitton's. They have ways of mitigating it because they have a valley gutter and will eventually have a drainage. They are going to take it over to Opal Drive and put it in the storm drain there. They have no choice but to mitigate it, or they can dam it up, but Ms. Carter didn't think that was a good idea.

Chairman Dalling asked why this wasn't a concern when they submitted the application for the first CUP.

Ms. Carter explained that it would be more practical to put a fence along the condo boundary because of the drainage, and along Great Basin Estates because they had to build it next to a fence that is already in. They can get a fence a little bit closer. They won't be taking down the neighbors' fences. There was some sort of talk between the fence contractor that they would be able to get it even closer to the existing fence if they took out the slats, but they are not going to touch the neighbors' fences. They will have to offset the fence a little. In the original application they put on the application a screen wall or a screen fence. The plan, as they were moving forward, was to do the wall all the way around, but as they got further into the project they realized that it would be more practical to put the fence in. They haven't changed the grading next to Mr. Capp's property. They had to build a platform at the top to put the fence on, but they didn't build it up higher than what it was.

Mr. Wilkinson said he had a couple comments. Mr. Capps had to build up the lot, so that the lots drained to the street. There was some fill put in there to raise those lots. Some areas had quite a bit of fill to address the FEMA flood issues. He commented that there was one property owner present, voicing concerns, out of multiple property owners that would have received notices along the property. He thought on the grading plan that there was quite a bit of topo difference between this property and the condo side, and this property and the residential side to begin with. That supports the fact that they haven't gone over there and built it up. Fundamentally, whether they were talking about a wall or a fence, he thought the concern expressed by the public was that they were looking out the backyard and seeing a difference in their fence height and neighbor's fence height of two feet. That is the objection by one property owner. Mr. Wilkinson thought whether it was a wall or a screen fence the issue was the two foot difference in fence height. The objective of screening is so that people from outside don't look in.

Mr. Mitton said his only comment was that they have tried to meet the Code, and they have worked with Scott and Cathy through the whole process. They aren't asking to do anything different than any other storage unit in town.

Ms. Laughlin read the definition of screen wall from the Code: A masonry wall or opaque fence so constructed as to prevent the view of enclosed activities or uses from without.

Chairman Dalling said it sounded like they were deliberating the height of the wall. He thought taking off barbed wire was a good compromise. He thought they would keep the 8 feet. It was originally a screen wall. Mr. Dalling felt that it was already approved as a screen wall, all they were doing was adding a little bit to it. He was feeling that they keep the screen wall, because that's what it was approved for.

Commissioner Buell said by definition the fence is a screen wall.

Mr. Wilkinson explained that the Planning Commission needed to be specific in that they would accept the proposed fence type that has been proposed under the application to meet the requirements for the screen wall.

Chairman Dalling said it's a CUP and they were approved with the CUP for a masonry wall. He liked the 8 feet and he would like to keep it like it was.

Commissioner Buell didn't think it specified masonry wall, it just said screen wall.

Mr. Wilkinson explained that there was some testimony provided that they intended to do a screen wall. Their site plan that was approved showed a screen wall, and the application talked about it being a masonry wall or fencing. We just approved a slatted chain-link fence on another storage project for outdoor RV storage as meeting the requirements for a screen wall.

Chairman Dalling said if they were already approved one way, why go back.

Commissioner Beck agreed that they had already approved the screen wall.

Commissioner Buell thought they were getting a little lost in the definition of a screen wall. For their purposes here it is a masonry wall or a screen fence that they both meet the requirement.

Ms. Laughlin pointed out in the previous Conditional Use Permit Application on Question No. 3 said that it would be secured by a block wall or screen fence. If you look at the plan that was submitted stated a screen wall. A screen wall, based on the definition in code, could be a block wall or a screen fence. The details that were provided were for a masonry wall.

Chairman Dalling asked if the conditions stated that it had to be a masonry wall.

Ms. Laughlin stated that the conditions stated as presented on the plan.

Mr. Wilkinson said there was testimony during the original meeting that there was going to be a masonry wall. The applicant is coming back, asking for a new CUP, so that the outdoor RV storage area may, or may not, at some point be converted to either climate control or other types of covered storage, and in that process the applicant is asking for the areas shown on the site plan today as screen fencing to be approved based on the information and the details presented that it would be a manufactured, slatted, chain-link fence that is 8 feet tall. That is what is being asked for today that clarifies that issue on those property boundaries. In keeping with the decision made last month, which was to approve an 8 foot chain-link slatted fence as meeting the requirement for the screening.

Chairman Dalling said he was keeping it as it was originally approved. He asked if they could pull up the specs for the proposed chain-link product.

Ms. Laughlin explained that a standard chain-link fence with slats has a 75% visibility factor. The product that the applicant is proposing has a 95% visibility factor.

Commissioner Beck asked if it was called a chain-link fence. (Yes)



*****Motion: Conditionally approve Conditional Use Permit No. 3-19 subject to the conditions in the City of Elko Staff Report dated February 25, 2019, with modifications listed as follows:**

1. The conditional use permit is granted to the property owner allowing for the development of commercial storage units and RV Storage, either indoor or outdoor.
2. The permit shall be personal to the property owner 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. Landscaping shall be such that it does not impact sight triangle.
5. Landscaping is required in conformance with City Code. Landscaping of the 12th Street and Opal Drive right-of-ways is required and may be factored in determining conformance with the code. All landscaping shall be maintained in a manner acceptable to the City of Elko at all times.
6. Lighting shall be cutoff and shielded from the residential properties
7. The Conditional Use Permit is to be recorded with the Elko County Recorder within 90 days after the approval of the conditional use permit.
8. Conformance with 9-8 of Elko City Code is required to cutoff peak flow increases in stormwater discharges.
9. Access to the property shall be limited to Opal Drive as shown on the plans.
10. The fence, as presented in the CUP application, is approved and required by the Planning Commission.

Building Department:

1. The proposed chain link fence will require permit and approval through City of Elko Building Department.

Fire Department:

1. The applicant will work with the Fire Department to meet the 2012 International Fire Code D 103.5 Access for Fire Personnel.

Commissioner Buell's findings to support the motion were the proposed development is in conformance with the Land Use Component of the Master Plan. The proposed development is in conformance with the existing transportation infrastructure and the Transportation Component of the Master Plan. The site is suitable for the proposed use. The proposed development is in conformance with the City Wellhead Protection Program. The proposed use is consistent with surrounding land uses. The proposed use is in conformance with City Code 3-2-10(B) General Commercial with the approval of the Conditional Use Permit. The proposed development is in conformance with Sections 3-2-3, 3-2-4, 3-2-17, 3-8 and 3-2-18 of the Elko City Code

Moved by Evi Buell, Seconded by Tera Hooiman.

**Motion passed unanimously. (5-0)*

Mr. Wilkinson informed the applicant and public that there is an appeal process. There is a limitation of 10 days.

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration and possible approval of Final Plat No. 14-18, filed by Jordanelle Third Mortgage, LLC, for the development of a subdivision entitled Tower Hills Unit 2 involving the proposed division of approximately 17.05 acres of property into 23 lots and one remainder parcel for residential development within the R1 (Single-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally southwest of the terminus of Deerfield Way and Chukar Drive. (APN 001-929-124).



Ms. Laughlin went over the City of Elko Staff Report dated February 25, 2019. Staff recommended approval with the findings and conditions in the staff report with the removal of Conditions No. 9, 11, and 13, which have already been completed.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval.

Mr. Wilkinson recommended approval as presented by staff as long as we strike the conditions mentioned by Ms. Laughlin.

Ms. Laughlin pointed that the Fire Department did have one condition in the Staff Report. She asked if the Fire Department still wanted that condition.

Mr. Holmes stated that that condition had been satisfied, so the Planning Commission could strike the Fire Department condition.



*****Motion: Forward a recommendation to City Council to conditionally approve Final Plat No. 14-18 subject to the conditions in the City of Elko Staff Report dated February 25, 2019 with modifications listed as follows:**

1. **The Developer shall execute a Performance Agreement in accordance with Section 3-3-21 of city code. The Performance Agreement shall be secured in accordance with Section 3-3-22 of city code. In conformance with Section 3-3-21 of city code, the public improvements shall be completed within a time of no later than two (2) years of the date of Final Plat approval by the City Council unless extended as stipulated in city code.**

2. The Performance Agreement shall be approved by the City Council at the time of Final Map approval by the City Council.
3. The developer shall enter into the Performance Agreement within 30 days of approval of the final map by City Council.
4. The final map is approved for 23 single family residential lots and 1 remainder lot.
5. The Utility Department will issue a Will Serve Letter.
6. State approvals of the construction plans and final map are required.
7. Update the Treasurer's jurat to reflect Cheryl Paul instead of Rebecca Erickson.
8. Conformance with Preliminary Plat conditions.
9. Civil improvements are to comply with Chapter 3-3 of City code.
10. The Owner/Developer is to provide the appropriate contact information for the qualified engineer and engineering firm contracted to oversee the project along with the required inspection and testing necessary to produce an As-Built for submittal to the City of Elko. The Engineer of Record is to ensure all materials meet the latest edition Standard Specifications for Public Works. All Right-of-Way and utility improvements are to be certified by the Engineer of Record for the project.
11. Construction, with the exception of grading, shall not commence prior to Final plat approval by the City Council, issuance of a will serve letter by the city and approval of the civil improvement plans by the State.

Commissioner Buell's findings to support the motion were the subdivision is in conformance with the Land Use and Transportation Components of the Master Plan. The subdivision is in conformance with 3-2-4 – Establishment of Zoning Districts. The subdivision is in conformance with 3-2-5(B) R1 – Residential Single-Family Zoning District. The subdivision is in conformance with 3-2-17 Traffic, Access, Parking and Loading Regulations. The subdivision is in conformance with 3-3-7 – Final Map (Stage III). The subdivision is in conformance with 3-3-8 – Content and Format of Final Map Submission. The subdivision is in conformance with 3-3-9 – General Provisions for Subdivision Design. a. the subdivision does not appear to be unsuitable for use by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, erosion susceptibility, or similar conditions which are likely to prove harmful to the health and safety and general welfare of the community or the future property owners. The subdivision is in conformance with 3-3-10 – Street Location and Arrangement. The subdivision is in conformance with 3-3-11 – Street Design. The subdivision is in conformance with 3-3-12 – Block Design. The subdivision is in conformance with 3-3-13 – Lot Planning. The subdivision is in conformance with 3-3-14 – Easement Planning. The subdivision is in conformance with 3-3-15 – Street Naming. The subdivision is in conformance with 3-3-16 – Street Lighting Design Standards. The subdivision is in conformance with 3-3-17 – Responsibility for Improvements. The subdivision is in conformance with 3-3-18 – Construction Plans. The subdivision is in conformance with 3-3-19 – Construction and Inspection. The subdivision is in conformance with 3-3-20 – Required Improvements. The sub-divider shall enter into a performance agreement to address the conditions found in 3-3-21 – Performance Agreements. The sub-divider shall provide a performance and maintenance guarantee as stipulated in the performance agreement and 3-3-22 – Performance and Maintenance Guarantee. The subdivision is in conformance with 3-8 Floodplain Management. The Final Plat is in conformance with the Preliminary Plat.

Moved by Evi Buell, Seconded by Tera Hooiman.

**Motion passed unanimously. (5-0)*

2. Review, consideration, and possible recommendation to City Council for Vacation No. 2-19, filed by Robert Morley on behalf of Trinidad Jay Shippy and Kathryn Justine Shippy, for the vacation of the 30' roadway and utility easement located along the west property line of APNs 039-001-007, 039-001-008, and 039-001-009, consisting of an area approximately 26,225 square feet, and matters related thereto.

FOR POSSIBLE ACTION

The subject property is located generally on the west corner of the intersection of Last Chance Road and Industrial Way. (APNs 039-001-007, 039-001-008, and 039-001-009)


Robert Morley, 640 Idaho Street, explained that he was representing Mr. Shippy, which was in attendance as well. Mr. Shippy owns the three parcels in question. Along the westerly line of those parcels there is a 30' roadway and utility easement that was granted to the City for access to the well that is north of the parcels, and to put a water line in. With the development of parcels, because it's an easement that is granted to the City for access, Mr. Shippy has a gate across the access but he can't lock it, because he can't restrict the access. It is a security issue at this point. Anyone can drive down the easement and access the back of Mr. Shippy's buildings where he stores materials. What they are proposing to vacate the portion of the easement that is shown on the plan, so that Mr. Shippy can secure and fence off the access and lock it. In return they are proposing to grant an easement to the City and also to relocate the water line that is in the existing easement to the new easement.

Ms. Laughlin went over the City of Elko Staff Report dated February 26, 2019. Staff recommended approval with the findings and conditions listed in the Staff Report.

Mr. Thibault recommended approval with the two conditions that were listed in the Staff Report for the Engineering Department.

Mr. Holmes had no comment.

Mr. Wilkinson recommended approval as presented by staff.

 *****Motion: Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 2-19 subject to the conditions listed in the City of Elko Staff Report dated February 26, 2019, 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.

Engineering Department:

1. The granting of the new easement shall be recorded prior to the recording of the resolution vacating this existing easement.
2. The new water line shall be constructed and the old water line abandoned in place, prior to the vacation of the easement.

Utility Department:

1. Submit construction drawings for approval by City showing new water main and abandonment of old.
2. Gate over existing easement
3. New water infrastructure is accepted prior to easement vacation.


Commissioner Buell's findings to support the motion were the proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive. 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 easement proposed for vacation is not located within the Redevelopment Area. The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City Code. The proposed vacation will not materially injure with public and is in the best interest of the City. Elko County has provided a letter in support of the proposed vacation.

Moved by Evi Buell, Seconded by Gratton Miller.

**Motion passed unanimously. (5-0)*

3. Review, consideration, and possible action to initiate an amendment to the City of Elko Master Plan, specifically Atlas Map 12 and the Transportation component, and matters related thereto. **FOR POSSIBLE ACTION**



Ms. Laughlin explained that we have this initiation to amend the City of Elko Master Plan. There are two sections that Ms. Laughlin was proposing to be amended. This was brought upon by a subdivision development that recently had a Stage 1 Meeting, and looking at how that is in relation to the Master Plan. Currently, El Armuth Drive is shown in the Master Plan as a future roadway from Mountain City Highway to a connection at the frontage road. Due to some property owners taking a quiet claim deed of the section of land, there is no possibility of the connection between Sagecrest Drive and Celtic Way. There are also some topography issues with a major drainage that would make it difficult to build a connection road. In the Transportation Document it is proposed to change the wording on El Armuth Drive to state that Mountain City Highway to Sagecrest Drive would be El Armuth, and Celtic Way down to Hondo Lane. There would not be a connection to the frontage road.  She explained that the area that is clouded is shown as dashed for proposed future roads. We would make it solid from Mountain City Highway to Sagecrest and eliminate Sagecrest to Celtic. It would go from Celtic down to Hondo. She proposed that Sundance Drive be the connecting element to the frontage road.

Mr. Thibault had no comments.


Mr. Holmes said in light of the recent fires in the area, he recommended approval.

Mr. Wilkinson said he was in favor of approval.

Commissioner Miller asked if there wouldn't be a connection from Sundance to El Armuth at any point in the future.

Ms. Laughlin explained that the way El Armuth is shown tying in and connecting to the frontage road. If you look at the end of El Armuth at Hondo Lane there is a property there, so there wouldn't be a possibility to connect that into frontage. Sundance might have a possibility for some sort of connectivity. Sundance as a connection to the frontage road is more feasible than El Armuth.

Mr. Wilkinson said in reality there may be a frontage road extended up into the vacant area below Sundance, you may not have any connectivity through the County property. For the most part we will probably be looking at Cattle Drive through Sections 19 and 18 providing the connectivity back up to Mountain City Highway.

 *****Motion: Initiate an amendment to the City of Elko Master Plan Future Transportation Atlas Map 12 and Transportation Component, and direct staff to bring the item back as a resolution and public hearing.**

Moved by Evi Buell, Seconded by Gratton Miller.

****Motion passed unanimously. (5-0)***

II. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin report that on February 12th the City Council they approved the annual update to the appraiser list. They also approved Vacation 4-18. They approved the Final Plat for Humboldt Hills and their Performance Agreement. The Final Plat for Great Basin Estates continues to be tabled. They also approved the 2018 Annual Planning Commission Report. Gratton Miller was appointed as a Planning Commissioner. The Land Inventory Update was approved. City Council approved the initiation to acquire property for the Cattle Drive extension. They also approved a waiver for curb and Gutter for Medallus Urgent Care on the corner of 12th and Lamoille Highway. At the February 26th meeting the City Council accepted the petition for Vacation 2-19. They approved a resolution for the land sale of a parcel of land located on the corner of 8th and Elm Street. They finalized the Vacation with MP Elko for the small easement along the north and east property lines, where the Dotty's expansion is going. They also approved the Rezone for Defty Family Trust for the property that is next to Golden Gate Petroleum.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin reported that there was an RDA meeting on February 26th. They approved the annual report, and Ms. Laughlin gave a presentation on the progress that has been made from 2008 to present for the RDA.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Miscellaneous Elko County

E. Training

Ms. Laughlin said that she had included in the packet a two page training on What Every City Planner Would like Their Planning Commissioners to Know. She also provided a webcast.

Mr. Wilkinson asked Ms. Laughlin to provide the RDA presentation to the Planning Commission.

COMMENTS BY THE GENERAL PUBLIC

There was no public comment 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, Chairman

Tera Hooiman, Secretary

**Elko City Planning Commission
Agenda Action Sheet**

1. **Review and consideration of Tentative Map No. 5-19, filed by Granite Holdings LLC., for the development of a subdivision entitled Orchard Cove Phase 2 involving the proposed division of approximately 6.947 acres of property into 19 lots and a remainder parcel for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 2, 2019**
3. Agenda Category: ***PUBLIC HEARINGS, NEW BUSINESS***
4. Time Required: 15 Minutes
5. Background Information: **Subject property is located south of the intersection of Colt Drive and Winchester Dr. (APN 001-928-004)**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report**
8. Recommended Motion: **Recommend that the City Council conditionally approve Tentative Map 5-19 based on facts, findings and conditions as presented in Staff Report dated March 21, 2019.**
9. Findings: **See Staff Report dated March 21, 2019**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **Granite Holdings LLC
1957 Ruby Vista Drive
Elko, NV 89801
cowboys197594@yahoo.com**

**Shanks Engineering
982 Wolf Creek Drive
Spring Creek, NV 89815
shankseng@gmail.com**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 4/2

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

Title: Tentative Map 5-19 Orchard Cove - Unit 2
Applicant(s): Granite Holdings, LLC
Site Location: S. Extension of Colt Drive. - APN 001-928-004
Current Zoning: R Date Received: _____ Date Public Notice: 3/19
COMMENT: This is for 19 lots and a remainder parcel from
≈ 6.94 acres

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 3/22/19
Recommend approval as presented by
Staff

SAW

Initial

City Manager: Date: 3/23/19
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:	March 21, 2019
PLANNING COMMISSION DATE:	April 2, 2019
AGENDA ITEM NUMBER:	I.A.1
APPLICATION NUMBER:	Tentative Map 5-19
APPLICANT:	Granite Holdings, LLC

A Tentative Map for the proposed division of approximately 6.947 acres of property into 19 lots and one remainder parcel for residential development within an R (Single Family and Multiple Family Residential) Zoning District



STAFF RECOMMENDATION:

RECOMMEND to CONDITIONALLY APPROVE subject to findings of fact and conditions stated in this report.

PROJECT INFORMATION

PARCEL NUMBERS: 001-928-004

PARCEL SIZE: 6.94 Acres

EXISTING ZONING: (R) Single Family and Multiple Family Residential

MASTER PLAN DESIGNATION: (RES-MD) Residential Medium Density

EXISTING LAND USE: Vacant

NEIGHBORHOOD CHARACTERISTICS:

The property is bordered by:

- } North: Residential (R) / Developed
- } East: Residential (R) and Commercial (C) / Developed
- } South: Agriculture (AG) / Undeveloped
- } West: Residential (R) / Developed

PROPERTY CHARACTERISTICS:

- } The property is currently undeveloped and is characterized with moderate sloping topography throughout the parcel.
- } The property will be accessed off of Colt Drive and Orchard Cove Drive.

MASTER PLAN AND CITY CODES:

Applicable Master Plan Sections, Coordinating 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 Elko Development Feasibility, Land use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report - November 2012
- } City of Elko Redevelopment Plan
- } City of Elko Wellhead Protection Plan
- } City of Elko Zoning – Chapter 3-3 Subdivisions
- } City of Elko Zoning – Section 3-2-3 General Provisions
- } City of Elko Zoning – Section 3-2-4 Zoning Districts
- } City of Elko Zoning – Section 3-2-5, Residential Zoning Districts
- } City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- } City of Elko Zoning – Section 3-8 Flood Plain Management
- } City of Elko Public Ways and Property – Title 9 Chapter 8 Post Construction Runoff Control and Water Quality Management

BACKGROUND INFORMATION

1. The property owner and applicant is Granite Holdings LLC.
2. The area proposed for subdivision is identified as APN 001-928-004.
3. The area is undeveloped.
4. The area is located south of Colt Drive and east of the terminus of Orchard Cove Drive.
5. The area proposed for subdivision is a continuation of the Orchard Cove Phase 1 subdivision.
6. A Stage 1 meeting for the proposed subdivision was held on January 16, 2019. A second Stage 1 meeting was held on January 30, 2019 where a revised subdivision was proposed.
7. The area proposed for subdivision is located within the R-Single Family Multiple Family Residential zone district and a zone amendment is not proposed.
8. The total area proposed for subdivision is approximately 6.947 acres in size.
9. The Tentative Map shows a division of approximately 2.929 divided into 19 lots with one remainder parcel approximately 3.085 acres in size.
10. The proposed density is approximately 6.487 units per acre.
11. Phasing of the subdivision is not proposed.
12. Approximately .753 acres are being offered for dedication. The dedication includes Colt Drive and Orchard Cove Drive.
13. Approximately .179 acres are being offered for dedication for a 30' wide public utility drainage and access right-of-way.

MASTER PLAN

Land use:

1. The land use is shown as Medium Density Residential. Medium Density is identified as having a density of 5 - 8 units per acre.
2. R-Single Family and Multiple Family Residential is listed as a corresponding district for the Medium Density Designation in the Master Plan.
3. The listed Goal of the Land Use component states "Promote orderly, sustainable growth and efficient land use to improve quality of life and ensure new development meets the needs of all residents and visitors".
4. Objective 1 under the Land Use component of the Master Plan states "Promote a diverse mix of housing options to meet the needs of a variety of lifestyles, incomes, and age groups."
 - Best Practice 1.1 – Single Family – The proposed subdivision meets several of the methods described to achieve a diverse mix of single family homes in the community.
 - Best Practice 1.3 – The location of the proposed subdivision appears to support the City striving for a blended community by providing a mix of housing types in the neighborhood and is supported by existing infrastructure.
5. Objective 8 of the Land use component of the Master Plan states "Ensure that new development 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." Staff believes there will be no negative impacts to natural systems and no issue with regard to human health and safety.

The proposed subdivision and development is in conformance with the Land Use component of the Master Plan.

Transportation:

1. The area will be accessed from Colt Drive and Orchard Cove Drive.
2. Colt Drive and Orchard Cove Drive are classified as Residential Local roadways.
3. The Master Plan recommends a right of way width of 50 feet for a Residential Local.
4. The proposed streets, Colt Drive and Orchard Cove Drive, will function as local residential streets.
5. Upon full build out of Phase 2, the proposed subdivision is expected to generate approximately 181.83 additional Average Daily Trips based on 9.57 trips/townhome (Source ITE trip Generation, 8th Edition).

The proposed subdivision and development is in conformance with the Transportation Component of the Master Plan.

ELKO AIRPORT MASTER PLAN

The proposed subdivision and development does not conflict with the Airport Master Plan.

CITY OF ELKO DEVELOPMENT FEASIBILITY, LANDUSE, WATER INFRASTRUCTURE, SANITARY SEWER INFRASTRUCTURE, TRANSPORTATION INFRASTRUCTURE AND ANNEXATION POTENTIAL REPORT - NOVEMBER 2102

The proposed subdivision does not conflict with the City of Elko Development Feasibility, Land use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report - November 2012.

ELKO REDEVELOPMENT PLAN:

The property is not located within the Redevelopment Area.

ELKO WELLHEAD PROTECTION PLAN:

1. The property is located outside of any capture zone for City of Elko wells.
2. The sanitary sewer will be connected to a programed sewer system and all street drainage will report to a storm sewer system.

The proposed subdivision and development are in conformance with the Wellhead Protection Program.

SECTION 3-3-5 TENTATIVE MAP STAGE (STAGE II)

Tentative Map 3-3-5(A) –A zoning amendment is not required.

Tentative Map Approval 3-3-5(E)(2)(a)-(k) – Requires the following findings:

- a. Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal.
 -) The proposed subdivision will be connected to the city's water supply system, programmed sewer system and is required to be in compliance with all applicable federal, state and local requirements.
- b. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.
 -) The City of Engineering Department is required to model the anticipated water consumption of the subdivision. The City of Elko Utility Department will be required to submit a "Tentative Will Serve Letter" to the State of Nevada. The water modeling requires an update to reflect the increased number of lots. The required commitment for water service for the proposed subdivision is approximately 21.28 acre feet of water per year. The required peak hour commitment for water service for the proposed subdivision is approximately 24.7 gpm. Current City wide annual water usage is approximately 50% of the total allocated water rights.
 -) City of Elko currently has excess pumping capacity of 3,081 gpm. Sufficient infrastructure and pumping capacity exists to provide the required water volume to serve the proposed subdivision and development.
 -) The Developer will extend properly sized infrastructure as required for development of the property.
 -) The proposed subdivision and development will not create an unreasonable burden on the exiting water supply.
- c. The availability and accessibility of utilities.
 -) Utilities are available in the immediate area and can be extended for the proposed development.
- d. The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks.
 -) Schools, Fire and Police and Recreational Services are available throughout the community.
- e. Conformity with the zoning ordinances and the City's master plan, except that if any existing zoning ordinance is inconsistent with the City's master plan, the zoning ordinance takes precedence.
 -) The Master Plan Land Use Map shows the area as Medium Density Residential. The proposed subdivision and development have been designed in accordance with the existing zoning R- Single Family and Multiple Family Residential.
 -) The result is a density of 6.487 units per acre which meets the minimum density 4 units per acre specified in the Master Plan.

-) The proposed subdivision is in conformance with the City's Master Plan as well as Zoning Ordinance.
- f. General conformity with the City's master plan of streets and highways.
 -) The proposed subdivision is in conformance with the Transportation Component of the Master Plan.
- g. The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.
 -) The proposed subdivision and development will add approximately 182 Average Daily Trips to Colt Drive. Based on the threshold of 1000 ADT referenced in the Master Plan, a traffic study is not required with this subdivision.
 -) The proposed subdivision and development will not cause unreasonable traffic congestion or unsafe conditions with respect to existing or proposed streets.
- h. Physical characteristics of the land, such as floodplain, slope and soil
 -) The proposed subdivision and subsequent development of the property is expected to reduce the potential for erosion in the immediate area. Development of the property will not cause unreasonable soil erosion.
 -) A hydrology report is required with the Final Map and Construction Plan submittal.
 -) The proposed subdivision and development is not expected to result in unreasonable erosion or reduction in in the water holding capacity of the land thereby creating a dangerous or unhealthy condition.
- i. The recommendations and comments of those entities and persons reviewing the tentative map pursuant to this Chapter and NRS 278.330 to 278.3485, inclusive.
- j. The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.
- k. The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by Chapter 375 of NRS and for compliance with the disclosure and recording requirements of Subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

There are no obvious considerations or concerns which indicate the proposed subdivision would not be in conformance with all applicable provisions.

SECTION 3-3-6 CONTENT AND FORMAT OF TENTATIVE MAP SUBMITTAL

Identification Data (B)(1) – The subdivision name, location and section, township and range, with reference by dimension and bearing to a section corner or quarter-section corner, is shown on Sheet T2.

Identification Data (B)(2) – The name, address, email and telephone number of the subdivider is shown on Sheet T1.

Identification Data (B)(3) – The engineer's name, address and telephone number is shown on Sheet T1. The email address is not shown.

Identification Data (B)(4) – The scale is shown on Sheet T2.

Identification Data (B)(5) – The north point is shown on Sheet T2.

Identification Data (B)(6) – The date of initial preparation and dates of any subsequent revisions are shown on Sheet T1 and T2.

Identification Data (B)(7) – A location map is shown on Sheet T1.

Identification Data (B)(8) – A legal description is not provided on the Tentative Map as required.

Physical Conditions Data (C)(1) – A topographic map is shown on Sheet T4. The proposed grading plan shows 8 to 20' slopes along the rear lot line of Lots 8-11.

Physical Conditions Data (C)(2) – The developer has provided a 10' dedicated drainage easement along the south property line of lots 9-11 to protect the properties from up gradient storm water as well as providing for storm water infrastructure and easement north of lot 19 and extending to the future Pinion Road in order to capture any off site storm water.

Physical Conditions Data (C)(3) – There are no Special Flood Hazards within the proposed subdivision.

Physical Conditions Data (C)(4) – Sheet T2 of the Map identifies all the roadways, easements and corporate limits within and adjacent to the tract.

Physical Conditions Data (C)(5) – Dimensions of all subdivision boundaries are shown on the map.

Physical Conditions Data (C)(6) – Gross and net acreage of subdivision is shown on Sheet T1.

Proposed Improvements and Other Features Data (F)(1) – The proposed street layout is shown. All the streets are named and proposed for dedication. The grades of the proposed streets are shown on the grading plan. The continuation of roadways is not required of the proposed subdivision.

Proposed Improvements and Other Features Data (F)(2) – The lot layout with consecutively numbered lots is shown. The area and dimensions for each lot are shown and the total number of lots.

Proposed Improvements and Other Features Data (F)(3) – Typical easements will be required along all lot lines. Revision to the tentative plat addressing the lot easements is required.

Proposed Improvements and Other Features Data (F)(4) – The required information for street dedication is on Sheet 1.

Proposed Improvements and Other Features Data (F)(5) – A zone change is not proposed.

Proposed Deed Restrictions (G) – There are no CC & R's proposed for the subdivision.

Preliminary Grading Plan (H) – A grading plan with estimated quantities is shown on Sheet T4.

NPDES Permit Compliance (I) – The subdivider will be required to comply with the City of Elko's storm water regulations.

Proposed Utility Methods and Requirements (J)(1) – Sheet T3 shows the proposed sewage disposal infrastructure connecting to the City's infrastructure.

Proposed Utility Methods and Requirements (J)(2) – Sheet T3 shows the proposed water supply infrastructure connected to the City's infrastructure.

Proposed Utility Methods and Requirements (J)(3) – The Tentative Map shows storm water infrastructure. A hydrology report will be required with Final Map and Construction Plan submittal.

Proposed Utility Methods and Requirements (J)(4) – Utilities in addition to City utilities must be provided with civil improvements plans required for final Map submittal.

Proposed Utility Methods and Requirements (J)(5) – The City will not require a traffic impact study for the proposed subdivision.

SECTION 3-3-9 GENERAL REQUIREMENTS FOR SUBDIVISION DESIGN:

- A. Conformance with Master Plan: The proposed subdivision is in conformance with the Master Plan objectives for density and applicable zoning.
- B. Public Facility Sites: No public facility sites are proposed for dedication.
- C. Land suitability: The area proposed for subdivision is suitable for the proposed development based on the findings in this report.

The proposed subdivision is in conformance with Section 3-3-9 of City code.

SECTION 3-3-10 STREET LOCATION AND ARRANGEMENT:

- A. Conformance with Plan: The proposed subdivision extends Colt Drive and Orchard Cove Drive.
- B. Layout: Street continuation through the proposed subdivision is not required.
- C. Extensions: No extensions are required as part of the proposed subdivision.
- D. Arrangement of Residential Streets: The arrangement of streets prevents outside traffic from utilizing the neighborhood for cut through traffic.
- E. Protection of Residential Properties: There are no lots that have frontage or access from arterial streets.

- F. Parallel Streets: Consideration of street location is not required.
- G. Topography: The residential streets have been designed to address the topography of the area.
- H. Alleys: No alleys are proposed.
- I. Half Streets: There are no half streets proposed.
- J. Dead End Streets: There are no dead end streets proposed.
- K. Intersection Design: The proposed intersection with Orchard Cove Drive and Colt Drive is code compliant.

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

SECTION 3-3-11 STREET DESIGN:

- A. Required Right of Way Widths:
 - a. Colt Drive; Residential Street – 50 feet. The proposed right-of-way width for Colt Drive is 50 feet.
 - b. Orchard Cove Drive; Residential Street: 50 feet. The proposed right-of-way width for Orchard Cove Drive is 50 feet.
- B. Street Grades: The proposed street grades are code compliant.
- C. Vertical Curves: The vertical curves are code compliant.
- D. Horizontal Alignment: The horizontal alignment of the streets and intersection

The proposed subdivision is in conformance with Section 3-3-11 of City code.

SECTION 3-3-12 BLOCK DESIGN:

- A. Maximum Length of Blocks: The block design does not exceed the maximum length of a block and maximizes block length.
- B. Sidewalks or Pedestrian ways: Pedestrian ways are not proposed.

The proposed subdivision is in conformance with Section 3-3-12 of City code.

SECTION 3-3-13 LOT PLANNING:

- A. Lot Width, Depth and Area: The lots are in conformance with the specifications stipulated for the zoning in Elko City Code 3-2-5 with the exception of Lot 8 which doesn't meet the minimum of 6,500 sq. ft. for a corner lot. A modification of standards will be required to be approved for the reduction in the lot area for Lot 8. All lots will have improved frontage.
- B. Lot Depth: The lots are in conformance with the stipulated lot depth in ECC 3-2-5. All lots have fronts at least 60 feet in width.

- C. Building Setback: The proposed subdivision, when developed, can meet setback requirements as stipulated in ECC 3-2-5(G).
- D. Side Lot Lines: The side lot lines are substantially at right angles to the street lines. Deviations occur on inside curves and are appropriate.
- E. Accessibility: Every lot abuts a proposed public street.
- F. Prohibitions: There are no proposed prohibitions as there are no double frontage lots.

The proposed subdivision is in conformance with Section 3-3-13 of City code with the approval of a modification of standard for the reduction of corner lot area for Lot 8.

SECTION 3-3-14 EASEMENT PLANNING:

- A. Utility Easements: A note should be added to the Tentative Map specifying the side and rear lot line easements. Overhead utilities are not allowed within the subdivision.
- B. Underground Utilities: Overhead utilities are not allowed within the subdivision. The utility companies, at their discretion, may request a wider easement on the rear lot line. A note should be added to the Tentative Map stating the front, side and rear lot line easements.
- C. Lots Facing Curvilinear Streets. Overhead utilities are not allowed within the subdivision.
- D. Public Drainage Easement. There are two public drainage easements offered for dedication.
- E. Easement Land Not Considered and Considered in Minimum Lot Area Calculation.
- F. Lots Backing On to Arterial Streets: There are no lots proposed which back onto an arterial street.
- G. Water and Sewer Lines: The utilities are shown in the streets.

The proposed subdivision is in conformance with Section 3-3-14 of City code.

SECTION 3-3-15 STREET NAMING:

The subdivider has proposed street names. The street names are the continuations of streets.

The proposed subdivision is in conformance with Section 3-3-15 of City code.

SECTION 3-3-16 STREET LIGHT DESIGN STANDARDS:

Conformance is required with presentation of civil improvements plans.

SECTIONS 3-3-17 through 3-3-22 (inclusive)

All the referenced sections are applicable to final Map submission, approval and construction of civil improvement plans.

SECTION 3-3-23 PARK LAND DEDICATIONS

There is no offer of dedication for park lands.

SECTION 3-3-25 MODIFICATION OF STANDARDS:

1. Lots 1-8 widths are determined based on the continuation of Orchard Cove Drive. Lots 1-7 are at the minimum lot width of 60' and the remainder is lot 8 which meets the minimum lot width but not the minimum lot area for a corner lot.
Section 3-3-13(A) - Lot 8 is approved as less than the minimum corner lot area of 6,500 sq. ft.

SECTION 3-2-3 GENERAL PROVISIONS:

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

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.

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.

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 subdivision and development is in conformance with Section 3-2-3 of City code.

SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS:

3. 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:
4. 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 subdivision with the approved development agreement is in conformance with Section 3-2-4 of City code.

SECTION 3-2-5(E) R Single Family and Multiple Family Residential:

1. Section 3-2-5(E)(2). Principal Uses Permitted:

- a. Adult care facility which serves ten (10) or fewer.
- b. Electric power substations, sewer lift stations, and water pump stations wherein service to district residents requires location within the district.
- c. Multiple-family residential units, including a duplex, triplex, or a fourplex located on a single lot or parcel, provided area and setback requirements are met.
- d. One single-family dwelling of a permanent character in a permanent location with each dwelling unit on its own parcel of land and provided all area and setback requirements are met.
- e. Publicly owned and operated parks and recreation areas and centers.
- f. Residential facility for groups of ten (10) or fewer.

The proposed subdivision and development is in conformance with Section 3-2-5(E)(2). Conformance with Section 3-2-5(E) is required as the subdivision develops.

SECTION 3-2-5(G)

1. Lot areas are shown. Lot 8 doesn't meet the required minimum lot area for a corner lot and therefore will be required a modification of standards.
2. Lot dimensions are shown and are in conformance with Elko City Code 3-2-5(G).

The proposed subdivision and development is in conformance with Section 3-2-5(G) of City code with the approved modification of standard for Lot 8.

SECTION 3-2-17

1. The proposed roadways are classified as a residential street in accordance with the Master Plan.
2. The proposed lots are large enough to develop the required off-street parking to be located outside the front and interior side yards.

The proposed subdivision and development is in conformance with Section 3-2-17. Conformance with Section 3-2-17 is required as the subdivision develops.

SECTION 3-8 FLOOD PLAIN MANAGEMENT

The proposed subdivision and development is not located in a designated special flood hazard area and is in conformance with section 3-8 of City code.

TITLE 9 CHAPTER 8 POST CONSTRUCTION RUNOFF CONTROL AND WATER QUALITY MANAGEMENT

Final design of the subdivision is required to conform to the requirements of this title. The tentative plat storm drain infrastructure extended into and through the area.

OTHER

The following permits will be required for the project:

1. Storm water general permit, required submittals to the City of Elko are a plan view showing the storm water controls, a copy of the Storm Water Pollution Prevention Plan (SWPPP) and a copy of the certified confirmation letter.
2. A Surface Area Disturbance (SAD) is required in the disturbed area is equal to or greater than five acres. A copy of the SAD permit is required to be submitted to the City of Elko.
3. A street cut permit from the City of Elko.
4. A grading permit from the City of Elko.
5. All other applicable permits and fees required by the City of Elko.
6. The City of Elko also requires submittal of the plans from the individual utility companies before permits will be issued for the project.

FINDINGS

1. The proposed subdivision and development is in conformance with the Land Use component of the Master Plan.
2. The proposed subdivision and development is in conformance with the Transportation Component of the Master Plan.
3. The proposed subdivision and development does not conflict with the Airport Master Plan.
4. The proposed subdivision does not conflict with the City of Elko Development Feasibility, Land use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report - November 2012.
5. The property is not located within the Redevelopment Area.
6. The proposed subdivision and development are in conformance with the Wellhead Protection Program. The sanitary sewer will be connected to a programmed sewer system and all street drainage will report to a storm sewer system.
7. A zoning amendment is not required.
8. In accordance with section 3-3-5(E)(2) the proposed subdivision and development will not result in undue water or air pollution based on the following:
 - a. There are no obvious considerations are concerns which indicate the proposed subdivision would not be in conformance with all applicable environmental and health laws and regulations
 - b. There is adequate capacity within the City's water supply to accommodate the proposed subdivision.

- c. The proposed subdivision and development will not create an unreasonable burden on the exiting water supply.
 - d. There is adequate capacity at the Water Reclamation Facility to support the proposed subdivision and development.
 - e. The proposed subdivision and development will be connected to the City's programmed sanitary sewer system therefore the ability of soils to support waste disposal does not require evaluation prior to Tentative Map approval.
 - f. Utilities are available in the immediate area and can be extended for the proposed development.
 - g. Schools, Fire and Police and Recreational Services are available throughout the community.
 - h. The proposed subdivision and development is in conformance applicable zoning ordinances and is conformance with the Master Plan.
 - i. The proposed subdivision and development will not cause unreasonable traffic congestion or unsafe conditions with respect to existing or proposed streets.
 - j. The area is not located within a designated flood zone. Concentrated storm water runoff has been addressed as shown on the grading plan.
 - k. The proposed subdivision and development is not expected to result in unreasonable erosion or reduction in in the water holding capacity of the land thereby creating a dangerous or unhealthy condition.
9. The proposed subdivision submittal in in conformance with Section 3-3-6 of City code with the following exception:
-) Legal Description is not shown on the Tentative Map. This is not a significant deficiency.
10. The proposed subdivision is in conformance with Section 3-3-9 of City code.
11. The proposed subdivision is in conformance with Section 3-3-10 of City code.
12. The proposed subdivision is in conformance with Section 3-3-11 of City code.
13. The proposed subdivision is in conformance with Section 3-3-12 of City code.
14. The proposed subdivision is in conformance with Section 3-3-13 of City code with the approval of Lot 8 not meeting the minimum area for a corner lot.
15. The proposed subdivision is in conformance with Section 3-3-14 of City code with the following exception:
-) A note should be added to the Tentative Map stating the front, side and rear lot line easements. This is not a significant deficiency.

16. The proposed subdivision is in conformance with Section 3-3-15 of City code.
17. The proposed subdivision and development is in conformance with Section 3-2-3 of City code.
18. The proposed subdivision and development is in conformance with Section 3-2-4 of City code.
19. The proposed subdivision and development is in conformance with Section 3-2-5(E)(2). Conformance with Section 3-2-5(E) is required as the subdivision develops.
20. The proposed subdivision and development is in conformance with Section 3-2-5(G) of City code with the approval of the modification of standard for Lot 8 minimum lot area.
21. The proposed subdivision and development is in conformance with Section 3-2-17. Conformance with Section 3-2-17 is required as the subdivision develops.
22. The proposed subdivision and development is not located in a designated special flood hazard area and is in conformance with section 3-8 of City code.
23. The proposed subdivision design shall conform to Title 9 Chapter 8 of city code.

STAFF RECOMMENDATION:

Staff recommends this item be **APPROVED** subject to the following conditions:

CONDITIONS:

1. The subdivider is to comply with all provisions of the NAC and NRS pertaining to the proposed subdivision.
2. Tentative map approval constitutes authorization for the sub-divider to proceed with preparation of the final map and associated construction plans.
3. Tentative map approval does not constitute authorization to proceed with site improvements, with the exception of authorized grading, prior to approval of the construction plans by the City and the State.
4. The applicant submits an application for final map within a period of four (4) years in accordance with NRS 278.360(1)(a). Approval of the tentative map will automatically lapse at that time.
5. A soils report is required with final map submittal.
6. A hydrology report is required with final map submittal.
7. Final map construction plans improvements are to comply with Chapter 3-3 of City code.
8. The subdivision design and construction shall comply with Title 9 Chapter 8 of City code.

9. The Utility Department will issue an Intent to serve letter upon approval of the tentative map by the City Council.
10. A modification from standards be approved by City Council for Lot 8 to have a reduced minimum lot area for a corner lot.
11. Revise the tentative map to include the legal description: Parcel 5 of File No. 504955. The revision is required prior to City Council consideration of the tentative map.
12. Revise the tentative map to include a note specifying the side, front and rear lot line easements. The revision is required prior to City Council consideration of the tentative map.
13. Revise the tentative map to include the engineer's email address. The revision is required prior to City Council consideration of the tentative map.



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

March 27, 2019

Granite Holdings, LLC
1957 Ruby Vista Drive
Elko, NV 89801

Re: Tentative Map No. 5-19

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

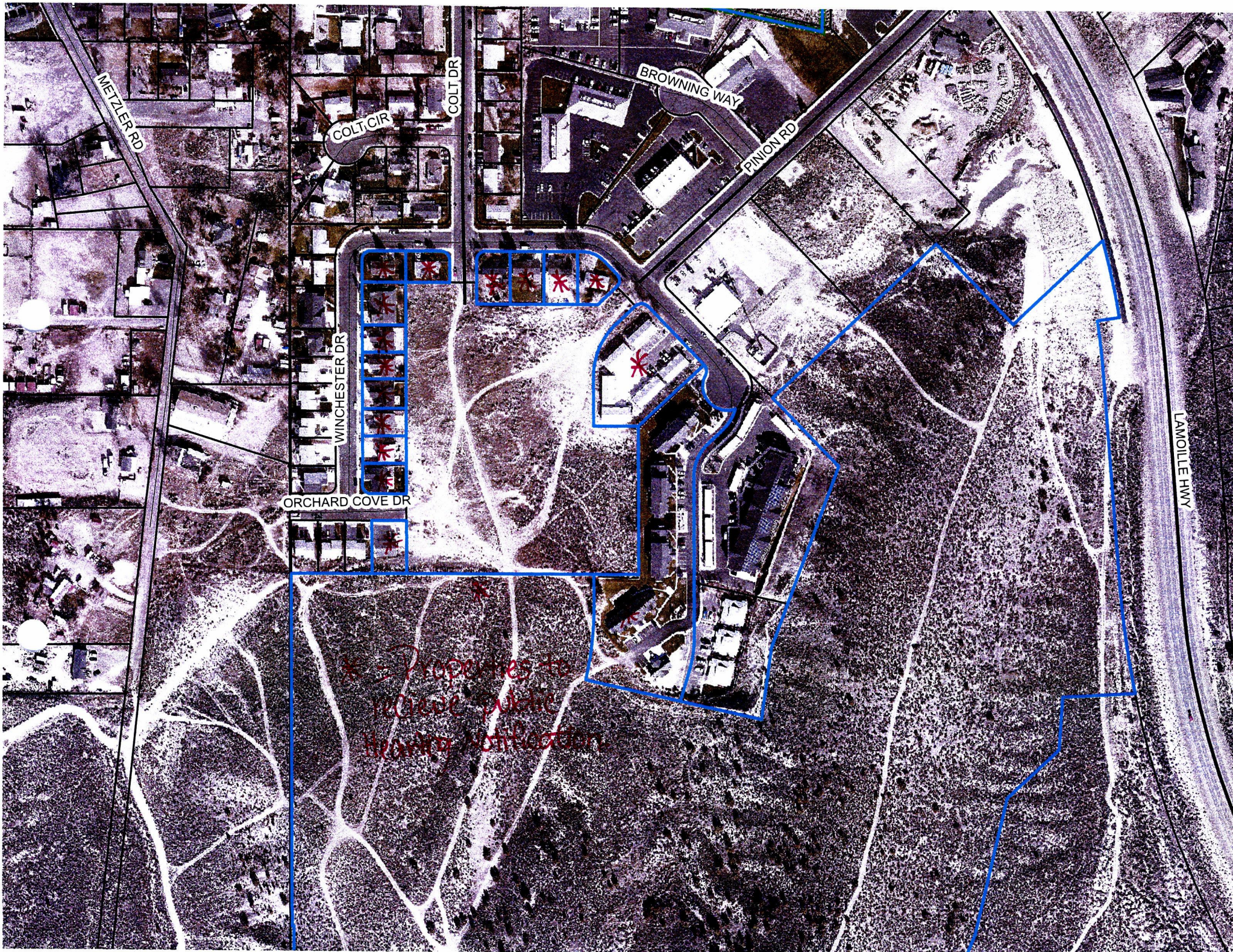
CC: Shanks Engineering, 982 Wolf Creek Drive, Spring Creek, NV 89815,
shankseng@gmail.com

Tm 5-19 Orchard Cove-Unit 2

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001920054	1683 WINCHESTER LLC		7785 DEAN MARTIN DR	LAS VEGAS NV	89139-6612
001928015	ANDERSON, DAVID D & ROSA		1645 WINCHESTER DR	ELKO NV	89801-8317
001928014	CESPEDES, MIGUEL ET AL		1655 WINCHESTER DR	ELKO NV	89801-8317
001923016	CORTES, LIBRADO ET AL		669 SAGE ST	ELKO NV	89801-3263
001924016	DAVIS, SUSAN L		PO BOX 204	ELKO NV	89803-0204
001928008	FRANK, DAVID C & TAMARA		1605 WINCHESTER DR	ELKO NV	89801-8317
001924002	GONZALEZ, OSCAR & SALIHAN R	ATT: TAX DEPT	PO BOX 66805	SAINT LOUIS MO	63166-6805
001924015	JIMENEZ, ALEJANDRO F ET AL		1709 WINCHESTER DR	ELKO NV	89801-4386
001920060	MOUNTAIN SHADOWS HOUSING LLC	C/O WESTATES PROPERTY MGEMNET	PO BOX 2688	ELKO NV	89803-2688
001923001	ROBISON, JUDY		1691 WINCHESTER DR	ELKO NV	89801-4388
001928010	ROBLES, OMAR & ANGEL		1635 WINCHESTER DR	ELKO NV	89801-8317
001928019	SEVEN PILLARS IMPORTS LLC		PO BOX 292	NEWCASTLE WY	82701-0292
001920056	STITZEL, RITA		PO BOX 236	CARLIN NV	89822-0236
001928009	THOMPSON, DANIEL D		1957 RUBY VIEW DR	ELKO NV	89801-2689
001928013	VELASQUEZ, ERIC RENA		1665 WINCHESTER DR	ELKO NV	89801-8317
001920022	VITALITY CENTER		PO BOX 2580	ELKO NV	89803-2580
001924001	WAVRA, MARGUERITE R TR		30 CASTLE WAY	CARSON CITY NV	89706-1931

17

Mailed 3/22/19



METZLER RD

COLT CIR

COLT DR

BROWNING WAY

PINON RD

LAMOLLE HWY

ORCHARD COVE DR

WINCHESTER DR

* = Properties to receive Public Hearing Notification

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a series of public hearings on Tuesday, April 2, 2019 beginning at 5:30 P.M. P.D.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:

- **Tentative Map No. 5-19, filed by Granite Holdings, LLC, for the development of a subdivision entitled Orchard Cove Unit 2 involving the proposed division of approximately 6.95 acres of property into 19 lots and a remainder parcel for residential development within the R (Single-Family and Multiple-Family Residential) Zoning District, and matters related thereto.**

The subject property is located generally south of the intersection of Colt Drive and Winchester Drive. (APN 001-958-004)

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 – Assistant City Manager
1751 College Avenue
Telephone: 775.777.7211
Facsimile: 775.777.7219

March 19, 2019

Mr. Michael Shanks, P.E.
Shanks Engineering
982 Wolf Creek Drive
Spring Creek, NV 89815

Re: Orchard Cove Phase 2 Preliminary Plat Review, Submittals 2-19-2109, 2-27-2019, and 3-12-2019

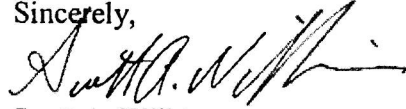
Dear Mr. Shanks,

The City of Elko has reviewed the above referenced project and has the following comments:

1. Sheet T1 - Provide the section, township and range information.
2. Sheet T1 - Delete the proposed roads shown in the vicinity map.
3. Sheet T1 – Show email address for subdivider.
4. Sheet T2 – Revise lots 8 and 9 to reflect the tapers on Orchard Cove and the required lot boundaries to accommodate the tapers shown within Orchard Cover Drive on Sheet T4 dated March 12 2019.
5. Sheet T2 – Clarify the purpose of the proposed 10-foot-wide drainage easement proposed on the rear lot lines of lots 9, 10 and 11. The drainage easement is not accessible for maintenance by the City and should be eliminated. The grading is to extend to the crest of the slope. The grading plan submitted with the final map is to show the existing topography extended past the southern boundary of the proposed subdivision to an extent necessary to ensure there are no potential issues with up gradient drainage onto lots 9, 10 and 11.
6. Sheet T3 – Show sewer lateral for lot 13.
7. Sheet T4 – Revise the grading plan to reflect grading to the crest of the rear yard slopes for lots 9, 10 and 11.
8. For the record, retaining walls may be required to develop lots 9, 10 and to a lesser degree, lot 11.
9. The peak increase in storm water runoff requires management. Consider oversizing of the storm drain in Colt Drive to achieve the requirement.

Please contact me at 775.777.7211 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Wilkinson". The signature is fluid and cursive, with the first name "Scott" being more prominent.

Scott A. Wilkinson
Assistant City Manager

CC: City of Elko - File

Shanks Engineering

February 27, 2019

Ms. Shelby Archuleta
Planning Technician
City of Elko
1754 College Avenue
Elko, NV 89801

RECEIVED

FEB 27 2019

RE: Orchard Cove Tentative Map
Re-submittal

Dear Shelby,

Please find attached items addressing the comments by Scott Wilkinson dated February 26, 2019:

1. *The checklist was not completed.*
All Items should be complete.
2. *A statement for the type of water system is required.*
The water system will be public supplied by City of Elko, See not on Sheet T1 Revision B attached.
3. *Sheet T21 indicates there will be deed restrictions filed with the final plat...*
This not has been removed from sheet T1 revision B attached.
4. *Sheet T1 contains dated flood hazard references.*
The flood hazard reference has been revised to show the current FIRM panel Map no.
5. *Information for water and sewer demand is required.*
A water and sewer analysis has been provided.

If you have any questions, or need additional information, please don't hesitate to call.

Sincerely,
Shanks Engineering


Michael E. Shanks, P.E.

RECEIVED

FEB 27 2019

ORCHARD COVE SUBDIVISION

TENTATIVE MAP

Water and Sewer Analysis

2/26/2019

Sewer Analysis

Peak Factor

4

Node	Description	Flow From Tributary Area Only			Combined Flows			Combined Peak Flow		
		Flow (gpd) Existing	Flow (gpd) Proposed	Flow (gpd) Combined	Flow (gpd) Existing	Flow (gpd) Proposed	Flow (gpd) Combined	Flow (gpm) Existing	Flow (gpm) Proposed	Flow (gpm) Combined
P1	SSMH Pinion & Winchester	30300	0	30300	30300	0	30300	84	0	84
O1	SSMH Orchard Cove & Colt Dr.	1200	900	2100	1200	900	2100	3	3	6
C3	SSMH Colt Dr. & Winchester	6600	4800	11400	38100	5700	43800	106	16	122
C2	SSMH COLT CR. & COLT DR.	4200	0	4200	42300	5700	48000	118	16	133
C1	SSMH Colt Dr. & Browning Way	16000	0	16000	58300	5700	64000	162	16	178
LC-1	Colt Dr. Lamoille HWY	13650	0	13650	71950	5700	77650	200	16	216
C4-C3	Proposed Sewer Main in Colt Dr.	600	4800	5400	(peak Factor for low Flow)			6.3	3	21
O1-C3	Existing Sewer Main in Winchester Dr.	6600	900	7500				29	4	33

Flow Analysis (Existing Conditions)		Manning's N value		0.014				
Nodes	Description	pipe size (in)	Min. slope	Depth (in)	Velocity (fps)	Max slope	Depth (in)	Velocity (fps)
O1	Orchard Cove - Colt Dr. to Win.	8"	1.91%	0.4	1.1	1.91%	0.4	1.1
C4-C3	New sewer main in Colt Drive	8"	2.80%	0.4	1.3	2.80%	0.4	1.3
O1-C3	Winchester from Orchard Cove To Colt Dr.	8"	1.50%	1.2	2	4.80%	0.9	3
C1-LP1	Colt Dr. from C1 to Lamoille Highway	8"	1.00%	3.7	3.1	3.00%	2.6	4.5

Flow Analysis (Proposed Combined Conditions)								
O1	Orchard Cove - Colt Dr. to Win.	8'	1.91%	0.5	1.4	1.91%	0.5	1.4
C4-C3	New sewer main in Colt Drive	8"	2.80%	0.9	2.4	4.80%	0.8	2.8
O1-C3	Winchester from Orchard Cove To Colt Dr.	8"	1.50%	1.3	2.1	4.80%	0.9	3.1
C1-LP1	Colt Dr. from C1 to Lamoille Highway	8"	1.00%	3.7	3.1	3.00%	2.7	4.6

RECEIVED

FEB 27 2019

Estimated Flows

Tributary Areas	Residential single family (lots)	gpd/lot 300	multi family (units)	Daily flow Per Unit 250	Commercial estimated flow (gpd)	Sub Total
P1 Existing	0	0	70 Mtn Shadows 48 Vitality center.	17500 12000	Address 1950 Pinion 200 1830 Pinion 200 1955 Pinion 200 1814 Pinion 0 1810 Pinion 200	
Total Daily Flow Existing (gpd)		0		29500	800	30300
P1 Proposed		0		0	0	0
O1 Existing	4	1200	0	0	0	1200
O1 Proposed	3	900	0	0	0	900
C3 Existing (excludes area tributary to P1&O1)	22	6600	0	0	0	6600
C3 Proposed	16	4800	0	0	0	4800
C2 Existing (excludes area tributary to C3)	14	4200	0	0	0	4200
C2 Proposed	0	0	0	0	0	0
C1 Existing (excludes area tributary to C2)	5	1500	46	11500	Address 1825 Pinion 500 1784 Browning 500 1775 Browning 1000 1780 Browning 500 Elko Plaza Browning 500	
Total Daily Flow Existing (gpd)		1500		11500	3000	16000
C1 Proposed	0	0	0	0	0	0
LC-1 Existing (excludes area tributary to C1)	0	0	46	11500	Address Cuthbertson Lamoille 1500 Rogers Lamoille Hwy 650	
Total Daily Flow Existing (gpd)		0		11500	2150	13650
LC-1 Proposed	0	0	0	0	0	0
C4-C3 Existing Lots	2	600	0	0	0	600
C4-C3 Proposed lots	16	4800	0	0	0	4800
01-C3 Sewer main in Winchester Dr. (Existing)	22	6600	0	0	0	6600
01-C3 Proposed	3	900	0	0	0	900

Water Demand:

Total No. of Units	19
Avg Day Demand/unit (gpm)	0.47
Total Day Demand (gpm)	8.93
Total Day Demand (gpd)	12,859
Annual Demand (acre/ft)	14.4

Avg Day

Peak hour Demand (gpm)	1.3
Total Peak Hour Demand (gpm)	24.7
Velocity at Peak Hour (fps)	2.2

Michael E. Shanks, P.E.

2/27/19

EXP 6/30/19

Shelby Archuleta

From: Scott A. Wilkinson
Sent: Tuesday, February 26, 2019 11:47 AM
To: Cathy Laughlin; Shelby Archuleta
Subject: Orchard Cove Preliminary Plat Application

Please forward this to the contact for the above application.

The application is deficient as follows:

1. The checklist was not completed.
2. A statement for the type of water system is required.
3. Sheet T1 indicates there will be deed restrictions filed with the final plat. I don't believe deed restrictions were discussed at the stage 1. A copy of the proposed restrictions is required. If the note is in error, T1 must be revised to eliminate the reference.
4. Sheet T1 contains dated flood hazard references.
5. Information for water and sewer demand is required.

This is not a detailed review of the submittal other than the completeness of the application.

Thank you,

Scott A. Wilkinson
Assistant City Manager
775.777.7211
sawilkinson@elkocitynv.gov



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

February 21, 2019

NV Energy
Mr. Robert Lino
4216 Ruby Vista Dr.
Elko, NV 89801-1632

SUBJECT: Tentative Map No. 5-19/Orchard Cove – Unit 2

Dear Mr. Lino:

Enclosed for your review and information is a copy of the submitted tentative map for the proposed Orchard Cove – Unit 2 subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their April 2, 2019 meeting.

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

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

Shelby Archuleta

From: Amanda Marcucci <Amanda.Marcucci@swgas.com>
Sent: Thursday, February 28, 2019 8:34 AM
To: Shelby Archuleta
Subject: Tentative Map no. 5-19
Attachments: Scanned from a Xerox multifunction device.pdf

Hi Shelby,

Southwest Gas does not have any objections to Tentative Map 5-19/Orchard Cove – Unit 2.

Amanda



Amanda Marcucci, PE | Supervisor/Engineering

PO Box 1190 | 24A-580 | Carson City, NV 89702-1190
direct 775.887.2871 | mobile 775.430.0723 | fax 775.882.6072
amanda.marcucci@swgas.com | www.swgas.com

The information in this electronic mail communication (e-mail) contains confidential information which is the property of the sender and may be protected by the attorney-client privilege and/or attorney work product doctrine. It is intended solely for the addressee. Access to this e-mail by anyone else is unauthorized by the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, or distribution of the contents of this e-mail transmission or the taking or omission of any action in reliance thereon or pursuant thereto, is prohibited, and may be unlawful. If you received this e-mail in error, please notify us immediately of your receipt of this message by e-mail and destroy this communication, any attachments, and all copies thereof.

Southwest Gas Corporation does not guarantee the privacy or security of information transmitted by facsimile (fax) or other unsecure electronic means (including email). By choosing to send or receive information, including confidential or personal identifying information, via fax or unencrypted e-mail, you consent to accept any associated risk.

Thank you for your cooperation.



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

February 21, 2019

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

SUBJECT: Tentative Map No. 5-19/Orchard Cove – Unit 2

To Whom It May Concern:

Enclosed for your review and information is a copy of the submitted tentative map for the proposed Orchard Cove – Unit 2 subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their April 2, 2019 meeting.

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

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



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

February 21, 2019

Satview Broadband
Mr. Steve Halliwell
3550 Barron Way, Suite 13A
Reno, NV 89511

SUBJECT: Tentative Map No. 5-19/Orchard Cove – Unit 2

Dear Mr. Halliwell:

Enclosed for your review and information is a copy of the submitted tentative map for the proposed Orchard Cove – Unit 2 subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their April 2, 2019 meeting.

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

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



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

February 21, 2019

Frontier Communications
John Poole
1520 Church Street
Gardnerville, NV 89410

SUBJECT: Tentative Map No. 5-19/ Orchard Cove – Unit 2

Dear Mr. Whitaker:

Enclosed for your review and information is a copy of the submitted tentative map for the proposed Orchard Cove – Unit 2 subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their April 2, 2019 meeting.

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

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



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

November 14, 2018

Elko County School District
Mr. Todd Pehrson
PO Box 1012
Elko, NV 89803

SUBJECT: Tentative Map No. 5-19/Orchard Cove – Unit 2

Dear Mr. Pehrson:

Enclosed for your review and information is a copy of the submitted tentative map for the proposed Orchard Cove – Unit 2 subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their April 2, 2019 meeting.

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

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR PRELIMINARY PLAT (STAGE II) APPROVAL

****PRIOR TO SUBMITTING THIS APPLICATION, PRE-APPLICATION (STAGE I) MUST BE COMPLETE****

APPLICANT(s): Granite Holdings LLC & RW Construction Services LLC
MAILING ADDRESS: 3427 JENNINGS WAY ELKO, NV 89801
PHONE NO (Home) 775 753-4332 (Business) 775 777-5357
NAME OF PROPERTY OWNER (If different): Granite Holdings LLC.
(Property owner consent in writing must be provided)
MAILING ADDRESS: 1957 Ruby View Dr. Elko NV 89801
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
ASSESSOR'S PARCEL NO.: 001-928-004 Address _____
Lot(s), Block(s), & Subdivision _____
Or Parcel(s) & File No. Parcel NO. 5 File NO. 504955
APPLICANT'S REPRESENTATIVE OR ENGINEER: Robert Howard or Mike Starks, P.E.

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), and must include the following:

1. One .pdf of the entire application, and ten (10) 24" x 36" copies of the preliminary plat folded to a size not to exceed 9"x12" provided by a properly licensed surveyor, as well as one (1) set of reproducible plans 8 1/2" x 11" in size and any required supporting data, prepared in accordance with Section 3-3-7 of the Elko City Code (see attached checklist).
2. A Development Master Plan when, in the opinion of the Planning Commission, the proposed subdivision is sufficiently large enough to comprise a major part of a future neighborhood or the tract initially proposed for platting is only a part of a larger land area.
3. A preliminary grading plan for subdivisions involving property characterized by an average slope greater than ten percent (10%).

Fee: \$750.00 + \$25.00 per lot including remainder parcels; non-refundable.

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

RECEIVED

FEB 19 2019

PROJECT DESCRIPTION OR PURPOSE: This project consists of 19 lots

that will be developed into single family residential homes.

Each lot is approximately 6,200 SF in size.

Colt Drive will be extended until it connects with

~~the~~ Winchester Drive. It is expected that all streets

and public utilities will be dedicated to the City of Elk

upon completion.

(Use additional pages if necessary)

Preliminary Plat Checklist 3-3-7

Date	Name
Identification Data	
\	Subdivision Name <i>(Sunshine Subdivision)</i>
\	Location and Section, Township and Range
\	Reference to a Section Corner or Quarter-Section Corner
\	Name, address and phone number of subdivider
\	Name, address and phone number of engineer/surveyor
\	Scale, North Point and Date of Preparation
\	Dates of Revisions
\	Location maps
\	Legal description of boundaries
Existing Conditions Data	
	2' contours on city coordinate system
	Location of Water Wells
	Location of Streams, private ditches, washes and other features
	Location of Designated flood zones
	The Location, widths and Names of all platted Streets, ROW
	Municipal Corporation Lines
	Name, book and page numbers of all recorded plats
	Existing Zoning Classifications
	Zoning of Adjacent Properties
	Dimensions of all tract boundaries, gross and net acreage
Proposed Conditions Data	
	Street Layout, location, widths, easements
	Traffic Impact Analysis
	Lot Layout, including dimensions of typical lots
	Corner Lot Layout
	Lot layout on Street Curves
	Each lot numbered consecutively
	Total number of lots
	Location, Width and proposed use of easements
	Location, extent and proposed use of all land to be dedicated
	Location and boundary of all proposed zoning districts
	Draft of proposed deed restrictions
	Preliminary Grading Plan
	Conceptual cut and fill
	Estimated quality of material to be graded
	SWPPP
Proposed Utilities	
	Sewage Disposal, design for sewage disposal
	Water Supply, Evidence of adequate volume and quality
	Storm Drain, Preliminary Calculations and Layout
	Telephone, Power, Gas, Television
	Will Serve Letter by Engineering Department

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 Robert Howard
(Please print or type)

Mailing Address 3427 JENNINGS Way
Street Address or P.O. Box
Elko, NV. 89801
City, State, Zip Code

Phone Number: 775 777-5357

Email address: RHoward@RMConstructionServices.com

SIGNATURE: Robert Howard Van Thompson

FOR OFFICE USE ONLY

File No.: 5-19 Date Filed: 2/19/19 Fee Paid: \$1,250

20 Lots x \$25 = \$500
+ 750
\$1,250

CK#3011 for \$1,225
CK#3163 for \$25.00

February 22, 2012

Granit Holding LLC
Orchard Cove Subdivision Unit No. 2

DESCRIPTION

All of a parcel of land identified as Parcel No. 5 as shown on the Parcel Map for Prime West Properties, LC filed in the Elko County Recorder's Office as File No. 504955, the basis of bearing, Parcel No. 5 is located in Section 13, Township 34 North, Range 55 East, M.D.B. & M., and is more particularly described as follows:

Commencing at the street monument on Winchester Drive located 205 ft west of the intersection of Colt Drive and Winchester Drive thence along the center line of Winchester Drive on a bearing of north 89°40'59" east for a distance of 205.00 feet to a street monument at the intersection of Winchester Drive and Colt Drive, the basis of bearing;

thence on a bearing south 00°19'01" east, for a distance of 100.53 feet along the centerline of Colt Drive to a point on the boundary line of Parcel No. 5;

thence on a bearing north 89°40'59" east, for a distance of 30.00 feet along said boundary line of Parcel No. 5 to corner No. 1, the true point of beginning;

thence on a bearing south 00°19'01" east, for a distance of 49.04 feet to corner No. 2;

thence on a bearing north 89°40'59" east, for a distance of 269.71 feet to corner No. 3;

thence on a bearing north 46°06'28" east, for a distance of 58.79 feet to corner No. 4;

thence on a bearing south 43°53'35" east, for a distance of 60.00 feet to corner No. 5;

thence on a bearing south 46°06'28" west, for a distance of 58.79 feet to corner No. 6;

thence on a circular curve to the left, with a radius of 164.38 feet, through an internal angle of 46°15'30" for an arc length of 133.19 feet to corner No. 7;

thence on a bearing south 00°19'01" east, for a distance of 111.06 feet to corner No. 8;

thence on a bearing north 89°40'59" east, for a distance of 100.00 feet to corner No. 9;

thence on a bearing south 00°19'01" east, for a distance of 336.06 feet to corner No. 10;

thence on a bearing south 89°40'59" west, for a distance of 517.50 feet to corner No. 11;

thence on a bearing north 00°19'01" west, for a distance of 658.72 feet to corner No. 12;

thence on a bearing north 89°40'59" east, for a distance of 157.50 feet to corner No. 1, the point of beginning;

Said Parcel No. 5 contains 6.947 acres, more or less.

RECEIVED

FEB 19 2019

TENTATIVE MAP OF
ORCHARD COVE — PHASE 2
ELKO ELKO COUNTY NEVADA

OWNER/DEVELOPER

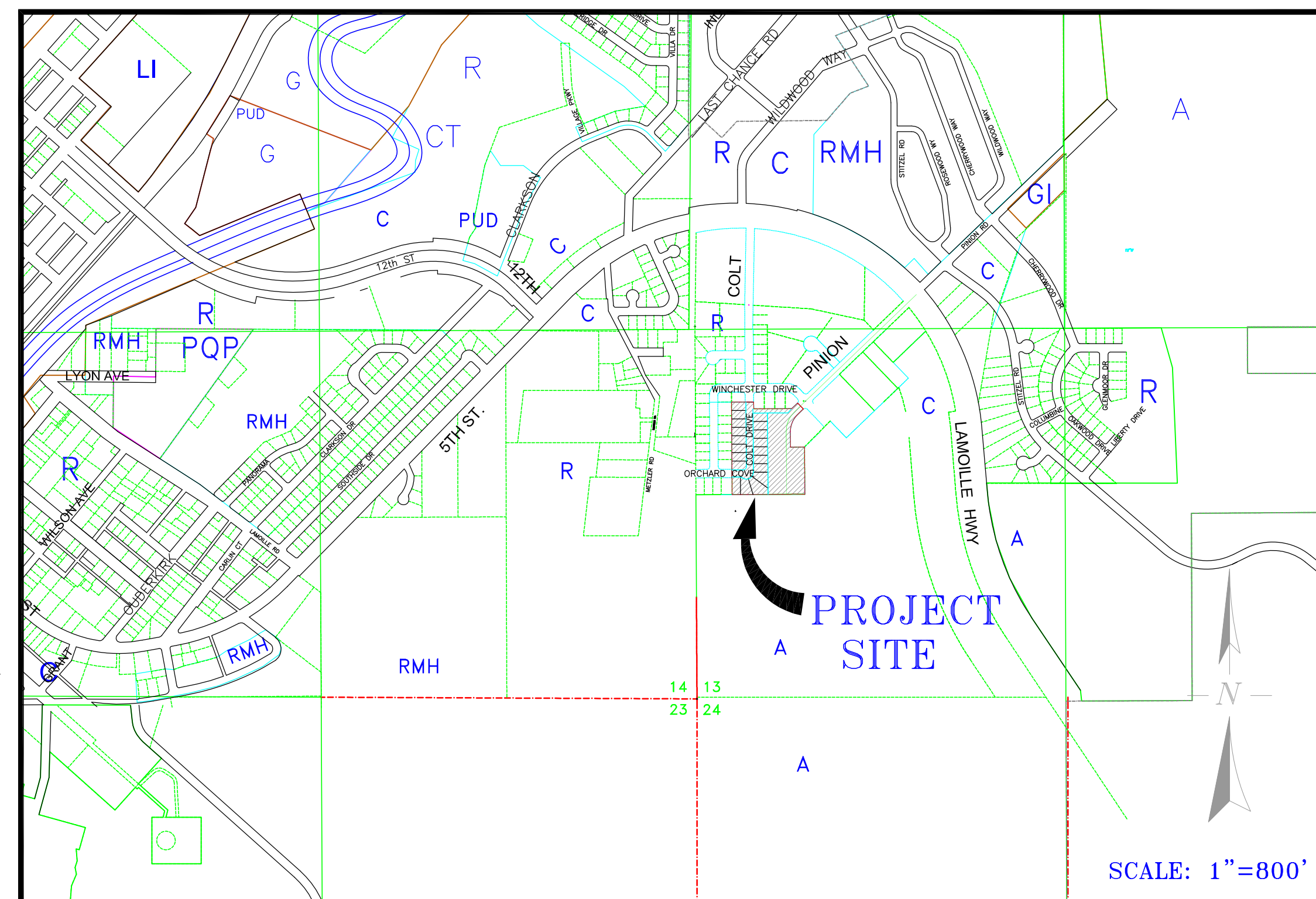
GRANITE HOLDINGS LLC.
1957 RUBY VISTA DR.
ELKO, NEVADA 89801
ATTN: DAN THOMPSON
775-934-6824
cowboys197594@yahoo.com

BASIS OF BEARINGS

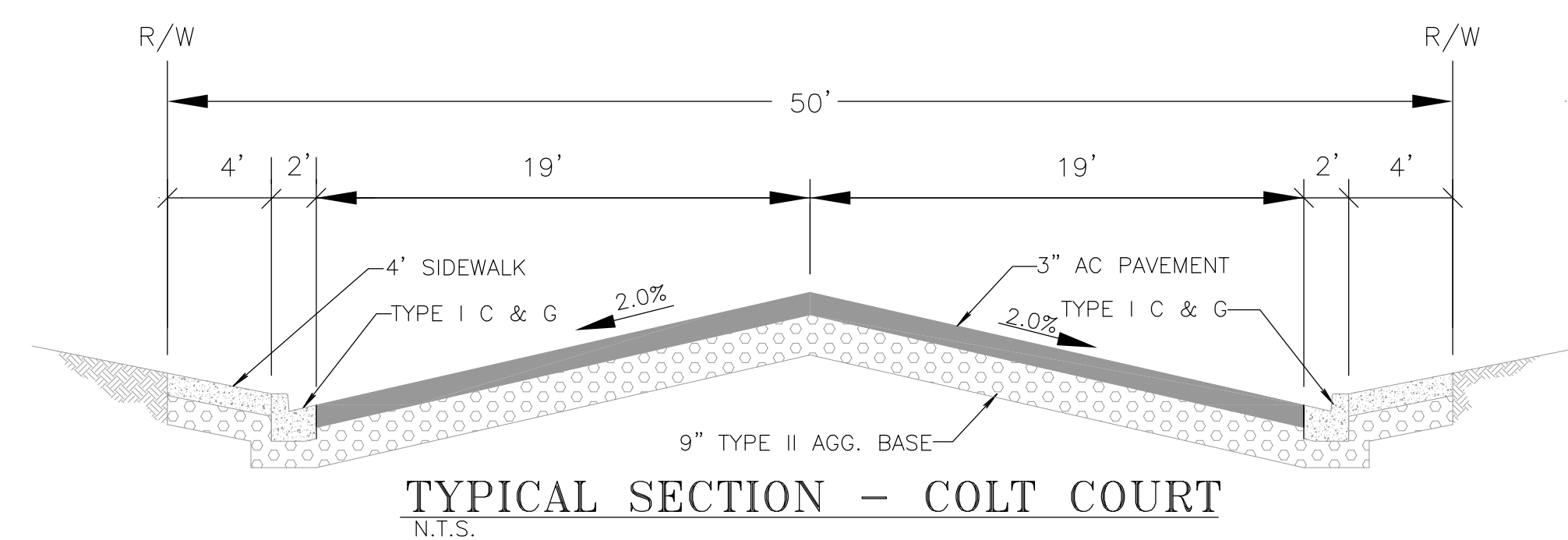
WINCHESTER DRIVE HELD AS S 89° 40' 59" W

ABBREVIATIONS

AC	ASPHALTIC CONCRETE
BC	BEGIN CURVE
BVC	BEGIN VERTICAL CURVE
BS	BACK OF SIDEWALK
CB	CATCH BASIN
CL	CENTERLINE
CONC	CONCRETE
CP	CONCRETE PIPE
CR	CURB RETURN
DI	DROP INLET
DET	DETAIL
E	ELECTRICAL
ELEV	ELEVATION
EC	END OF CURVE
EVC	END OF VERTICAL CURVE
EXIST	EXISTING
FF	EXISTING GRADE
FF	FINISHED FLOOR
FFC	FRONT FACE OF CURB
FG	FINISHED GRADE
HYD	FIRE HYDRANT
IL	FLOW LINE
G	GAS
GB	GRADE BREAK
HORIZ	HORIZONTAL
INT	INTERSECTION
IE	INVERT ELEVATION
LT	LEFT
L	LENGTH
LF	LINGAL FEET
MH	MANHOLE
P	PAD ELEVATION
PI	POINT OF INTERSECTION
PRC	POINT OF REVERSE CURVATURE
PVC	POLYVINYL CHLORIDE PIPE
PL	PROPERTY LINE
(R)	RADIAL
R	RADIUS
REF	REFERENCE
RCP	REINFORCED CONCRETE PIPE
RT	RIGHT
R/W	RIGHT OF WAY
SS	SANITARY SEWER
SW	SIDEWALK
S	SLOPE
SHT	SHEET
STA	STATION
SD	STORM DRAIN
T	TANGENT
t	TELEPHONE
TC	TOP OF CURB
TYP	TYPICAL
VC	VERTICAL CURVE
VPI	VERTICAL POINT OF INTERSECTION
W	WATER



VICINITY MAP



NOTES:
WATER AND SEWER SERVICE SHALL BE BY A PUBLIC WATER AND SEWER SYSTEM SUPPLIED BY THE CITY OF ELKO.

ENGINEER

Shanks Engineering

982 WOLF CREEK DRIVE
SPRING CREEK, NEVADA 89815
P. 775-934-9356

SHEET INDEX

T1.....	TITLE SHEET
T2.....	HORIZONTAL CONTROL PLAN
T3.....	SITE PLAN & UTILITY PLAN
T4.....	GRADING & DRAINAGE PLAN

PROJECT DATA

	QUANTITY	UNITS
PROJECT AREA	6.947	ACRES
STREET RIGHT-OF-WAY	0.754	ACRES
UTILITY & ACCESS RIGHT-OF-WAY	0.278	ACRES
REMAINDER	3.038	ACRES
LOT AREA	2.869	ACRES
TOTAL LOTS	19	
GROSS DENSITY	4.86	(LOTS/ACRE)
NET DENSITY (UNITS/ACRE)	6.62	(LOTS/ACRE)
LOT SIZES (SF)	MIN - 6,150	MAX - 11,120

LAND USE CLASSIFICATION

EXISTING ZONING

R - RESIDENTIAL

LOCATION: THE PROPOSED SUBDIVISION IS LOCATED IN THE SW1/4 OF SECTION 13, TOWNSHIP 34 NORTH, RANGE 55 EAST, M.D.B.&M.

FLOOD PLAIN: BASED ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF ELKO EFFECTIVE DATE SEPTEMBER 4, 2013, THE ENTIRE SITE LIES WITHIN ZONE X WHICH IS AN AREA DESIGNATED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN. (COMMUNITY-PANEL NUMBER 32007C5628E)

UTILITIES

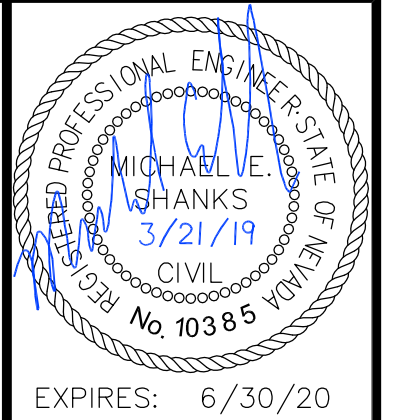
TELEVISION	—	AT & T
ELECTRICAL	—	NV ENERGY
SEWER	—	CITY OF ELKO
WATER	—	CITY OF ELKO
SOLID WASTE	—	CITY OF ELKO
TELEPHONE	—	FRONTIER
GAS	—	SOUTHWEST GAS CORPORATION

ENGINEER'S STATEMENT

I, MICHAEL E. SHANKS, DO HEREBY CERTIFY THAT THIS MAP
HAS BEEN PREPARED BY ME OR UNDER MY SUPERVISION AND
WAS COMPLETED ON THIS 21 ST DAY OF MARCH, 2019.

MICHAEL E. SHANKS

P.E. #10385





EXPIRES: 6/30/20

PREPARED BY: Shanks Engineering

982 WOLF CR. DR.
SPRING CREEK, NV 89815
P. 775-934-9356
shankseng@gmail.com

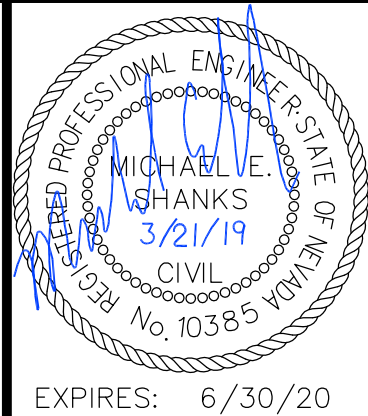
REVISIONS	NO.	DESCRIPTION	BY	DATE
	A	ISSUED FOR REVIEW	MES	2-18-19
	B	ISSUED FOR REVIEW	MES	2-26-19
	C	ISSUED FOR REVIEW	MES	3-21-19
REFERENCE		DESIGNED	MES	
		DRAWN	MES	
		CHECKED		
		APPROVED		

GRANITE HOLDINGS LLC 3476 7TH STREET ELKO, NEVADA 89801		DRAWING NO. 1810126-T SCALE: AS SHOWN DATE: 12/28		DRAWING NAME ORCHARD COVE P2-T1 REVISION

E. GRANITE HOLDINGS LLC
ORCHARD COVE—UNIT NO. 2

TENTATIVE MAP
TITLE SHEET

SHEET No. T1




REPAIRED BY:

Shanks Engineering

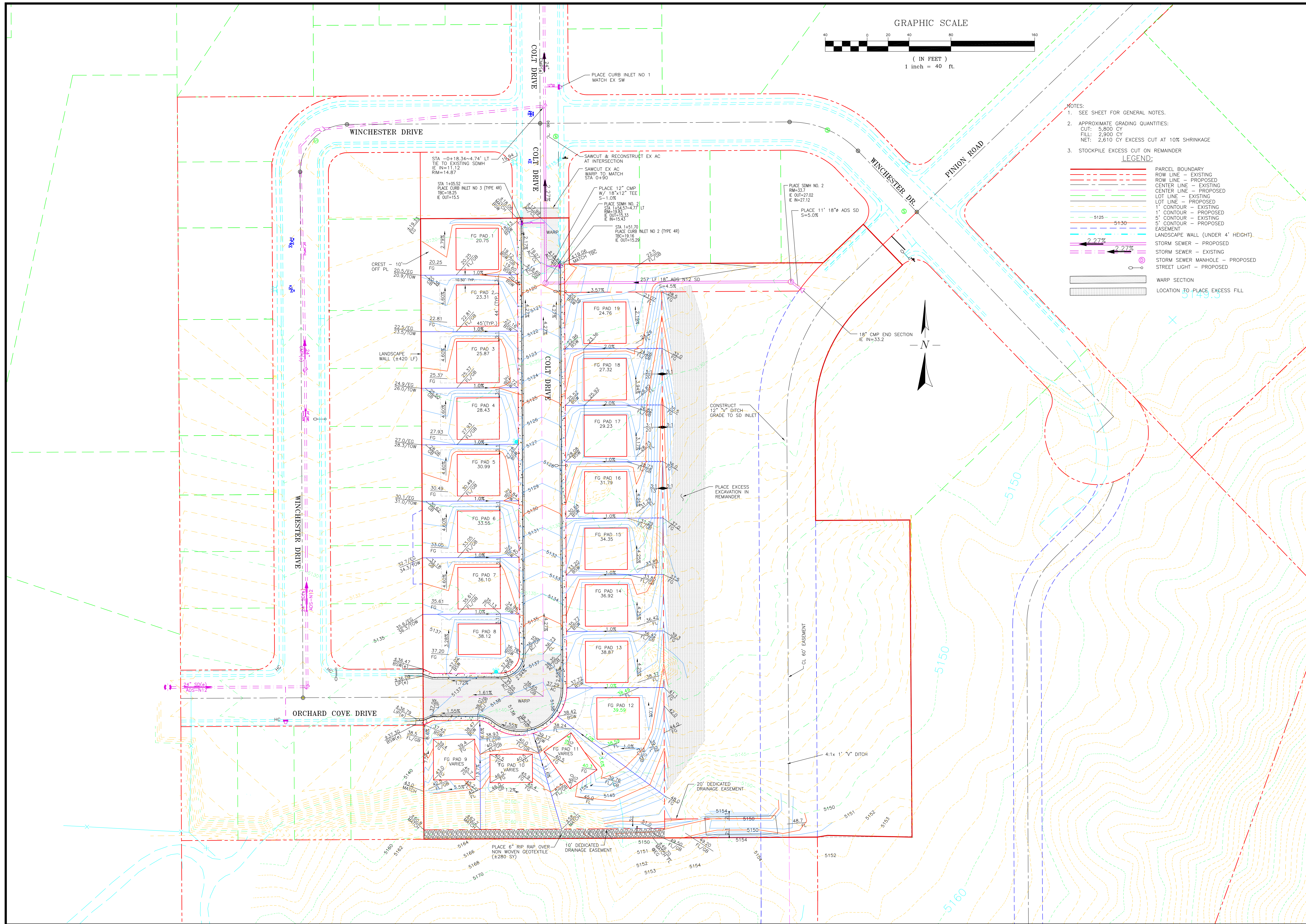
982 WOLF CR. DR.
SPRING CREEK, NV 89815
P. 775-934-9356
shankseng@gmail.com

	BY	DATE
	MES	2-11-19
	MES	3-11-19
	MES	3-21-19
DESIGNED		
DRAWN		
CHECKED		
APPROVED		
APPROVED		

DESCRIPTION	
No.	
A	ISSUED FOR REVIEW
B	ISSUED FOR REVIEW
C	ISSUED FOR REVIEW
REVISIONS	
REFERENCE	

PREPARED FOR: GRANITE HOLDINGS LLC 1975 RUBY VIEW DR. ELKO, NEVADA 89801	DRAWING NO. 1810126-f		 REVISION
	SCALE: AS SHOWN	PROJECT NO.: 1810126	
	DRAWING NAME: ORCHARD COVE P-12		

TITLE: GRANITE HOLDINGS LLC
ORCHARD COVE-UNIT NO. 2
TENTATIVE MAP
GRADING & DRAINAGE PLAN
SHEET No. **T4**



**Elko City Planning Commission
Agenda Action Sheet**

1. Title: **Review, consideration, and possible adoption of Resolution 1-19, containing amendments to the Atlas Map #12 and Transportation component of the City of Elko Master Plan, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **April 2, 2019**
3. Agenda Category: **PUBLIC HEARINGS**
4. Time Required: **30 Minutes**
5. Background Information: **Planning Commission reviewed and initiated the amendment to the City of Elko Master Plan at its March 5, 2019 meeting.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Transportation document and Atlas map #12.**
8. Recommended Motion: **Move to adopt Resolution 1-19, containing amendments to the Transportation Component and Atlas map #12 of the City of Elko Master Plan; directing that an attested copy of the foregoing parts, amendments, extensions of and/or additions to the Elko City Master Plan be certified to the City Council; further directing that an attested copy of this Commission's report on the proposed changes and additions shall have be filed with the City Council; and recommending to City Council to adopt said amendments by resolution. CL**
9. Prepared By: **Cathy Laughlin, City Planner**
10. Agenda Distribution:



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

Memorandum

To: Planning Commission
From: Cathy Laughlin –City Planner
Date: March 20, 2019
Meeting Date: Tuesday, April 2, 2019

Agenda Item:

1. Review, consideration, and possible adoption of Resolution 1-19, containing amendments to the Atlas Map #12 and the Transportation Component of the City of Elko Master Plan, and matters related thereto. **FOR POSSIBLE ACTION**

Additional Information:

The City of Elko Master Plan Transportation component and Atlas Map #12 show El Armuth Drive extending from Mountain City Highway to a frontage road along I-80. The existing mapped area for El Armuth Drive is not actual dedicated right-of-way but is a parcel (Parcel C) owned by the original property owner or their heirs of the original map recorded with Elko County Recorder as File No. 30415 recorded 5/31/1967. With a recent Stage 1 subdivision meeting, Staff has determined that the extension from Sagecrest Drive to Celtic Way is very unlikely. There have been two property owners on Royal Crest Drive which have done a quiet claim deed on portions of Parcel C adjacent to their property and therefore we would never have a full 60' right-of-way width without those same property owners dedicating it back to the City of Elko. There is also a large drainage between Royal Crest Drive and Celtic Way that would be cost prohibitive to develop the roadway. El Armuth south of Celtic Way towards I-80, there is a property south of Hondo Lane in which the City of Elko would have to purchase in order to have connectivity to the future I-80 frontage road. With this Master Plan amendment, it is proposed as a more realistic possibility to have the connection of the frontage road to Sundance Drive.

**ELKO CITY PLANNING COMMISSION
RESOLUTION NO. 1-19**

**A RESOLUTION OF THE ELKO CITY PLANNING COMMISSION
AMENDING THE ELKO CITY MASTER PLAN UPDATING THE PROPOSED
FUTURE ROADWAY NETWORK MAP ATLAS #12 AND TRANSPORTATION
COMPONENT BY ELIMINATING THE CONNECTION OF EL ARMUTH
DRIVE BETWEEN SAGECREST DRIVE AND CELTIC WAY AND
ELIMINATING THE EXTENTION OF EL ARMUTH TO THE FUTURE I-80
FRONTAGE ROAD AND ADDING SUNDANCE DRIVE CONNECTION TO
THE FUTURE I-80 FRONTAGE ROAD**

WHEREAS, the Elko City Planning Commission conducted a public hearing in accordance with Nevada Revised Statutes, Section 278.210 and the Elko City Code, Section 3-4-12, and

WHEREAS, the Elko City Planning Commission received public input, and reviewed and examined documents and materials related to amending Proposed Future Roadway Network Atlas Map #12 and the Transportation Component of the Elko City Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Elko City Planning Commission that amended portions of the Elko City Master Plan within the Proposed Future Roadway Network Map Atlas #12 and the Transportation Component, are attached hereto at Exhibit 1 and 2, and that the amendments to the Elko City Master Plan attached hereto at Exhibit 1 and 2 are hereby adopted.

All previous versions of the amended portions of Elko City Master Plan, and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

An attested copy of the Elko Planning Commission's report on the aforementioned changes and additions to the Elko City Master Plan shall be filed with the Elko City Council within forty (40) days of this Resolution.

The amendment to the Elko City Master Plan attached hereto at Exhibit 1 and 2, or any portion thereof, shall be effective upon adoption by the Elko City Council.

PASSED AND ADOPTED this 2nd day of April 2019 by a vote of not less than two-thirds of the membership of the Planning Commission per NRS 278.210 (3) and Elko City Code Section 3-4-12 (B).

By: _____
Jeff Dalling, Chairman

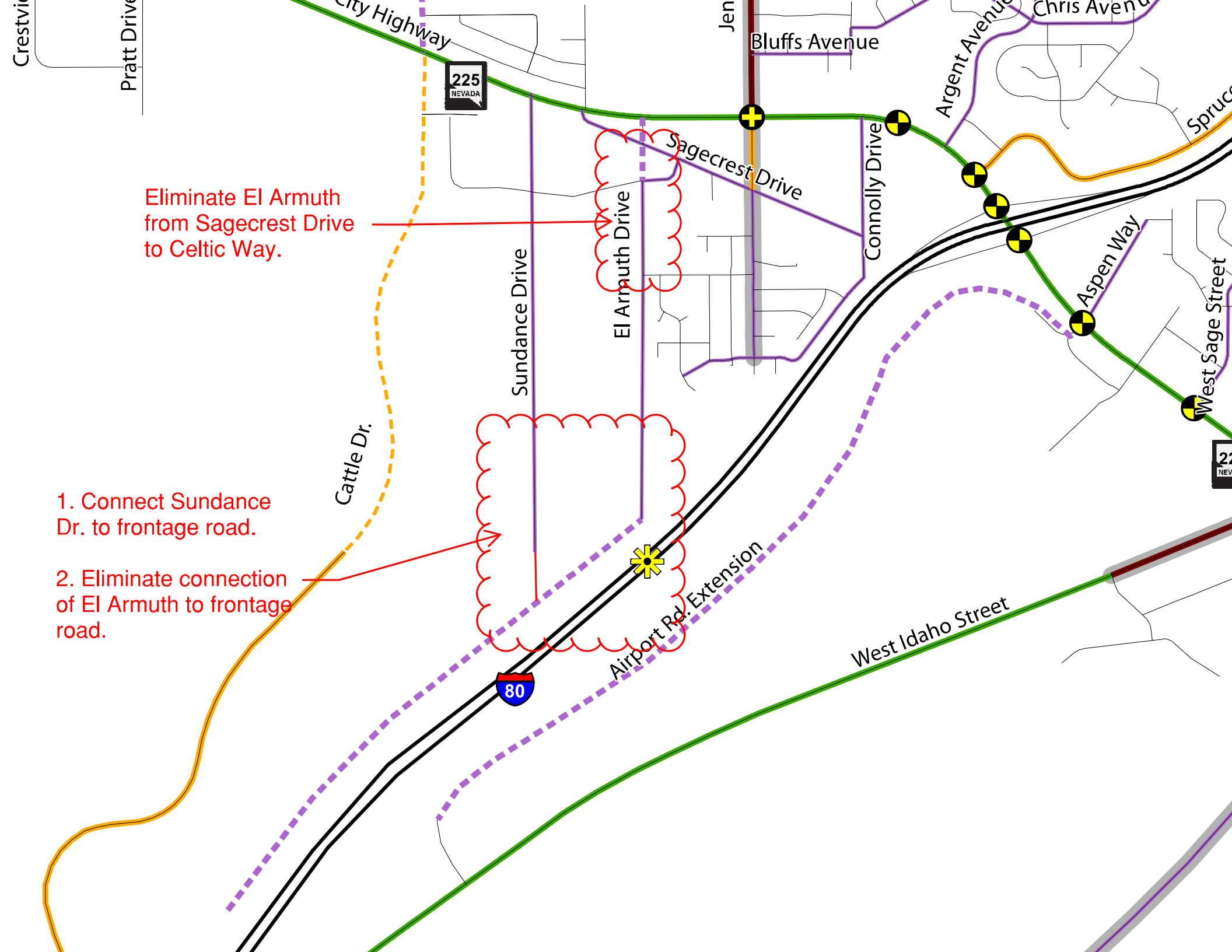
Attest: _____
Tera Hooiman, Secretary

AYES:

NAYS:

ABSENT:

ABSTAIN:



- Country Club Drive
- Court Street, Oak Street to 5th Street and 9th Street to 14th Street
- Delaware Street, between Statice Street and Paradise Drive
- El Armuth Drive ([Mountain City Highway to Sagecrest Dr. & Celtic Way to Hondo Lane](#))
- Enfield Avenue
- Fairway Drive, between Skyline Drive and Keppler Drive
- Forest Lane, between Montrose Lane and Enfield Avenue
- Garcia Lane – South 11th Street
- Highland Drive
- Indian View Heights Drive
- Jennings Way, south of Mountain City Highway
- Keppler Drive
- La Nae Drive, between Bluffs Avenue and Cottonwood Drive
- Mittry Avenue (Chris Ave to College Parkway)
- Montrose Lane
- Opal Drive
- Rocky Road (future)
- Ruby View Drive
- Sagecrest Drive
- Sewell Drive
- Spruce Road, between 5th Street and -Jennings Way
- Stitzel Road, between Pinion Road and Liberty Drive
- Sundance Drive

Regional Roadways

Regional Roadways are those collector or arterial streets characterized by moderate to high traffic volumes with significant traffic origins or traffic destinations outside of the corporate boundaries of the City of Elko. The following are considered Regional Roadways:

- Jennings Way Loop
- 5th Street
- Ruby Vista Drive, east of Jennings Way
- Delaware Street
- Idaho Street
- Silver Street
- Manzanita Lane
- 12th Street, south of Idaho Street
- Last Chance Road
- Bullion Road, west of Errecart Boulevard
- Errecart Boulevard

* Note that the Elko City Council approved the above list of Regional Roads; however, at this time Manzanita Lane and Last Chance Road are not recognized by the RTC as regional roads.

Roadway Capacity

Level of service (LOS) is a term used to measure and describe the operational conditions of a roadway network. Letters A through F are used to measure the LOS of a roadway segment or intersection. The following definitions are given for each level of service letter.

**Elko City Planning Commission
Agenda Action Sheet**

- 1. Review, consideration and possible approval of Final Map No. 6-19, filed by Copper Trails, LLC, for the development of a subdivision entitled Copper Trails Phase 2 involving the proposed division of approximately 19.194 acres of property into 29 lots and 1 remainder parcel for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
- 2. Meeting Date: April 2, 2019**
- 3. Agenda Category: *MISC. ITEMS, PETITIONS, AND COMMUNICATIONS***
- 4. Time Required: 15 Minutes**
- 5. Background Information: Subject property is located at the intersection of Mittry Avenue and Copper Street (APN 001-610-114).**
- 6. Business Impact Statement: Not Required**
- 7. Supplemental Agenda Information: Application, Staff Report**
- 8. Recommended Motion: Recommend that the City Council accept, on behalf of the public, the parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication; that the final map substantially complies with the tentative map; that the City Council approve an the agreement to install improvements in accordance with the approved construction plans that satisfies the requirements of this Chapter and conditionally approve Final Map 6-19 with findings and conditions listed in Staff Report dated March 18, 2019.**
- 9. Findings: See Staff Report dated March 18, 2019**
- 10. Prepared By: Cathy Laughlin, City Planner**
- 11. Agenda Distribution: Copper Trails LLC
207 Brookwood Drive
Elko, NV 89801
elkoluke@gmail.com

Carter Engineering
lanalcarter@live.com**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 4/2

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

Title: Final Map 6-19 Copper Trails - Phase 2
Applicant(s): Copper Trails, LLC
Site Location: NW Ext. of Mitty onto Quartz + Platinum Dr.
Current Zoning: R Date Received: 2/19/19 Date Public Notice: N/A
COMMENT: This is for 19.194 acres to be divided into 29
lots and a remainder parcel.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 3/22/19
Recommend approval as presented by staff

SAW

Initial

City Manager: Date: 3/23/19
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

DATE:	March 18, 2019
PLANNING COMMISSION DATE:	April 2, 2019
AGENDA ITEM NUMBER:	I.B.1
APPLICATION NUMBER:	Final Map 6-19
APPLICANT:	Copper Trails, LLC
PROJECT DESCRIPTION:	Copper Trails Subdivision Phase 2

A Final Map for the division of approximately 19.194 acres into 29 lots for single family residential development within an R (Single Family and Multiple Family Residential) Zoning District and one remaining lot.



STAFF RECOMMENDATION:

RECOMMEND to APPROVE this item subject to findings of fact and conditions.

PROJECT INFORMATION

PARCEL NUMBERS: 001-610-114

PARCEL SIZE: 5.140 acres for this Unit 2 of the subdivision with 1 remainder lot for a total area of 19.194 acres. In Phase 2, approximately 1.119 acres are offered for dedication for street development

EXISTING ZONING: (R) Single Family and Multiple Family Residential

MASTER PLAN DESIGNATION: (RES-MD) Residential Medium Density

EXISTING LAND USE: Vacant

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

-) Northwest: Agriculture (AG) / Undeveloped
-) Northeast: Agriculture (AG) / Undeveloped
-) Southwest: Residential (R) / Developed
-) Southeast: Residential (R) / Undeveloped

PROPERTY CHARACTERISTICS:

-) The property is an undeveloped residential parcel.
-) The proposed subdivision is the second phase of the Copper Trails Subdivision.
-) The property has moderately sloping topography throughout the parcel.
-) The property will be accessed off Copper Street.

MASTER PLAN, COORDINATING PLANS, and CITY CODE SECTIONS:

Applicable Master Plan Sections, Coordinating Plans, and City Code Sections are:

-) 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 Zoning – Section 3-2-3 General Provisions
-) City of Elko Zoning – Section 3-2-4 Zoning Districts
-) City of Elko Zoning – Section 3-2-5(E) Single-Family and Multiple Family Residential District
-) City of Elko Zoning – Section 3-2-5(G) Residential Zoning Districts Area, Setback And Height Schedule For Principal Buildings
-) City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
-) City of Elko Zoning – Chapter 3 Subdivisions
-) City of Elko Zoning – Section 3-8 Flood Plain Management

BACKGROUND INFORMATION

1. The City Council conditionally approved the Tentative Map at its meeting on January 8, 2019.

2. The property is identified as APN 001-610-114, shown as parcel G on map 748288 recorded at the Elko County Recorder's Office.
3. The total subdivided area is approximately 19.194 acres in area.
4. The proposed subdivision consists of 29 lots residential lots with one remainder parcel approximately 14.055 acres in size.
5. The proposed density is 5.64 units per acre.
6. Approximately 1.119 acres are offered for dedication for street development and drainage purposes.
7. The property abuts the intersection of Copper Street and Mittry Ave.
8. An amendment to the Development Agreement including Phase 2 in the Master Plan Development was approved by City Council on January 8, 2019 under Ordinance 838.

MASTER PLAN:

1. Conformance with the Land Use component of the Master Plan was evaluated with review and approval of the Preliminary Plat. The Final Map is in conformance with the Preliminary Plat.
2. Conformance with the Transportation component of the Master Plan was evaluated with review and approval of the Preliminary Plat. The Final Map is in conformance with the Preliminary Plat.

The proposed subdivision is in conformance with the Land Use and Transportation components of the Master Plan.

ELKO REDEVELOPMENT PLAN:

1. The property is not located within the Redevelopment Area.

Conformance with the Redevelopment Plan is not required.

ELKO WELLHEAD PROTECTION PLAN:

1. A small portion of the property lies inside the 30-year capture zone and the remainder of the subdivision lies outside any capture zone for the City of Elko. The proposed subdivision will be connected to a programmed sewer system.

The proposed subdivision is in conformance with the Wellhead Protection Plan.

SECTIONS 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G) and 3-2-17

1. The proposed subdivision was evaluated for conformance to the referenced sections of code during the preliminary plat process.

The proposed subdivision is in conformance with Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G) and 3-2-17 of city code.

SECTION 3-3-7 FINAL MAP STAGE (STAGE III)

Requirements for Presentation of Final Map or Series of Final Maps (B)(1) – The subdivider shall present to the City Council on or before the second anniversary of the date on which the subdivider recorded the first in the series of final maps: (I) a final map, prepared in accordance with the tentative map, for the entire area for which the tentative map has been approved; or (II)

the next final map in the series of final maps covering a portion of the approved tentative map. If the subdivider fails to comply with the provisions of the preceding sentence, all proceedings concerning the subdivision are terminated. The Final Map submittal encompasses the entire area shown on the tentative map 13-18 which was approved by City Council on January 8, 2019.

Pre-submission Requirements (C)(1) – The proposed final map is in conformance with the zone requirements.

Pre-submission Requirements (C)(2) – The proposed final map conforms to the preliminary plat.

Utility Easements (D) – The affidavit has been provided on the final map for the utility companies.

The subdivision submittal is in conformance with 3-3-7 of City Code; Final Map Stage III.

SECTION 3-3-8 CONTENT AND FORMAT OF FINAL MAP SUBMITTAL

A. Form and Content-The final plat conforms to the required size specifications and provides the appropriate affidavits and certifications.

B. Identification Data

1. The subdivision map identified the subdivision, and provides its location by section, township, range and county.
2. The subdivision map was prepared by a properly licensed surveyor.
3. The subdivision map provides a scale, north point, and date of preparation.

C. Survey Data

1. The boundaries of the tract are fully balanced and closed.
2. All exceptions are noted on the plat.
3. The location and description of cardinal points are tied to a section corner.
4. There are no physical encroachments upon the boundary of the tract are noted on the plat.

D. Descriptive Data

1. The name, right of way lines, courses, lengths and widths of all streets and easements are noted on the plat.
2. All drainage ways are noted on the plan.
3. All utility and public service easements are noted on the plat.
4. The location and dimensions of all lots, parcels and exceptions are shown on the plat.
5. All residential lots are numbered consecutively on the plat.
6. There is a public drainage dedicated to the public shown on the plat.
7. The location of adjoining subdivisions is noted on the plat with required information.
8. There are no deed restrictions proposed for the subdivision.

E. Dedication and Acknowledgment

1. The owner's certificate has the required dedication information for all easements and right of ways.
2. The execution of dedication is acknowledged and certified by a notary public.

F. Additional Information

1. All required centerline monuments for streets are identified.
2. The centerline and width of each right of way is noted on the plat.
3. The plat indicates the location of monuments that will be set to determine the boundaries of the subdivision.
4. The length and bearing of each lot line is identified on the plat.
5. The city boundary adjoining the subdivision is identified on the plat.
6. The plat identifies the location of the section lines.

G. City to Check

1. The City shall check the final map for accuracy of dimensions, placement of monuments, the establishment of survey records, and conformance with the tentative map.
 - a) Closure calculations have been provided.
 - b) Construction plans have been provided and approved by city staff.
 - c) Construction plans for manholes, catch basins and other appurtenant structures have been submitted.
 - d) An engineer's estimate has been provided.
2. It appears the lot closures are within the required tolerances.

H. Required certifications

1. The Owner's Certificate is shown on the final plat.
2. The Owner's Certificate offers for dedication all right of ways shown on the plat.
3. A Clerk Certificate is shown on the final plat, certifying the signature of the City Council.
4. The Owner's Certificate offers for dedication all easements shown on the plat.
5. A Surveyor's Certificate is shown on the plat and provides the required language.
6. The City Engineer's Certificate is listed on the plat.
7. A certificate from the Nevada Division of Environmental Protection is provided with the required language.
8. A copy of review by the state engineer is not available at this time.
9. A certificate from the Division of Water Resources is provided on the plat with the required language.
10. The civil improvement plans identify the required water meters for the subdivision.

The subdivision submittal is in conformance with Section 3-3-8, Content and Format of Final Map submittal.

SECTIONS 3-3-9 through 3-3-16 (inclusive)

1. The proposed subdivision was evaluated for conformance to the referenced sections of code during the preliminary plat process.

The proposed subdivision is in conformance with Sections 3-3-9 through 3-3-16 of city code (inclusive).

SECTION 3-3-17-RESPONSIBILITY FOR IMPROVEMENTS

The Developer shall be responsible for all required improvements in conformance with Section 3-3-17 of City Code.

SECTION 3-3-18 CONSTRUCTION PLANS

The Developer has submitted construction plans in conformance with section 3-3-18 of City Code. The plans have been reviewed by city staff. Minor revisions were required as outlined in the City review letter dated March 7, 2019. These revisions were received by the City of Elko on March 15, 2019. The plans have been conditionally approved by staff as identified in its staff's letter dated March 21, 2019. The City will submit plans to the city and state agencies for review to receive all required permits

SECTION 3-3-19-CONSTRUCTION AND INSPECTION

The Developer is required to conform with all requirements stipulated in Section 3-3-19 of City Code.

SECTION 3-3-20-REQUIRED IMPROVEMENTS

The Developer has submitted construction plans in conformance with Section 3-3-20 of City Code.

SECTION 3-3-21-PERFORMANCE AGREEMENTS

The Developer is required to enter into a Performance Agreement to conform to Section 3-3-21 of City Code.

SECTION 3-3-22-PERFORMANCE AND MAINTENANCE GUARANTEES

The Developer is required to provide a Performance and Maintenance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-22 of City Code.

SECTION 3-8

1. The property is not located within a designated special flood hazard area.

The proposed subdivision is in conformance with Section 3-8 of City Code.

FINDINGS

1. The Final Map for Copper Trails Phase 2 has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City Code.
2. The Final Map is in conformance with the Tentative Map.
3. The proposed subdivision is in conformance with the Land Use Component of the Master Plan.
4. The proposed subdivision is in conformance with Transportation Component of the Master Plan.

5. Conformance with the Redevelopment Plan is not required.
6. The proposed subdivision is in conformance with the Wellhead Protection Plan.
7. The subdivision submittal is in conformance with 3-3-7 of City Code; Final Map Stage III.
8. The subdivision submittal is in conformance with Section 3-3-8, Content and Format of Final Map submittal.
9. The subdivision is in conformance with 3-3-9-General Provisions for Subdivision Design.
 - a. Specifically, the subdivision does not appear to be unsuitable for use by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, erosion susceptibility or similar conditions which are likely to prove harmful to the health and safety and general welfare of the community or the future property owners.
10. The subdivision is in conformance with 3-3-10-Street Location and Arrangement.
11. The subdivision is in conformance with 3-3-11-Street Design.
12. The subdivision is in conformance with 3-3-12-Block Design.
13. The subdivision is in conformance with 3-3-13-Lot Planning.
14. The subdivision is in conformance with 3-3-14-Easement Planning.
15. The subdivision is in conformance with 3-3-15-Street Naming.
16. The subdivision is in conformance with 3-3-16-Street Lighting Design Standards.
17. The Developer shall be responsible for all required improvements in conformance with Section 3-3-17 of City Code.
18. The Developer has submitted construction plans in conformance with section 3-3-18 of City Code. The plans have been conditionally approved by staff as identified in its staff's letter dated March 21, 2019.
19. The Developer is required to conform with all requirements stipulated in Section 3-3-19 of City Code.
20. The Developer has submitted construction plans in conformance with Section 3-3-20 of City Code.
21. The Developer is required to enter into a Performance Agreement to conform to Section 3-3-21 of City Code.
22. The Developer is required to provide a Performance and Maintenance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-22 of City Code.
23. The proposed subdivision is in conformance with Section 3-8, Floodplain Management.

RECOMMENDATION

Staff recommends **approval** of the subdivision based on the following conditions:

1. Recommend that the City Council accept on behalf of the public the parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication.
2. The Developer shall execute a Performance Agreement in accordance with Section 3-3-21 of City Code. The Performance Agreement shall be secured in accordance with Section 3-3-22 of City Code.
3. In conformance with Section 3-3-21 of City Code, the public improvements shall be completed within a time of no later than two (2) years of the date of Final Plat approval by the City Council unless extended as stipulated in City Code.
4. The Performance Agreement shall be approved by the City Council at the time of final map approval by the City Council.
5. The Developer shall execute the Performance Agreement within 30 days of approval of the final map by City Council.
6. The final map is approved for 29 single family residential lots and 1 remainder lot.
7. The Utility Department will issue a Will Serve Letter upon City Council approval of the final map.
8. State approvals of the construction plans and final map are required.
9. Final revision and approval of the construction plans as outlined in staff's letter dated March 21, 2019 is required.
10. The Owner/Developer is to provide the appropriate contact information for the qualified engineer and engineering firm contracted to oversee the project along with the required inspection and testing necessary to produce an As-Built for submittal to the City of Elko. The Engineer of Record is to ensure all materials meet the latest edition Standard Specifications for Public Works.
11. Construction, with the exception of grading, shall not commence prior to Final plat approval by the City Council, issuance of a will serve letter by the city and approval of the construction plans by the State.



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

March 27, 2019

Copper Trails, LLC
207 Brookwood Drive
Elko, NV 89801

Re: Final Map No. 6-19

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: Carter Engineering: lanalcarter@live.com



City of Elko – Assistant City Manager
1755 College Avenue
Elko, NV 89801
Telephone: 775.777.7210
Facsimile: 775.777.7219

March 21, 2019

Ms. Lana Carter
Carter Engineering
P.O. Box 794
Elko, NV 89803

Re: Copper Trails Phase 2 Final Map and Construction Plans

Dear Ms. Carter,

The City of Elko Development Department has reviewed and approved the above referenced final map and construction plans based on the following conditions:

1. Final review of the construction plans in conjunction with review of the Final Map by the Planning Commission and a recommendation by the Planning Commission to the City Council for approval or conditional approval of the Final Map.
2. Final approval of the final map by the Nevada Division of Environmental Protection is required.
3. Written approval, on file with the City, from the Nevada Division of Environmental Protection for construction of the water utilities and other utilities as related to the water project in accordance with NAC 278.340 and NAC 278.360 prior to commencement of construction activities.
4. A Performance Agreement is fully executed and on file with the City of Elko.
5. The Developer adheres to the requirements stipulated in the performance agreement.
6. The Developer hires a qualified engineer to oversee and certify the construction, as shown on the approved construction plans, in accordance with the Performance Agreement.
7. Storm water general permit (Construction Stormwater Permit from the Nevada Department of Environmental Protection), if the disturbed area is equal to or greater than one acre. Required submittals to the City of Elko are: construction permit checklist, performance standard compliance checklist, copy of notice of intent, copy of signed confirmation letter and a copy of the Storm Water Pollution Prevention Plan (SWPPP) in accordance with 9-7-6(B).
8. A Surface Area Disturbance (SAD) permit is required if the disturbed area is equal to or greater than five acres. The permit may be obtained from the Nevada Division of Environmental Protection.
9. A street cut permit from the City of Elko.
10. The required grading permit has already been issued.
11. Revision and resubmittal of C4 of 14 showing the water valve on the Mittry segment located on the Quartz Drive segment is required.

12. The sawcut near the intersection of Copper Street and Mittry Avenue is required to be one continuous saw cut on Copper Street providing just one joint at the take off for paving of Mittry Avenue.
13. The street light and gang box location are approved as shown on Cooper Street based on a full width build out of 60 feet from back of walk to back of walk.

A Performance Agreement will be provided by the City upon approval of the construction plans and receipt of the revised engineers estimate.

Please contact me at 775.777.7211 if you have any questions.

Sincerely,



Scott A. Wilkinson
City of Elko – Assistant City Manager

CC: City of Elko - File



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

February 20, 2019

Bureau of Water Pollution Control
Nevada Division of Environmental Protection
901 S. Stewart Street, Suite 4001
Carson City, Nevada 89701-5249

Subject: Copper Trails, Phase 2, 29 Lots and 1 remainder lot – Elko, Nevada

Attached are three copies of the Final Map for Copper Trails Phase 2 in Elko, Nevada. This single family subdivision has 29 lots. This subdivision's water supply will be the City of Elko's municipal water system. The subdivision will also be served by the City of Elko Sanitary Sewer System and Storm Drainage System. Upon approval of the Final Map Ryan Limberg, Utilities Director, will provide an Intent to Serve Letter to applicable state agencies.

Also enclosed is the review fee of \$490.00, Check No. 1495 from Carter Engineering, LLC for the Final Subdivision Map Fee, and \$340.00, Check No. 1496 for the Subdivision Improvement Plan Fee.

Please let me know if you have any questions.

Sincerely,

Shelby Archuleta
Planning Technician
City of Elko Planning Department
sarchuleta@elkocitynv.gov

CC:



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

February 20, 2019

State of Nevada
Division of Water Resources
901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701

Subject: Copper Trails, Phase 2, 29 Lots and 1 remainder lot – Elko, Nevada

Attached are three copies of the Final Map for Copper Trails Phase 2 in Elko, Nevada. This single family subdivision has 29 lots. The subdivision's water supply will be the City of Elko's municipal water system. Upon approval of the Final Map Ryan Limberg, Utilities Director, will provide an Intent to Serve Letter to applicable state agencies.

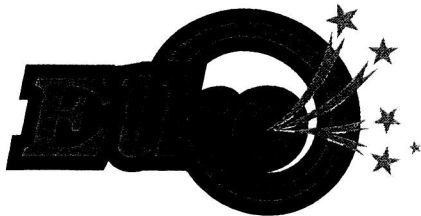
Also enclosed is the review fee of \$120.00, Check No. 1497 from Carter Engineering, LLC

Please let me know if you have any questions.

Sincerely,

Shelby Archuleta
Planning Technician
City of Elko Planning Department
sarchuleta@elkocitynv.gov

CC:



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR FINAL PLAT APPROVAL

APPLICANT(s): Copper Trails, LLC

MAILING ADDRESS: 207 Brookwood Drive, Elko Nevada 89801

PHONE NO (Home): (Business) 775-303-8492

NAME OF PROPERTY OWNER (If different):

(Property owner consent in writing must be provided)

MAILING ADDRESS:

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

ASSESSOR'S PARCEL NO.: 001-610-114 Address Not Addressed

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

Or Parcel(s) & File No. Parcel G File No. 748288 in the office of Elko County Records Office

PROJECT DESCRIPTION OR PURPOSE: Copper Trails Subdivision Phase 2

APPLICANT'S REPRESENTATIVE OR ENGINEER: Luke Fitzgerald Owner & Lana L Carter, Engineer

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), and must include the following: **3**

1. One .pdf of the entire application, and ~~ten (10)~~ 24" x 36" copies of the final plat folded to a size not to exceed 9"x12" provided by a properly licensed surveyor, as well as one (1) set of reproducible plans 8 1/2" x 11" in size and any required supporting data, prepared in accordance with Section 3-3-8 of Elko City Code (see attached checklist). ✓
2. Pre-Submission Requirements:
 - a. The final plat shall meet all requirements of the zoning district in which located, and any necessary zoning amendment shall have been adopted by the Elko City Council prior to filing of the final plat. ✓
 - b. The final plat shall conform closely to the approved preliminary plat and be prepared in accordance with the provisions of the City Subdivision Ordinance. ✓
 - c. The final plat submittal shall include a letter signifying approval of utility easements by all public utilities involved, and shall be so indicated by an affidavit on the map. ✓
 - d. A complete set of construction plans for all public improvements associated with the final plat shall have been approved or substantially approved by the City Engineer. ✓

Fee: \$750.00 + \$25.00 per lot including remainder parcels; non-refundable. ✓

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

RECEIVED

Final Plat Checklist as per Elko City Code 3-3-8

Identification Data	
✓	Subdivision Name
✓	Location and Section, Township and Range
✓	Name, address and phone number of subdivider
✓	Name, address and phone number of engineer/surveyor
✓	Scale, North Point and Date of Preparation
✓	Location maps
Survey Data (Required)	
✓	Boundaries of the Tract fully balanced and closed
✓	Any exception within the plat boundaries
✓	The subdivision is to be tied to a section corner
✓	Location and description of all physical encroachments
Descriptive Data	
✓	Street Layout, location, widths, easements
✓	All drainageways, designated as such
✓	All utility and public service easements
✓	Location and dimensions of all lots, parcels
✓	Residential Lots shall be numbered consecutively
✓	All sites to be dedicated to the public and proposed use
✓	Location of all adjoining subdivisions with name date, book and page
✓	Any private deed restrictions to be imposed upon the plat None
Dedication and Acknowledgment	
✓	Statement of dedication for items to be dedicated
✓	Execution of dedication acknowledged by a notary public
Additional Information	
✓	Street CL, and Monuments identified
✓	Street CL and width shown on map
✓	Location of mounuments used to determine boudaries
✓	Each city boundary line crossing or adjoining the subdivision
✓	Section lines crossing the subdivision boundaries
City Engineer to Check	
✓	Closure report for each of the lots
✓	Civil Improvement plans
✓	Estimate of quantities required to complete the improvements
Required Certifications	
✓	All parties having record title in the land to be subdivided
✓	Offering for dedication
✓	Clerk of each approving governing body
✓	Easements
✓	Surveyor's Certificate
✓	City Engineer
✓	State Health division
✓	State Engineer NOT Required
✓	Division of Water Resources
✓	City Council

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 acknowledge that, if approved, I must provide an AutoCAD file containing the final subdivision layout on NAD 83 NV East Zone Coordinate System to the City Engineering Department when requesting final map signatures for recording.

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

Applicant / Agent

Luke Fitzgerald

(Please print or type)

Mailing Address

207 Brookwood Drive

Street Address or P.O. Box

Elko, Nevada 89801

City, State, Zip Code

Phone Number:

775-777-2949

Email address:

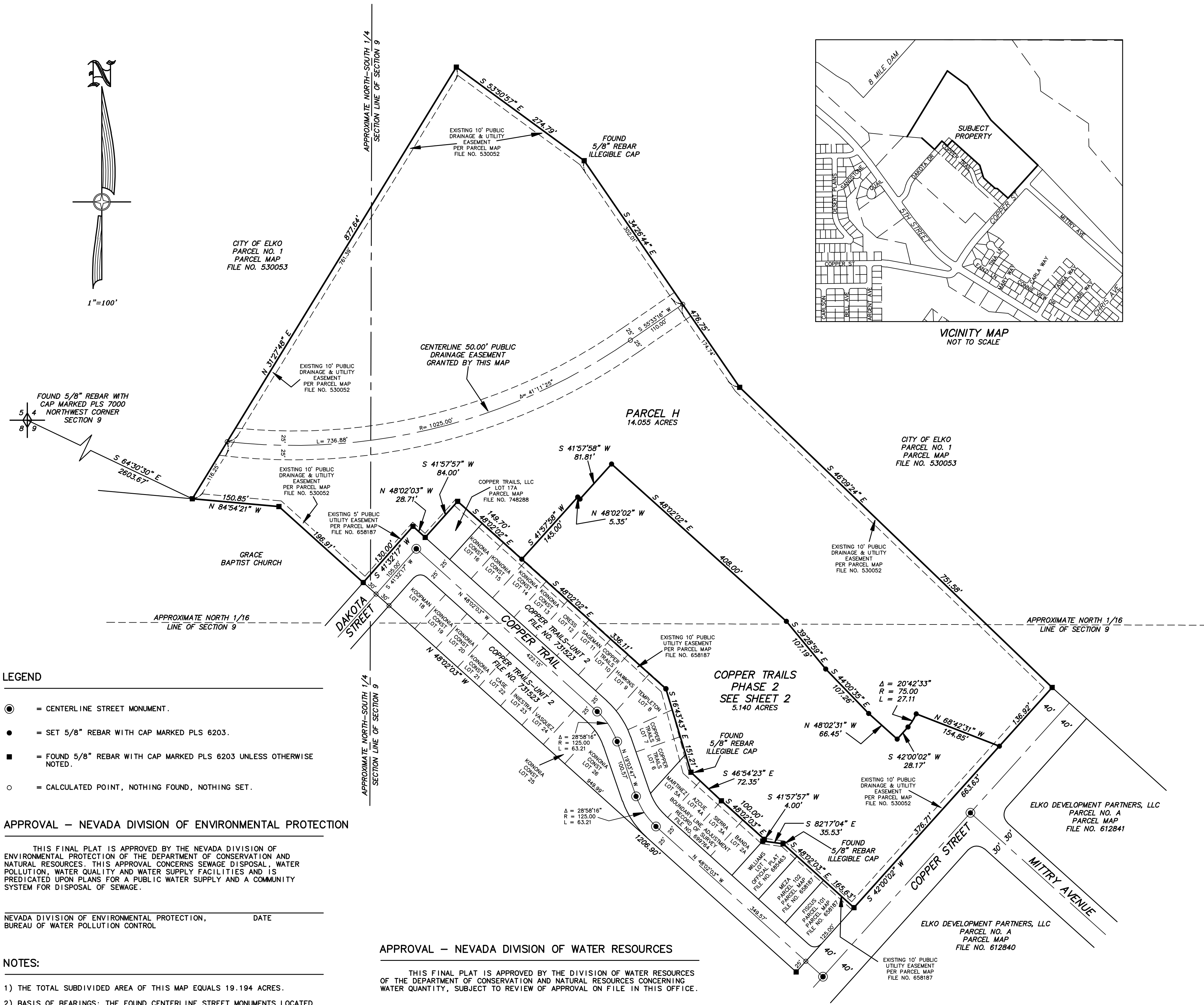
elkoluke@gmail.com

SIGNATURE:



FOR OFFICE USE ONLY

File No.: 6-19 **Date Filed:** 2/19/19 **Fee Paid:** \$1,500 **cx #** 1498 $30 \text{ Lots} \times \$25 = \750
 $\$750$
 $\$1,500$



- LEGEND**
- = CENTERLINE STREET MONUMENT.
 - = SET 5/8" REBAR WITH CAP MARKED PLS 6203.
 - = FOUND 5/8" REBAR WITH CAP MARKED PLS 6203 UNLESS OTHERWISE NOTED.
 - = CALCULATED POINT, NOTHING FOUND, NOTHING SET.

APPROVAL – NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

THIS FINAL PLAT IS APPROVED BY THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES. THIS APPROVAL CONCERNS SEWAGE DISPOSAL, WATER POLLUTION, WATER QUALITY AND WATER SUPPLY FACILITIES AND IS PREDICATED UPON PLANS FOR A PUBLIC WATER SUPPLY AND A COMMUNITY SYSTEM FOR DISPOSAL OF SEWAGE.

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, BUREAU OF WATER POLLUTION CONTROL

NOTES:

- 1) THE TOTAL SUBDIVIDED AREA OF THIS MAP EQUALS 19.194 ACRES.
- 2) BASIS OF BEARINGS: THE FOUND CENTERLINE STREET MONUMENTS LOCATED IN COPPER TRAIL, AS SHOWN ON THE OFFICIAL PLAT FOR COPPER TRAILS, UNIT 1, ON FILE IN THE OFFICE OF THE ELKO COUNTY RECORDER, AS FILE NO. 658463.
- 3) 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. RIGHTS ARE ALSO GRANTED TO USE EXISTING PUBLIC RIGHTS-OF-WAY FOR THE PURPOSE OF MAINTAINING, INSTALLING, INSPECTING AND REPAIRING SAID UTILITY FACILITIES.
- 4) 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.
- 5) IN ADDITION TO ANY EASEMENTS SHOWN, THE LOTS SHOWN ARE SUBJECT TO 7.50 FT. PUBLIC UTILITY AND DRAINAGE EASEMENTS ALONG ALL STREET FRONTAGE LINES AND 5.00 FT. PUBLIC UTILITY AND DRAINAGE EASEMENTS ALONG ALL SIDE AND REAR BOUNDARY LINES.
- 6) THIS MAP SUBDIVIDES PARCEL G AS SHOWN ON THE PARCEL MAP FOR COPPER TRAILS, LLC, ON FILE IN THE OFFICE OF THE ELKO COUNTY RECORDER, ELKO, NEVADA, AS FILE NO. 748288.

APPROVAL – NEVADA DIVISION OF WATER RESOURCES

THIS FINAL PLAT IS APPROVED BY THE DIVISION OF WATER RESOURCES OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES CONCERNING WATER QUANTITY, SUBJECT TO REVIEW OF APPROVAL ON FILE IN THIS OFFICE.

NEVADA DIVISION OF WATER RESOURCES

COUNTY ASSESSOR'S CERTIFICATE

I, KATRINKA S. RUSSELL, CERTIFY THAT THE ASSESSOR'S PARCEL NUMBERS SHOWN ON THIS PLAT ARE CORRECT AND THAT THE PROPOSED PARCELS ARE A DIVISION OF SAID ASSESSOR'S PARCEL NO. 001-610-114.

ELKO COUNTY TREASURER

COUNTY TREASURER'S CERTIFICATE

I, CHERYL PAUL, CERTIFY THAT ALL PROPERTY TAXES ON PARCEL NO. 001-610-114 HAVE BEEN PAID FOR THIS FISCAL YEAR.

ELKO COUNTY TREASURER

APPROVAL – PUBLIC UTILITIES

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

FRONTIER COMMUNICATIONS

SIERRA PACIFIC POWER COMPANY, D/B/A NV ENERGY

SATVIEW BROADBAND

SOUTHWEST GAS CORPORATION

FILING DATA

FILE NO.

FILED AT THE REQUEST OF HIGH DESERT ENGINEERING.

DATE

TIME

D. MIKE SMALES
ELKO COUNTY RECORDER

OWNERS CERTIFICATE

KNOWN OF ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, COPPER TRAILS, LLC, A NEVADA LIMITED LIABILITY COMPANY, ROBERT FITZGERALD, MANAGING MEMBER, BEING THE OWNER OF THOSE PARCELS AS SHOWN ON THIS MAP, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR DEDICATION ALL OF THE RIGHTS OF WAY AND EASEMENTS FOR PUBLIC ACCESS, PUBLIC UTILITY AND PUBLIC DRAINAGE PURPOSES AS DESIGNATED HEREON. IN WITNESS I, ROBERT FITZGERALD, SET MY HAND ON THE DATE SHOWN.

COPPER TRAILS, LLC

BY: ROBERT FITZGERALD, MANAGING MEMBER

**STATE OF NEVADA
COUNTY OF ELKO**

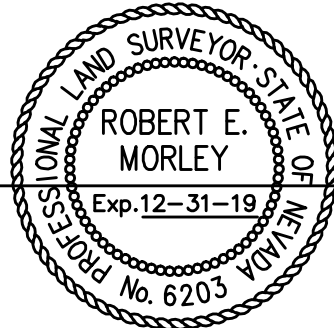
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE DAY OF 2019, BY ROBERT FITZGERALD, MANAGING MEMBER OF COPPER TRAILS, LLC.

NOTARY PUBLIC

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 ROBERT FITZGERALD, MANAGING MEMBER OF COPPER TRAILS, LLC.
2. THE LANDS SURVEYED LIE WITHIN SECTION 9, T.34 N., R.55 E., MDB& M., AND THE SURVEY WAS COMPLETED ON
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 THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED AND ARE OF SUFFICIENT NUMBER AND DURABILITY.



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

CITY ENGINEER'S REPRESENTATIVE CERTIFICATE

I, REPRESENTATIVE FOR THE CITY ENGINEER OF THE CITY OF ELKO, NEVADA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP AND FIND IT SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, WITH ALL APPROVED ALTERATIONS; THAT ALL PROVISIONS OF N.R.S. 278.010 THROUGH 278.630, INCLUSIVE, AND ALL LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH; THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT; AND THAT THE MONUMENTS AS SHOWN ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED.

CITY ENGINEER OR ENGINEERING REPRESENTATIVE

APPROVAL – CITY OF ELKO PLANNING COMMISSION

AT A REGULAR MEETING OF THE CITY OF ELKO, NEVADA, PLANNING COMMISSION HELD ON THE DAY OF 2019, THIS MAP WAS APPROVED PURSUANT TO N.R.S. 278.330. THIS FINAL MAP SUBSTANTIALLY COMPLIES WITH SAID TENTATIVE MAP AND ALL CONDITIONS PURSUANT THERETO HAVE BEEN MET.

CHAIRMAN, CITY OF ELKO PLANNING COMMISSION

**APPROVAL – CITY OF ELKO
CITY COUNCIL**

AT A REGULAR MEETING OF THE CITY OF ELKO, NEVADA, CITY COUNCIL HELD ON THE DAY OF 2019, THIS MAP WAS APPROVED PURSUANT TO N.R.S. 278.481 THROUGH 278.489, INCLUSIVE, AND ALL APPLICABLE LOCAL ORDINANCES. ALL OFFERS OF DEDICATION, AS SHOWN HEREON, WERE ACCEPTED FOR PUBLIC USE.

MAYOR, CITY OF ELKO, NEVADA

ATTEST: CITY CLERK, CITY OF ELKO, NEVADA



SCALE: 1"=100'

SHEET 1 OF 2

FINAL MAP

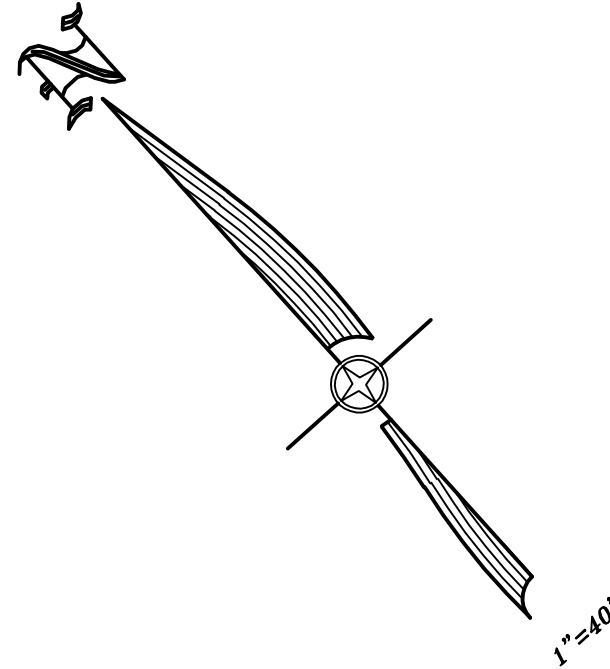
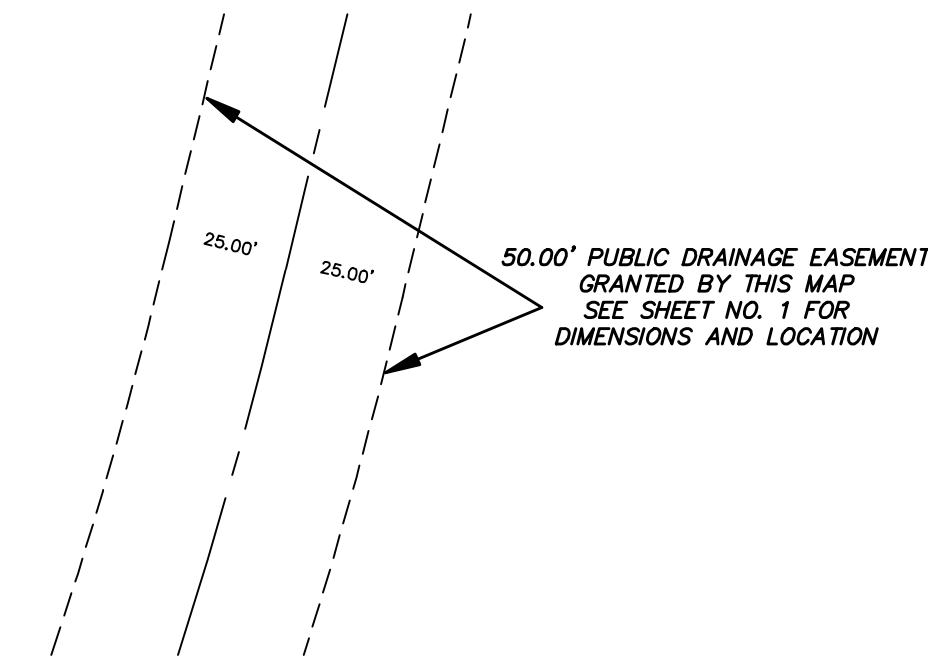
COPPER TRAILS PHASE 2

IN
NE1/4 NW1/4, W1/2 NE1/4, OF SECTION 9,
TOWNSHIP 34 NORTH, RANGE 55 EAST, M.D.B.& M.
CITY OF ELKO, NEVADA

HIGH DESERT
ENGINEERING,
LLC

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

219002



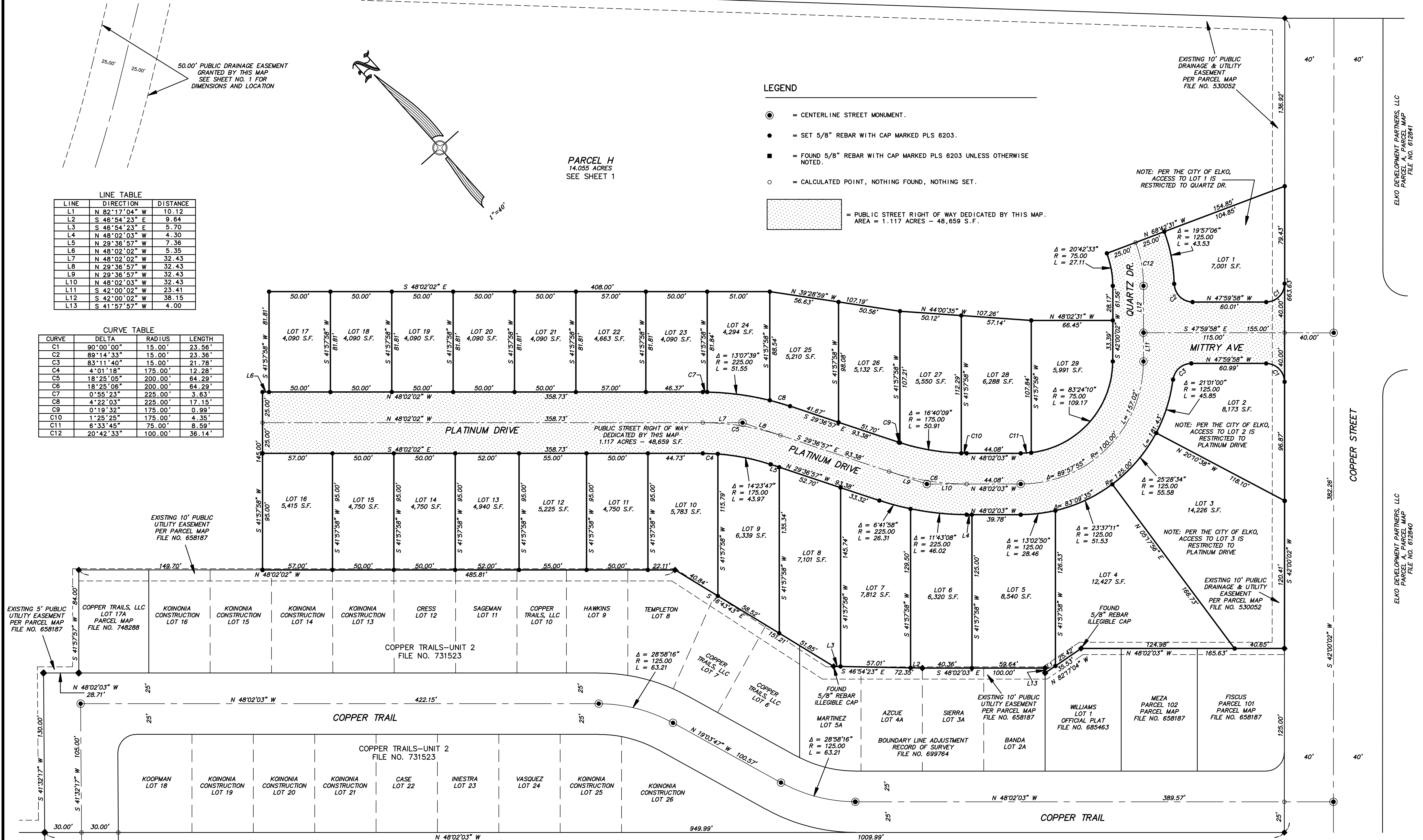
PARCEL H
14.055 ACRES
SEE SHEET 1

LEGEND

- = CENTERLINE STREET MONUMENT.
- = SET 5/8" REBAR WITH CAP MARKED PLS 6203.
- = FOUND 5/8" REBAR WITH CAP MARKED PLS 6203 UNLESS OTHERWISE NOTED.
- = CALCULATED POINT, NOTHING FOUND, NOTHING SET.
- [Patterned Box] = PUBLIC STREET RIGHT OF WAY DEDICATED BY THIS MAP.
AREA = 1.117 ACRES - 48,659 S.F.

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 82°17'04" W	10.12
L2	S 46°54'23" E	9.64
L3	S 46°54'23" E	5.70
L4	N 48°02'03" W	4.30
L5	N 29°36'57" W	7.36
L6	N 48°02'02" W	5.35
L7	N 48°02'02" W	32.43
L8	N 29°36'57" W	32.43
L9	N 29°36'57" W	32.43
L10	N 48°02'03" W	32.43
L11	S 42°00'02" W	23.41
L12	S 42°00'02" W	38.15
L13	S 41°57'57" W	4.00

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	90°00'00"	15.00'	23.56'
C2	89°14'33"	15.00'	23.36'
C3	83°11'40"	15.00'	21.78'
C4	4°01'18"	175.00'	12.28'
C5	18°25'05"	200.00'	64.29'
C6	18°25'08"	200.00'	64.29'
C7	0°55'23"	225.00'	3.63'
C8	4°22'03"	225.00'	17.15'
C9	0°19'32"	175.00'	0.99'
C10	1°25'25"	175.00'	4.35'
C11	6°33'45"	75.00'	8.59'
C12	20°42'33"	100.00'	36.14'



SCALE: 1"=40'
SHEET 2 OF 2

FINAL MAP
OF
COPPER TRAILS PHASE 2
IN
NE1/4 NW1/4, W1/2 NE1/4, OF SECTION 9,
TOWNSHIP 34 NORTH, RANGE 55 EAST, M.D.B. & M.
CITY OF ELKO, NEVADA

HIGH DESERT
ENGINEERING,
LLC

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

219002



City of Elko – Assistant City Manager
1755 College Avenue
Elko, NV 89801
Telephone: 775.777.7210
Facsimile: 775.777.7219

March 7, 2019

Ms. Lana Carter
Carter Engineering
P.O. Box 794
Elko, NV 89803

Re: Copper Trails Phase 2 – Final Map and Construction Plans

Dear Ms. Carter,

The City of Elko has reviewed the above referenced final map and construction plans and has the following comment:

FINAL MAP

1. Revise the owners certificate with the correct name in the witness statement.
2. Revise the owners certificate to read "Public Drainage".
3. Show section tie.
4. Verify that no $\frac{1}{4}$ or $\frac{1}{16}$ section lines cross the or adjoin the subdivision. If required, show $\frac{1}{4}$ or $\frac{1}{16}$ section lines.
5. Provide ownership and record information for the properties located across Copper Street and Copper Trail.
6. Correct spelling (5) of eligible to illegible.
7. If the mail box is located within the subdivision, identify the area as an easement. Reference Note 7 of file no. 731523, Copper Trails Unit 2 Final Map for suggested language.
8. Add a note: Lot 1 access is restricted to Quartz Drive. Lot 2 access is restricted to Platinum Drive. Lot 3 access is restricted to Platinum Drive.

GENERAL COMMENT

1. Show an ADA ramp on the north side of Quartz Drive at near 13+80 in alignment with the proposed valley gutter.
2. Installation safety measures addressing the dead end of Quartz Drive in accordance with MUTCD. Revise the plans accordingly.
3. Show the saw cut on Copper Street squared off.
4. Show a stop sign, stop bar and street name sign at the intersection of Mittry Ave. and Copper Street.
5. Coordinate with USPS and determine final location for gang box. If required, revise final map and construction plans accordingly. The location is to be illuminated with a street

light. If the mail box is located within the subdivision, identify the area as an easement. Reference Note 7 of file no. 731523, Copper Trails Unit 2 Final Map for suggested language.

6. Show a street light at the intersection of Copper Street and Mittry Ave.
7. Move street light shown for intersection of Mittry Ave., Quartz Drive and Platinum Drive to the rear lot line of lot 29.
8. Add two additional street signs delineating the direction of Quartz Drive and Platinum Drive at lot 29.
9. Ensure all the concerns identified in the Fire Department letter dated March 1, 2019 have been addressed.

SHEET C2 of 14

1. Show a survey monument on the construction plans located at PC: 11+78.30.
2. Reference the correct sheet for the gravel turnaround detail.

SHEET C4 of 14

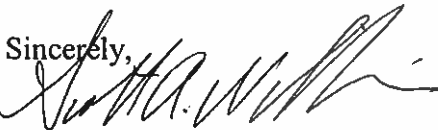
1. Show water valves on the tee near 13+49 located on the Platinum Drive and Quartz Drive segments.

The City of Elko looks forward to receiving a revised final map and construction plans set for review and possible approval prior to the Final Map being presented to the City Planning Commission in accordance with 3-3-7(G)(3).

Revise the engineers estimate to include a 5% contingency, cost associated with testing, surveying and certification of the project and account for any cost increase associated with any revisions to the construction plans.

A Performance Agreement will be provided by the City upon approval of the construction plans and receipt of the revised engineers estimate.

Please contact me at 775.777.7211 if you have any questions.

Sincerely,


Scott A. Wilkinson
City of Elko – Assistant City Manager

CC: City of Elko - File

COPPER TRAILS PHASE 2

SINGLE FAMILY RESIDENTIAL SUBDIVISION

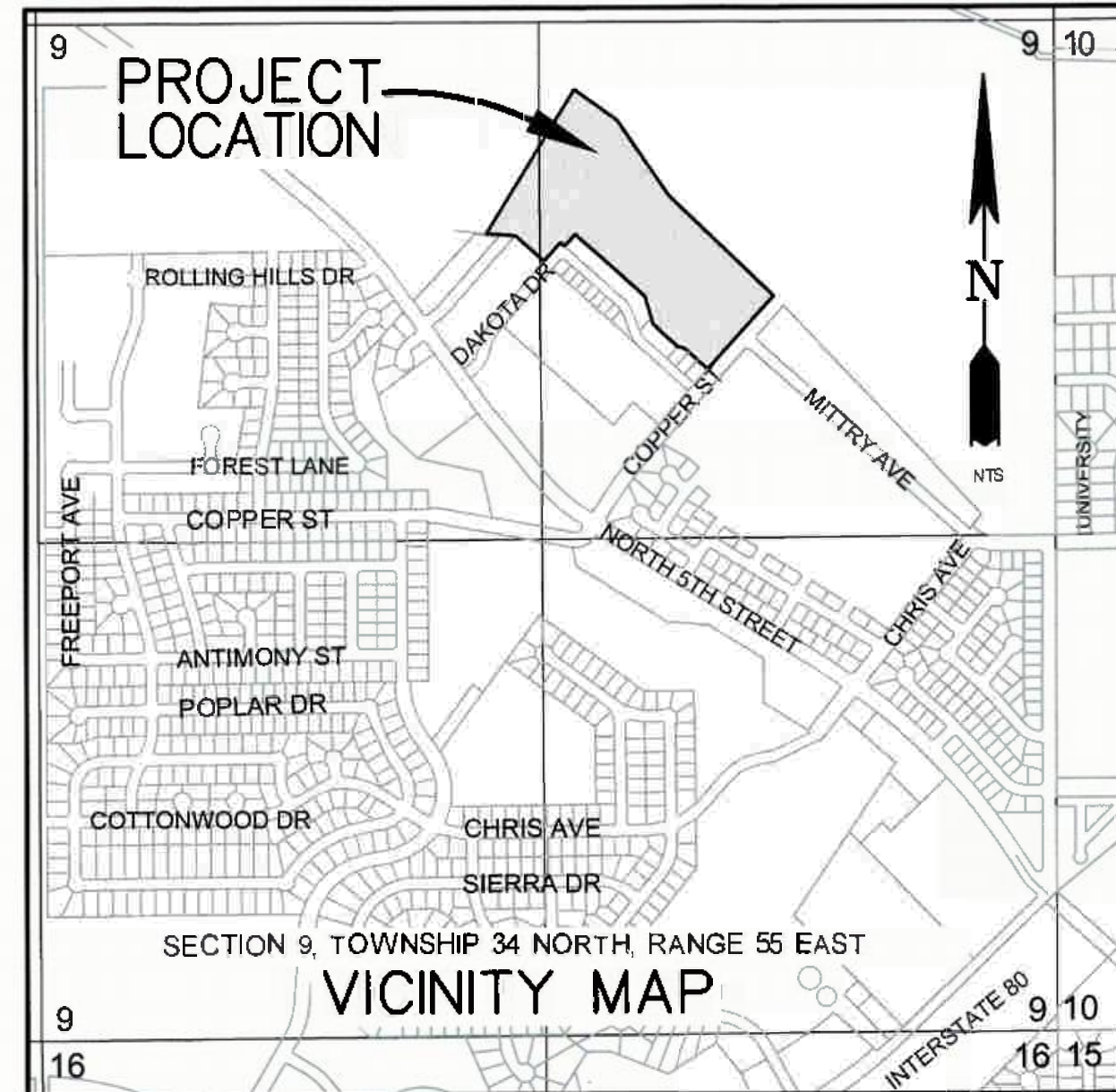
SITE IMPROVEMENT CIVIL CONSTRUCTION PLANS

CITY OF ELKO - PLANS REVIEW			
RECEIVED BY	DATE	DATE	DATE
BLDG.	SAW	3/13/19	3/22/19
FILE			
ENGINEERING			
OTHER			

APPROVED
CITY OF ELKO ENGINEERING DEPT.
SAW/for BT 3/22/19
APPROVED BY DATE
CLAS SHOWN
SEE NOTES
Letter dated 3/21/19

LEGEND

EXISTING SANITARY SEWER MANHOLE	EXISTING POWER BOX
EXISTING SANITARY SEWER LINE	EXISTING STREET LIGHT
PROPOSED SANITARY SEWER LINE	PROPOSED STREET LIGHT
PROPOSED SANITARY LATERAL	PROPOSED CONCRETE
EXISTING CURB INLET	PROPOSED PAVEMENT
EXISTING STORM DRAIN	EXISTING GROUND CONTOUR
EXISTING STORM DRAIN MANHOLE	FINISH GRADE CONTOUR
PROPOSED TYPE 4R CURB INLET	SPOT ELEVATION
PROPOSED STORM DRAIN	PERCENT OF SLOPE
PROPOSED STORM DRAIN MANHOLE	GRADE BREAK LINE
EXISTING GAS LINE	EXISTING DRAINAGE SWALE
EXISTING WATER LINE	PROPOSED DRAINAGE SWALE
EXISTING WATER VALVE	DETAIL REFERENCE NUMBER FOR DETAILS ON SHEETS C9 - C12
EXISTING FIRE HYDRANT	PROPOSED STREET MONUMENT
PROPOSED WATER LINE	EXISTING STREET MONUMENT
PROPOSED WATER SERVICE & METER	PROPERTY CORNER
PROPOSED WATER VALVE	CALCULATED POINT NOTHING TO BE SET
PROPOSED FIRE HYDRANT	
EXISTING TELEPHONE PEDESTAL	
EXISTING OVERHEAD GROUND POWER LINE	



PROJECT INFORMATION

- R - SINGLE FAMILY AND MULTIPLE FAMILY RESIDENTIAL DISTRICT.
- APN = 001-810-114
- LEGAL DESCRIPTION = PARCEL G OF FILE NUMBER 748288, IN THE OFFICE OF THE ELKO COUNTY RECORDER.
- TOTAL AREA - PARCEL AREA IS 19.1944 ACRES. TOTAL AREA OF PHASE 2 IS 5.1404 ACRES.
- 29 LOTS TOTAL WITH ONE REMAINDER LOT.
- NO DEED RESTRICTIONS.
- NO ADDRESS ASSIGNED TO THE PARCEL.
- PARCEL TO BE SUBDIVIDED IS IN LOCATED IN SECTION 9 OF TOWNSHIP 34 NORTH, RANGE 55 EAST, M.D.B. & M.
- SUBDIVISION TO BE SERVED BY THE FOLLOWING UTILITY COMPANIES
CITY OF ELKO - WATER, SEWER & STORM DRAIN
SW GAS - NATURAL GAS
FRONTIER - COMMUNICATIONS AND TELEPHONE
NV ENERGY - ELECTRICAL
SATVIEW BROAD BAND - COMMUNICATIONS AND TELEVISION
ELKO SANITATION - WASTE DISPOSAL
- THIS PROPERTY IS LOCATED IN ZONE X (AREA OF MINIMAL FLOOD HAZARD) PER FEMA FIRM MAP 32007C5608E EFFECTIVE 9-4-13
- TOTAL GROSS ACREAGE PHASE 2 5.140 ACRES
TOTAL RIGHT OF WAY ACREAGE OFFERED FOR DEDICATION
PLATINUM DR, QUARTZ DR & MITTRY AVE 1.119 ACRES
TOTAL NET ACREAGE 4.021 ACRES
- IN ADDITION TO THE EASEMENTS SHOWN A 7.5' WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT IS PROVIDED ALONG ALL STREET FRONT LOT LINES AND A 5.0' WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT IS PROVIDED ALONG ALL SIDE AND REAR LOT LINES.
- ON SITE MITTRY AVENUE, PLATINUM DRIVE AND QUARTZ DRIVE ARE PROPOSED TO BE LOCAL RESIDENTIAL STREETS.
- CURB RETURN RADIUS SHALL BE 20' MEASURED FROM TOP BACK OF CURB. ALL CURB RETURNS SHALL HAVE ACCESSIBLE CURB RAMPS.

SHEET INDEX

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C2	SITE PLAN
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C4	WATER PLAN
C5	SANITARY SEWER PLAN
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C9	IMPROVEMENT DETAILS
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C11	WATER DETAILS
C12	STORM WATER & SANITARY SEWER DETAILS
C13	UTILITY CROSSING & LOCATION DETAILS
C14	EROSION CONTROL PLAN

PROJECT SPECIFICATIONS:

- PROJECT STANDARD SPECIFICATIONS. ALL WORK RELATED TO THESE CIVIL IMPROVEMENTS SHALL BE EXECUTED AND COMPLETED IN ACCORDANCE WITH THE "STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, 2016 EDITION", SPONSORED AND DISTRIBUTED BY THE REGIONAL TRANSPORTATION COMMISSION OF WASHOE COUNTY AND ADOPTED BY THE CITY OF ELKO, NEVADA FOR PUBLIC WORKS CONSTRUCTION. ALL CIVIL WORK SHALL COMPLY WITH THE APPLICABLE SECTIONS OF THESE SPECIFICATIONS UNLESS MODIFIED WITHIN THE WRITTEN CONTRACT WITH THE CONTRACTOR. THESE SPECIFICATIONS SHALL BE HEREAFTER REFERRED TO AS THE PROJECT "STANDARD SPECIFICATIONS". CONSTRUCTION DETAILS SHALL COMPLY WITH THE CONSTRUCTION DETAILS SHOWN IN THESE PLANS. CONSTRUCTION DETAILS NOT SHOWN SHALL BE IN ACCORDANCE WITH THE "STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION, LATEST EDITION", AS ADOPTED AND DISTRIBUTED BY THE CITY OF ELKO.
- CLEARING & GRUBBING AND REMOVAL OF MATERIALS. CLEARING & GRUBBING SHALL CONSIST OF REMOVING ALL BRUSH, GRASS, TOPSOIL, MATERIALS AND OTHER NATURAL OR OBJECTIONABLE MATERIAL FROM THE CONSTRUCTION LIMITS PRIOR TO SUBGRADE PREPARATION. CLEARING & GRUBBING SHALL BE PERFORMED IN ACCORDANCE WITH SECTION 300 SITE PREPARATION OF THE REFERENCED STANDARD SPECIFICATIONS.
- STORMWATER AND EROSION CONTROL. THE CONTRACTOR SHALL MAINTAIN AN EROSION CONTROL PROGRAM ON SITE AT ALL TIMES THAT MEETS OR EXCEEDS THE CITY OF ELKO AND THE STATE OF NEVADA REQUIREMENTS. THIS SHALL INCLUDE THE PLACEMENT OF SILT FENCE AROUND THE PERIMETER OF THE JOBSITE AND THE PLACEMENT OF HAY BALES AND VEHICLE MUD TRACKOUT PREVENTION MEASURES AT INGRESS AND EGRESS LOCATIONS ON THE JOB SITE. THE CONTRACTOR SHALL MAINTAIN AND ON GOING PROCESS FOR REMOVAL OF SPILLAGE OF EXCAVATED MATERIAL OR TRACK OUT ON ALL PAVED STREETS. THE CONTRACTOR SHALL DESIGNATE A LOCATION ON SITE TO CONSTRUCT A CONCRETE WASHOUT PIT FOR READY-MIX CONCRETE CLEANUP. AT THE COMPLETION OF WORK THE CONCRETE CLEANUP PIT SHALL BE REMOVED FROM THE SITE. A CLEAN JOBSITE SHALL BE MAINTAINED BY THE CONTRACTOR. A STORM WATER DISCHARGE PERMIT, FROM THE STATE OF NEVADA AND CITY OF ELKO, IS REQUIRED ON ALL CONSTRUCTION WORK SITES THAT EXCEED 10 ACRES IN SIZE. THE WORK SITE FOR THIS PROJECT IS 636 ACRES.
- DUST CONTROL PROGRAM. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A DUST CONTROL PROGRAM ON SITE AT TIMES TO INCLUDE WATERING OF OPEN AREAS. THE PROGRAM SHALL BE IN COMPLIANCE WITH ALL FEDERAL, STATE COUNTY AND CITY CODES. THE CONTRACTOR SHALL TAKE ALL REASONABLE PRECAUTIONS TO ENSURE THAT AIR-BORN DUST DOES NOT LEAVE THE JOBSITE. ALL AREAS DISTURBED AND LEFT UNDEVELOPED FOR A PERIOD OF MORE THAN 30 DAYS SHALL BE STABILIZED BY THE APPLICATION OF A DUST PALLIATIVE. ALL AREAS DISTURBED AND LEFT UNDEVELOPED FOR A PERIOD OF MORE THAN 90 DAYS SHALL BE HYDRO-SEEDED WITH AN APPROVED SEED MIX AND TACKIFIER AND SHALL BE IRRIGATED UNTIL FIRMLY ESTABLISHED AS APPROVED BY THE CITY OF ELKO.
- UNDERGROUND UTILITIES. ALL UTILITY TRENCHES SHALL CONFORM TO THE CITY OF ELKO AND UTILITY COMPANY SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UNDERGROUND UTILITIES AT ALL TIMES DURING CONSTRUCTION. THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN ON THE PROJECT DRAWINGS ARE APPROXIMATE AND BASED ON EXISTING RECORDS AND FIELD SURVEYS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE ENCOUNTERED DURING CONSTRUCTION. THE CONTRACTOR SHALL CALL 811 USA NORTH FOR UTILITY FIELD LOCATIONS AT LEAST 48 HOURS PRIOR TO COMMENCING EXCAVATION ON SITE. THE CONTRACTOR SHALL COORDINATE ALL WORK WITH THE FOLLOWING UTILITY COMPANIES:
ELECTRIC POWER NV ENERGY
NATURAL GAS SOUTHWEST GAS CORPORATION
TELEPHONE FRONTIER
FIBER OPTIC COMMUNICATION LINES AT&T, US SPRINT, FRONTIER TELEPHONE AND OTHER FIBER OPERATORS
CABLE TV SATVIEW BROADBAND COMPANY
- REMOVAL OF EXISTING IMPROVEMENTS. REMOVAL OF BITUMINOUS PAVEMENT, CONCRETE SIDEWALK AND CURB & GUTTER SHALL BE IN ACCORDANCE WITH SECTION 300 SITE PREPARATION AND SECTION 301 PROTECTION AND RESTORATION OF THE PROJECT STANDARD SPECIFICATIONS. THE CONTRACTOR SHALL SAWCUT ALL PAVEMENT AND CONCRETE AT THE LOCATIONS SHOWN ON THE PROJECT PLANS PRIOR TO REMOVAL.
- WATER DISTRIBUTION PIPE MATERIALS. ALL WATER PIPE INSTALLED SHALL BE IN ACCORDANCE WITH CITY OF ELKO STANDARDS AND SHALL MEET THE REQUIREMENTS OF SECTION 203.00 PIPE AND RELATED MATERIALS OF THE REFERENCED PROJECT STANDARD SPECIFICATIONS. THE LATEST ADOPTED EDITION OF THE UNIFORM PLUMBING CODE THE LATEST ADOPTED EDITION OF THE UNIFORM FIRE CODE. ALL MATERIALS IN CONTACT WITH POTABLE WATER MUST BE NSF/ANSI 61 CERTIFIED AS LEAD FREE AND COMPATIBLE WITH DRINKING WATER. INSTALLATION OF BURIED WATER PIPE MATERIALS SHALL BE DONE AS SPECIFIED IN SECTION 305 PIPE SYSTEMS AND SECTION 307 FIRE HYDRANTS OF THE PROJECT STANDARD SPECIFICATIONS. WATER MAIN PIPE SHALL BE AWWA D188 C-900 WATER PIPE. WATER SERVICE PIPE SHALL BE AWWA C601 POLYETHYLENE WATER SERVICE PIPE. IRON PIPE SIZE (IPS) WITH A MINIMUM WORKING PRESSURE OF 200-PSI. CONSTRUCTION SHALL COMMENCE UPON APPROVAL OF THE CONSTRUCTION PLANS BY THE CITY OF ELKO UTILITIES DEPARTMENT, ENGINEERING DEPARTMENT, BUILDING DEPARTMENT AND NEVADA DEPARTMENT OF ENVIRONMENTAL PROTECTION. VERTICAL AND HORIZONTAL SEPARATION OF ALL WATER AND SEWER (SANITARY OR STORM) UTILITIES SHALL BE MAINTAINED PER NAC SECTION 445A.6715 - SECTION 445A.6718. WATER LINES SHALL BE INSTALLED A MINIMUM OF 42" MEASURED FROM FINISH GRADE TO TOP OF THE PIPE. THE CITY OF ELKO UTILITIES DEPARTMENT SHALL BE CONTACTED TO PERFORM ALL TAPS ONTO CITY OF ELKO UTILITIES. THE CITY OF ELKO SHALL BE CONTACTED FOR AUTHORIZATION TO PLACE ANY NEW WATER SYSTEMS, EXTENSION, REPLACEMENTS IN EXISTING SYSTEMS AND VALVED SECTIONS INTO SERVICE FOR TESTING OR FINAL ACCEPTANCE. BEFORE BEING CERTIFIED BY AN ENGINEER ACCEPTED BY THE CITY OF ELKO, ANY NEW WATER SYSTEMS, EXTENSIONS, REPLACEMENTS IN EXISTING SYSTEMS AND VALVED SECTIONS SHALL BE DISINFECTED IN ACCORDANCE WITH AWWA C651 (DISINFECTING WATER MAINS) AND BE PRESSURE TESTED IN ACCORDANCE WITH NAC 445A.67145.7 (a) and (b) AND AWWA C-605. THE DISPOSAL OF HIGHLY CHLORINATED WATER MUST BE COORDINATED WITH NEVADA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF WATER POLLUTION CONTROL.

- SANITARY SEWER PIPE AND STORM DRAIN PIPE. ALL SANITARY SEWER AND STORM DRAIN PIPE MATERIALS INSTALLED SHALL BE IN ACCORDANCE WITH CITY OF ELKO STANDARDS AND SHALL MEET THE REQUIREMENTS OF SECTION 203.00 PIPE AND RELATED MATERIALS OF THE REFERENCED PROJECT STANDARD SPECIFICATIONS AS ADOPTED FOR PUBLIC WORKS CONSTRUCTION AND THE LATEST ADOPTED EDITION OF THE UNIFORM PLUMBING CODE. SANITARY SEWER SHALL BE SDR-35 GRAVITY SEWER PIPE. STORM DRAIN PIPE SHALL BE ADS N-12 WT IN LOCATIONS SHOWN ON THE PLAN. INSTALLATION OF BURIED SANITARY SEWER, DRAIN AND ROOF DRAIN MATERIALS SHALL BE DONE AS SPECIFIED IN SECTION 308 CULVERTS, AND SANITARY SEWER AND STORM DRAIN SYSTEMS OF THE PROJECT STANDARD SPECIFICATIONS. ABS OR PVC PRESSURE PIPE SHALL BE USED WHERE PROPER SEPARATION BETWEEN POTABLE WATER LINES AND SANITARY SEWER OR ROOF DRAIN LINES CANNOT BE MAINTAINED. CONSTRUCTION SHALL COMMENCE UPON APPROVAL OF THE CONSTRUCTION PLANS BY THE CITY OF ELKO ENGINEERING DEPARTMENT AND THE CITY OF ELKO BUILDING DEPARTMENT. VERTICAL AND HORIZONTAL SEPARATION OF ALL WATER AND SEWER (SANITARY OR STORM) UTILITIES SHALL BE MAINTAINED PER NAC SECTION 445A.6715 - SECTION 445A.6718.
- SUBGRADE PREPARATION, EXCAVATION AND FILL. SUBGRADE SOILS SHALL BE PROPERLY PROCESSED BY MOISTURIZING AND COMPACTING THE SUBGRADE SOIL TO A MINIMUM OF 90% MAXIMUM DRY DENSITY IN ACCORDANCE WITH TEST METHOD ASTM D 1557. FILL SOIL SHALL ALSO BE PROPERLY MOISTURIZED AND COMPACTED TO A MINIMUM OF 90% MAXIMUM DRY DENSITY IN ACCORDANCE WITH TEST METHOD ASTM D 1557. EARTHWORK SHALL COMPLY WITH SECTION 302 SUBGRADE PREPARATION AND SECTION 303 EXCAVATION, SECTION 304 FILL AND BACKFILL OF THE PROJECT STANDARD SPECIFICATIONS.
- AGGREGATE BASE MATERIAL. AGGREGATE BASE MATERIAL SHALL BE OF THE CLASSIFICATION SHOWN ON THE PLANS AND SHALL BE PLACED TO THE COMPACTED THICKNESS SHOWN. AGGREGATE BASE SHALL BE MOISTURIZED, SPREAD, AND COMPACTED IN MAXIMUM LIFT THICKNESS OF 8-INCHES. MINIMUM COMPACTION REQUIREMENTS ARE 95% MAXIMUM DRY DENSITY IN ACCORDANCE WITH TEST METHOD ASTM D 1557. ALL AGGREGATE BASE MATERIAL, INCLUDING TYPE 2, CLASS B AGGREGATE BASE, SHALL MEET THE MATERIAL REQUIREMENTS SPECIFIED IN SECTION 200 AGGREGATES FOR BASE COURSES OF THE STANDARD SPECIFICATIONS. PLACEMENT OF AGGREGATE BASE MATERIAL SHALL BE AS SPECIFIED IN SECTION 308 UNTREATED BASE COURSES OF THE PROJECT STANDARD SPECIFICATIONS.
- CONCRETE CURBS & GUTTERS, VALLEY GUTTERS, SIDEWALK AND APPROACH SLABS. AGGREGATES FOR CONCRETE SHALL COMPLY WITH SECTION 200 AGGREGATES OF THE PROJECT STANDARD SPECIFICATIONS. CEMENT AND OTHER ADMIXTURES SHALL COMPLY WITH SECTION 202 CEMENTITIOUS AND RELATED MATERIALS. ALL CONCRETE SHALL BE AIR ENTRAINED WITH A MINIMUM STRENGTH OF 4000-PSI AT 28 DAYS. CONCRETE MIX DESIGNS SHALL BE PROVIDED TO THE ENGINEER AND SHALL BE CURRENT (WITHIN THE LAST 12 MONTHS). MIX DESIGNS SHALL BE AS SPECIFIED IN THE PROJECT STANDARD SPECIFICATIONS FOR THE TYPE OF WORK. CONCRETE SHALL BE PLACED, FINISHED AND CURED IN ACCORDANCE WITH SECTION 312 FLOOR SLABS, CURBS, DITCHES AND SLOPE PAVING RETURNS OF THE PROJECT STANDARD SPECIFICATIONS.
- PLANT MIX BITUMINOUS PAVEMENT, PRIME COATS, SEAL COATS, AND ASPHALTIC MATERIALS. AGGREGATES FOR BITUMINOUS PAVEMENT SHALL BE AS SPECIFIED IN SECTION 200 AGGREGATES OF THE PROJECT STANDARD SPECIFICATIONS. ASPHALT CEMENTS AND BITUMINOUS MATERIALS SHALL MEET THE REQUIREMENTS OF SECTION 201 ASPHALTS AND ADDITIVES MATERIALS OF THE PROJECT STANDARD SPECIFICATIONS. THE CONTRACTOR SHALL PROVIDE THE ENGINEER WITH A MIX DESIGN FOR APPROVAL PRIOR TO PLACEMENT OF BITUMINOUS PAVING MATERIALS. PLANT MIX BITUMINOUS PAVEMENT SHALL BE TYPE 2 AGGREGATE, UNLESS OTHERWISE SPECIFIED OR APPROVED. LIQUID ASPHALT AND EMULSIFIED ASPHALT PRIME COAT SHALL BE PLACED IN ACCORDANCE WITH SECTION 318 PRIME COAT AND TACK COAT OF THE STANDARD SPECIFICATIONS. PLANT MIX BITUMINOUS PAVEMENT SHALL BE DELIVERED, PLACED AND COMPACTED WITHIN SPECIFIED TOLERANCES IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN SECTION 320 PMA PAVEMENT OF THE PROJECT STANDARD SPECIFICATIONS.
- ALL ELEVATIONS SHOWN ON THE CONSTRUCTION PLANS ARE TO THE FINISH GRADE ELEVATION OF THE MATERIAL LOCATIONS INDICATED ON THE PLAN DRAWINGS. BURIED UTILITY LINE ELEVATIONS SHALL BE NOTED AS INVERT ELEVATION (PIPE FLOWLINE). THE CONTRACTOR SHALL VERIFY UTILITY LINE LOCATIONS AND PROTECT THESE LINES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING AN ADEQUATE SAFETY PROGRAM DURING ALL CONSTRUCTION WORK ON THE PROJECT SITE. MINIMUM SAFETY STANDARDS TO BE MET ON THE JOB SHALL EXCEED THOSE MINIMUM STANDARDS ESTABLISHED BY THE FEDERAL GOVERNMENT (OSHA), THE STATE OF NEVADA AND THE LOCAL GOVERNING AUTHORITY.
- THE CONSTRUCTION INSPECTION AND TESTING SHALL BE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 336.00 OF THE PROJECT STANDARD SPECIFICATIONS.
- THE CONTRACTOR SHALL NOTIFY THE PROJECT ENGINEER, THE SOILS ENGINEER, THE CITY OF ELKO AND ALL UTILITY COMPANIES 48 HOURS PRIOR TO COMMENCEMENT OF THE WORK.
- THE CONTRACTOR SHALL FIELD VERIFY ALL ELEVATIONS, DIMENSIONS, FLOW LINE, EXISTING CONDITIONS AND POINTS OF CONNECTION WITH ADJOINING PROPERTY (PUBLIC OR PRIVATE). ANY DISCREPANCIES SHALL BE CALL TO THE ATTENTION OF THE PROJECT ENGINEER BEFORE PROCEEDING WITH THE WORK.
- THE CONTRACTOR SHALL WORK WITH THE PROJECT ENGINEER TO ENSURE ACCURATE AS-BUILTS ARE GENERATED AND SUBMITTED TO THE CITY OF ELKO BY THE PROJECT ENGINEER.
- UPON COMPLETION OF WORK THE CONTRACTOR SHALL FINISH GRADE ALL DISTURBED AREAS AND CLEANUP ALL CONSTRUCTION DEBRIS. THE CONDITION OF THE WORK SITE SHALL BE LEFT IN A CLEAN CONDITION FREE OF ALL CONSTRUCTION DEBRIS FOLLOWING CONSTRUCTION.

ABBREVIATIONS:

A.C. ASPHALTIC CONCRETE	GEO. GEOTHERMAL	RT. RIGHT
B.C. BEGIN CURVE	G.V. GATE VALVE	R.O.W. RIGHT OF WAY
B.V.C. BEGIN VERTICAL CURVE	G.B. GRADE BREAK	LT. LEFT
CF. HEIGHT OF CURB FACE	HORIZ. HORIZONTAL	LF. LINEAR FEET
CL. CENTERLINE	IPS. IRON PIPE SIZE	M.H. MANHOLE
C.M.P. CORRUGATED METAL PIPE	INT. INTERSECTION	SS. SANITARY SEWER
CONC. CONCRETE	IE. INVERT ELEVATION	SSCO SANITARY SEWER CLEANOUT
C.P. CONCRETE PIPE	LT. LEFT	SW. SIDEWALK
D.I. DROP INLET	LF. LINEAR FEET	SW. SLOPE
D.I.P. DUCTILE IRON PIPE	M.H. MANHOLE	SHT. SHEET
EL. ELEVATION	P.I. POINT OF INTERSECTION	STA. STATION
ELEV. ELEVATION	P.C. POINT OF CURVATURE	S.D. STORM DRAIN
E.V.C. END OF VERTICAL CURVE	P.T. POINT OF TANGENCY	T. TELEPHONE
EX. EXISTING	P.V.C. POINT OF VERTICAL CURVE	T.B.C. TOP BACK OF CURB
E.G. EXISTING GRADE	PVC. POLYVINYL CHLORIDE PIPE	T.C. TOP OF CONCRETE
F.F. FINISH FLOOR	PL. PROPERTY LINE	TYP. TYPICAL
F.G. FINISH GRADE	R. RADIAL	VERT. VERTICAL
F.H. FIRE HYDRANT	R. RADIUS	V.C. VERTICAL CURVE
F.L. FLOW LINE	REF. REFERENCE	V.P.I. VERTICAL POINT OF INTERSECTION
G. GAS	R.C.P. REINFORCED CONCRETE PIPE	W. WATER

PROJECT CONTACTS

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LAND SURVEYOR

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CIVIL ENGINEER

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ELKO, NEVADA 89801
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(775) 397-2531

GEOTECHNICAL ENGINEER

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421 RAILROAD STREET, SUITE 402
ELKO, NEVADA 89801
CONTACT: MICHAEL E. SHANKS, P.E.
(775) 934-9356

ELKO CITY PLANNING DEPARTMENT
APPROVED
City Planner Cathy Layman
Date 3/22/19



RECEIVED
MAR 15 2019

DESIGN BY: LLC
DRAWN BY: LLC
CHECKED BY: LLC
DATE: 3-15-19
JOB NO: 01-2018
DWG NO: 2019-01

SCALE
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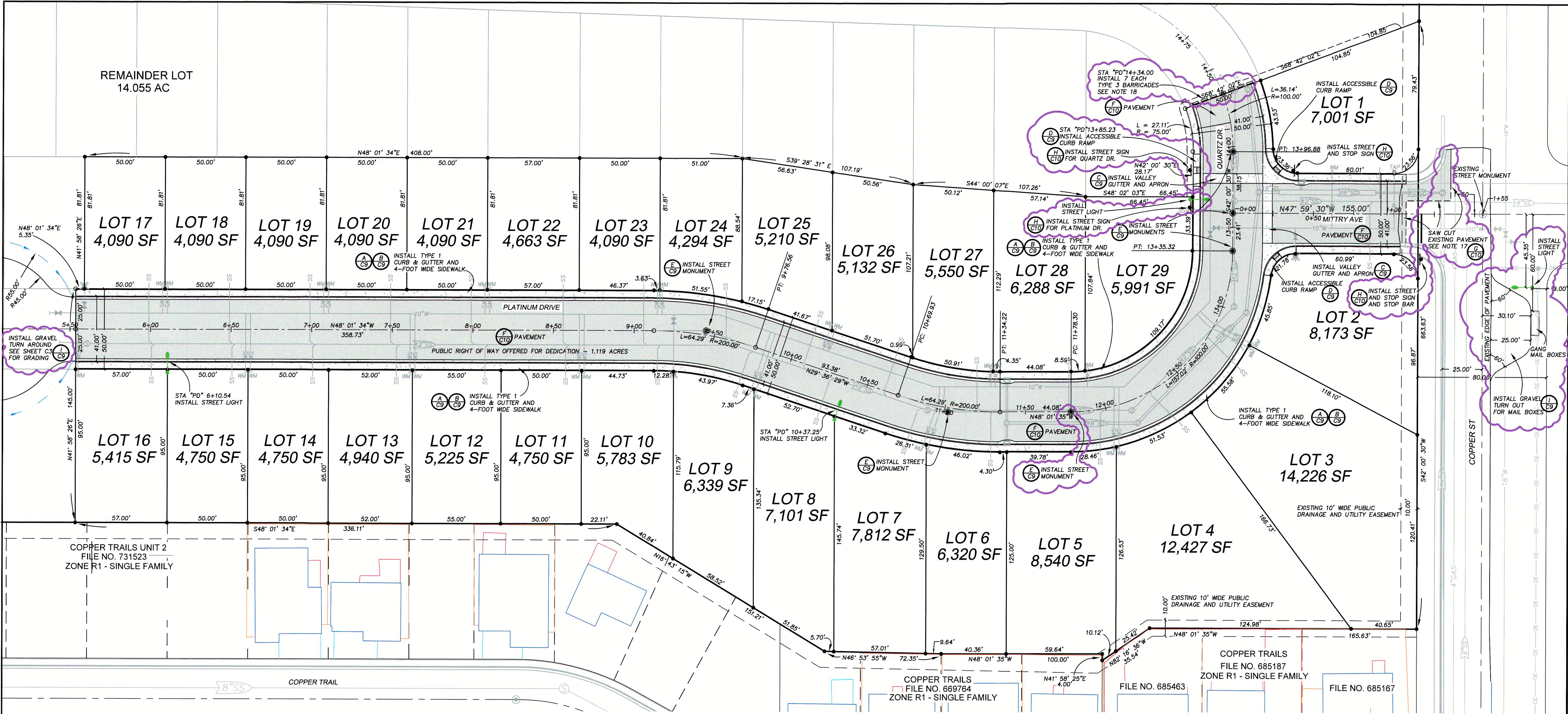
SHEET
C1
OF 14

DESCRIPTION
CITY OF ELKO PLAN CHECK LETTER DATED 3-7-19

REV
1
DATE
3-15-19

Carter Engineering, LLC
Civil Engineering
P. O. Box 794
Elko, Nevada 89803
775-397-2531

COPPER TRAILS PHASE 2
TITLE SHEET AND
SITE SPECIFICATIONS
ELKO, NEVADA

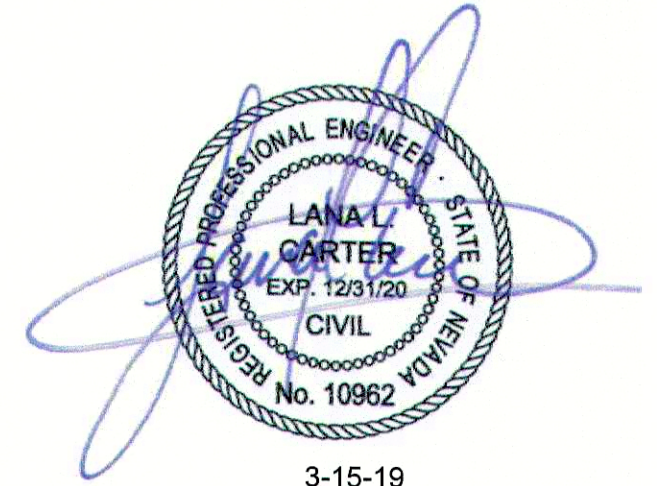
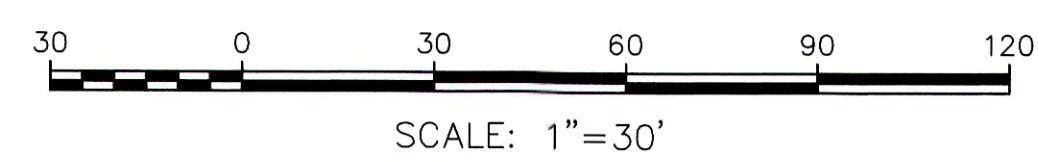


LEGEND

EXISTING SANITARY SEWER MANHOLE		PROPOSED WATER VALVE	
EXISTING SANITARY SEWER LINE		PROPOSED FIRE HYDRANT	
PROPOSED SANITARY SEWER LINE		EXISTING TELEPHONE PEDESTAL	
PROPOSED SANITARY LATERAL		EXISTING OVERHEAD GROUND POWER LINE	
EXISTING CURB INLET		EXISTING POWER BOX	
EXISTING STORM DRAIN		EXISTING STREET LIGHT	
EXISTING STORM DRAIN MANHOLE		PROPOSED STREET LIGHT	
PROPOSED TYPE 4-R CURB INLET		PROPOSED CONCRETE	
PROPOSED STORM DRAIN		PROPOSED PAVEMENT	
PROPOSED STORM DRAIN MANHOLE		DETAIL REFERENCE NUMBER FOR DETAILS ON SHEETS C9 - C12	
EXISTING GAS LINE		PROPOSED STREET MONUMENT	
EXISTING WATER LINE		EXISTING STREET MONUMENT	
EXISTING WATER VALVE		PROPERTY CORNER	
EXISTING FIRE HYDRANT		CALCULATED POINT NOTHING TO BE SET	
PROPOSED WATER LINE			
PROPOSED WATER SERVICE & METER			

NOTES:

- ALL P.C.C. CURB, GUTTER, SIDEWALK, REINFORCED CONCRETE PAD AND CONCRETE RETAINING SHALL BE A MINIMUM OF 6 SACK OF CEMENT PER CUBIC YARD OF CONCRETE (4000 P.S.I.), 4.5% - 7.5% AIR, MAXIMUM SLUMP OF 4" AND WATER/CEMENT RATIO OF 0.45.
- ALL CONCRETE CURB & GUTTER SHALL HAVE WEAKENED PLANE JOINTS EVERY 10' AND SIDEWALK SHALL HAVE WEAKENED PLANE JOINTS EVERY 5'.
- EXPANSION JOINTS 1/2" WIDE SHALL BE LOCATED IN CURBS & GUTTERS AT EACH END OF STRUCTURES, AT ENDS OF ALL CURB RETURNS, ABUTTING HARDENED IN-PLACE CURB & GUTTER AND EVERY 90'.
- EXPANSION JOINTS IN SIDEWALKS SHALL BE PLACED AT ALL TANGENT POINTS, CURB RETURNS AND AT EVERY 30 FEET.
- AGGREGATE BASE UNDER CONCRETE AND PAVEMENT SHALL CONFORM TO THE SPECIFICATIONS FOR TYPE 2, CLASS B AGGREGATE BASE AND COMPACTED TO A MINIMUM 95% MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D 1557.
- SUBGRADE SHALL BE COMPACTED TO A RELATIVE COMPACTION OF NOT LESS THAN 90% FOR A MINIMUM DEPTH OF 6" IN ACCORDANCE WITH TEST PROCEDURES SET FORTH IN ASTM D 1557.
- ALL SIGNAGE SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
- ALL PAVEMENT MARKING SHALL MEET STANDARD PLANS AND SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, 2016 EDITION, SECTIONS 214 AND 324.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING 811 USA NORTH AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.
- DIMENSIONS ARE TO TOP BACK OF CURB.
- IN THE DESIGNATED DEMOLITION AREAS THE EXISTING CONCRETE OR PAVEMENT AND AGGREGATE BASE SHALL BE REMOVED TO SUBGRADE FOR THE INSTALLATION OF THE PROPOSED IMPROVEMENTS.
- ALL DEMOLITION SHALL BE PER SECTION 300 AND 301 OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, 2016 EDITION.
- OT DIMENSIONS, STREET MONUMENT PLACEMENT, LINE DISTANCES AND BEARINGS PER FINAL MAP. THOSE SHOWN HERE ARE FOR REFERENCE ONLY.
- ALL CURB RETURNS SHALL HAVE A RADIUS OF 20' MEASURED FROM TOP BACK OF CURB.
- SEE SHEET C9 AND C10 FOR DETAILS ON CURB AND GUTTER, STREET SECTIONS, SIDEWALK, APPROACH, VALLEY GUTTER, STREET AND STOP SIGN, SURVEY MONUMENT, ACCESSIBLE CURB RAMP, SAW CUT AND PAVEMENT REPLACEMENT.
- SEE TYPICAL SECTIONS FOR PLATINUM DRIVE, QUARTZ DRIVE AND MITTRY AVENUE ON SHEET C9.
- THE CONTRACTOR SHALL SAWCUT THE PAVEMENT FOR THE UTILITY MAIN CONNECTIONS TO THE AREA NEEDED TO PERFORM THESE CONNECTIONS SAFELY.
- THE TYPE 3 BARRICADES SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES. THE BARRICADES SHALL HAVE RED AND WHITE STRIPES AS REQUIRED FOR PERMANENT ROAD CLOSURES. THE BARRICADES SHALL BE MINIMUM OF 48 INCHES LONG AND SPACED 2 FEET APART FROM CURB TO CURB.



DESIGN BY: LLC
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DATE: 3-15-19
JOB NO: 01-2018
DWG NO: 2019-01

SCALE
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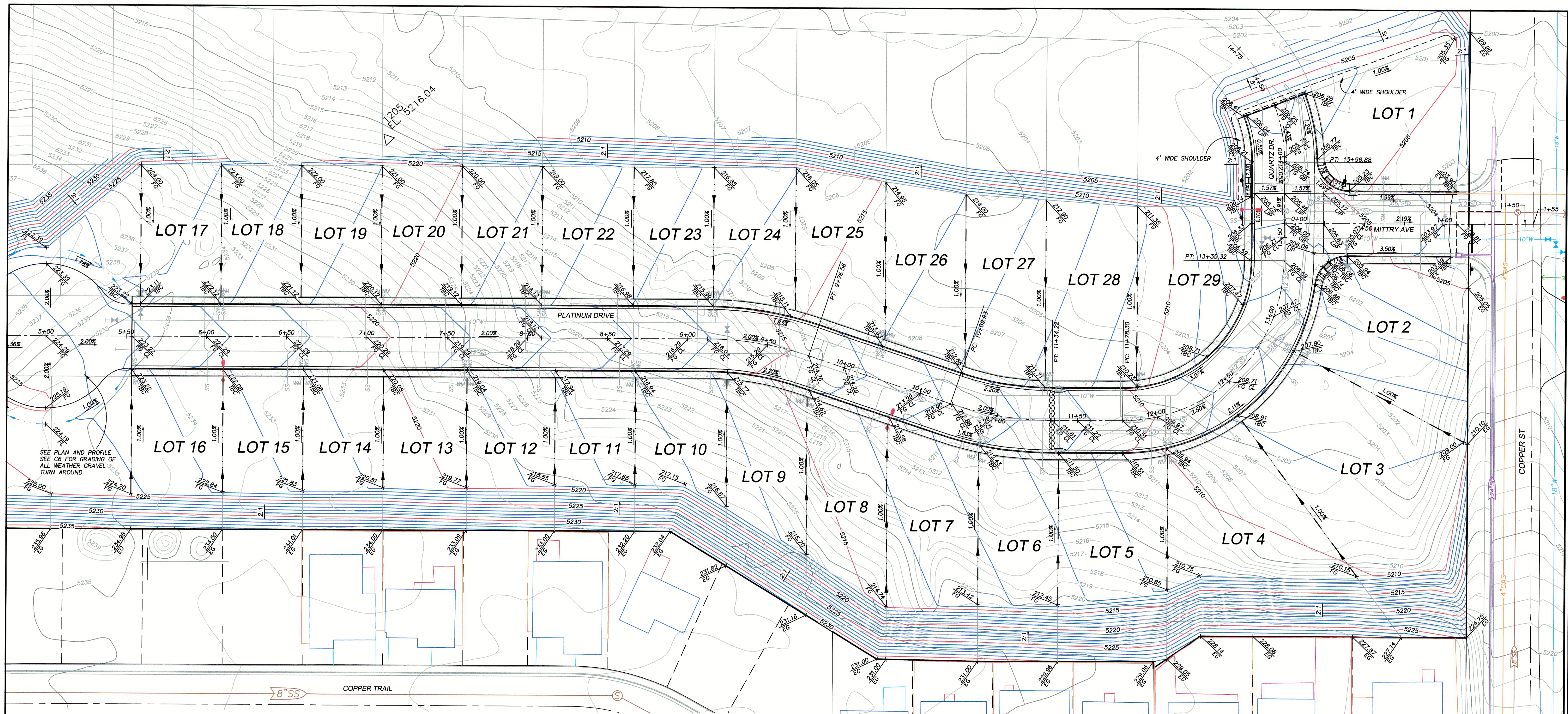
SHEET
C2
OF 14

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COPPER TRAILS, LLC
COPPER TRAILS PHASE 2
SITE PLAN
ELKO, NEVADA

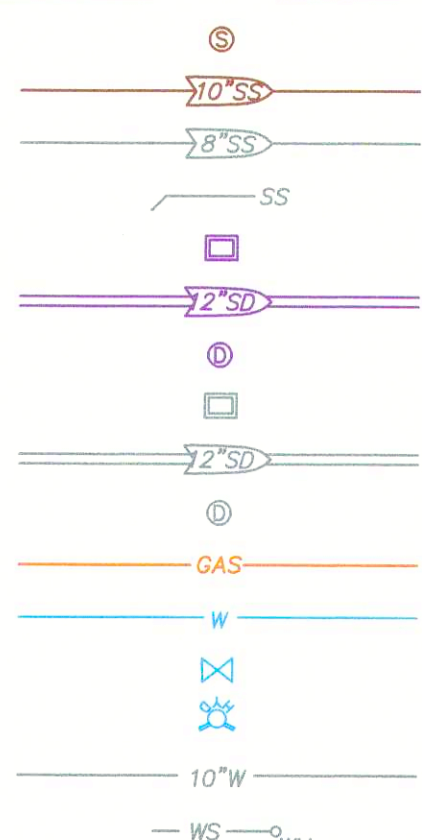
REVISIONS

REV	DATE	DESCRIPTION
1	3-15-19	CITY OF ELKO PLAN CHECK LETTER DATED 3-7-19



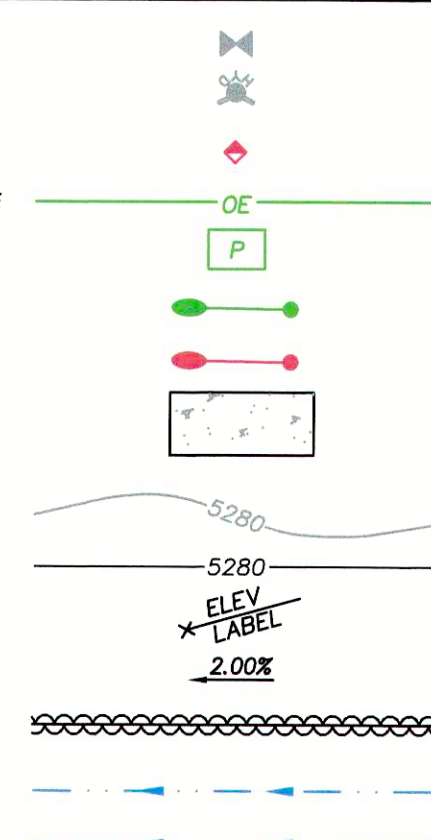
LEGEND

EXISTING SANITARY SEWER MANHOLE
EXISTING SANITARY SEWER LINE
PROPOSED SANITARY SEWER LINE
PROPOSED SANITARY LATERAL
EXISTING CURB INLET
EXISTING STORM DRAIN
EXISTING STORM DRAIN MANHOLE
PROPOSED TYPE 4-R CURB INLET
PROPOSED STORM DRAIN
PROPOSED STORM DRAIN MANHOLE
EXISTING GAS LINE
EXISTING WATER LINE
EXISTING WATER VALVE
EXISTING FIRE HYDRANT
PROPOSED WATER LINE
PROPOSED WATER SERVICE & METER



PROPOSED WATER VALVE
PROPOSED FIRE HYDRANT
EXISTING TELEPHONE PEDESTAL
EXISTING OVERHEAD GROUND POLE
EXISTING POWER BOX
EXISTING STREET LIGHT
PROPOSED STREET LIGHT
PROPOSED CONCRETE

EXISTING GROUND CONTOUR
FINISH GRADE CONTOUR
SPOT ELEVATION
PERCENT OF SLOPE
GRADE BREAK LINE
EXISTING DRAINAGE SWALE
PROPOSED DRAINAGE SWALE

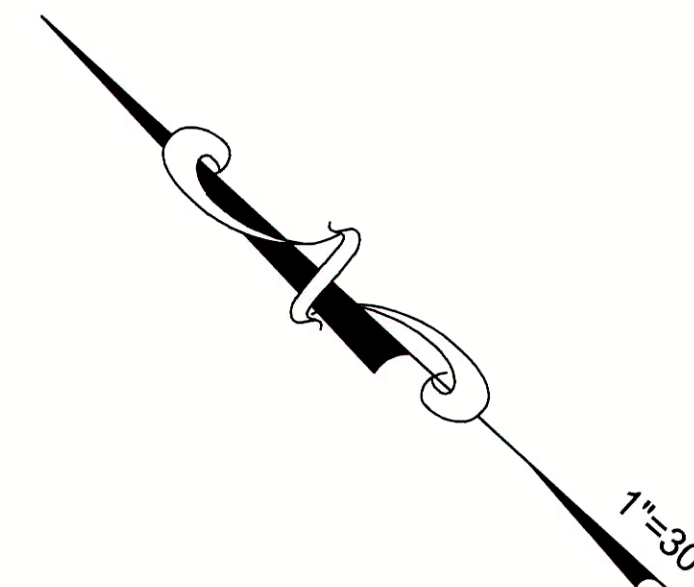
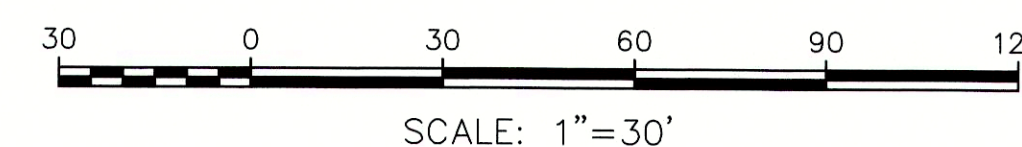
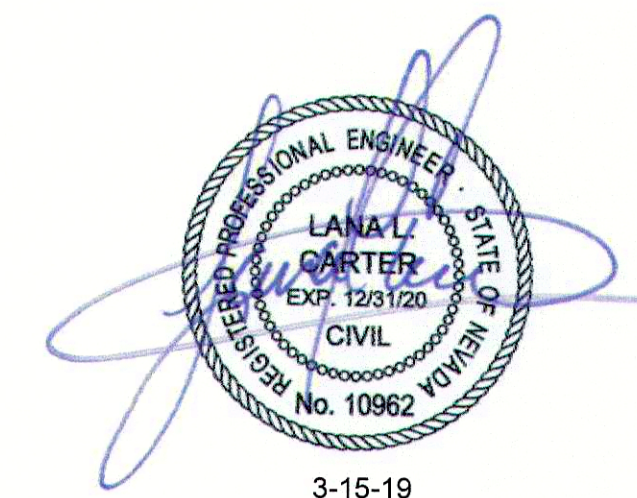


NOTES:

1. THE ESTIMATED EARTHWORK QUANTITIES ARE AS FOLLOWS:

UNCLASSIFIED EXCAVATION = 37,380 CY CUT
UNCLASSIFIED EMBANKMENT = 21,565 CY FILL

THE ABOVE QUANTITIES ARE BANK CUBIC YARDS WITH A 3-INCH GRUB. SHRINK OR SWELL HAS NOT BEEN CONSIDERED.
2. ADD 5000 FEET TO SPOT ELEVATIONS.
3. THE FINAL GRADING OF THE LOTS WILL BE DONE TO ELIMINATE CROSS LOT DRAINAGE.
4. SLOPES ADJACENT TO STREETS SHALL NOT EXCEED 3:1.
5. INTERIOR SLOPES SHALL NOT EXCEED 2:1.
6. THIS PROJECT REQUIRES EXPORT EXCAVATION. THE OWNER AGREES TO SUBMIT GRADING PLANS FOR THESE SITES AS THESE LOCATIONS ARE MADE KNOWN.
7. THE EXISTING GROUND TOPOGRAPHY SHOWN ON THIS PLAN IS FROM A SURVEY PROVIDED BY HIGH DESERT ENGINEERING ON 8-15-18.



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Elko, Nevada 89803
775-397-2531

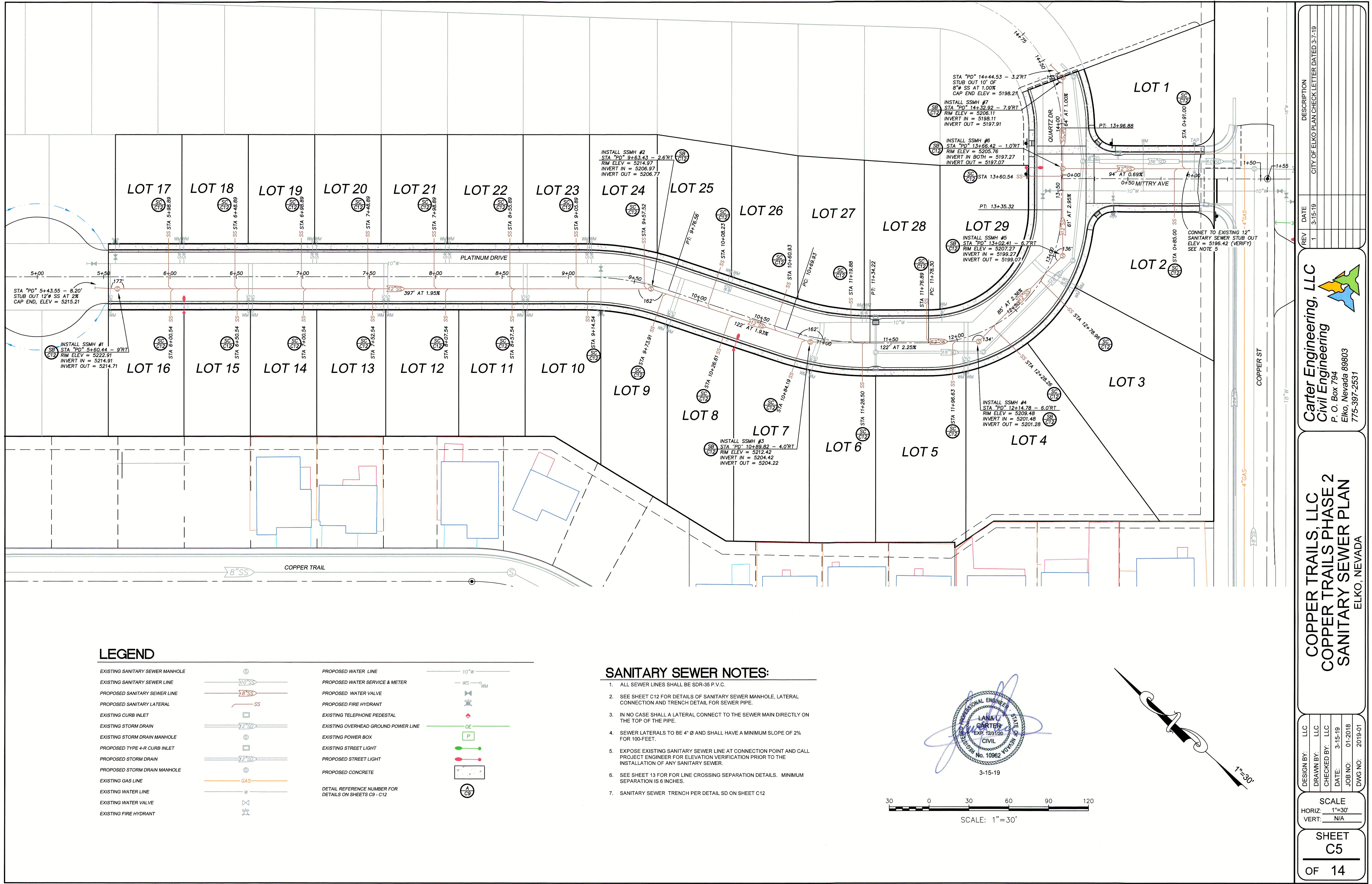
**COPPER TRAILS, LLC
COPPER TRAILS PHASE 2
GRADING PLAN
ELKO, NEVADA**

DESIGN BY:	LLC
DRAWN BY:	LLC
CHECKED BY:	LLC
DATE:	3-15-19
JOBB NO:	01-2018
DWG NO:	2019-01

SCALE
HORIZ: 1"=30'
VERT: N/A

SHEET
C3
OF 14

[illegible]

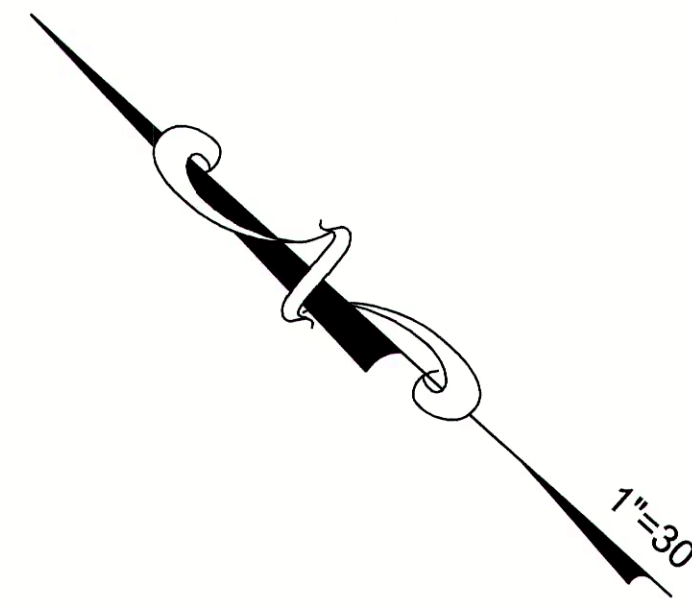
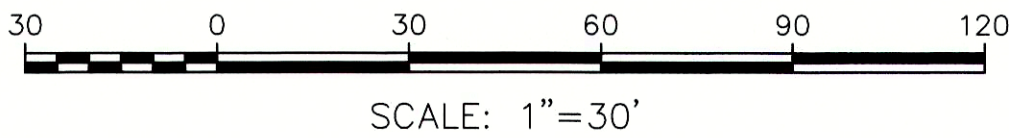
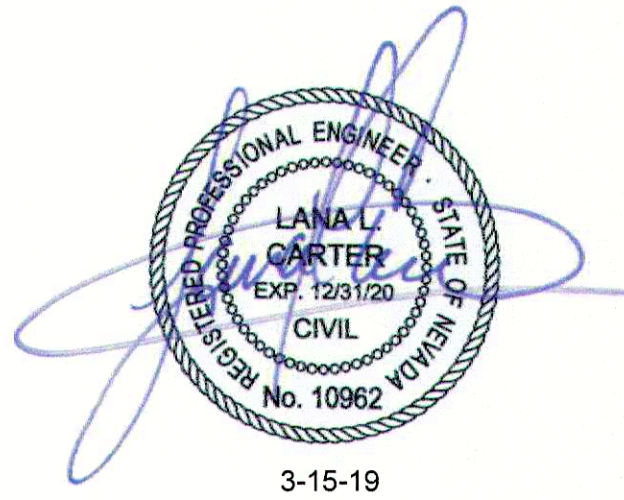


LEGEND

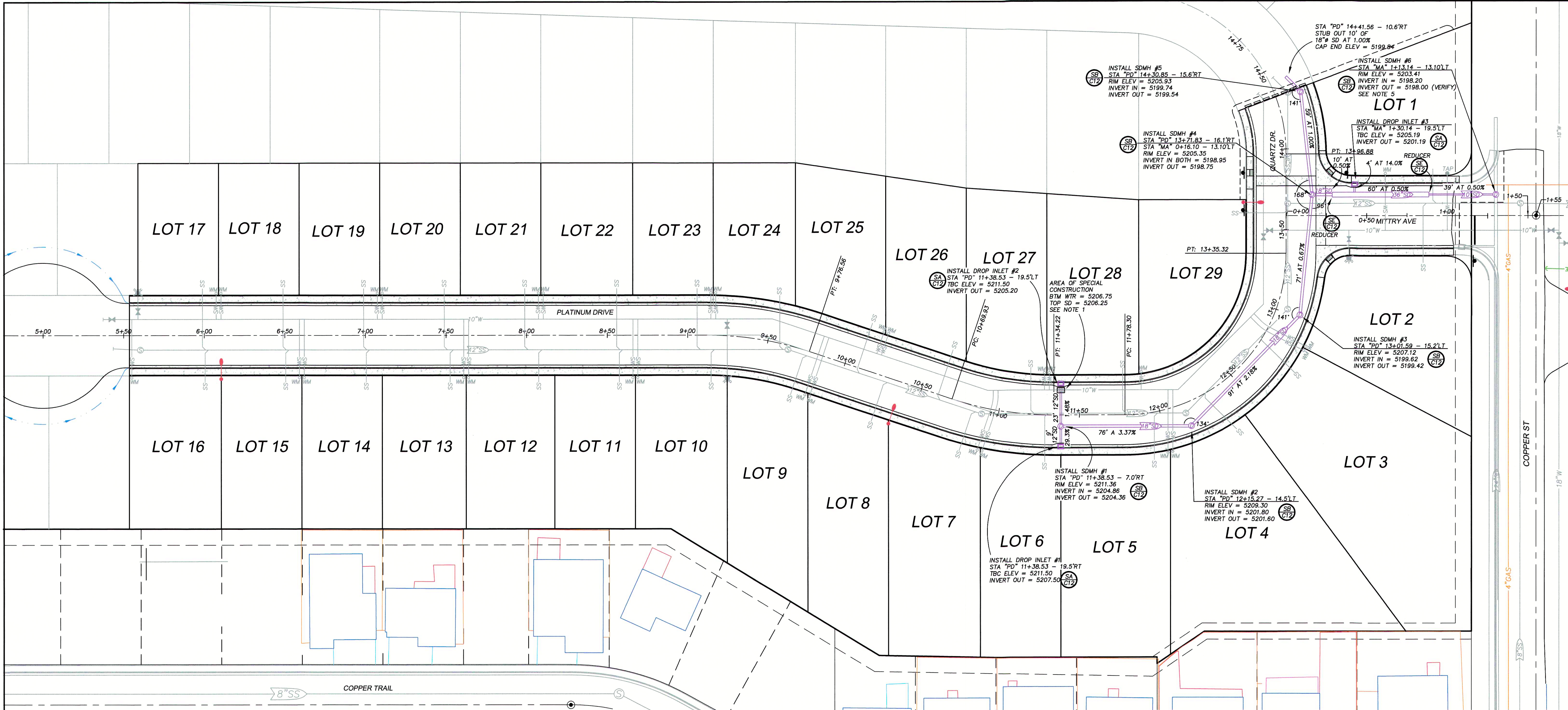
EXISTING SANITARY SEWER MANHOLE		PROPOSED WATER LINE	
EXISTING SANITARY SEWER LINE		PROPOSED WATER SERVICE & METER	
PROPOSED SANITARY SEWER LINE		PROPOSED WATER VALVE	
PROPOSED SANITARY LATERAL		PROPOSED FIRE HYDRANT	
EXISTING CURB INLET		EXISTING TELEPHONE PEDESTAL	
EXISTING STORM DRAIN		EXISTING OVERHEAD GROUND POWER LINE	
EXISTING STORM DRAIN MANHOLE		EXISTING POWER BOX	
PROPOSED TYPE 4-R CURB INLET		EXISTING STREET LIGHT	
PROPOSED STORM DRAIN		PROPOSED STREET LIGHT	
PROPOSED STORM DRAIN MANHOLE		PROPOSED CONCRETE	
EXISTING GAS LINE		DETAIL REFERENCE NUMBER FOR DETAILS ON SHEETS C9 - C12	
EXISTING WATER LINE			
EXISTING WATER VALVE			
EXISTING FIRE HYDRANT			

SANITARY SEWER NOTES:

- ALL SEWER LINES SHALL BE SDR-35 P.V.C.
- SEE SHEET C12 FOR DETAILS OF SANITARY SEWER MANHOLE, LATERAL CONNECTION AND TRENCH DETAIL FOR SEWER PIPE.
- IN NO CASE SHALL A LATERAL CONNECT TO THE SEWER MAIN DIRECTLY ON THE TOP OF THE PIPE.
- SEWER LATERALS TO BE 4" Ø AND SHALL HAVE A MINIMUM SLOPE OF 2% FOR 100-FEET.
- EXPOSE EXISTING SANITARY SEWER LINE AT CONNECTION POINT AND CALL PROJECT ENGINEER FOR ELEVATION VERIFICATION PRIOR TO THE INSTALLATION OF ANY SANITARY SEWER.
- SEE SHEET 13 FOR LINE CROSSING SEPARATION DETAILS. MINIMUM SEPARATION IS 6 INCHES.
- SANITARY SEWER TRENCH PER DETAIL SD ON SHEET C12



DESIGN BY:	LLC		Carter Engineering, LLC Civil Engineering P. O. Box 794 Elko, Nevada 89803 775-397-2531
DRAWN BY:	LLC		
CHECKED BY:	LLC		
DATE:	3-15-19		
JOB NO:	01-2018	CITY OF ELKO PLAN CHECK LETTER DATED 3-7-19	
DWG NO:	2019-01		
SCALE			
HORIZ: 1"=30'			
VERT: N/A			
SHEET C5			
OF 14			

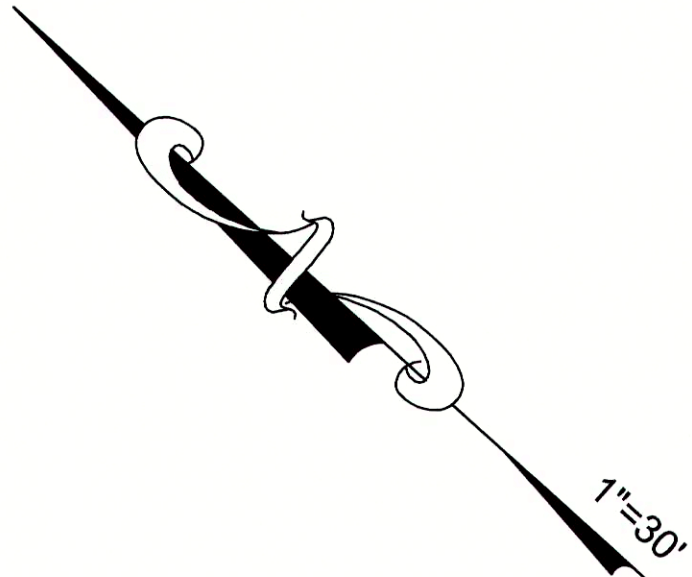
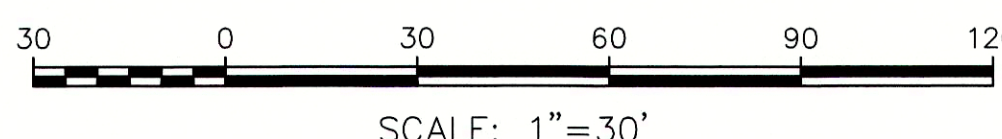
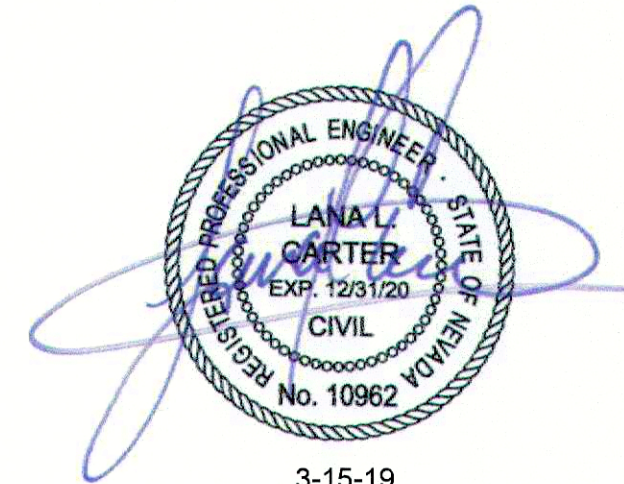


LEGEND

EXISTING SANITARY SEWER MANHOLE		PROPOSED WATER LINE	
EXISTING SANITARY SEWER LINE		PROPOSED WATER SERVICE & METER	
PROPOSED SANITARY SEWER LINE		PROPOSED WATER VALVE	
PROPOSED SANITARY LATERAL		PROPOSED FIRE HYDRANT	
EXISTING CURB INLET		EXISTING TELEPHONE PEDESTAL	
EXISTING STORM DRAIN		EXISTING OVERHEAD GROUND POWER LINE	
EXISTING STORM DRAIN MANHOLE		EXISTING POWER BOX	
PROPOSED TYPE 4-R CURB INLET		EXISTING STREET LIGHT	
PROPOSED STORM DRAIN		PROPOSED STREET LIGHT	
PROPOSED STORM DRAIN MANHOLE		PROPOSED CONCRETE	
EXISTING GAS LINE		DETAIL REFERENCE NUMBER FOR DETAILS ON SHEETS C9 - C12	
EXISTING WATER LINE			
EXISTING WATER VALVE			
EXISTING FIRE HYDRANT			

STORM DRAIN NOTES:

- SEE SHEET 13 FOR FOR LINE CROSSING SEPARATION DETAILS. MINIMUM SEPARATION IS 6 INCHES.
- ALL STORM DRAIN LINES SHALL BE ADS N-12 WT OR APPROVED EQUAL.
- SEE SHEET C12 FOR DETAILS FOR TRENCH, DROP INLET AND MANHOLES.
- STORM DRAIN MAIN CONNECTION IN MITTRY AVENUE WILL REQUIRE SAW CUT AND PATCH BACK PER DETAIL G ON SHEET C10. THE SAW CUT DIMENSIONS SHALL BE FOR TRENCHING MEETING OSHA SAFETY REQUIREMENTS.
- EXPOSE EXISTING STORM DRAIN AT CONNECTION POINT AND CALL PROJECT ENGINEER FOR ELEVATION VERIFICATION PRIOR TO THE INSTALLATION OF ANY STORM DRAIN.
- STORM DRAIN TRENCH PER DETAIL SD ON SHEET C12.



DESIGN BY: LLC

DRAWN BY: LLC

CHECKED BY: LLC

DATE: 3-15-19

JOB NO: 01-2018

DWG NO: 2019-01

SCALE

HORIZ: 1"=30'

VERT: N/A

SHEET

C6

OF 14

DESCRIPTION

CITY OF ELKO PLAN CHECK LETTER DATED 3-7-19

REV

DATE

1

3-15-19

Carter Engineering, LLC

Civil Engineering

P. O. Box 794

Elko, Nevada 89803

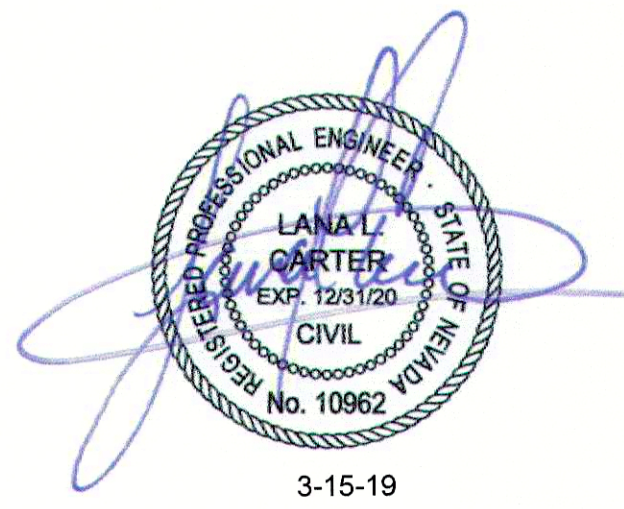
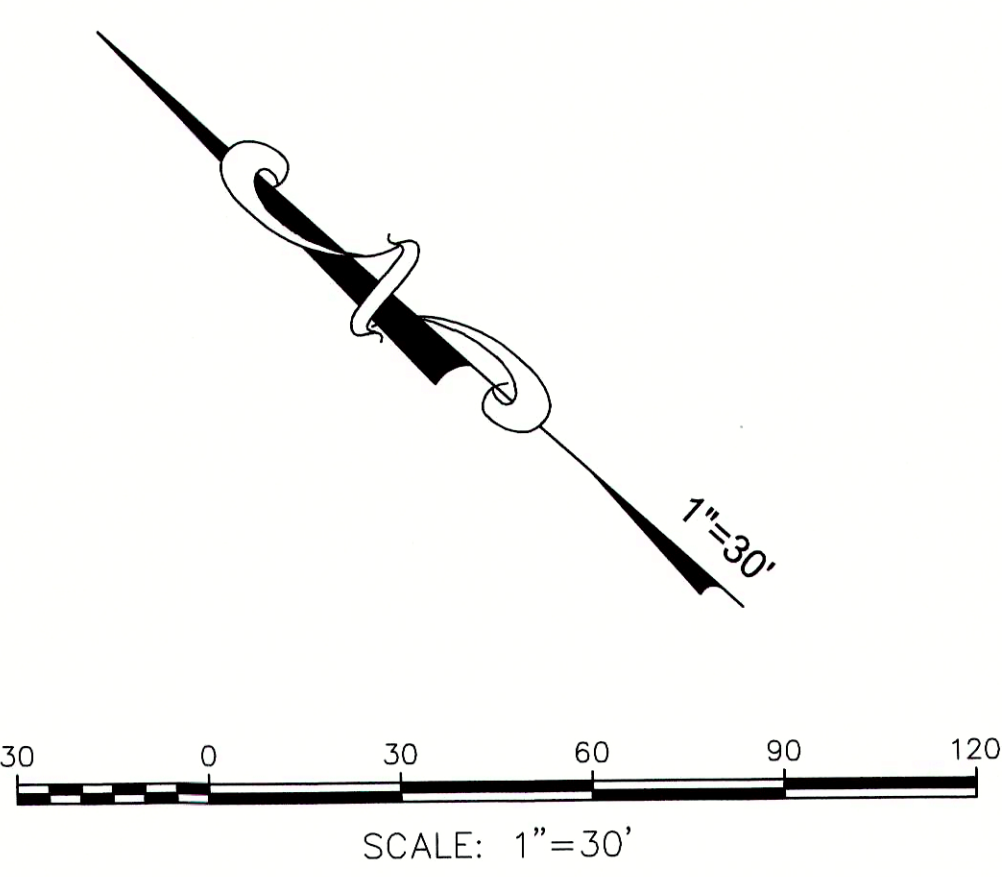
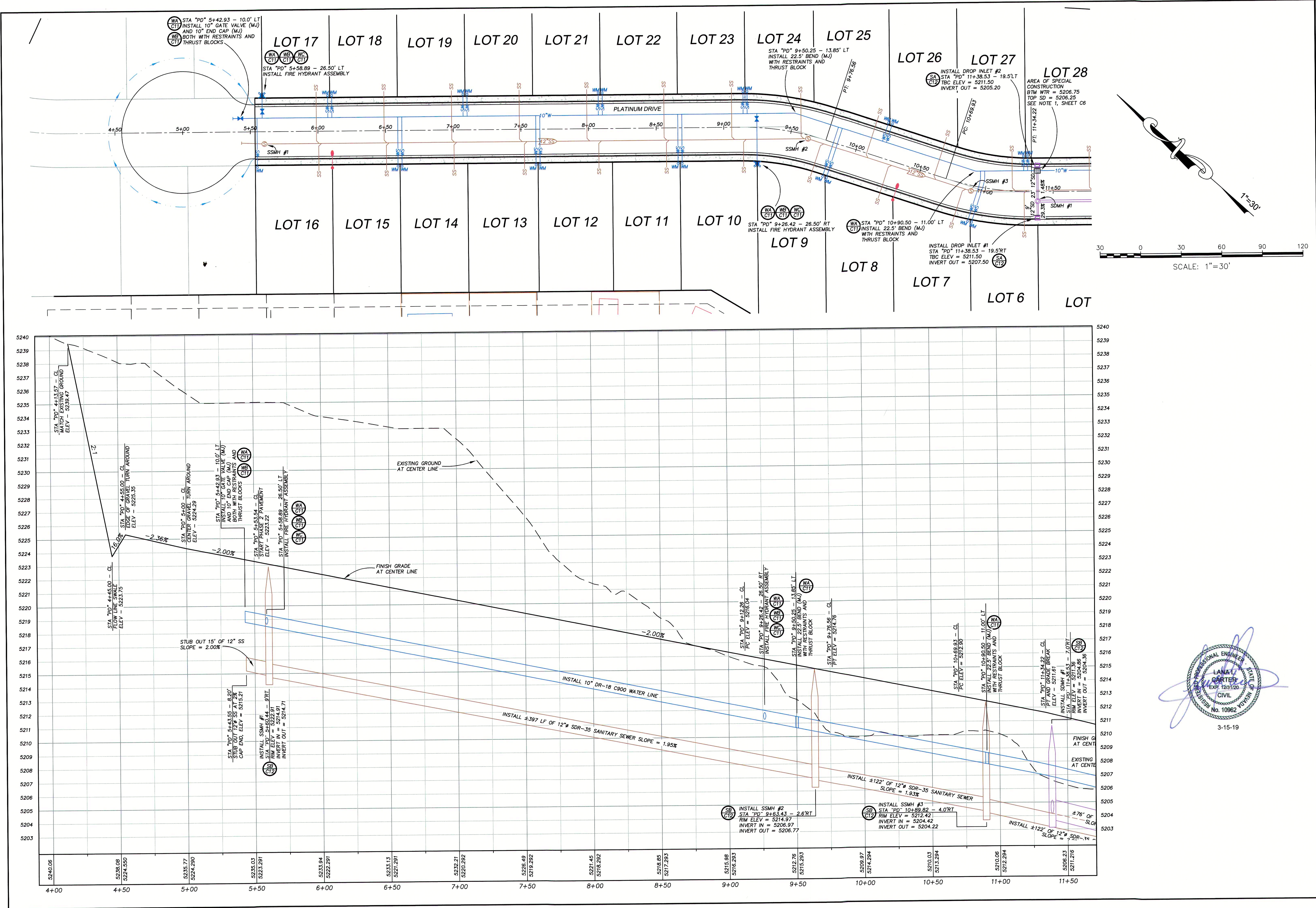
775-397-2531

COPPER TRAILS, LLC

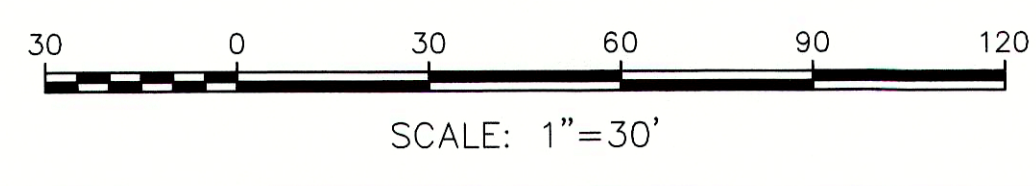
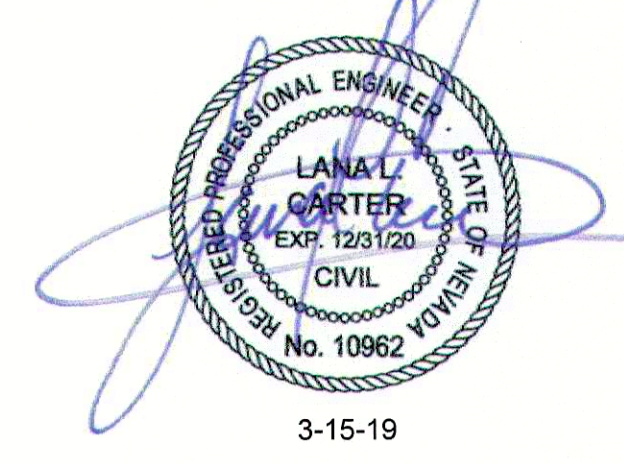
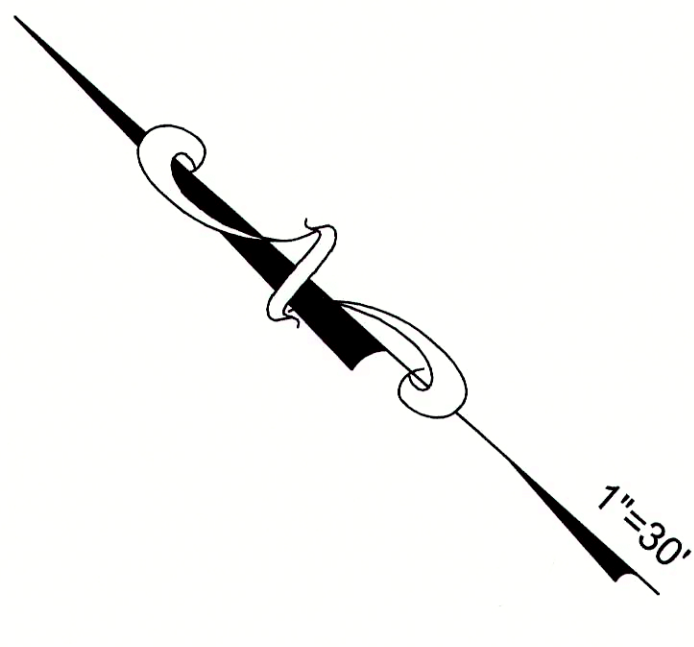
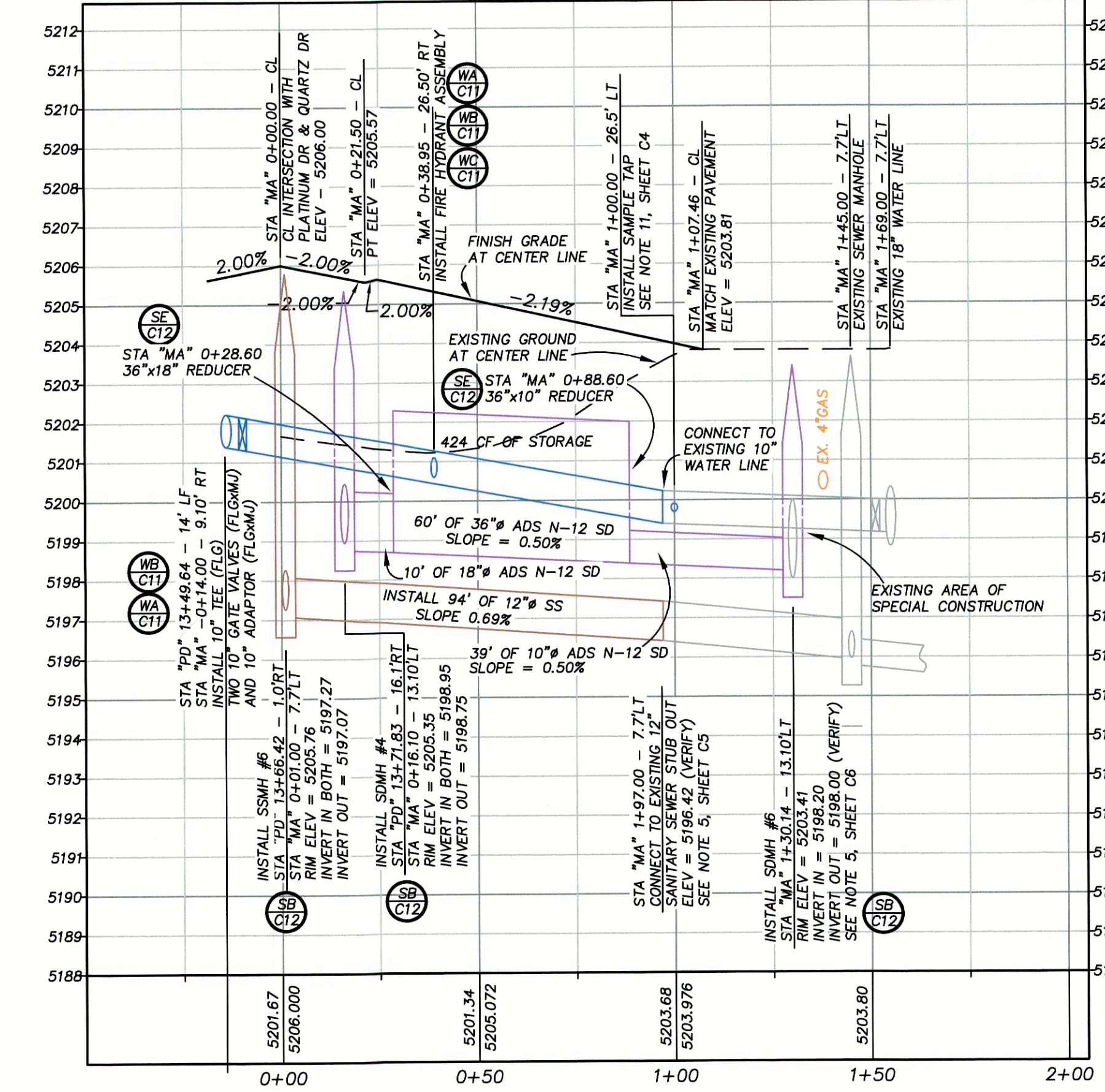
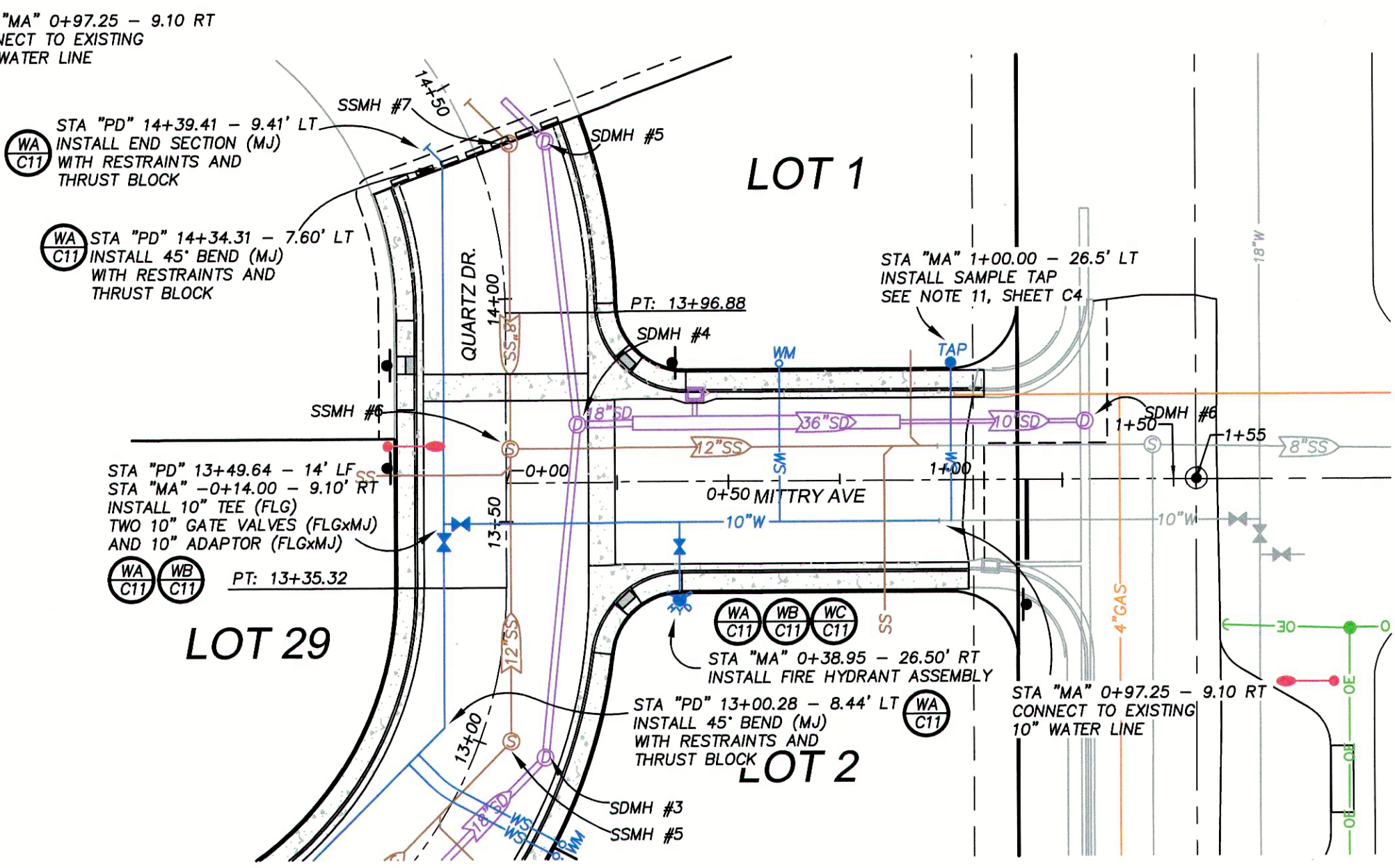
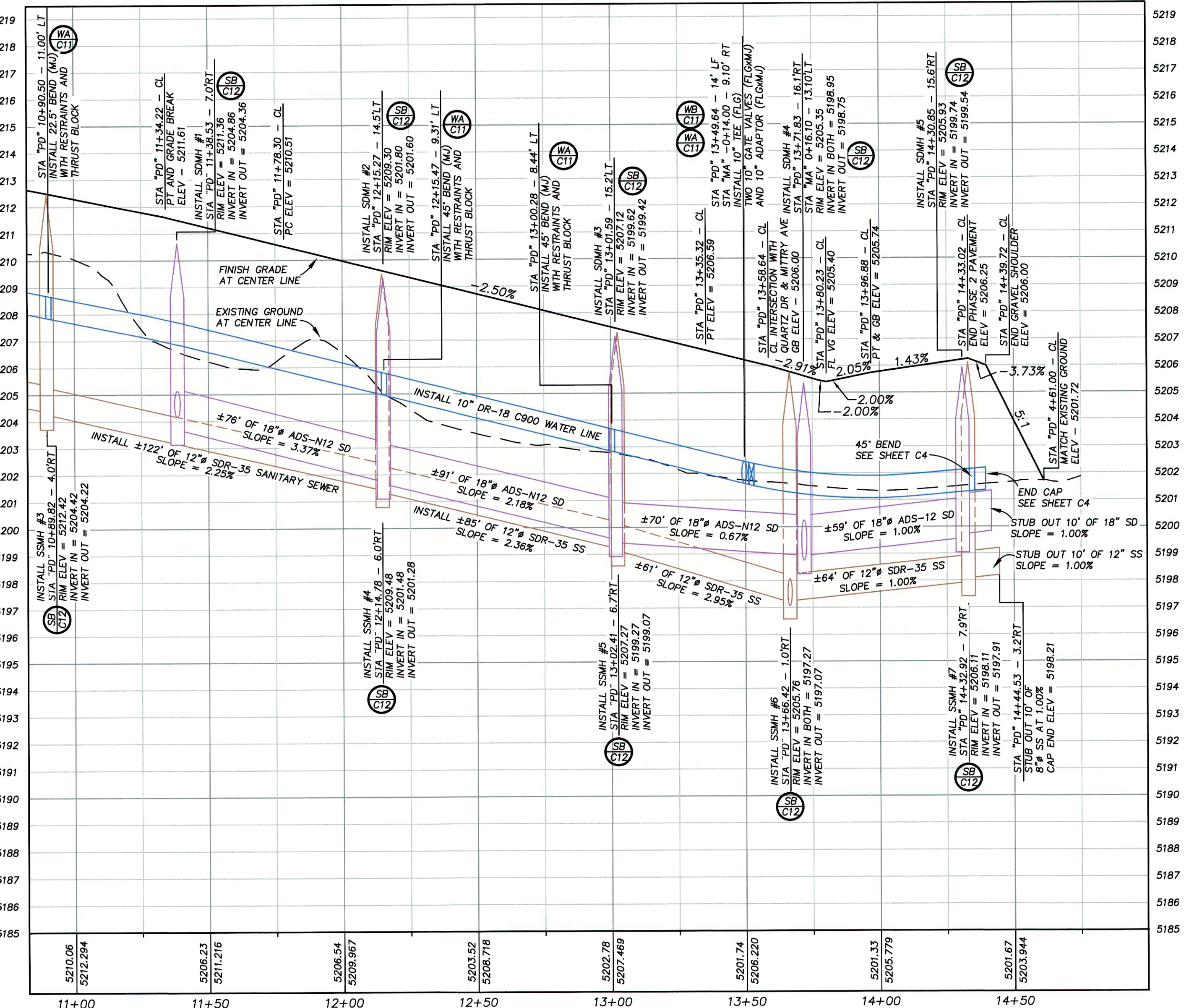
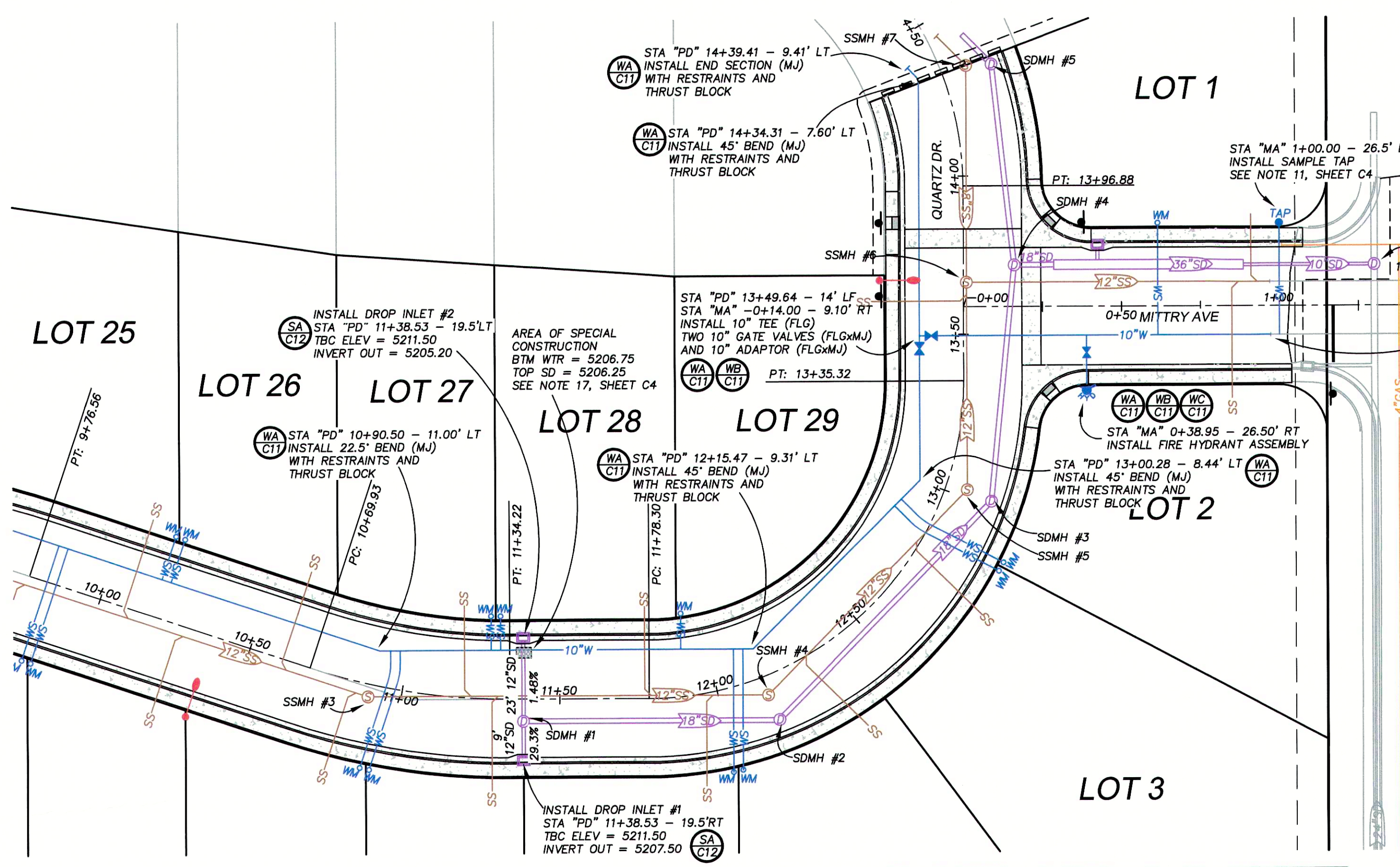
COPPER TRAILS PHASE 2

STORM DRAIN PLAN

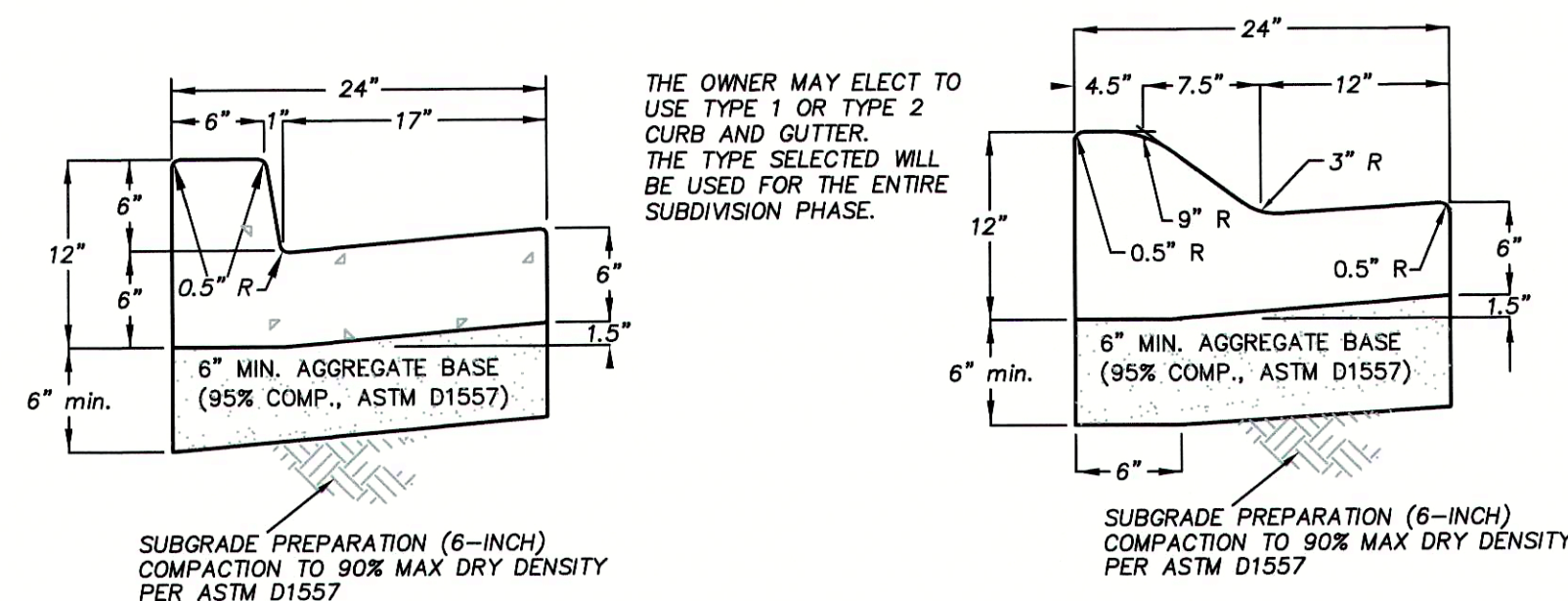
ELKO, NEVADA



Carter Engineering, LLC Civil Engineering P. O. Box 794 Elko, Nevada 89803 775-397-2531	
DESIGN BY: LLC	DATE: 3-15-19
DRAWN BY: LLC	DESCRIPTION: CITY OF ELKO PLAN CHECK LETTER DATED 3-7-19
CHECKED BY: LLC	REV: 1
DATE: 3-15-19	
JOB NO: 01-2018	
DWG NO: 2019-01	
SCALE HORIZ: 1"=30' VERT: 1"=3'	
SHEET C7	
OF 14	



Carter Engineering, LLC Civil Engineering P. O. Box 794 Elko, Nevada 89803 775-397-2531		DESCRIPTION CITY OF ELKO PLAN CHECK LETTER DATED 3-7-19
DESIGN BY: LLC	CHECKED BY: LLC	DATE: 3-15-19
COPPER TRAILS PHASE 2 - P & P PLATINUM DR STA 11+00 TO 14+50 MITTRY AVENUE STA 0+00 TO 2+00 ELKO, NEVADA		REV: 1
SCALE HORIZ: 1"=30' VERT: 1"=3'		
SHEET C8 OF 14		



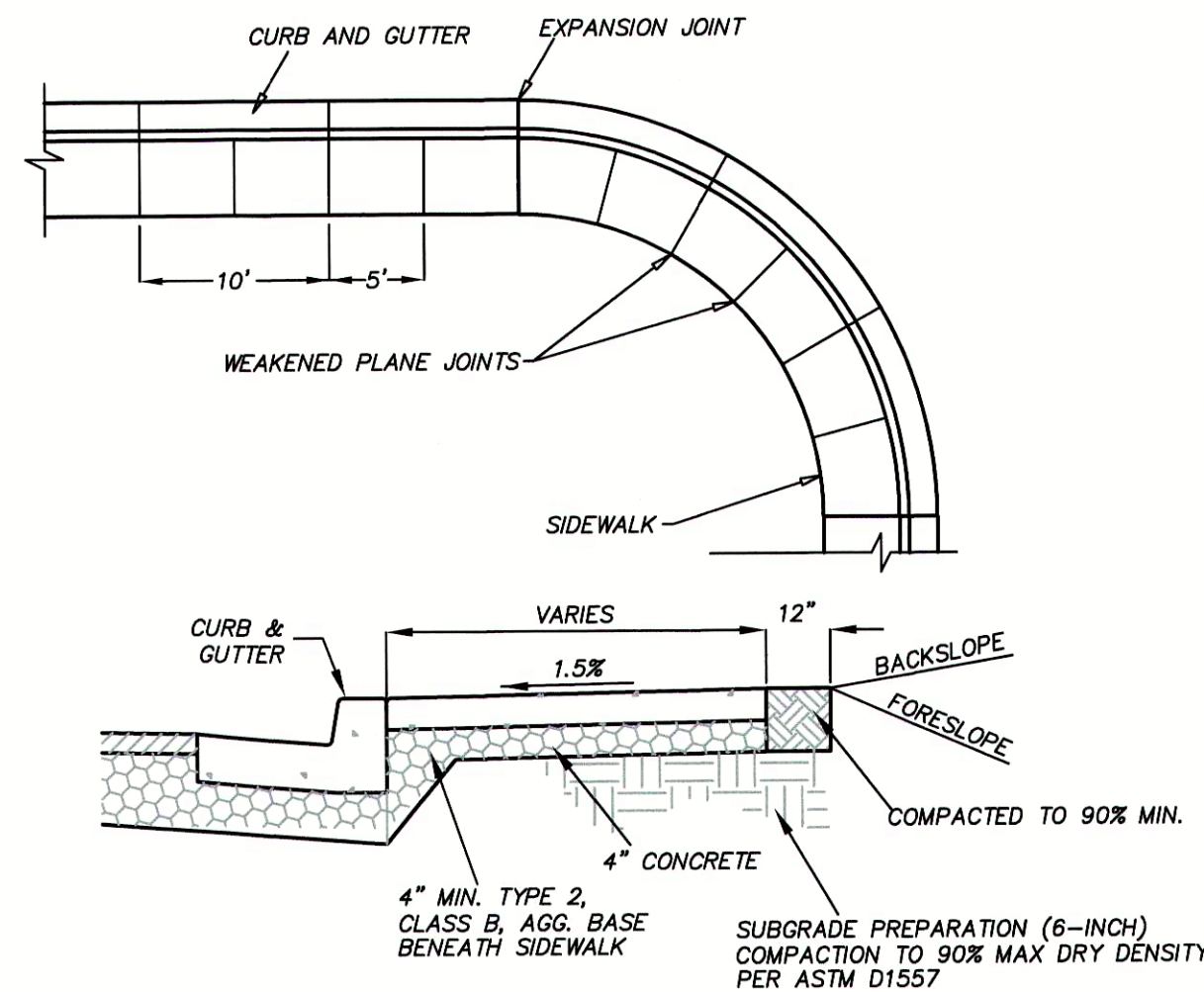
TYPE 1 CURB AND GUTTER
N.T.S.

TYPE 2 CURB AND GUTTER
N.T.S.

CURB AND GUTTER NOTES:

- CONCRETE WORK SHALL MEET THE REQUIREMENTS OF SECTIONS 200, 202 AND 312 OF THE 2016 OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION AND SHALL BE A CITY OF ELKO APPROVED MIX DESIGN.
- ALL CONCRETE CURB AND GUTTER SHALL HAVE $\frac{1}{4}$ " EXPANSION JOINTS EVERY 90 FEET AND AT ALL CURB RETURNS. WEAKENED PLANE JOINTS SHALL BE EVERY 10 FEET.
- AGGREGATE BASE MATERIAL SHALL MEET THE REQUIREMENTS OF SECTION 200 AND 308 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION
- PLANTMIX BITUMINOUS SURFACE SHALL BE $\frac{1}{4}$ " TO $\frac{1}{2}$ " ABOVE LIP OF GUTTER PAN.

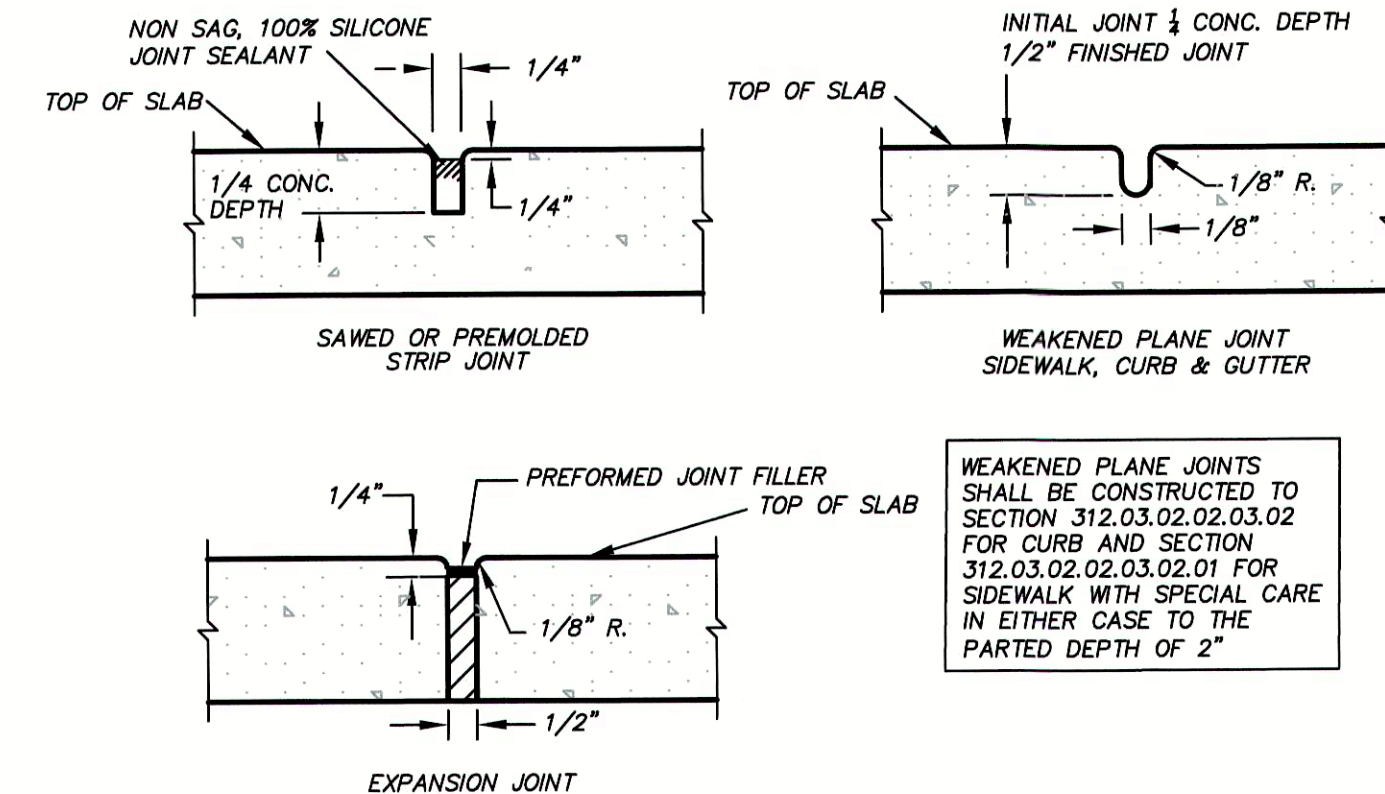
CURB AND GUTTER
N.T.S.



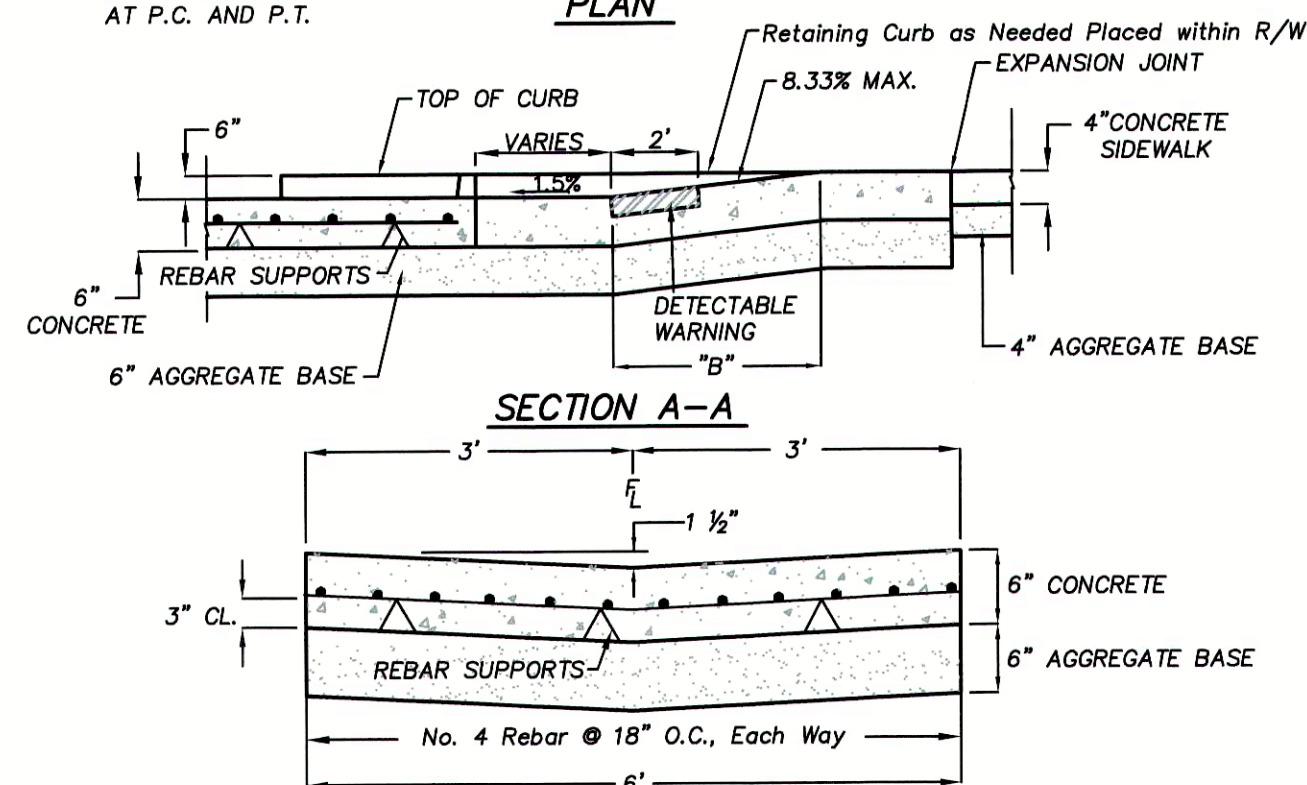
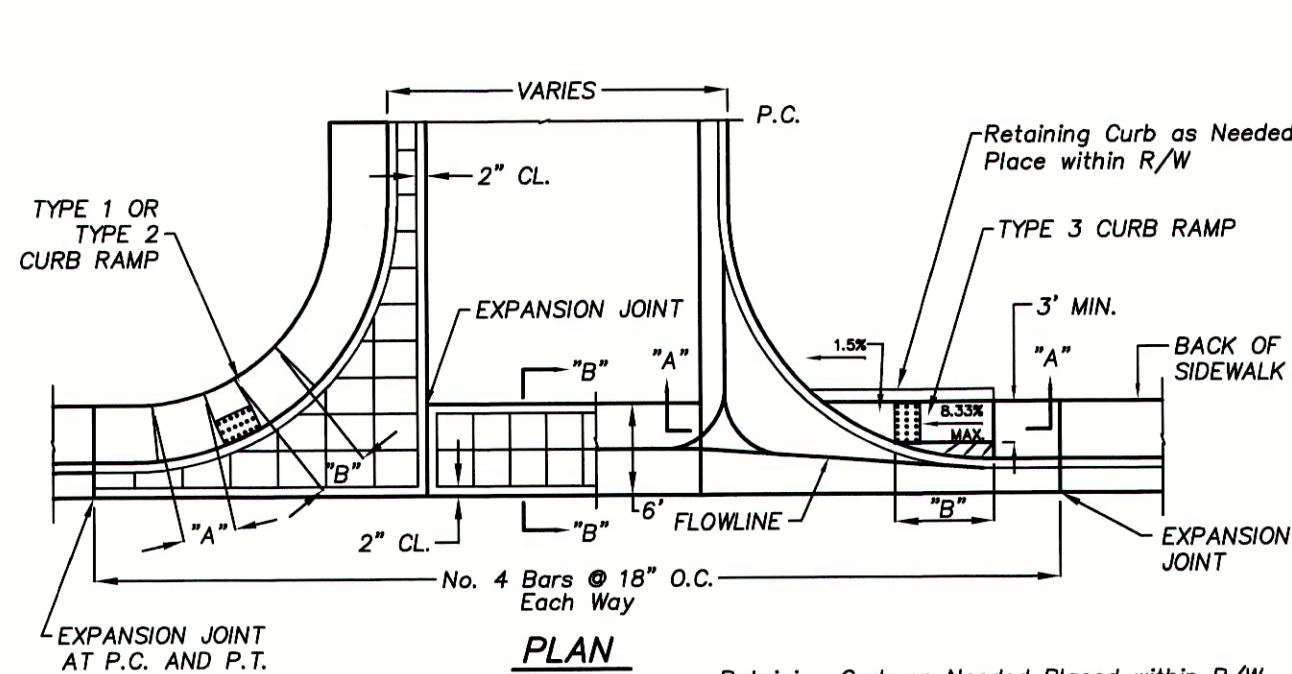
SIDEWALK NOTES:

- CONCRETE WORK SHALL MEET THE REQUIREMENTS OF SECTIONS 200, 202 AND 312 OF THE 2016 EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION AND SHALL BE A CITY OF ELKO APPROVED MIX DESIGN.
- ALL CONCRETE SIDEWALK SHALL HAVE $\frac{1}{4}$ " EXPANSION JOINTS EVERY 30 FEET AND AT ALL CURB RETURNS. WEAKENED PLANE JOINTS SHALL BE EVERY 5 FEET AND COINCIDE WITH THE ADJACENT CURB AND GUTTER WEAKENED PLANE JOINTS. THE WEAKENED PLANE JOINTS PLACED EVERY 5' IN THE SIDEWALK MAY BE SAW CUT WITH CITY OF ELKO APPROVAL AND SHALL MEET THE REQUIREMENTS OF SECTION 314 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
- AGGREGATE BASE MATERIAL SHALL MEET THE REQUIREMENTS OF SECTION 200 AND 308 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION
- CROSS SLOPE OF SIDEWALK SHALL NOT EXCEED 2%.

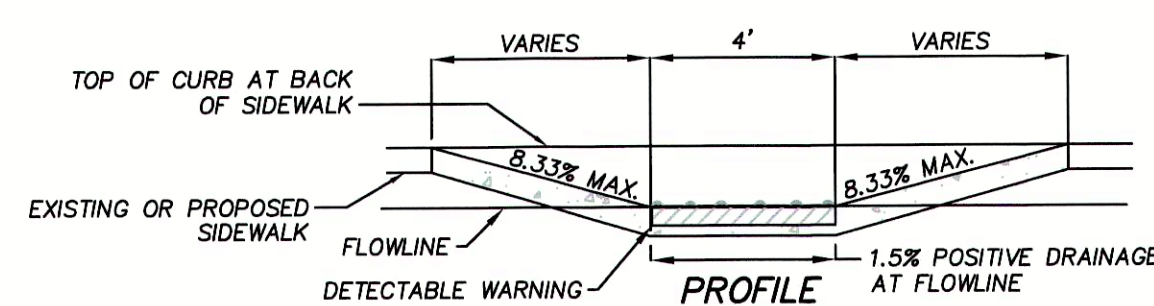
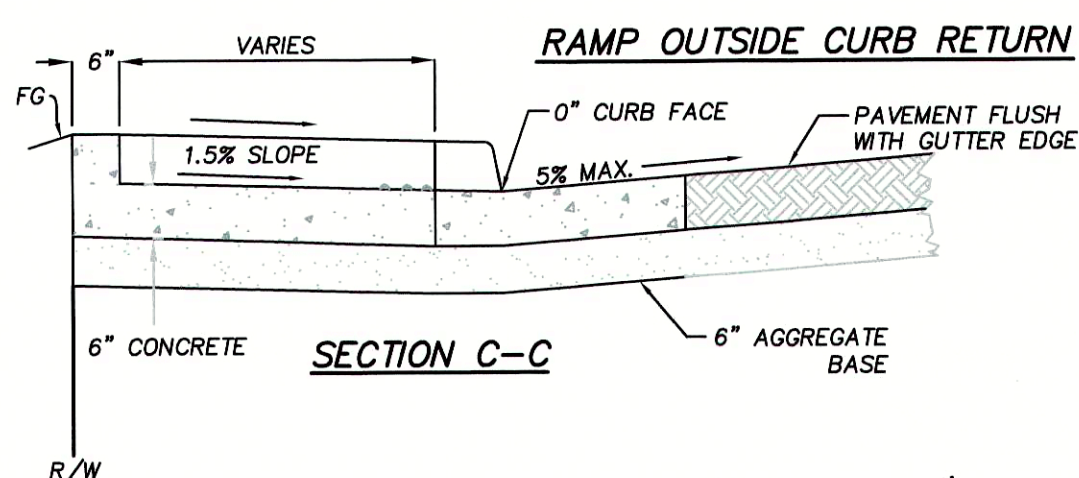
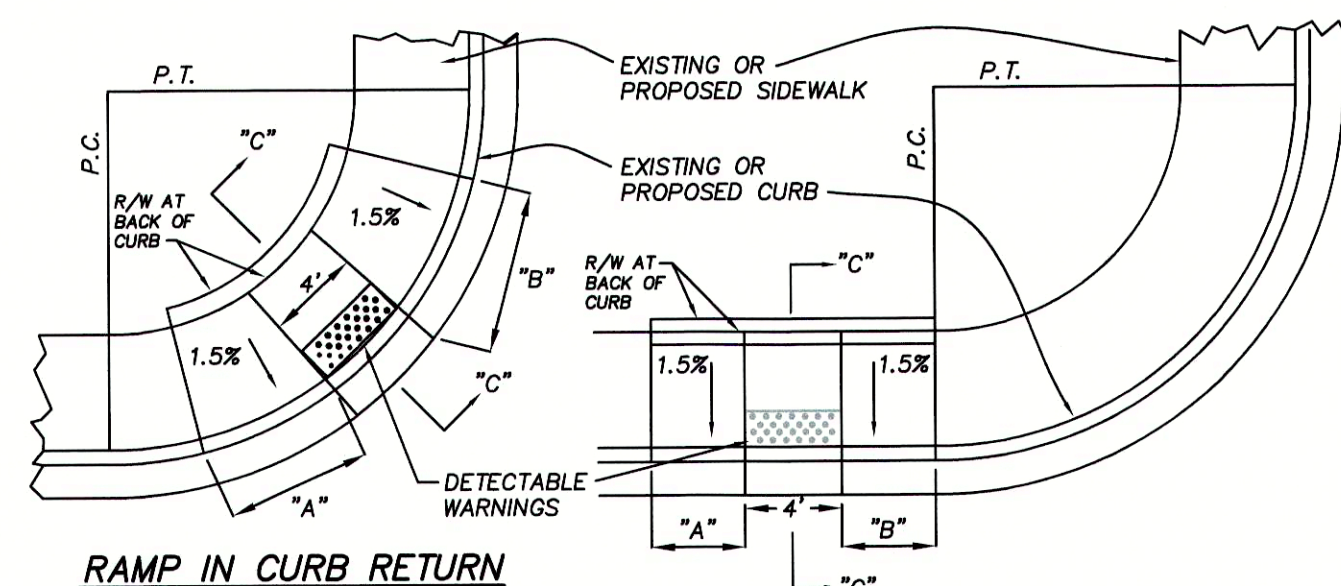
P.C.C. SIDEWALK
N.T.S.



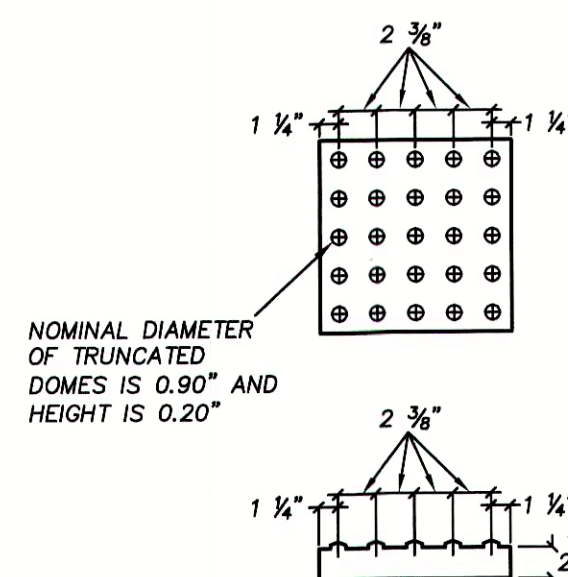
P.C.C. JOINTING DETAILS
N.T.S.



P.C.C. VALLEY GUTTER WITH APRON
N.T.S.

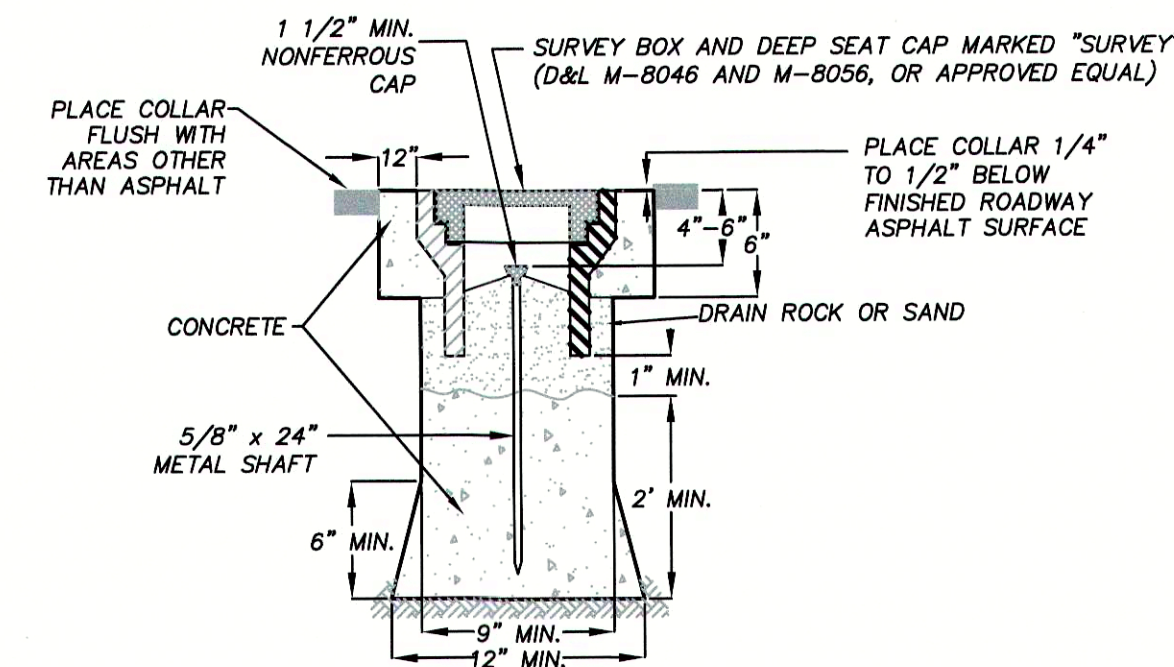


CURB RAMP
N.T.S.



CURB RAMP NOTES:

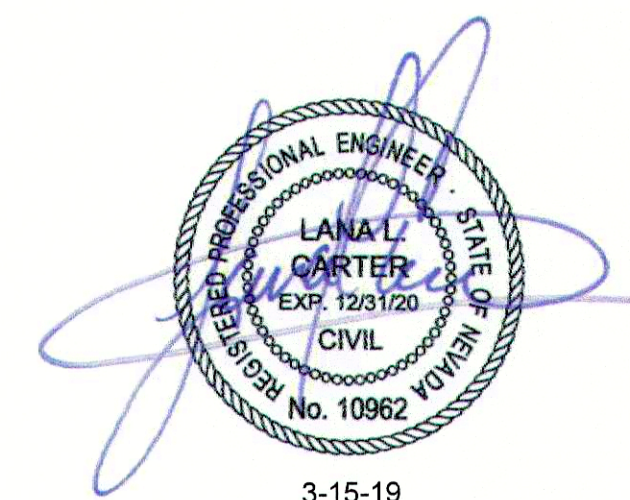
- CONCRETE SHALL MEET THE REQUIREMENTS OF SECTION 200, 202 AND 312 OF THE 2016 EDITIONS OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
- AGGREGATE BASE MATERIAL SHALL MEET THE REQUIREMENTS OF SECTION 302 & 308 OF 2016 EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
- CURB RAMP WITHIN CURB RETURN SHALL BE LOCATED AT THE MIDPOINT OF CURB RETURN.
- RAMPS SHALL BE CONSTRUCTED WITH A ROUGH BROOM FINISH TRANSVERSE TO THE SLOPE OF THE RAMP.
- WHEN CONSTRUCTING A RAMP WHERE CURB & GUTTER EXIST, COMPLETELY REMOVE INTERFERING PORTIONS OF EXISTING CURB & GUTTER. LOCATION OF CURB RAMP SHALL BE APPROVED BY THE CITY OF ELKO PRIOR TO INSTALLATION.
- DETECTABLE WARNINGS SHALL BE YELLOW AND CONSIST OF RAISED TRUNCATED DOMES AND PLACED AT THE BOTTOM PORTION OF THE RAMP.
- CROSS SLOPE OF SIDEWALK AND RAMP SURFACES SHALL NOT EXCEED 2%.
- CURB RAMPS & DETECTABLE WARNINGS SHALL MEET THE REQUIREMENTS OF 28 CFR PART 36, ADA STANDARDS FOR ACCESSIBLE DESIGN.
- NO LIP SHALL BE PERMITTED AT THE CURB RAMP SLOPE TO THE GUTTER PLAN.
- PLANTMIX BITUMINOUS SURFACE SHALL BE FLUSH WITH THE EDGE OF THE GUTTER PAN AT THE FACE OF THE CURB RAMP.



NOTES:

- FERROUS METAL OVER MONUMENT FOR RECOVERY BY DIP NEEDLE OR MAGNETIC INSERT IN CAP.
- 1 1/2" MIN. NONFERROUS CAP WITH PROFESSIONAL LAND SURVEYOR NO. PERMANENTLY ATTACHED PRIOR TO PLACEMENT.
- 5/8" METALLIC SHAFT (SMOOTH SHAFTS TO BE DEFORMED).
- CONSTRUCTION SHALL MEET THE REQUIREMENTS OF SECTION 216 OF 2016 EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
- SCORE CONCRETE COLLAR AS PER MANHOLE COLLAR SHOWN ON DRAWING U-5.1

CLASS A MONUMENT
N.T.S.



3-15-19

Carter Engineering, LLC
Civil Engineering
P. O. Box 794
Elko, Nevada 89803
775-397-2531

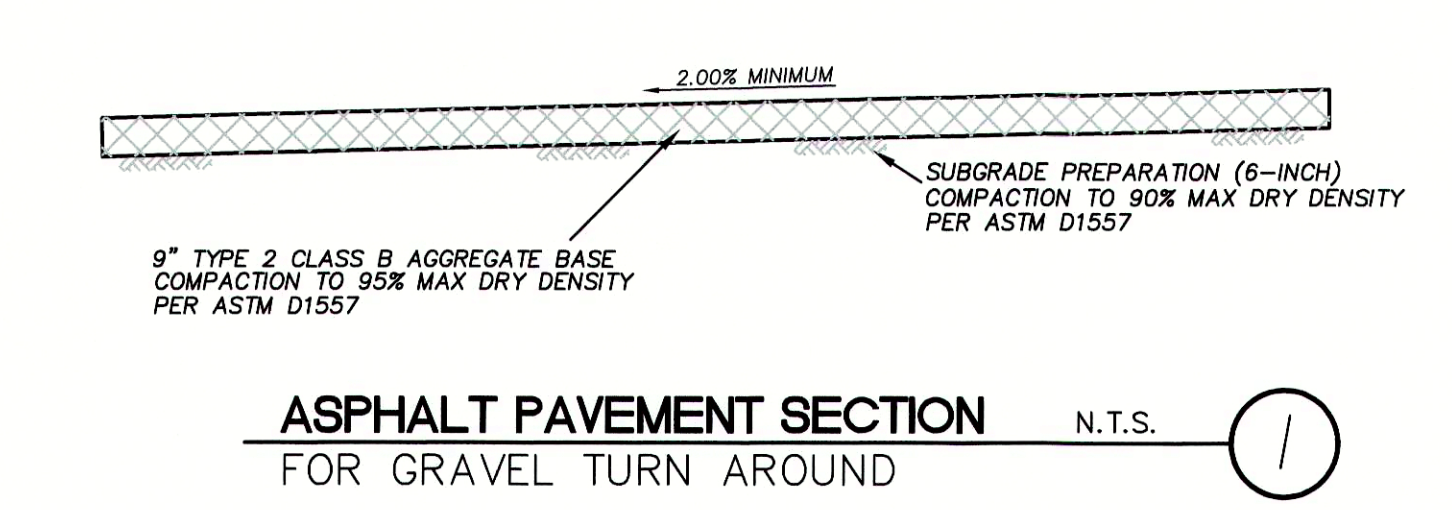
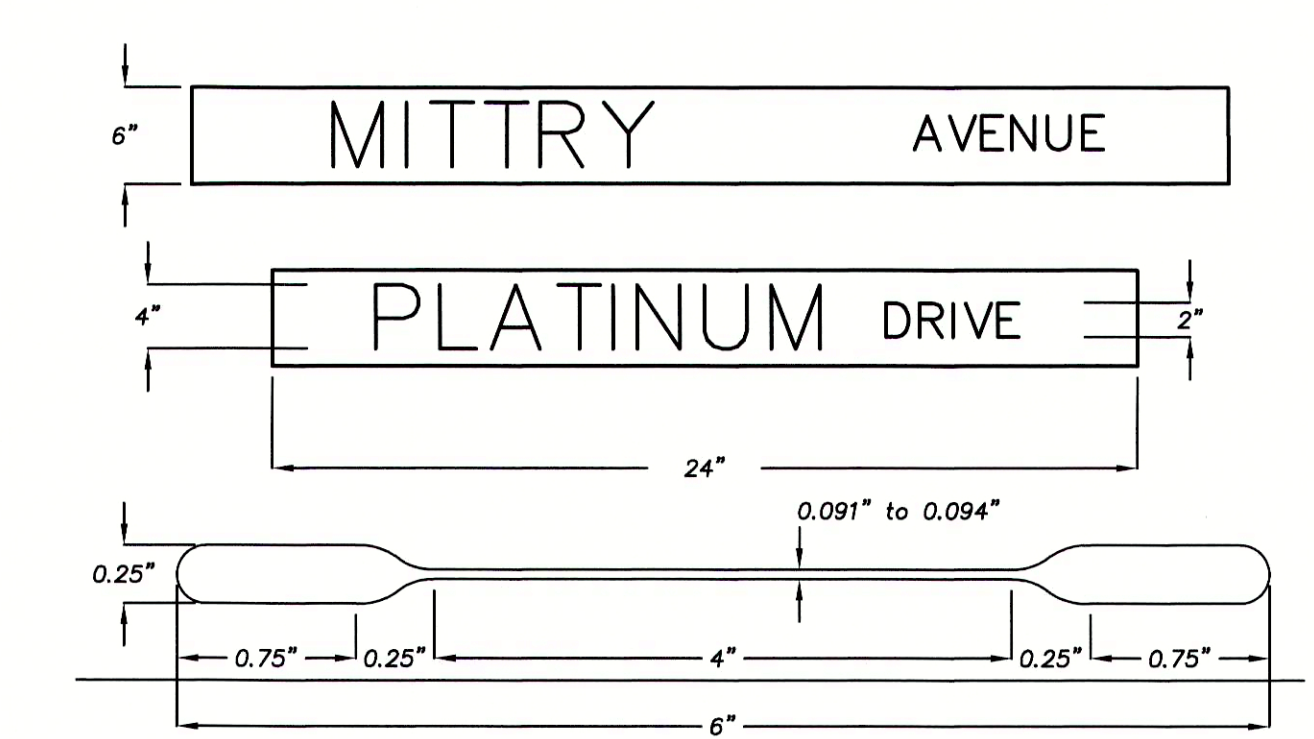
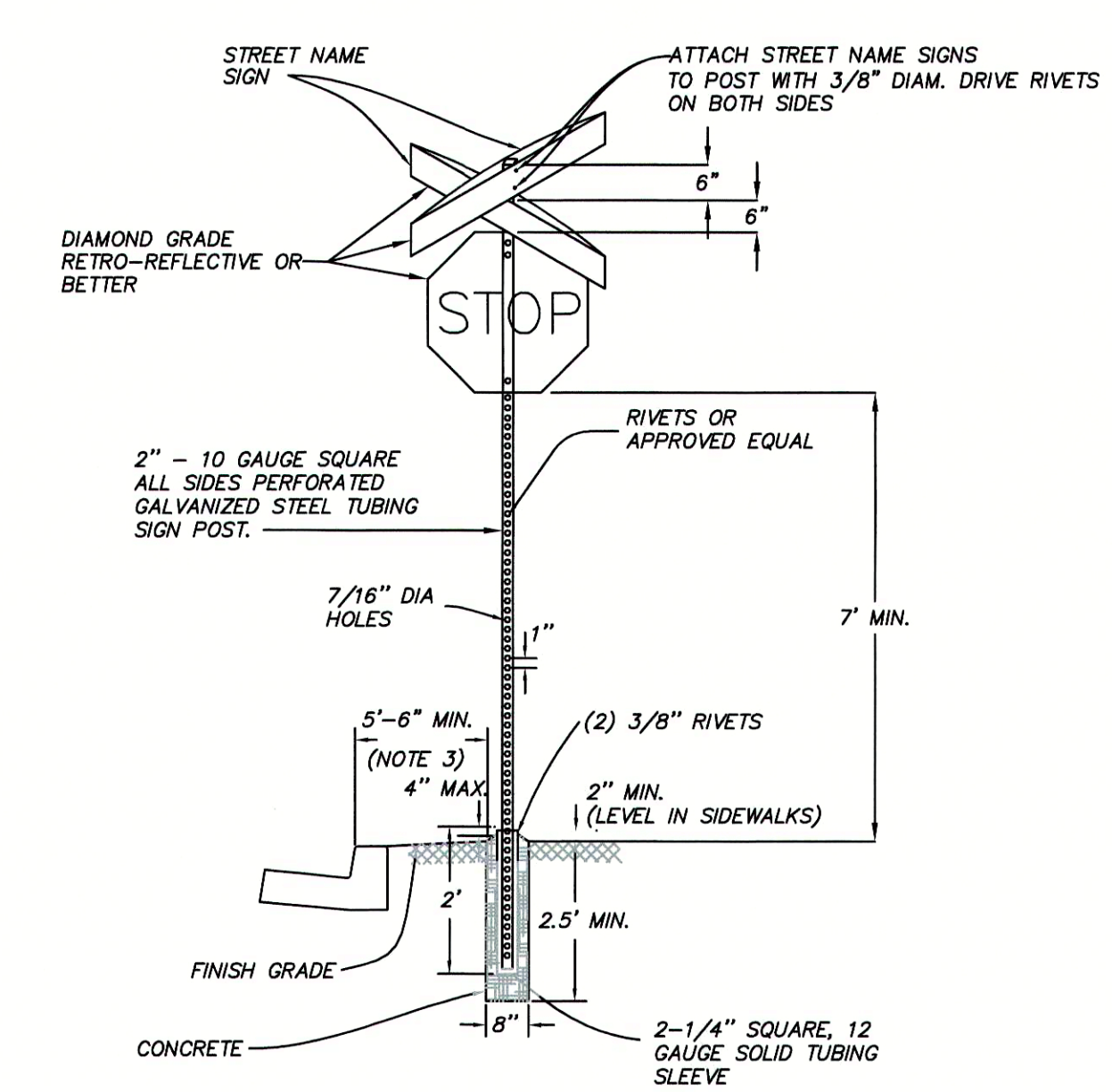
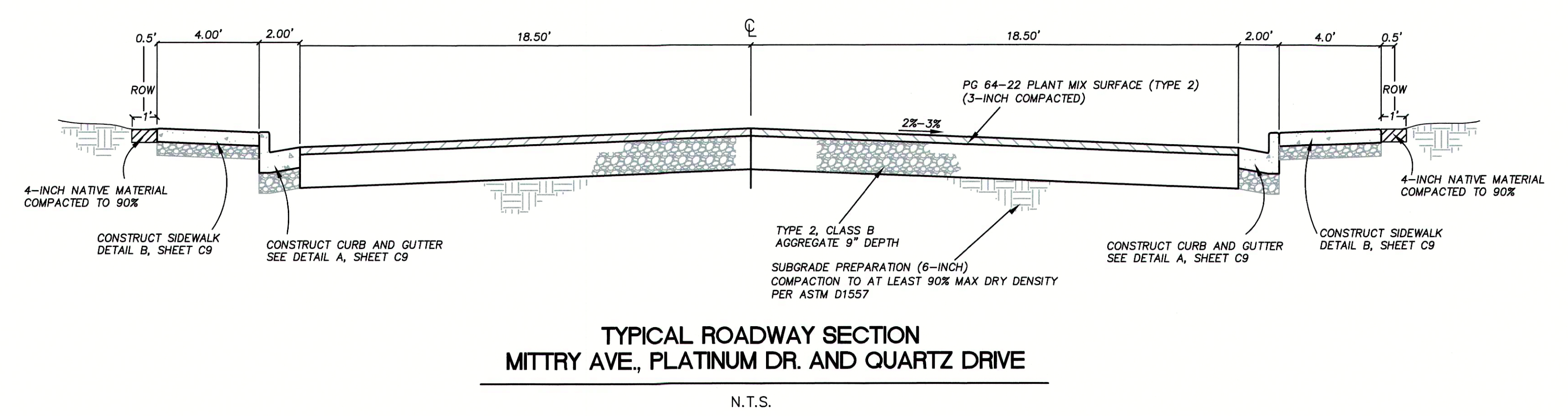
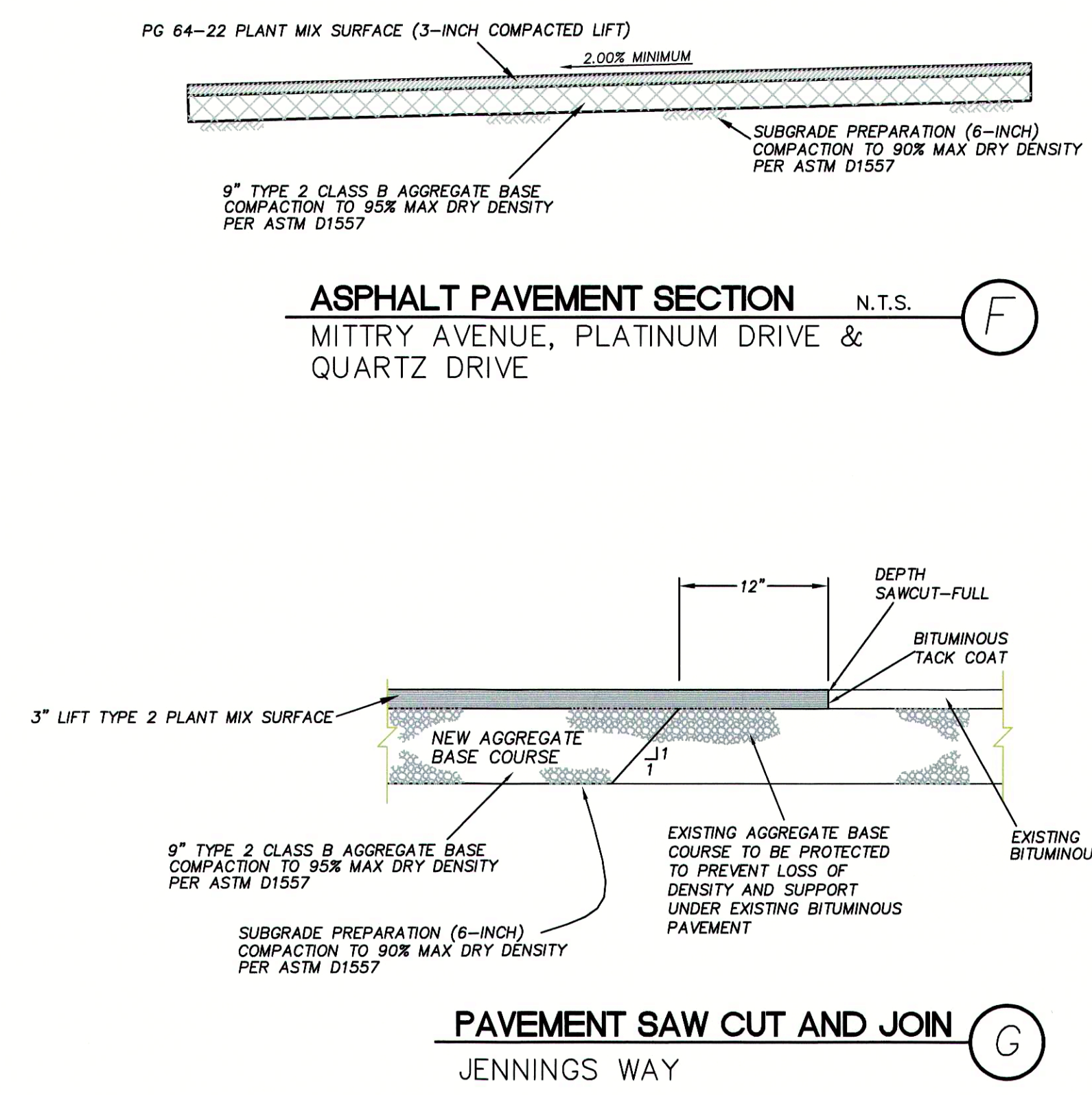
COPPER TRAILS, LLC
COPPER TRAILS PHASE 2
IMPROVEMENT DETAILS
ELKO, NEVADA

DESIGN BY: LLC
DRAWN BY: LLC
CHECKED BY: LLC
DATE: 3-15-19
JOB NO: 01-2018
DWG NO: 2019-01

SCALE
HORIZ: N/A
VERT: N/A

SHEET
C9
OF 14

REV	DATE	DESCRIPTION
1	3-15-19	CITY OF ELKO PLAN CHECK LETTER DATED 3-7-19



- NOTES:**
- SIGN MATERIALS AND INSTALLATION SHALL BE IN CONFORMANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES. MATERIALS USED FOR SIGNING SHALL BE DIAMOND GRADE RETROREFLECTIVE SHEETING OR BETTER.
 - STREET NAME SIGN SHALL BE AS SPECIFIED BY THE GOVERNING AGENCY AND MOUNTED WITH VANDAL - PROOF HARDWARE.
 - ON STREETS WHERE CURBING DOES NOT EXIST, SET EDGE OF SIGN 6' MINIMUM FROM PAVEMENT EDGE.
 - EACH SIGN SHALL CONSIST OF TWO PLATES RIVETED TOGETHER.

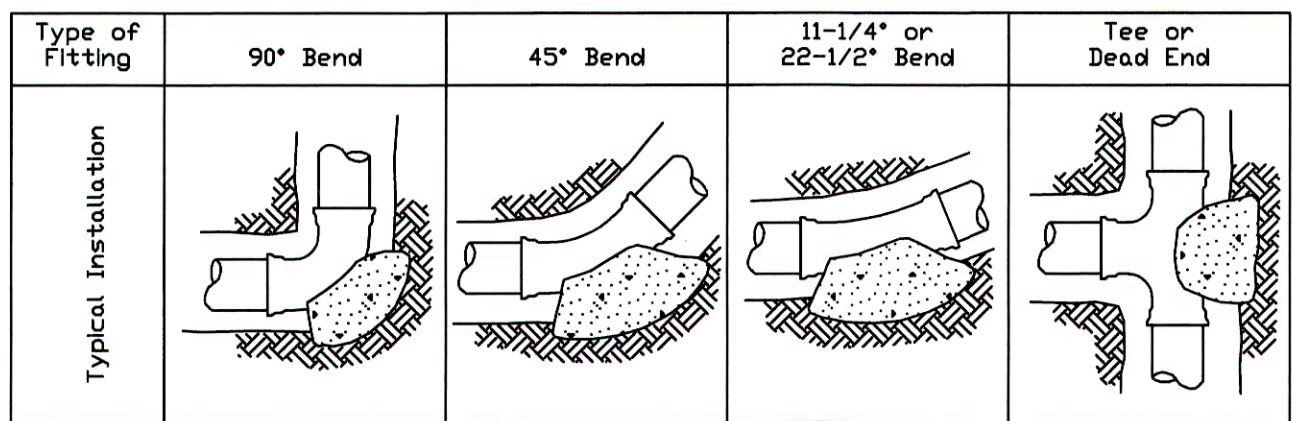
- NOTES:**
- SIGNS SHALL MEET THE REQUIREMENTS OF SECTION 332 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION AND THE LATEST EDITION OF THE M.U.T.C.D.
 - SIGN PANELS SHALL BE MOUNTED ON EXTRUDED ALUMINUM NO. 6063-T6, WITH A MINIMUM THICKNESS OF 0.091".
 - MATERIALS TO BE USED FOR SIGNING SHALL BE DIAMOND GRADE VIP RETRO-REFLECTIVE SHEETING.



DESIGN BY: LLC		DRAWN BY: LLC		CHECKED BY: LLC		DATE: 3-15-19		JOB NO: 01-2018		DWG NO: 2019-01	
COPPER TRAILS, LLC		COPPER TRAILS, LLC		COPPER TRAILS, LLC		COPPER TRAILS, LLC		COPPER TRAILS, LLC		COPPER TRAILS, LLC	
COPPER TRAILS PHASE 2		COPPER TRAILS PHASE 2		COPPER TRAILS PHASE 2		COPPER TRAILS PHASE 2		COPPER TRAILS PHASE 2		COPPER TRAILS PHASE 2	
IMPROVEMENT DETAILS		IMPROVEMENT DETAILS		IMPROVEMENT DETAILS		IMPROVEMENT DETAILS		IMPROVEMENT DETAILS		IMPROVEMENT DETAILS	
ELKO, NEVADA		ELKO, NEVADA		ELKO, NEVADA		ELKO, NEVADA		ELKO, NEVADA		ELKO, NEVADA	
Carter Engineering, LLC		Carter Engineering, LLC		Carter Engineering, LLC		Carter Engineering, LLC		Carter Engineering, LLC		Carter Engineering, LLC	
Civil Engineering		Civil Engineering		Civil Engineering		Civil Engineering		Civil Engineering		Civil Engineering	
P. O. Box 794		P. O. Box 794		P. O. Box 794		P. O. Box 794		P. O. Box 794		P. O. Box 794	
Elko, Nevada 89803		Elko, Nevada 89803		Elko, Nevada 89803		Elko, Nevada 89803		Elko, Nevada 89803		Elko, Nevada 89803	
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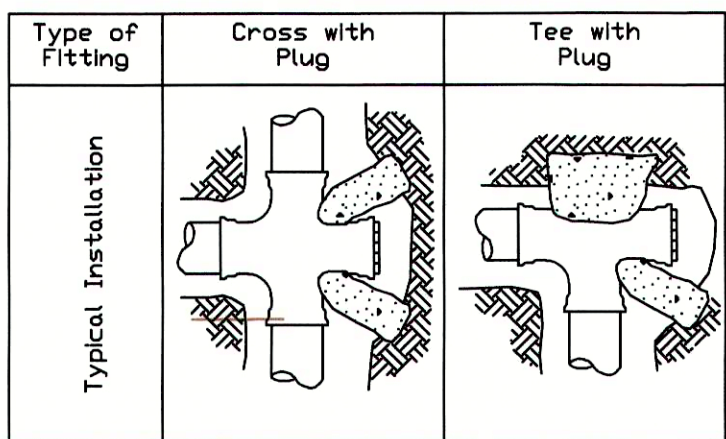
DESCRIPTION	CITY OF ELKO PLAN CHECK LETTER DATED 3-7-19
DATE	3-15-19
REV	1

SCALE	HORIZ: N/A	VERT: N/A
SHEET	C10	
OF	14	



THRUST BLOCK BEARING AREA (SQ. FT.)

Type of Fitting	90° Bend	45° Bend	11-1/4° or 22-1/2° Bend	Tee or Dead End	Tee with Plug	Cross with Plug
Pipe	2	1	1	2	2	2
6"	4	4	2	4	4	4
8"	7	4	2	5	7	7
10"	12	6	3	8	12	12
12"	16	10	5	12	16	16
18"	45	25	13	32	45	45

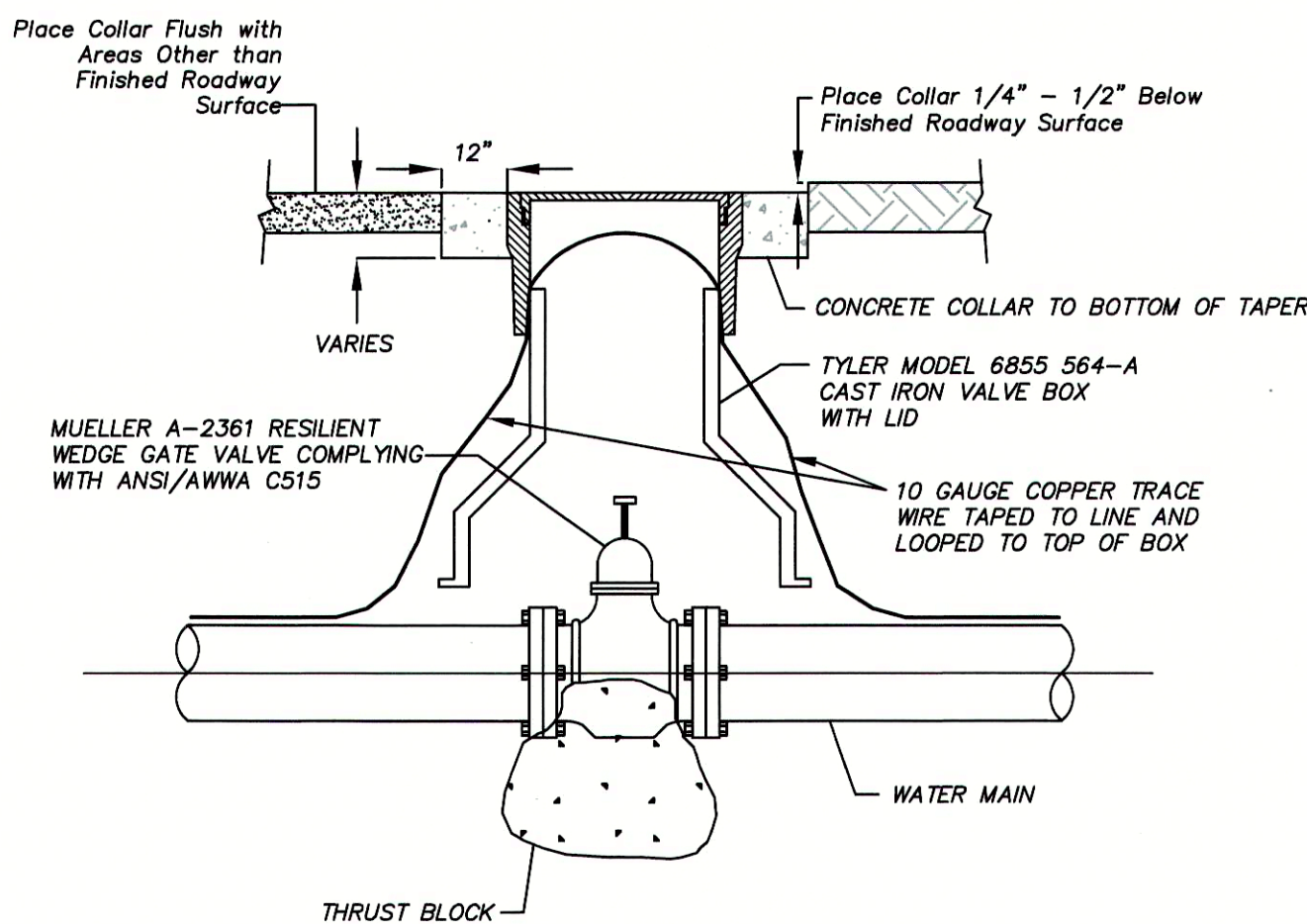


NOTES:

- Thrust blocks to be constructed of Class 'C' concrete.
- Areas given are for class 150 pipe at test pressure of 150 psi, with 2000 p.s.f. bearing capacity. Installations using different pipe, test pressures, and/or soil types should adjust areas accordingly, subject to approval of the Engineer.
- Thrust blocks to be poured against undisturbed soil.
- Joints and face of plugs to be kept clear of concrete.

STANDARD THRUST BLOCKS

N.T.S.

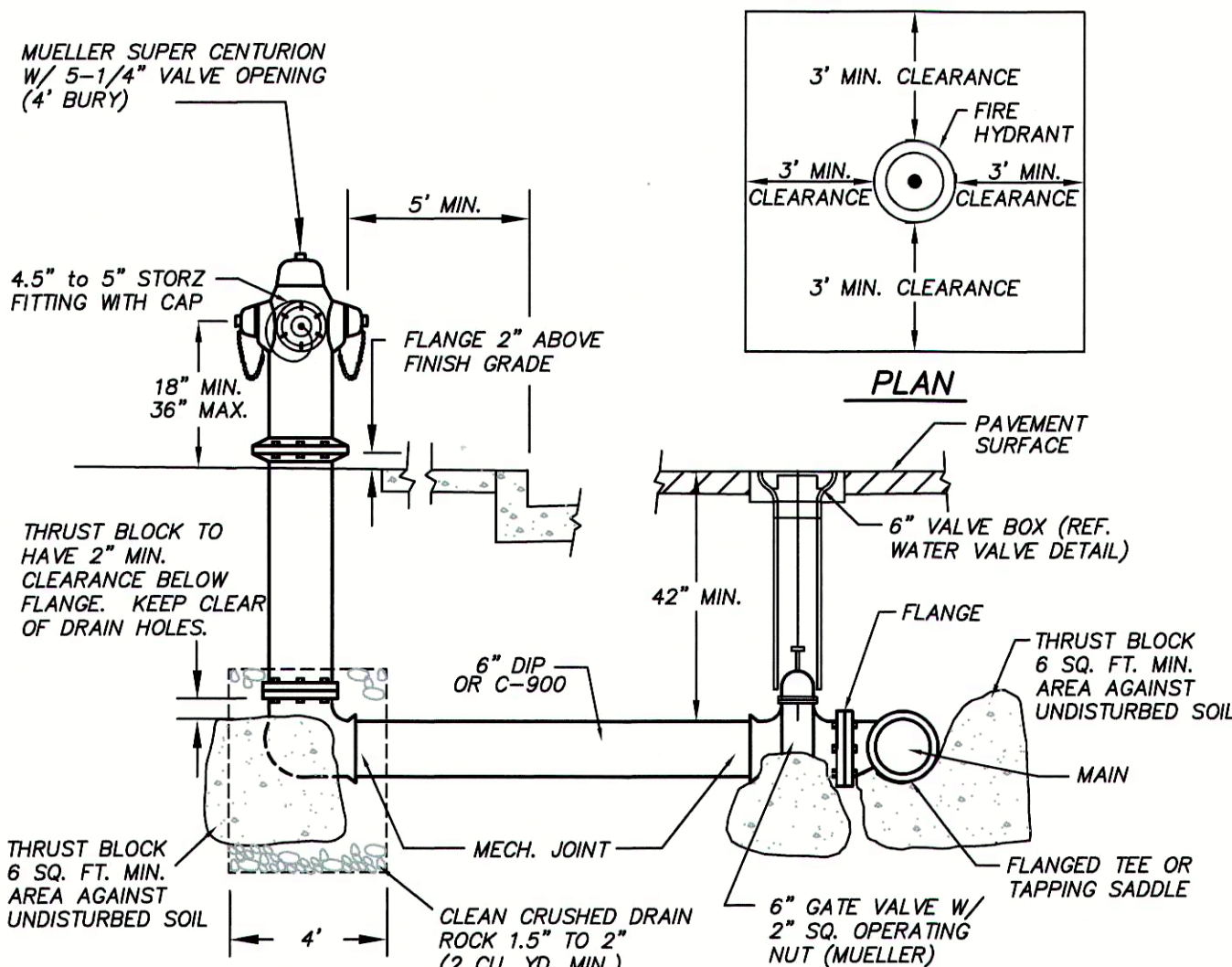


NOTES:

- CONCRETE SHALL MEET THE REQUIREMENTS OF SECTION 337.10 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, UNLESS OTHERWISE SPECIFIED.
- VALVE COLLAR SHALL BE SET 1\"/>

VALVE AND BOX

N.T.S.

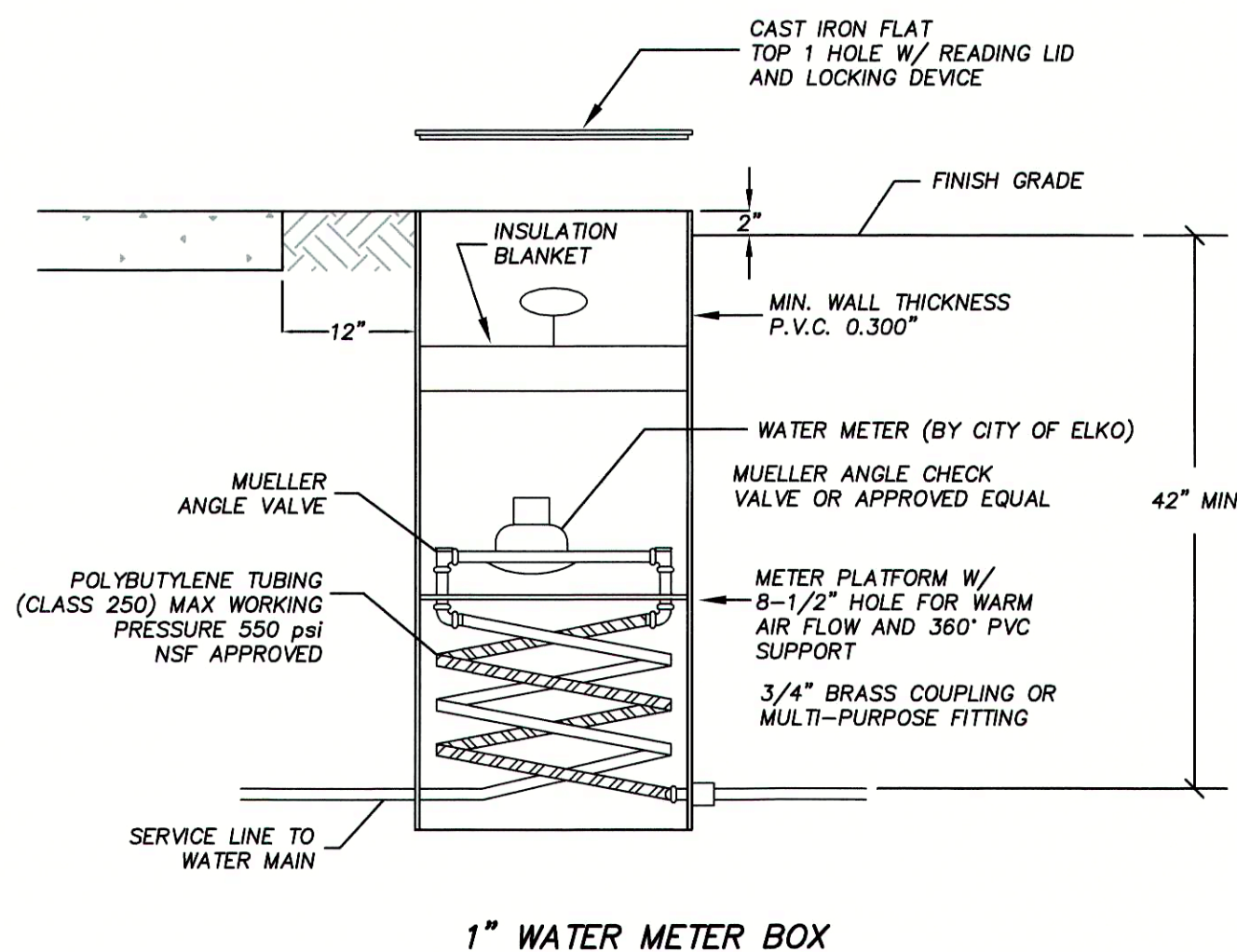


NOTES:

- HYDRANTS SHALL BE ENAMELED RED.
- ALL HYDRANTS SHALL HAVE (2) 2.5\"/>

FIRE HYDRANT ASSEMBLY

N.T.S.



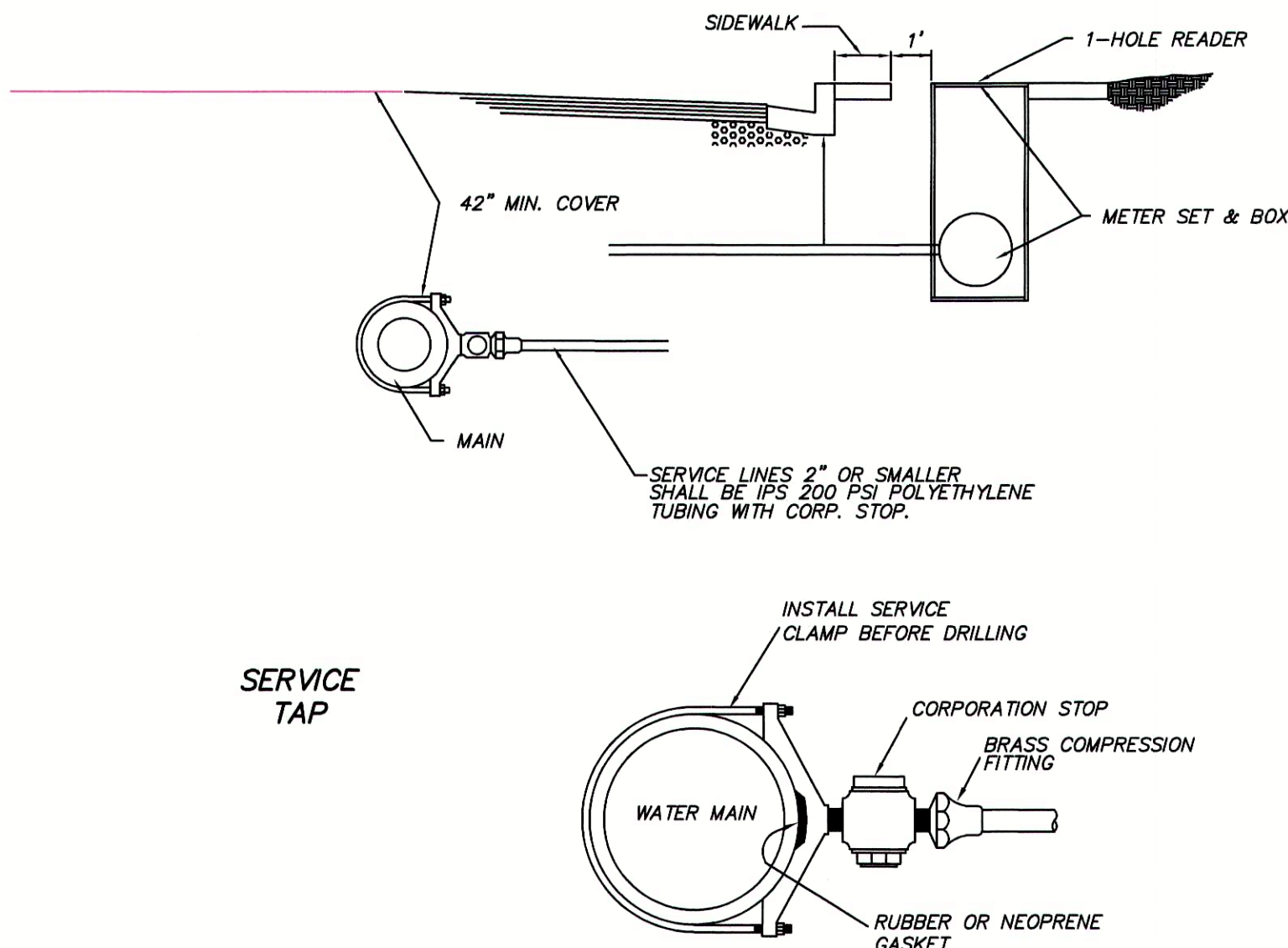
1" WATER METER BOX

NOTES:

- 4' WATER METER BOX SHALL BE MUELLER / McCULLOUGH THERMA-COIL METER BOX.
- NO MORE THAN ONE EXTENSION ALLOWED.
- LOCATE WATER METER 1 FT. BEHIND BACK OF SIDEWALK.

WATER METER

N.T.S.

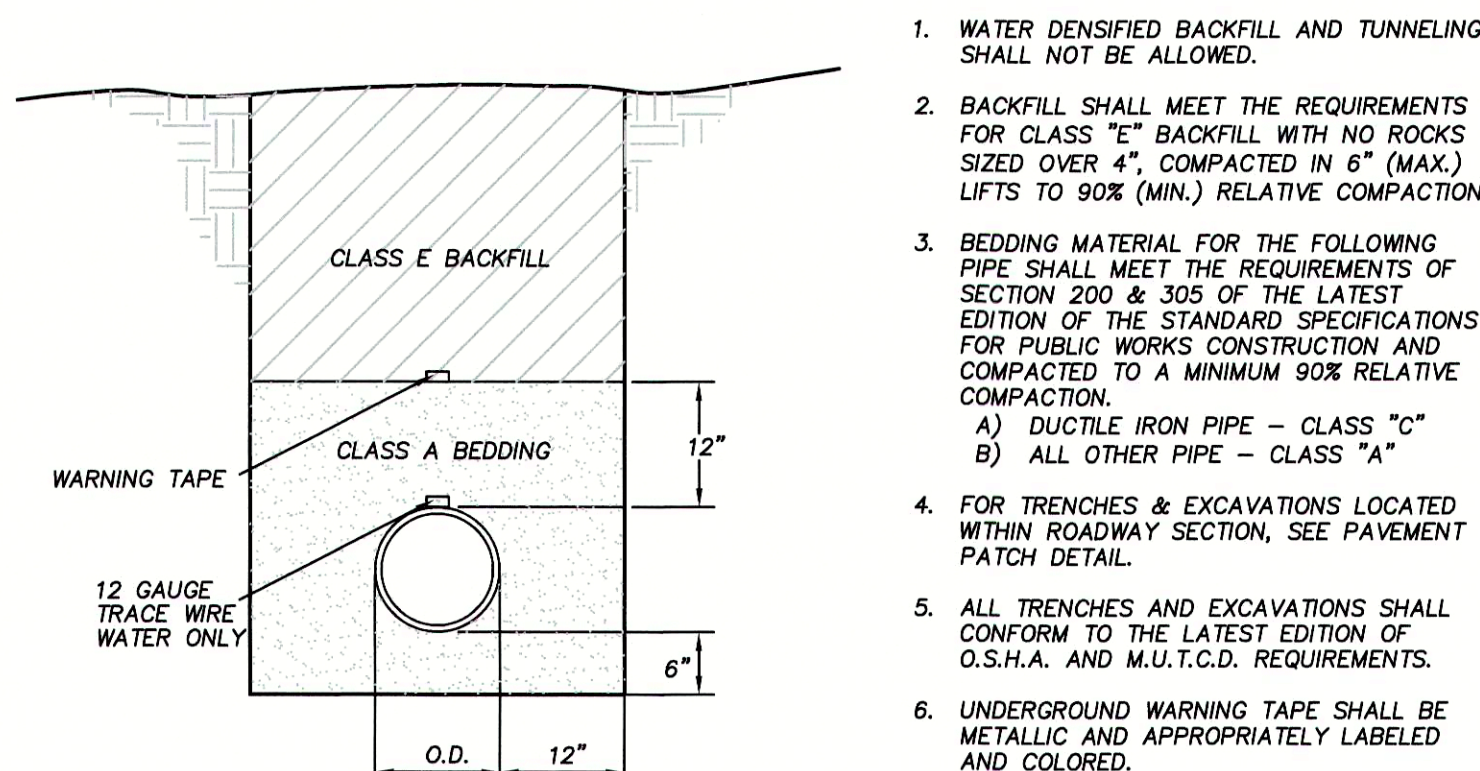


NOTES:

- CORPORATION STOP, CURB STOP, (GATE VALVE 4\"/>

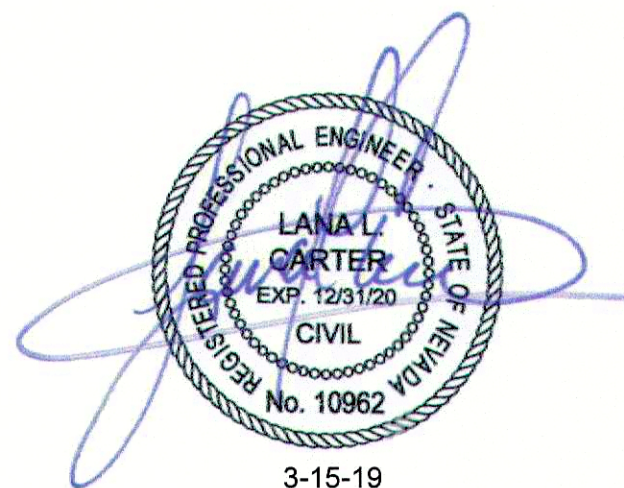
WATER SERVICE CONNECTION

N.T.S.



TRENCH DETAIL

N.T.S. FOR WATER, SEWER AND STORM DRAIN



REV	DATE	DESCRIPTION
1	3-15-19	CITY OF ELKO PLAN CHECK LETTER DATED 3-7-19

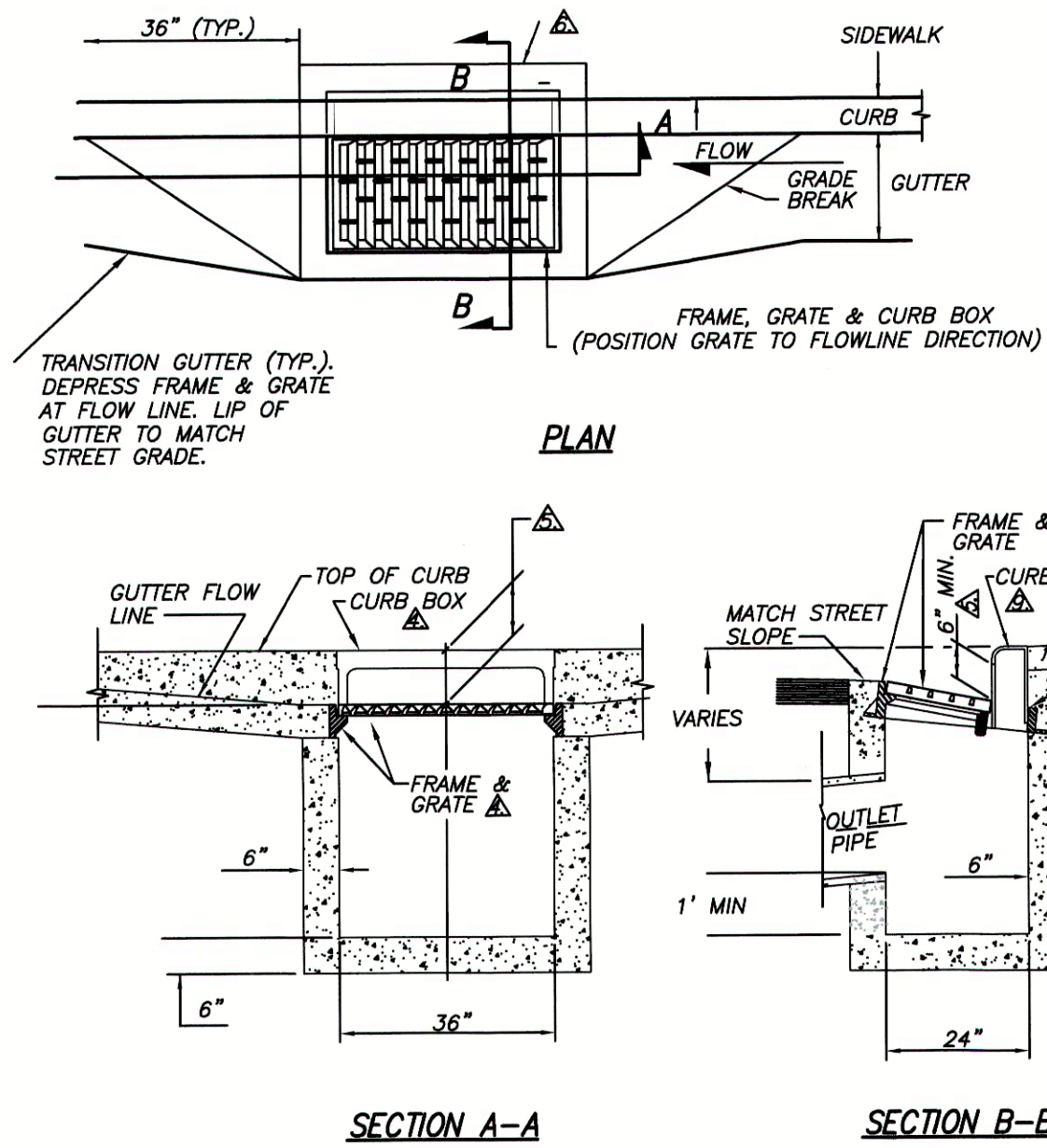
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Civil Engineering
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COPPER TRAILS, LLC
COPPER TRAILS PHASE 2
WATER IMPROVEMENT DETAILS
ELKO, NEVADA

DESIGN BY:	LLC
DRAWN BY:	LLC
CHECKED BY:	LLC
DATE:	3-15-19
JOB NO:	01-2018
DWG NO:	2019-01

SCALE	
HORIZ:	N/A
VERT:	N/A

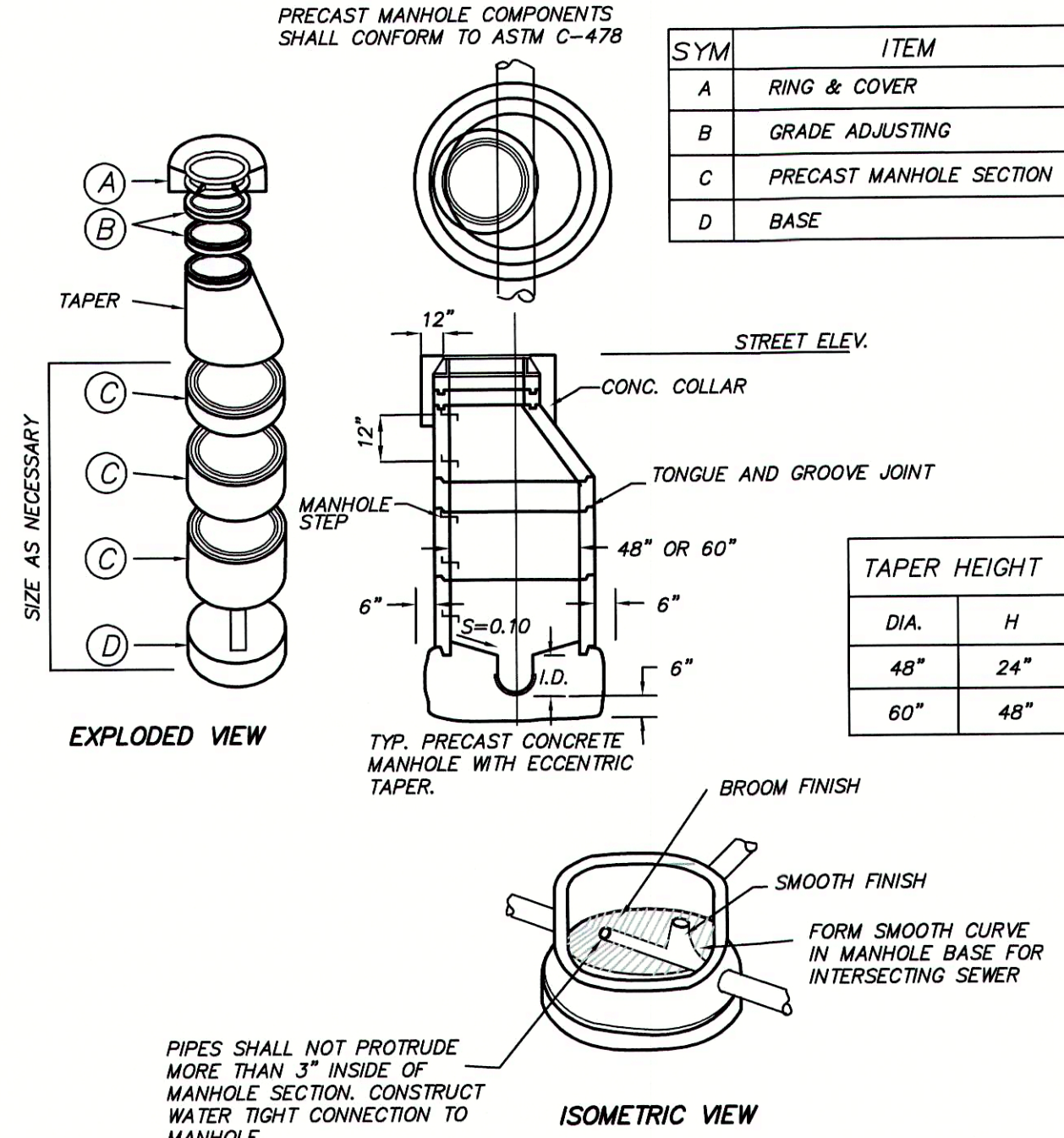
SHEET
C11
OF 14



TYPE 4-R CURB BASIN
N.T.S.

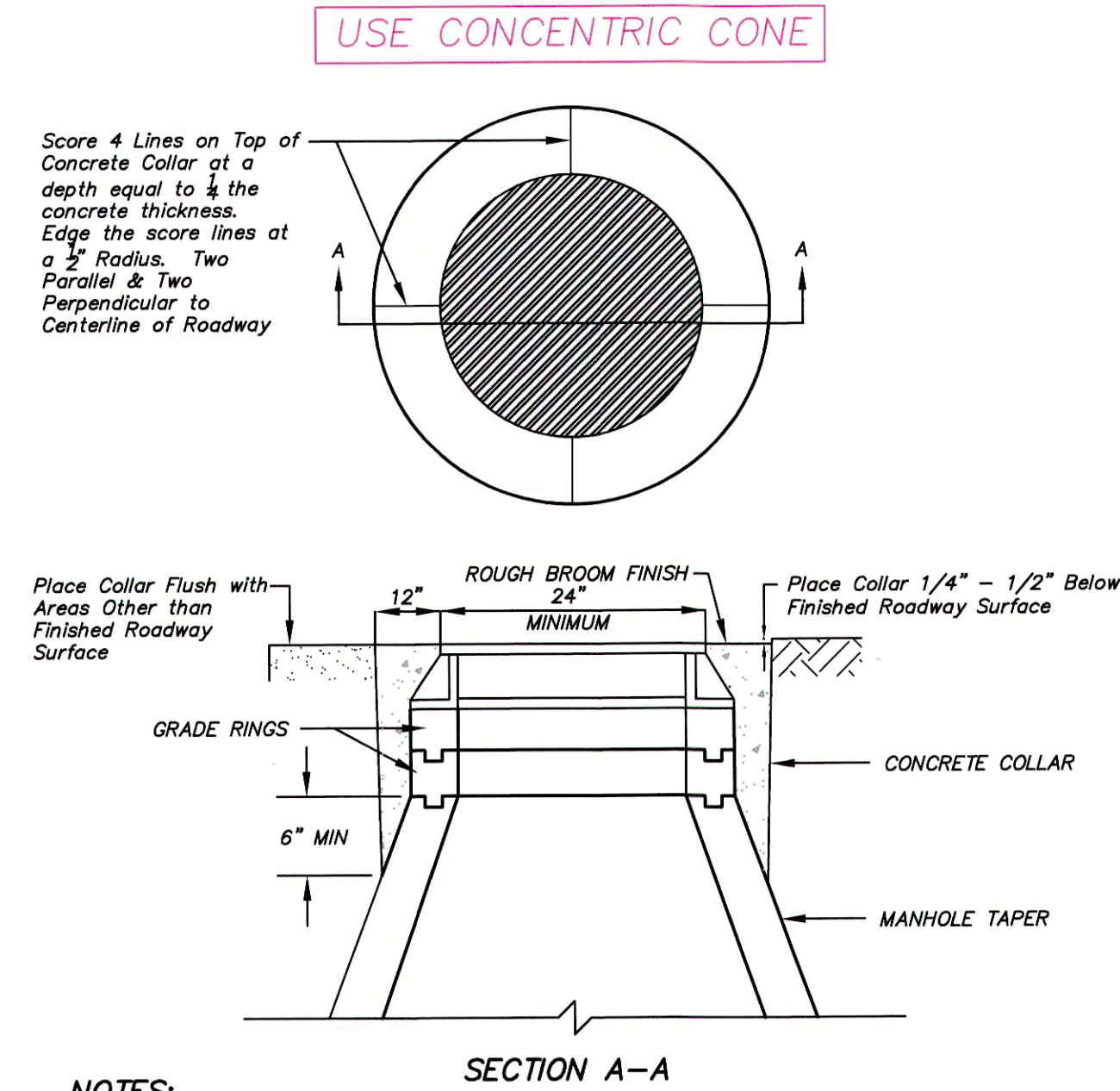
NOTES:

1. CONCRETE SHALL MEET THE REQUIREMENTS OF SECTION 337.10 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
2. AGGREGATE BASE MATERIAL SHALL MEET THE REQUIREMENTS OF SECTIONS 302, 304 & 308 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION. USE STRUCTURAL BACKFILL FOR BASE BENEATH DROP INLET FLOOR AND BACKFILLING OF DROP INLET AND SHALL BE COMPACTED TO A RELATIVE COMPACTION OF 95%.
3. REINFORCING STEEL SHALL MEET THE REQUIREMENTS OF SECTION 326 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION. REINFORCING STEEL TO HAVE A MINIMUM OF 2 INCH CLEARANCES.
4. FRAME SHALL BE NEENAH R-3294, R-3295 OR R-3067 SINGLE CURB UNIT WITH A TYPE L "VANE GRATE" FOR SINGLE FLOW AND CURB BOX, SOUTH BAY FOUNDRY VANE GRATE SBF 1947 OR APPROVED EQUAL, INSTALLED WITH PROPER FLOW DIRECTION OR A TYPE "DL" GRATE FOR DUAL FLOW.
5. TILT FRAME & GRATE AS REQUIRED TO ATTAIN 6" MIN. FLOW OPENING & INSTALL DURABLE SHIMS BETWEEN THE CURB BOX & FRAME AS REQUIRED TO MATCH CURB BOX TO TOP OF CURB AND FACE OF CURB.
6. IF NO SIDEWALK IS PRESENT, POUR 6" CONCRETE CURB STRUCTURE BEHIND GRATE AND TIE BEAM INTO BOX.
7. DROP INLET MAY BE A CAST-IN-PLACE CONCRETE UNIT WITH PRIOR APPROVAL FROM THE CITY OF ELKO.
8. DROP INLET SHALL BE TRAFFIC-RATED & LOCATED AT THE LOW POINTS OR PER APPROVED PLANS.
9. ALL STORM DRAIN INLETS SHALL HAVE A CAST IRON HOOD WITH THE FOLLOWING LANGUAGE STAMPED INTO THE HOOD "NO DUMPING! DRAINS TO WATERWAYS".
10. INFLOW PIPE INVERT ELEVATION SHALL BE ≥ 0.1 FEET ABOVE OUTFLOW PIPE INVERT ELEVATION.
11. FRAMES AND GRATES SHALL BE MATCHED TO ACHIEVE A CLOSE TOLERANCE FIT, WITH MINIMAL GAPS, AS APPROVED BY THE CITY OF ELKO.
12. STORM DRAIN PIPE ENTERING OR EXITING DROP INLET SHALL BE HIGH DENSITY POLYETHYLENE PIPE (HDPE) OR REINFORCED CONCRETE PIPE (RCP). USE OF ANY OTHER PIPE WILL REQUIRE PRE-APPROVAL FROM THE CITY OF ELKO. PIPE'S MINIMUM AND MAXIMUM COVER SHALL BE AS PER MANUFACTURER'S RECOMMENDATION.



NOTES:

1. PIPE SECTION LENGTHS ARRANGED TO FIT DETAIL.
2. PRECAST BASE MAY BE USED IF APPROVED BY GOVERNING AGENCY.
3. MANHOLE STEPS SHALL BE POLYETHYLENE COATED.
4. REFER TO DETAIL SHEET (MANHOLE - GENERAL NOTES) FOR ADDITIONAL INFORMATION.



NOTES:

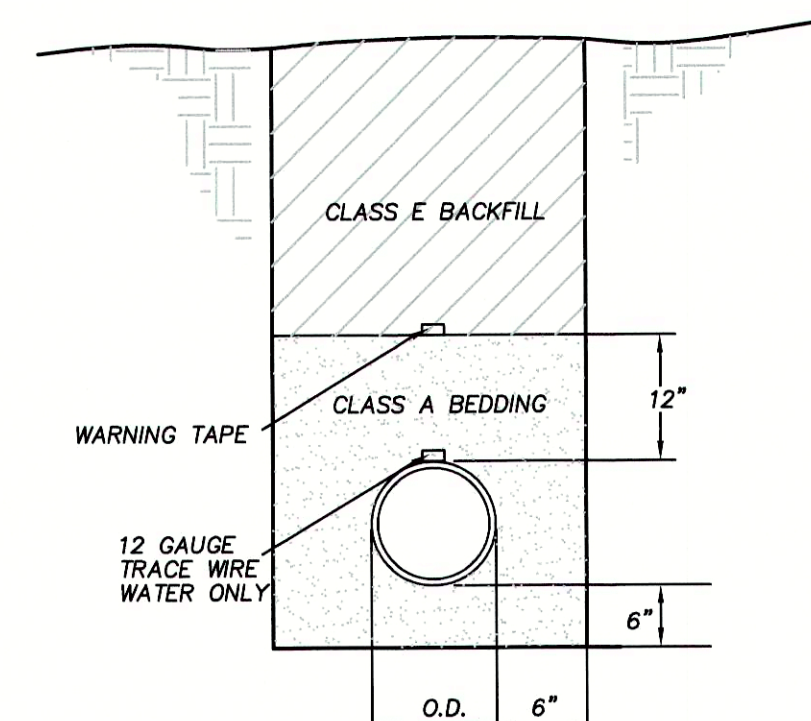
1. CONCRETE SHALL MEET THE REQUIREMENTS OF SECTION 337.10 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
2. MANHOLE COLLAR SHALL BE SET TO $1/4"$ - $1/2"$ BELOW FINISHED CONCRETE OR BITUMINOUS SURFACE. MANHOLE COLLARS IN ALL OTHER AREAS SHALL BE SET FLUSH WITH FINISHED GRADE, UNLESS OTHERWISE SPECIFIED.
3. CONCRETE COLLAR IS REQUIRED WHEN MANHOLE IS NOT LOCATED IN CONCRETE OR BITUMINOUS SURFACE.
4. REFER TO DETAIL SHEET (MANHOLE - GENERAL NOTES) FOR ADDITIONAL INFORMATION.

MANHOLE COLLAR

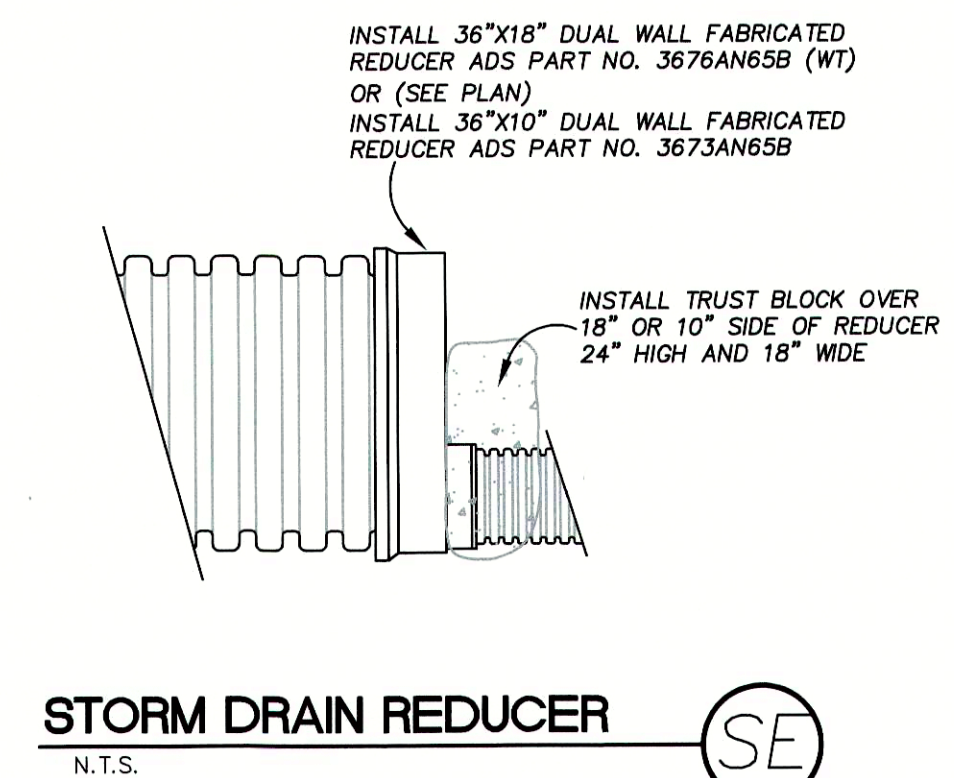
MANHOLES - GENERAL NOTES:

1. ALL MANHOLES SHALL MEET THE REQUIREMENTS OF SECTION 204 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
2. MANHOLE COVERS SHALL BE IDENTIFIED AS STORM DRAIN, WATER OR SEWER CLEARLY DISPLAYED ON THE COVER.
3. ALL TRENCHES AND EXCAVATIONS SHALL CONFORM WITH THE LATEST EDITION OF THE O.S.H.A. REQUIREMENTS.
4. PRECAST MANHOLE SECTIONS, OTHER THAN GRADE RINGS, SHALL BE JOINED WITH FLEXIBLE PLASTIC GASKET MATERIAL SUCH AS "RAM-NEK" OR EQUAL AS PER MANUFACTURER'S RECOMMENDATIONS.
5. TYPE & SIZE OF MANHOLE TO BE CONSTRUCTED IN A PARTICULAR LOCATION SHALL BE DETERMINED BY THE PIPE SIZE, ALIGNMENT AND GRADE AS FOLLOWS:
TYPE 1A & 1B
48" SIZE
A. ALL CASES FOR PIPE 18" AND SMALLER.
B. 24" AND SMALLER PIPE ON TANGENT LINE & GRADE.
60" SIZE
A. 27" THROUGH 36" PIPE ON TANGENT LINE AND GRADE.
B. 21" THROUGH 27" PIPE AT ANGLE POINTS AND CHANGES IN GRADE OR PIPE SIZE.
6. EXCAVATABLE SLURRY BACKFILL MAY BE USED AS STRUCTURAL BACKFILL FOR MANHOLES AND MUST MEET THE REQUIREMENTS OF SECTIONS 305.16 & 337.08 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
7. THE TOTAL HEIGHT OF MANHOLE GRADE RINGS SHALL NOT EXCEED 12 INCHES.
8. MANHOLE ACCESS DIAMETER SHALL BE 24" MINIMUM.

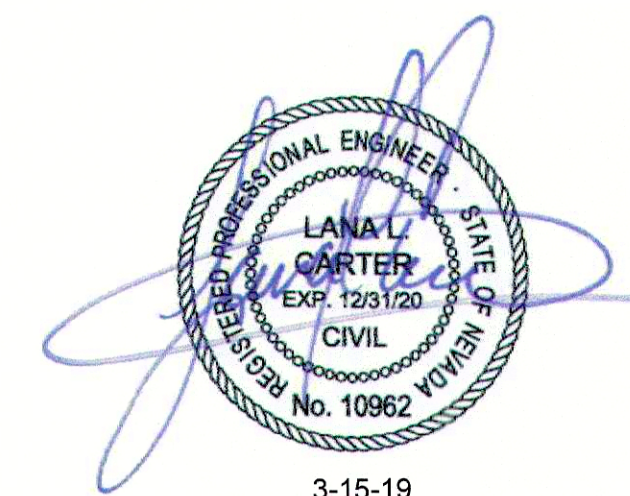
TYPE 1 MANHOLE
N.T.S. FOR SANITARY SEWER AND STORM DRAIN



1. WATER DENSIFIED BACKFILL AND TUNNELING SHALL NOT BE ALLOWED.
2. BACKFILL SHALL MEET THE REQUIREMENTS FOR CLASS "E" BACKFILL WITH NO ROCKS SIZED OVER 4", COMPACTED IN 6" (MAX.) LIFTS TO 90% (MIN.) RELATIVE COMPACTION.
3. BEDDING MATERIAL FOR THE FOLLOWING PIPE SHALL MEET THE REQUIREMENTS OF SECTION 200 & 305 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION AND COMPACTED TO A MINIMUM 90% RELATIVE COMPACTION.
A) DUCTILE IRON PIPE - CLASS "C"
B) ALL OTHER PIPE - CLASS "A"
4. FOR TRENCHES & EXCAVATIONS LOCATED WITHIN ROADWAY SECTION, SEE PAVEMENT PATCH DETAIL.
5. ALL TRENCHES AND EXCAVATIONS SHALL CONFORM TO THE LATEST EDITION OF O.S.H.A. AND M.U.T.C.D. REQUIREMENTS.
6. UNDERGROUND WARNING TAPE SHALL BE METALLIC AND APPROPRIATELY LABELED AND COLORED.



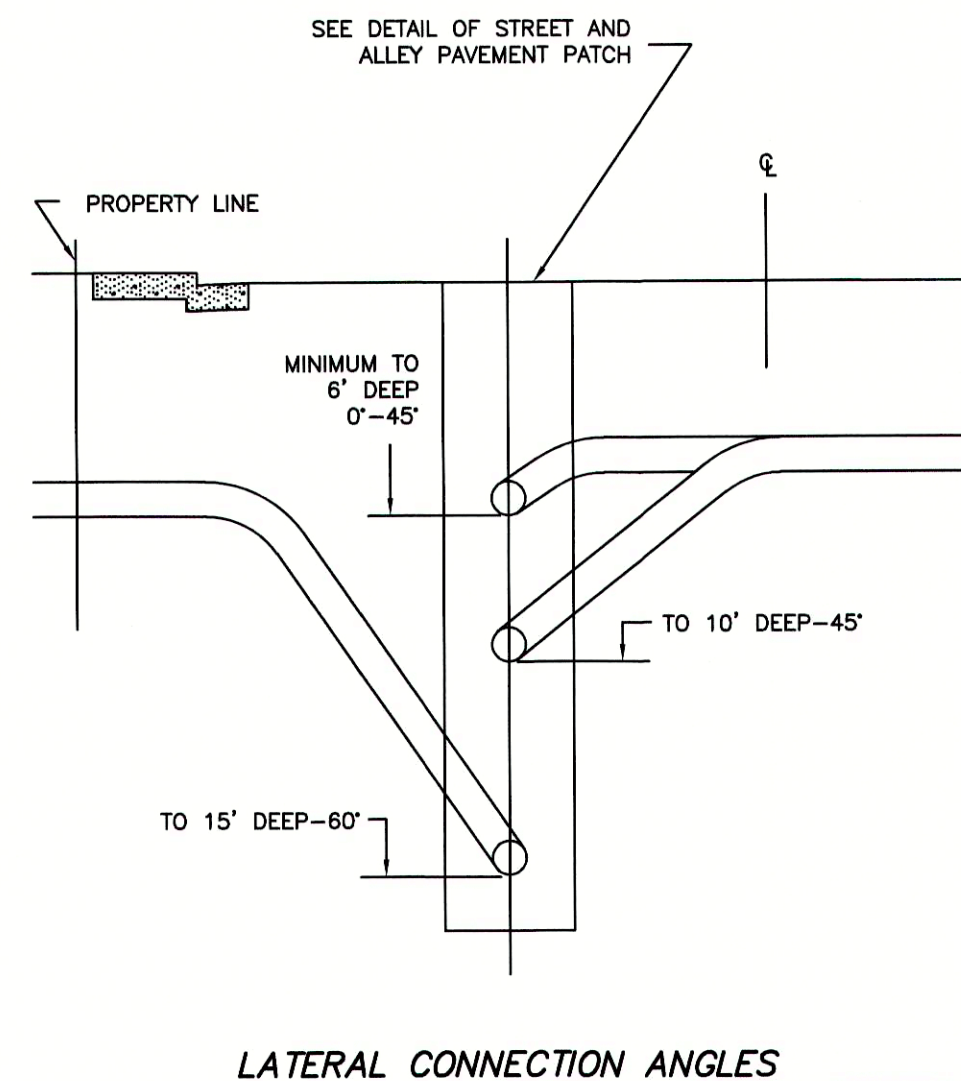
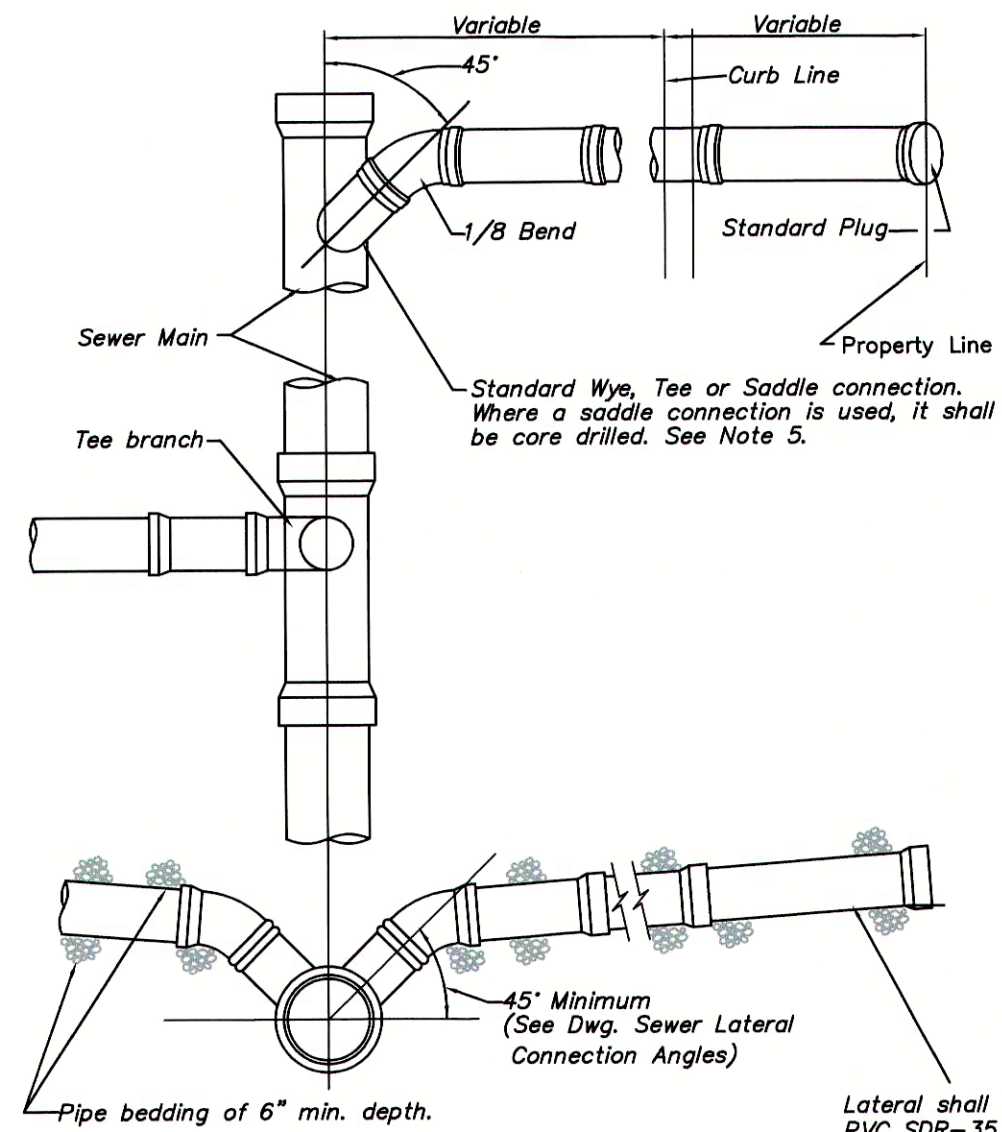
WC3 APPROVAL



NOTES:

1. IN NO CASE SHALL A LATERAL CONNECT TO THE SEWER MAIN DIRECTLY ON TOP OR MATCH THE FLOWLINE OF THE PIPE.
2. SEWER LATERALS SHALL HAVE A MINIMUM SLOPE OF 2%.
3. ALL JOINTS ON SEWER LATERAL PIPE WITHIN THE RIGHT-OF-WAY SHALL BE COMPRESSION TYPE.
4. LATERAL SHALL EXTEND TO PROPERTY LINE UNLESS OTHERWISE SHOWN ON PLANS.
5. SADDLE CONNECTION SHALL BE PVC SADDLE WITH STAINLESS STEEL STRAPS.
6. ANY ABANDONED SEWER LATERAL IS THE RESPONSIBILITY OF THE CUSTOMER AND SHALL BE CUT AND CAPPED OR PLUGGED WITHIN 6 INCHES OF THE SEWER MAIN AND SUBJECT TO THE CITY OF ELKO'S APPROVAL.
7. SEWER MAIN/LATERAL CONNECTIONS SHALL MEET THE REQUIREMENTS OF NAC 445A.

SEWER LATERAL CONNECTION
N.T.S.



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COPPER TRAILS PHASE 2
SANITARY SEWER & STORM DRAIN
DETAILS
ELKO, NEVADA

DESIGN BY: LLC
DRAWN BY: LLC
CHECKED BY: LLC
DATE: 3-15-19
JOB NO: 01-2018
DWG NO: 2019-01

SCALE
HORIZ: N/A
VERT: N/A

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OF 14

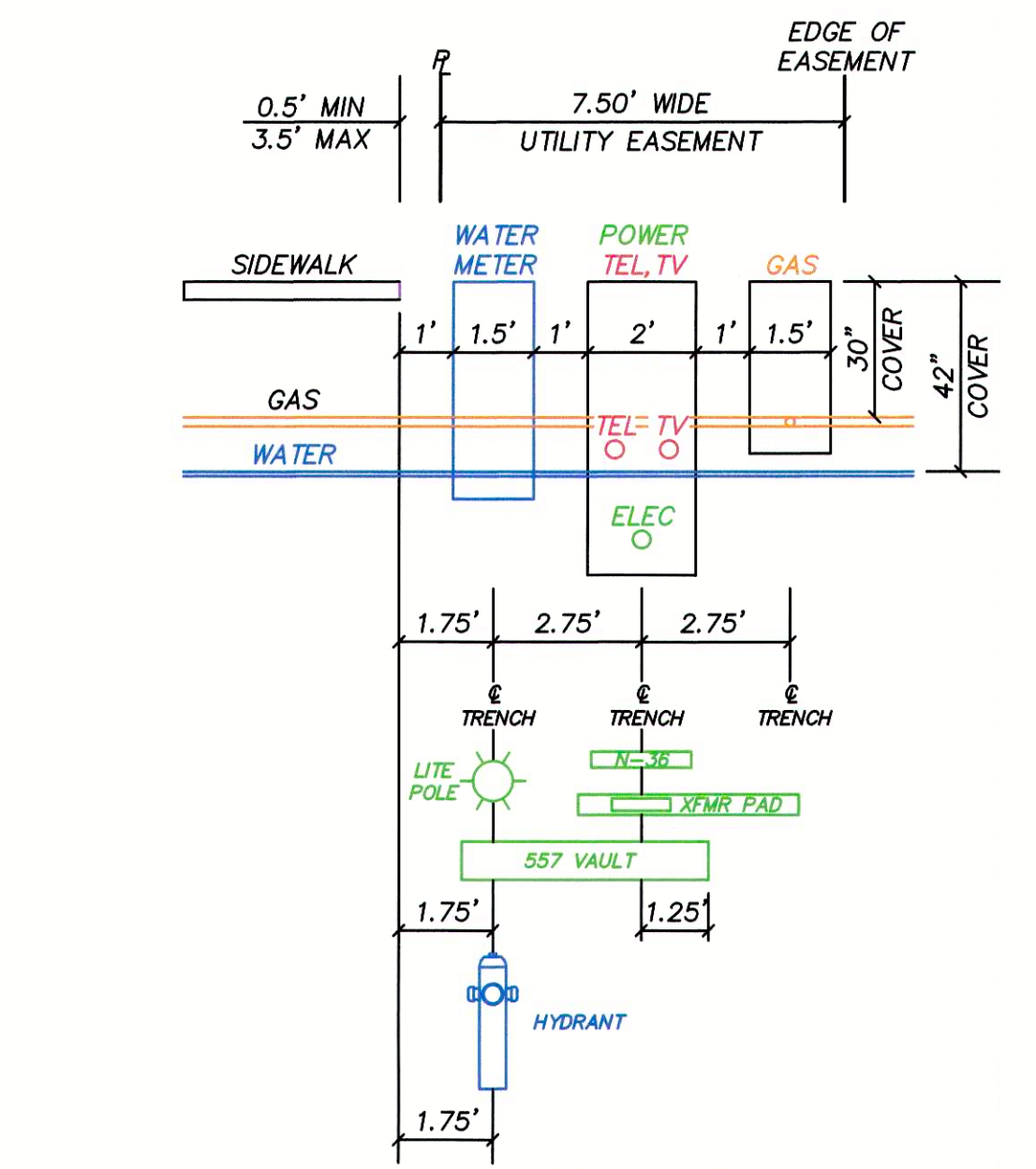
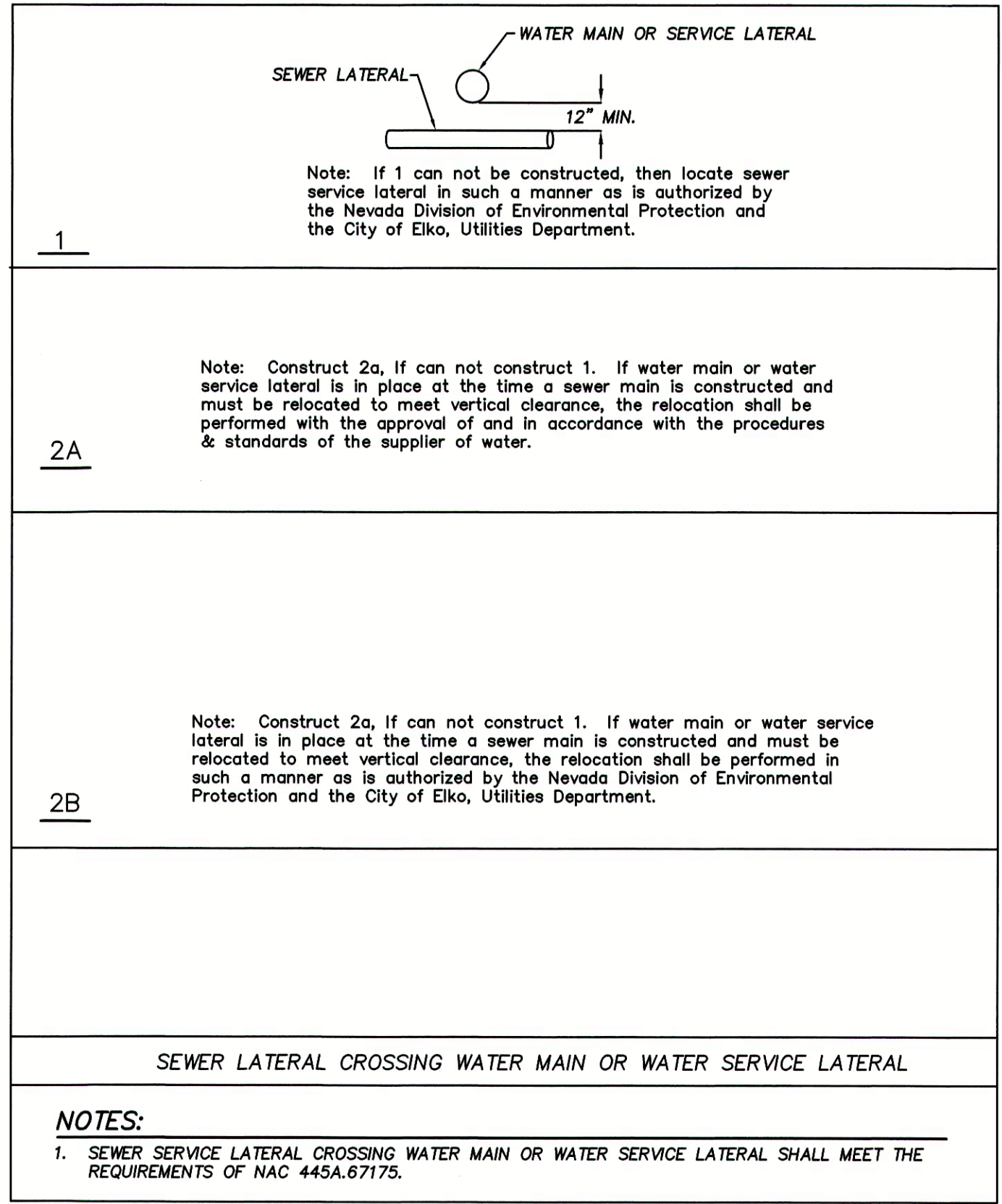
DESCRIPTION
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DATE
3-15-19

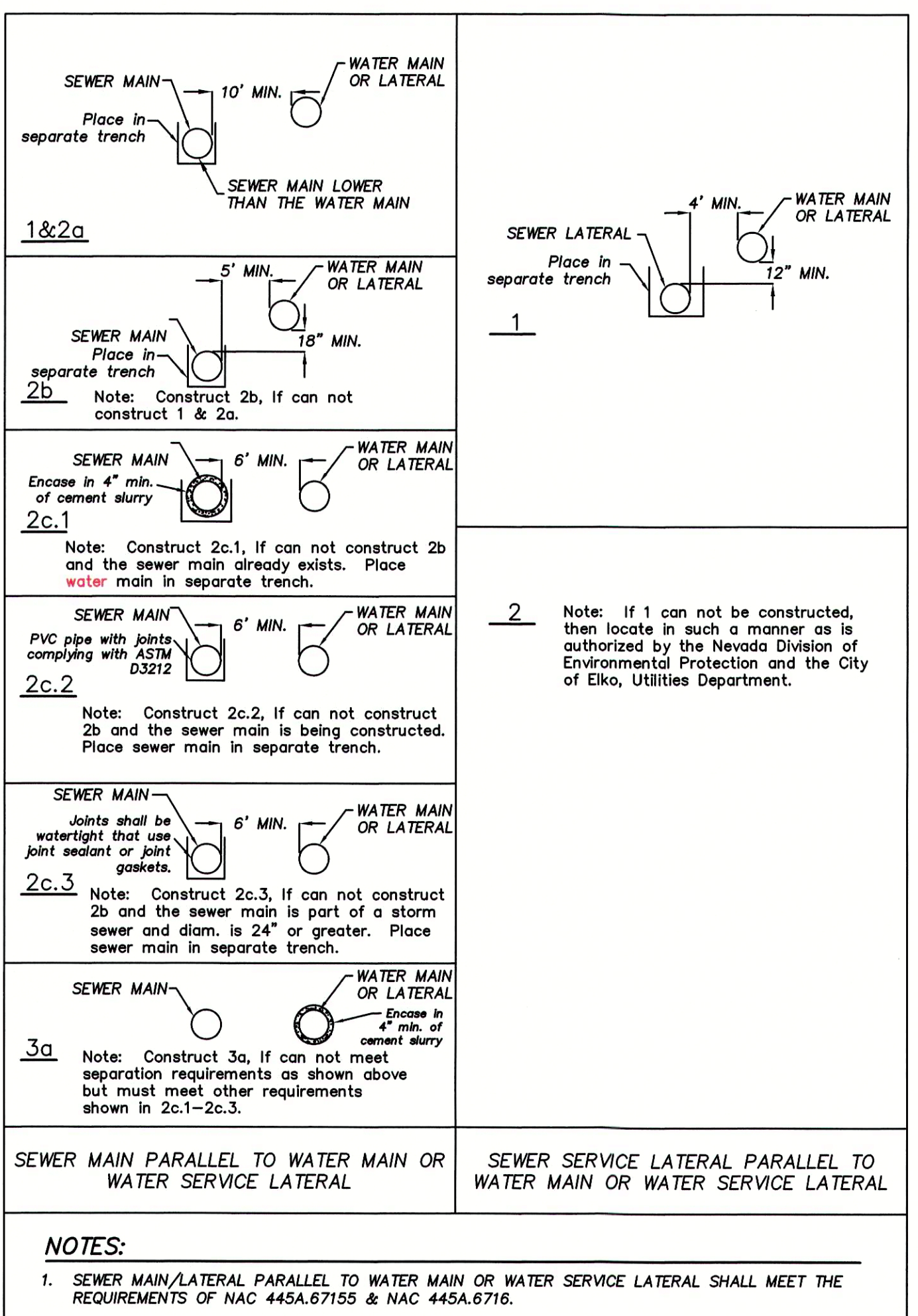
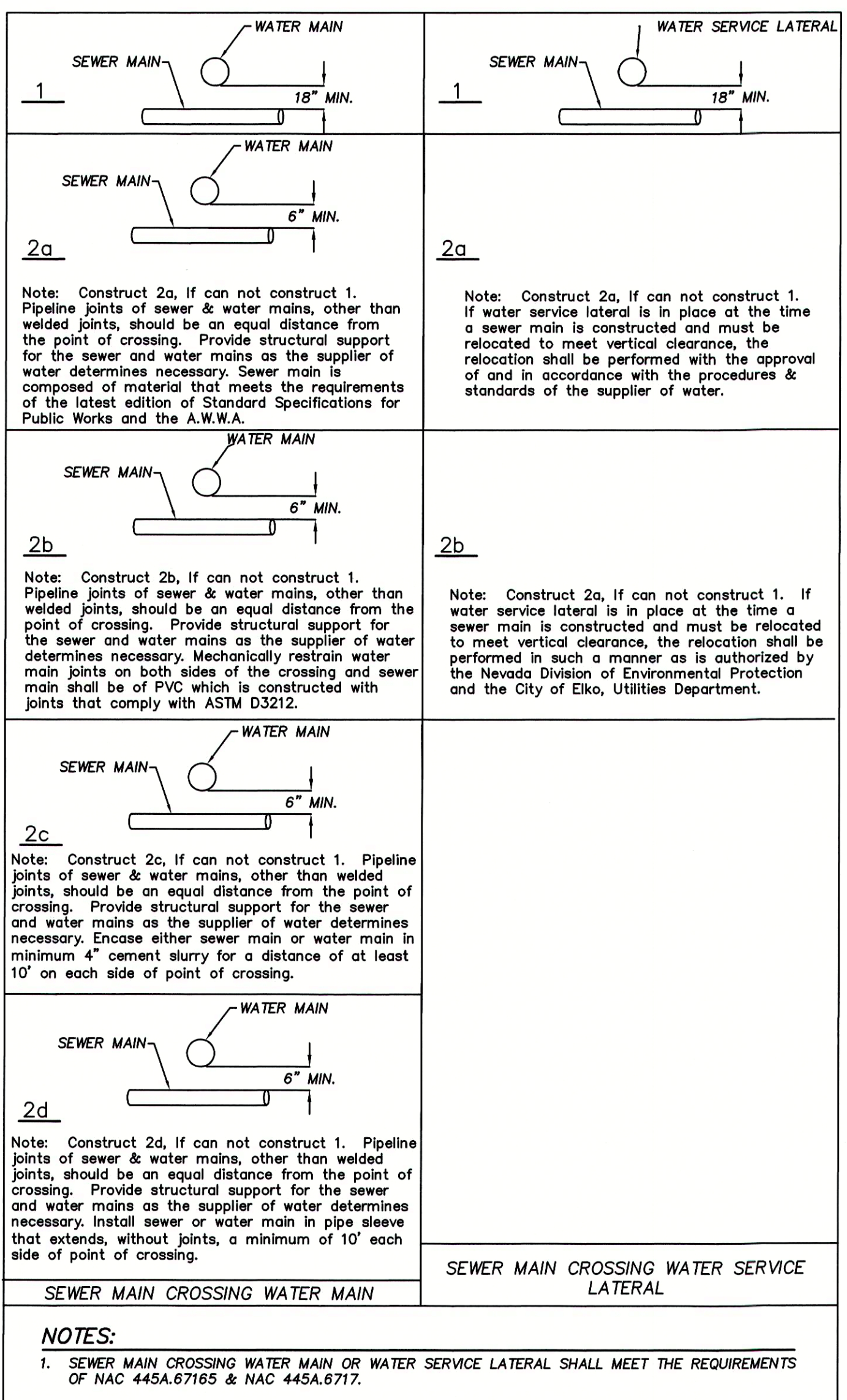
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- NDEP BUREAU OF SAFE DRINKING WATER
VERTICAL CROSSING CONFLICTS SUMMARY
Revised 4/10/07
- "Water" includes water main and laterals.
 - "Sewer" includes sanitary sewer main and laterals, storm drains and reclaimed wastewater main and laterals.
 - Use of a "sleeve" is an acceptable alternative to centering the water and sewer at the point of crossing. "Sleeve" means encasing the water or sewer with a 20' length of AWWA C900 Class 100 or greater water quality pipe, centered at the point of water/sewer crossing. To avoid being grouted in place, the water main inside the sleeve must have a diameter equal to or greater than 25 the diameter of the sleeve.
 - "Restrained" means using mechanical couplings to restrict joint movement or separation of pipe joints within 10' each side of the point of crossing.
 - "Special Construction" identifies acceptable mitigation or protection that addresses physically constrained environments where the requirements of NAC 445A.6715 through 445A.6717 inclusive cannot be met.
 - Areas of "Special Construction" are to be identified on the Plan in plan view using cross-hatching and in profile view using cross-hatching and by referencing a Standard Detail.
 - Vertical separation in all cases shall not be less than 6".
 - "Concrete encasement" of the water or mitigation or protection is discouraged.
 - At the discretion of NDEP, public water system improvement projects with excessive use of "special construction" may be required to sewer with C900 water quality pipe, green striped, manhole to manhole.
 - EVERY EFFORT IS TO BE MADE TO KEEP WATER MAIN OR WATER LATERAL 18" ABOVE SEWER MAIN AND WATER MAIN 12" ABOVE SEWER LATERAL. OTHERWISE, THE FOLLOWING SPECIAL CONSTRUCTION METHODS APPLY:

- SEWER MAIN ABOVE WATER MAIN OR SEWER MAIN BELOW WATER MAIN BY LESS THAN 18"**
- SLEEVE OR CENTER SEWER MAIN AND SLEEVE WATER MAIN OR CENTER & RESTRAIN WATER MAIN
- SEWER MAIN ABOVE EXISTING WATER MAIN OR SEWER MAIN BELOW EXISTING WATER MAIN BY LESS THAN 18"**
- USE AWWA C900 WATER QUALITY PIPE, GREEN STRIPED, FOR SEWER MAIN MANHOLE TO MANHOLE AND CENTER SEWER MAIN AT CROSSING and RESTRAIN ANY EXPOSED WATER MAIN JOINTS
- EXISTING SEWER MAIN ABOVE WATER MAIN OR EXISTING SEWER MAIN BELOW WATER MAIN BY LESS THAN 18"**
- POLYETHYLENE WRAP AND CONCRETE ENCASE SEWER MAIN JOINTS WITHIN 10' EACH SIDE OF THE POINT OF CROSSING and SLEEVE WATER MAIN OR CENTER & RESTRAIN WATER MAIN
- EXISTING SEWER FORCE MAIN ABOVE WATER MAIN OR EXISTING SEWER FORCE MAIN BELOW WATER MAIN BY LESS THAN 18"**
- POLYETHYLENE WRAP AND CONCRETE ENCASE SEWER FORCE MAIN JOINTS WITHIN 10' EACH SIDE OF THE POINT OF CROSSING (UNLESS WELDED HDPE THEN NOT NECESSARY) and SLEEVE WATER MAIN OR CENTER & RESTRAIN WATER MAIN
- LESS THAN 24" DIAMETER RCP STORM DRAIN ABOVE WATER MAIN OR LESS THAN 24" DIAMETER RCP STORM DRAIN BELOW WATER MAIN BY LESS THAN 18"**
- POLYETHYLENE WRAP AND CONCRETE ENCASE RCP STORM DRAIN JOINTS WITHIN 10' EACH SIDE OF THE POINT OF CROSSING and SLEEVE WATER MAIN OR CENTER & RESTRAIN WATER MAIN
 - USE EXTERNAL JOINT SEALANTS FOR RCP STORM DRAIN DIAMETERS FROM 16" - 21" and SLEEVE WATER MAIN OR CENTER & RESTRAIN WATER MAIN
- GREATER THAN OR EQUAL TO 24" DIAMETER RCP RCB STORM DRAIN ABOVE WATER MAIN OR GREATER THAN OR EQUAL TO 24" DIAMETER RCP RCB STORM DRAIN BELOW WATER MAIN BY LESS THAN 18"**
- POLYETHYLENE WRAP AND CONCRETE ENCASE RCP RCB STORM DRAIN JOINTS WITHIN 10' EACH SIDE OF THE POINT OF CROSSING and SLEEVE WATER MAIN OR CENTER & RESTRAIN WATER MAIN
 - USE INTERNAL JOINT SEALANTS OR JOINT GASKETS ON RCP RCB STORM DRAIN and SLEEVE WATER MAIN OR CENTER & RESTRAIN WATER MAIN
 - USE EXTERNAL JOINT SEALANTS FOR RCP RCB STORM DRAIN DIAMETERS FROM 24" - 108" and SLEEVE WATER MAIN OR CENTER & RESTRAIN WATER MAIN
- PVC STORM DRAIN ABOVE WATER MAIN OR PVC STORM DRAIN BELOW WATER MAIN BY LESS THAN 18"**
- SLEEVE OR CENTER PVC STORM DRAIN and SLEEVE WATER MAIN OR CENTER & RESTRAIN WATER MAIN
- SEWER LATERAL ABOVE WATER MAIN OR SEWER LATERAL BELOW WATER MAIN BY LESS THAN 12"**
- SLEEVE WATER MAIN OR CENTER & RESTRAIN WATER MAIN and SLEEVE OR CENTER SEWER LATERAL
- SEWER LATERAL ABOVE EXISTING WATER MAIN OR SEWER LATERAL BELOW EXISTING WATER MAIN BY LESS THAN 12"**
- SLEEVE OR CENTER SEWER LATERAL AT CROSSING and RESTRAIN ANY EXPOSED WATER MAIN JOINTS
- SEWER MAIN ABOVE WATER LATERAL OR SEWER MAIN BELOW WATER LATERAL BY LESS THAN 18"**
- USE PE TUBING CONFORMING TO AWWA STANDARD C901-02 AND ASTM D2737 FOR WATER LATERAL and SLEEVE OR CENTER SEWER MAIN
- RECLAIMED WASTEWATER MAIN ABOVE WATER LATERAL OR RECLAIMED WASTEWATER MAIN BELOW WATER LATERAL BY LESS THAN 12"**
- USE PE TUBING CONFORMING TO AWWA STANDARD C901-02 AND ASTM D2737 FOR WATER LATERAL and SLEEVE OR CENTER RECLAIMED WASTEWATER MAIN
- RECLAIMED WASTEWATER LATERAL ABOVE WATER MAIN OR RECLAIMED WASTEWATER LATERAL BELOW WATER MAIN BY LESS THAN 12"**
- USE PE TUBING CONFORMING TO AWWA STANDARD C901-02 AND ASTM D2737 FOR RECLAIMED WASTEWATER LATERAL and SLEEVE WATER MAIN OR CENTER & RESTRAIN WATER MAIN

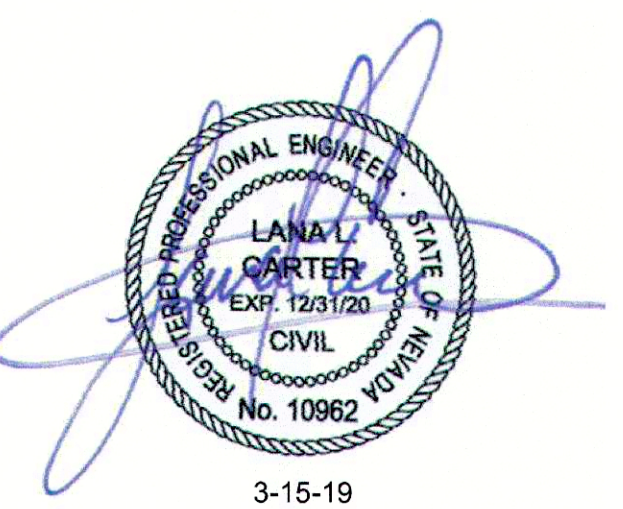


TYPICAL UTILITY TRENCH LOCATIONS



PARALLEL LINE SEPARATION

SEWER LINE PARALLEL TO WATER MAIN OR WATER LATERAL



CROSSING LINE SEPARATION

SEWER LINE CROSSING A WATER MAIN OR WATER LATERAL

DESIGN BY: LLC
DRAWN BY: LLC
CHECKED BY: LLC
DATE: 3-15-19
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SCALE
HORIZ: N/A
VERT: N/A

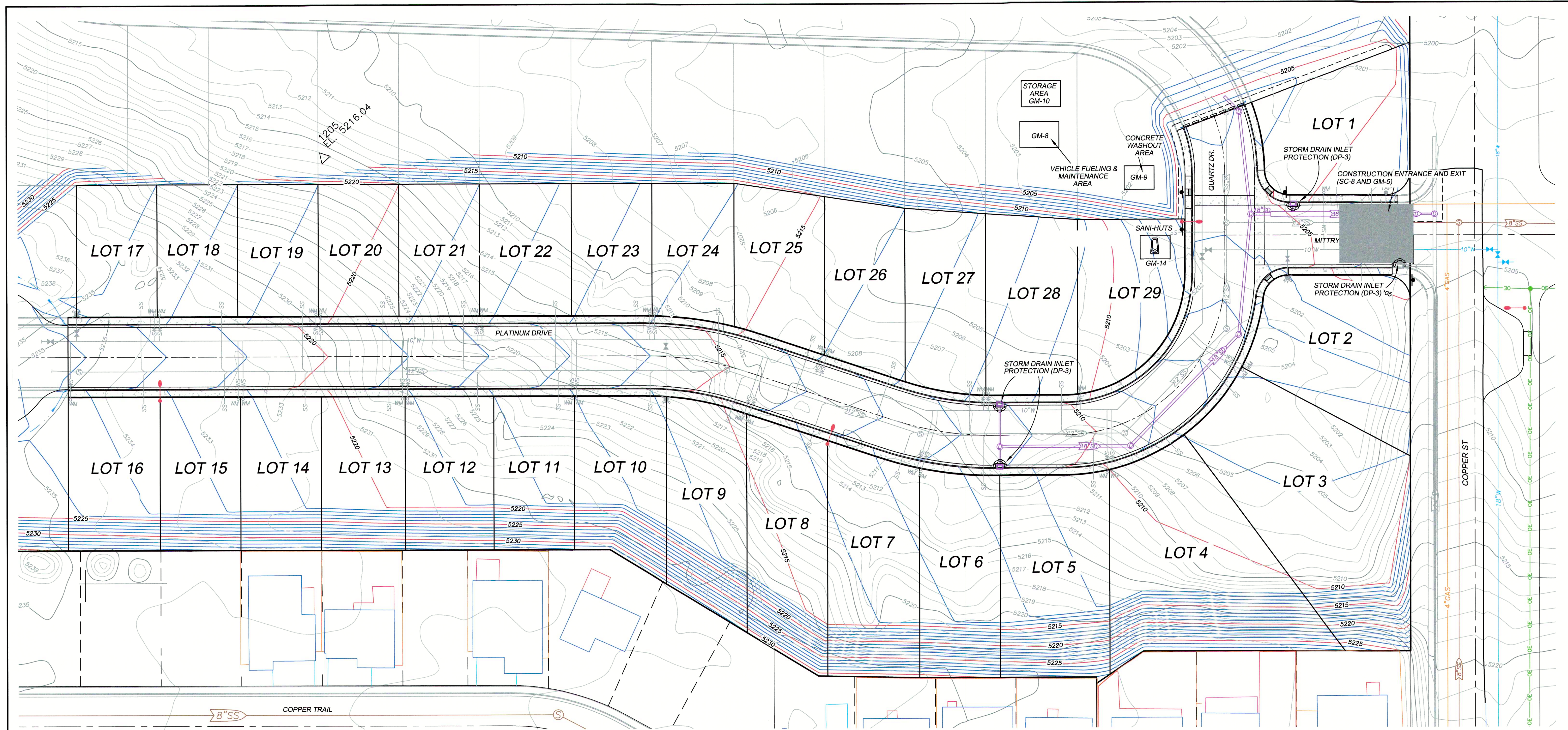
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COPPER TRAILS, LLC
COPPER TRAILS PHASE 2
UTILITY CROSSING & LOCATION
ELKO, NEVADA

Carter Engineering, LLC
Civil Engineering
P. O. Box 794
Elko, Nevada 89803
775-397-2531

DESCRIPTION
CITY OF ELKO PLAN CHECK LETTER DATED 3-7-19

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DATE
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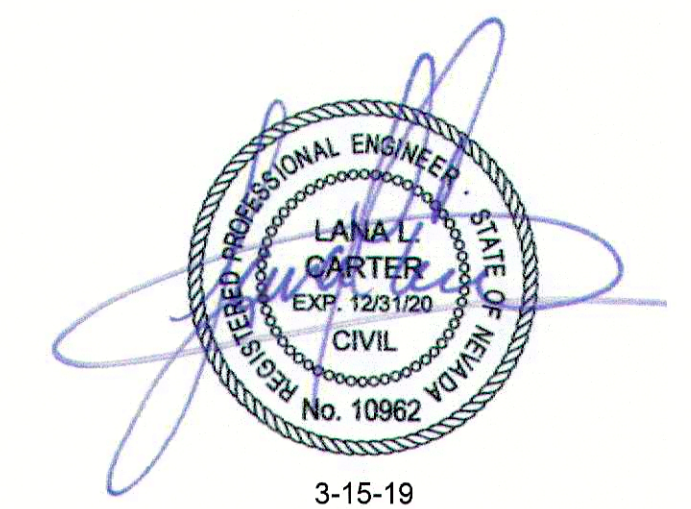
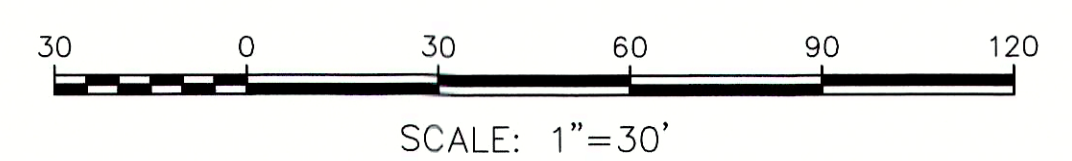
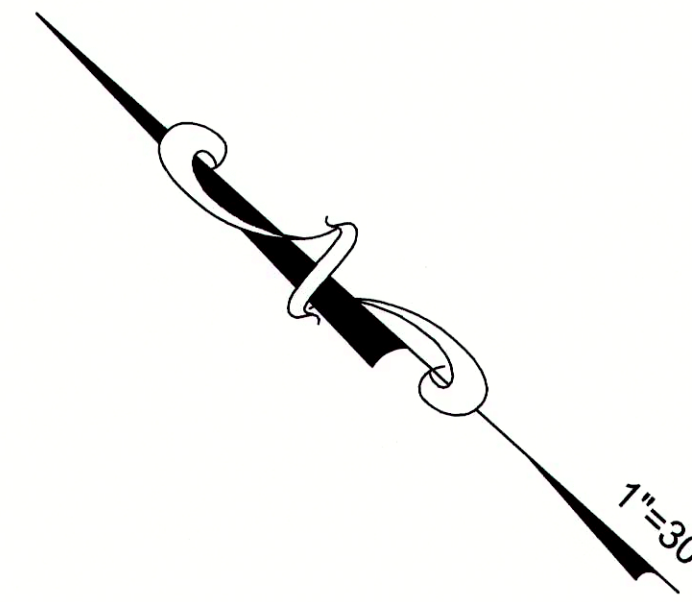


LEGEND

EXISTING SANITARY SEWER MANHOLE		PROPOSED WATER SERVICE & METER	
EXISTING SANITARY SEWER LINE		PROPOSED WATER VALVE	
PROPOSED SANITARY SEWER LINE		PROPOSED FIRE HYDRANT	
PROPOSED SANITARY LATERAL		EXISTING TELEPHONE PEDESTAL	
EXISTING CURB INLET		EXISTING OVERHEAD GROUND POWER LINE	
EXISTING STORM DRAIN		EXISTING POWER BOX	
EXISTING STORM DRAIN MANHOLE		EXISTING STREET LIGHT	
PROPOSED TYPE 4-R CURB INLET		PROPOSED STREET LIGHT	
PROPOSED STORM DRAIN		PROPOSED CONCRETE	
PROPOSED STORM DRAIN MANHOLE		EXISTING GROUND CONTOUR	
EXISTING GAS LINE		FINISH GRADE CONTOUR	
EXISTING WATER LINE		EXISTING DRAINAGE SWALE	
EXISTING WATER VALVE		PROPOSED DRAINAGE SWALE	
EXISTING FIRE HYDRANT			
PROPOSED WATER LINE			

NOTES: (BMP)

- ALL BMPs BASED ON CITY OF ELKO CONSTRUCTION SITE BEST MANAGEMENT PRACTICES HANDBOOK.
- EC-4 AND EC-5 SHALL BE IMPLEMENTED TO CONTROL DUST.
- DURING CONSTRUCTION TEMPORARY DIVERSION DIKES AND DITCHES (RC-2) WILL BE USED INSTEAD OF FIBER ROLLS (SC-1).
- ALL DISTURBED AREAS SHALL BE REVEGETATED PER (EC-8) IF NOT LANDSCAPED.



DESIGN BY:	LLC	DATE:	3-15-19	DESCRIPTION:	CITY OF ELKO PLAN CHECK LETTER DATED 3-7-19
DRAWN BY:	LLC	REV:	1		
CHECKED BY:	LLC				
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COPPER TRAILS, LLC
COPPER TRAILS PHASE 2
EROSION CONTROL PLAN
ELKO, NEVADA

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VERT: N/A

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C14
OF 14

Zoning Bulletin

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1

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3

Nonconforming Use/Short-term rentals—Township says short-term rental of home violates zoning ordinance

4

Housing Discrimination—Ordinance restricts treatment centers for current addiction of substance used in illegal manner

5

Nonconforming Use—Applicant proposes to demolish and reconstruct an existing nonconforming multi-family dwelling

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Fees—Developer seeks refund of development fees paid to school district

School district based fees on hypothetical new schools it was not going to build

Citation: *Summerhill Winchester LLC v. Campbell Union School District*, 2018 WL 6695971 (Cal. App. 6th Dist. 2018)

CALIFORNIA (12/4/18)—This case addressed the issue of whether facility fees imposed by a school district on a developer were justified.

The Background/Facts: SummerHill Winchester LLC (“SummerHill”) owned a 100-unit residential development project (the “Project”) in the City of Santa Clara, within the boundaries of the Campbell Union School District (“CUSD”). In 2012 and 2013, SummerHill paid to CUSD, under protest, development fees of \$499,976.96. SummerHill later filed a legal action in superior court, seeking a refund of the fees it had paid to CUSD. SummerHill contended that the development fees were invalid and unreasonable because they were “excessive,” “not roughly proportional or reasonably related to the burdens caused by the Project,” and “lack[ed] an essential nexus between the amount of the school development fees imposed on the Project and CUSD’s alleged need to construct certain improvements and facilities for reasons that [were] attributable to the Project.” More specifically, among other things, SummerHill alleged that the fees were based on a faulty fee study, which failed to identify the new facilities that would be necessary for new students generated by new residential development. In fact, SummerHill noted, the fee study used hypothetical schools that CUSD was not going to build as the premise for calculating the fees imposed on SummerHill.

The trial court agreed with SummerHill, and invalidated the fees and ordered SummerHill’s fees be refunded.

CUSD and the Campbell Union School District Governing Board (hereinafter, collectively, “CUSD”), appealed. CUSD maintained that it used a reasonable methodology to calculate the fee.

DECISION: Judgment of Superior Court affirmed.

Affirming the trial court's opinion, the Court of Appeal, Sixth District, California concluded that CUSD's fee study failed to "contain the data required to properly calculate a development fee."

The Court of Appeal explained that, in California, statutory law authorizes a school district to levy a fee against new residential construction for the purposes of funding the construction or reconstruction of school facilities. (See Ed. Code § 17620, subd. (a)(1).) The court also explained that, as set by prior court precedent, fee studies must satisfy a three-factor test: (1) There "must be a projection of the total amount of new housing expected to be built within the District" (since the fee is to be assessed per square foot of development); (2) "[T]he District [must] determine approximately how many students

will be generated by the new housing" (in order to measure the extent of the burden imposed on schools by the new development); and (3) "[T]he District must estimate what it will cost to provide the necessary school facilities for that approximate number of students." The court explained that since the process involves projections, figures need not be exact, but must show a "requisite connection between the amount of the fee imposed and the burden created." "[F]acilities fees are justified only to the extent that they are limited to the cost of increased services made necessary by virtue of the development," said the court.

Here, the court found that CUSD failed to satisfy the three-factor test in that its fee study: (1) failed to project the "total amount of new housing expected to be built within the District," but instead projected a "vague and unrestricted figure" that provided "no guidance" for CUSD to determine whether new school facilities were needed due to anticipated development; (2) failed to "realistic[ally] estimate how many students would be generated by new development"; and (3) was unable to estimate the cost to provide necessary school facilities because it was unable to identify facilities needed to satisfy quantified needs, since the needs could not be quantified without quantification of the amount of new development or amount of new students.

The court concluded that CUSD's decision to enact a development fee in this case was invalid because CUSD "did not decide that its enrollment increases would necessitate the construction of new schools but nevertheless based the amount of the development fee on the cost of building new schools." The court found that this "discontinuity" precluded the CUSD "from being able to demonstrate a reasonable relationship between the impact of new development and the development fee," as required.

CUSD argued that even if it failed to satisfy the three-factor fee test, the fee imposed against SummerHill was valid because CUSD "applied an 'alternative' 'reasonable methodology' that was sufficient to support the fee." CUSD maintained that because its enrollment already exceeded its capacity "every single additional student generated by new development [would] result in a financial impact on the District." The court accepted the validity of that statement, but concluded that it failed to satisfy the statutory requirement that CUSD demonstrate "a relationship between the amount of the fee and impact of development on the need for new or reconstructed school facilities." Here, found the court, "the fee study's use of hypothetical new schools that CUSD

Contributors

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was not going to build as the financial premise for calculating the fee was not a reasonable alternative methodology that could legally support the fee imposed”

See also: *Shapell Industries, Inc. v. Governing Board*, 1 Cal. App. 4th 218, 1 Cal. Rptr. 2d 818, 70 Ed. Law Rep. 1148 (6th Dist. 1991).

See also: *Garrick Development Co. v. Hayward Unified School Dist.*, 3 Cal. App. 4th 320, 335, 4 Cal. Rptr. 2d 897, 72 Ed. Law Rep. 913 (1st Dist. 1992).

Nonconforming Use/ Vested Rights—Town finds property owner has illegally converted buildings to dwellings

Property owner contends payment of taxes on buildings for more than 15 years entitles it to continue nonconforming dwelling use

Citation: *Board of Supervisors of Fairfax County v. Cohn*, 2018 WL 6566782 (Va. 2018)

VIRGINIA (12/13/18)—This case addressed the issue of whether Virginia Code § 15.2-2307(D) creates a vested right to an originally illegal use of a building or structure after the owner has paid taxes to the locality for that building or structure for 15 years or more.

The Background/Facts: Douglas A. Cohn and Kathryn J. Cohn (the “Cohns”) own real property (the “Property”) in an R-1 zoning district in Fairfax County (the “County”). In August 2016, the County Zoning Administrator (the “ZA”) issued a Notice of Violation (“NOV”) to the Cohns. The NOV alleged that the Cohns were in violation of County Zoning Ordinance § 2-501. That ordinance limited property in an R-1 zoning district to “not more than one (1) dwelling unit on any one (1) lot.” The County found that because a garage and garden house on the Cohns’ Property had been converted to dwellings, the Cohns had “three (3) complete and separate dwellings” on the Property, in violation of the zoning ordinance. The NOV ordered the Cohns to remedy the violation by removing kitchens, electrical circuits, and plumbing in the garage and garden house dwellings, and ceasing the use of all but one dwelling unit on the Property.

The Cohns appealed the NOV to the County Board of Zoning Appeals (“BZA”). On appeal to the BZA, evidence showed that the building permits issued for the garage and garden house had specifically noted that there were “no kitchens or bathrooms approved for the structure.” However, the Cohns argued that because they paid taxes on the Property for more than 15 years, Virginia Code § 15.2-2307(D) protected “the buildings and structures on the Property and their use as dwellings from being declared unlawful.”

Code § 15.2-2307(D) provides that “[n]otwithstanding any local ordinance to the contrary, if . . . (ii) the owner of the building or structure has paid taxes to the locality for such building or structure for a period of more than the previous 15 years, a zoning ordinance shall not provide that such building or structure is illegal and subject to removal solely due to such nonconformity. . . .”

The BZA ultimately upheld the determination of the ZA, finding the Cohns in violation of the County zoning ordinance.

The Cohns appealed the BZA’s decision to circuit court. Again, the Cohns argued that Code § 15.2-2307(D)(ii) prevented the County from declaring their use of the buildings and structures on the Property to be illegal.

The circuit court reversed the decision of the BZA. The circuit court reasoned that Code § 15.2-2307(D)(ii) protects “nonconforming structures from future zoning amendments so long as taxes have been paid on the property.” The court found that since 1998, the Cohns’ garage and garden house had been “occupied as dwelling units,” and the Cohns had “paid taxes on the Property as assessed by Fairfax County.” Accordingly, the court concluded that Code § 15.2-2307(D)(ii) protected the Cohns from having to “destroy or otherwise modify the structures.” The circuit court held that the Property, “including all three nonconforming structures, [were] protected under [Code § 15.2-2307(D)(ii)].”

The County’s Board of Supervisors (the “Board”) appealed. The Board contended that Code § 15.2-2307(D)(ii) did not protect illegal uses of structures and buildings, and that the circuit court failed to properly interpret the plain language of the statute.

DECISION: Judgment of circuit court reversed.

Agreeing with the Board, the Supreme Court of Virginia held that, pursuant to the plain meaning of the statute’s language, only the *structures* of the Cohns’ garage and garden house were protected by Code § 15.2-2307(D)(ii); the uses of those structures as dwellings were not protected.

The court explained that “[w]hile a ‘building’ or ‘structure’ may be constructed for a use or purpose, the use or purpose is not the building or structure itself.” The court found that, by its express terms, the vested right preserved by subsection (D) was “limited to a prohibition regarding the removal of a building or structure.”

Here, the court found that the Board had not attempted to have the structures of the garage or garden house removed or declared illegal. The NOV only concerned the use of those structures. The court concluded that Code § 15.2-2307(D)(ii) did not protect the Cohns’ use of the garage and garden house as dwelling units and, therefore, did “not prevent the County from requiring the Cohns to cease their illegal use of the structures and to remove the kitchens and other accoutrements that support[ed] the illegal use of the structures as dwelling units.”

Nonconforming Use/ Short-term rentals— Township says short- term rental of home violates zoning ordinance

Homeowner claims short-term rental use was a legal, nonconforming use

Citation: *Donald Kintner and Michelle Kintner v. Zoning Hearing Board of Smithfield Township and Township of Smithfield Appeal of: Township of Smithfield*, 2019 WL 178486 (Pa. Commw. Ct. 2019)

PENNSYLVANIA (1/14/19)—This case addressed the issue of whether the short-term rental of a portion of a home in a residential zone constituted a valid, nonconforming use under the township’s zoning ordinance.

The Background/Facts: Donald Kintner and Michelle Kintner (the “Kintners”) owned a single-family home in an R-1 zoning district in the Township of Smithfield (the “Township”). In 2008, the Kintners began advertising the rental of a portion of their home for short-term rental through Airbnb—an online hosting platform that matches guests with short-term rentals. At that time, the Township’s zon-

ing ordinance permitted only the following uses in the R-1 zoning district: one-family detached dwellings; commercial seasonal camps; forestry and forestry reserves; wildlife refuges; membership clubs, camps, and associations; municipal recreation and entertainment facilities on lots of five or more acres; and communications towers on municipal property.

The Township became aware of the Kintners’ rental listing and ordered the Kintners to cease and desist “all vacation rental operations.” Nonetheless, the Kintners continued to rent their home through Airbnb.

In December 2016, the Township amended its zoning ordinance to add a definition for “short-term rental.” The amended ordinance also specifically prohibited such short-term rentals in specified areas, including in the R-1 zoning district.

Thereafter, the Township again became aware that the Kintners were listing their home for short-term rentals on Airbnb. In January 2017, the Township issued a second enforcement notice to the Kintners. The notice informed the Kintners that they were in violation of the Township’s zoning ordinance, and directed the Kintners to cease their rental operation.

The Kintners appealed the January 2017 zoning enforcement notice to the Township’s Zoning Hearing Board (the “ZHB”). The Kintners argued that the enforcement notice should be dismissed because they had been engaged in short-term rentals of their home since 2008—before the zoning ordinance explicitly prohibited short-term rental use in the R-1 zoning district. The Kintners argued that their rental use was therefore a legal nonconforming use and should be permitted to continue.

The ZHB ultimately upheld the zoning enforcement notice. The ZHB concluded that the Kintners’ rental use did not, as they had argued, constitute a valid nonconforming use, as their short-term rental operation was not a use permitted in the R-1 zone in 2008 either. Specifically, the Board determined that the rental use did not fit within the zoning ordinance’s definition of the permitted “one-family detached dwelling” use.

The Kintners appealed the Board’s ruling to the trial court. The court reversed the Board. The court concluded that short-term rentals were permitted in a single-family residential district unless clearly prohibited by the ordinance. The trial court concluded that there was “no proof” that the Kintners’ short-term rental use was “incompatible” with the zoning ordinance’s definition of “family.” The court thus concluded that the Kintners’ short-term rental use was a valid, nonconforming use of their home.

The Township appealed.

THE COURT'S DECISION: Judgment of Court of Common Pleas reversed.

The Commonwealth Court of Pennsylvania held that the Kintners' short-term rental use of their home did not constitute a legal, nonconforming use under the pre-2006 Township zoning ordinance as the Kintners' short-term tenants did not qualify as "family" under the zoning ordinance.

In so holding, the court first explained that a valid, nonconforming use is "a use that predates the enactment of a prohibitory zoning restriction" The court further explained that "[t]he right to maintain a pre-existing nonconformity is available only for uses that were lawful when they came into existence and which existed when the ordinance took effect. Pre-existing illegal uses cannot become nonconforming uses with a protected right to exist upon enactment of a new ordinance prohibiting them."

Whether the Kintners' short-term rental use was a valid, nonconforming use prior to the 2016 prohibition on the use depended on the language of the pre-2016 zoning ordinance. Again, that zoning ordinance permitted "one-family detached dwelling" uses in the R-1 zoning district. The zoning ordinance defined "family," in relevant part, as "[a]s many as six (6) persons living together as a single, permanent and stable nonprofit housekeeping unit"

Looking at that definition, the court concluded that "[g]iven that the short-term Airbnb rentals necessarily involve remuneration to the Kintners from a series of transitory tenants, the Kintners' rental operation clearly violated pre-2016 amendment requirements regarding permanence, stability, unity, lack of profit motive," among other things. Thus, the court concluded that "from the moment the Kintners began offering a portion of their home for short-term rental through Airbnb, they were in violation of the [z]oning [o]rdinance's requirement that a 'family' reside in an R-1 zoned, one-family detached dwelling." Therefore, the court concluded that, contrary to the trial court's holding, "the Kintners were engaged in an illegal, nonconforming use of their home."

See also: *Marchenko v. Zoning Hearing Board of Pocono Township*, 147 A.3d 947 (Pa. Commw. Ct. 2016) (deeming short-term rentals of single-family dwellings permissible because that use did not contravene the relevant zoning ordinances' definitions of "family" or "single-family" dwelling).

See also: *Shvekh v. Zoning Hearing Board of Stroud Township*, 154 A.3d 408 (Pa. Commw. Ct. 2017) (deeming short-term rentals of single-family

dwellings permissible because that use did not contravene the relevant zoning ordinances' definitions of "family" or "single-family" dwelling).

See also: *Slice of Life, LLC v. Hamilton Township Zoning Hearing Board*, 164 A.3d 633 (Pa. Commw. Ct. 2017), appeal granted, 180 A.3d 367 (Pa. 2018) (involving a zoning ordinance that did not define a permissible "family" as a group of people using the entirety of a home in a non-profit fashion).

See also: *Reihner v. City of Scranton Zoning Hearing Board*, 176 A.3d 396 (Pa. Commw. Ct. 2017).

Housing Discrimination— Ordinance restricts treatment centers for current addiction of substance used in illegal manner

Operator of sober living residences argues city ordinance illegally discriminates against recovering addicts

Citation: *Cornerstone Residence, Inc. v. City of Clairton*, 2018 WL 6389723 (3d Cir., Dec. 31, 2018)

The Third Circuit has jurisdiction over Delaware, New Jersey, Pennsylvania, and the Virgin Islands.

THIRD CIRCUIT (PENNSYLVANIA) (12/31/18)—This case addressed the issue of whether a city zoning ordinance that prohibits "treatment centers" in residential areas, and defines such "treatment centers" as a use providing housing or counseling because of "[c]urrent addiction to a controlled substance that was used in an illegal manner or alcohol. . . .," on its face, discriminated against recovering addicts in violation of the federal Fair Housing Amendments Act.

The Background/Facts: Cornerstone Residence, Inc. ("Cornerstone") is a non-profit corporation that operates sober living residences for recovering drug and alcohol addicts. Cornerstone wanted to establish such a residence in the City of Clairton (the "City"). In furtherance of that goal, Cornerstone

purchased a house in the City and sought an occupancy permit from the City. The City denied Cornerstone's permit upon finding that the residence would constitute a "Treatment Center," which was prohibited in residential areas of the City pursuant to a City zoning ordinance (the "Ordinance").

Cornerstone challenged that denial. Among other things, Cornerstone argued that, on its face (i.e., based on the language of the Ordinance itself), the Ordinance discriminated against recovering addicts, which were a protected group under the federal Fair Housing Amendments Act ("FHAA")—by limiting where residences that serve recovering addicts may be located. Here, the City Ordinance defined "Treatment Center" as including: "A use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment and/or counseling because of . . . [c]urrent addiction to a controlled substance that was used in an illegal manner or alcohol. . . ." (City of Clairton Ordinance § 337-12.) Cornerstone argued that the Ordinance facially discriminated against recovering addicts because: (1) the phrase "was used" expands the phrase "current addiction" to include recovering addicts, which are a protected group under the FHAA; and (2) "the context and structure of the Ordinance reflect the legislative intent to adopt that meaning."

The FHAA prohibits housing-related discrimination against handicapped persons, and defines "handicap" as "a physical or mental impairment which substantially limits one or more of such person's major life activities . . . but . . . does not include current, illegal use of or addiction to a controlled substance." (42 U.S.C.A. § 3602(h).) Thus, the FHAA provides that current addicts are not a protected group. Notably, however, federal courts have held that recovering addicts are a protected group.

The district court dismissed Cornerstone's claim, holding that the Ordinance's definition of "Treatment Center" did not violate the FHAA.

Cornerstone appealed.

DECISION: Judgment of district court affirmed.

The United States Court of Appeals, Third Circuit, held that the Ordinance did not facially discriminate against recovering addicts in violation of the FHAA.

In so holding, the court found that the plain meaning of the Ordinance's definition of Treatment Centers did not include recovering addicts. The court found that "[t]he plain meaning of [the Ordinance's language] '[c]urrent addiction to a controlled substance that was used in an illegal manner

or alcohol' [was] most naturally read to be limited to current addicts" (which were not a protected group under the FHAA).

Cornerstone had argued that the Ordinance's phrase "was used" transformed the term "current addiction" into "current and past addiction." The court rejected that argument, finding it placed "inordinate weight on the phrase 'was used.'" The court found that "[o]ne can be currently addicted to a drug that was used in the past. That the use occurred in the preceding days or weeks does not alter one's status as a current addict."

The court also found that, even if the terms of the Ordinance were "ambiguous," "the overall context of the Ordinance confirmed the City's interpretation." The court found that the Ordinance, read as a whole, "reflected a familiarity with and an intent to conform to the FHAA." Specifically, the court noted that the Ordinance included another category of "Group Homes" that encompassed recovering addicts, and the Ordinance stated an express intent to comply with all provisions of the FHAA.

Accordingly, the court concluded that the Ordinance's definition of Treatment Center included only the unprotected class of current addicts.

Nonconforming Use— Applicant proposes to demolish and reconstruct an existing nonconforming multi- family dwelling

City denies application, finding
demolition would extinguish
applicant's right to reconstruct

Citation: *Renaissance Real Estate Holdings, L.P. v. City of Philadelphia Zoning Board of Adjustment*, 2018 WL 6375533 (Pa. Commw. Ct. 2018)

PENNSYLVANIA (12/06/18)—This case addressed the issue of whether an applicant's proposed voluntary demolition and reconstruction of an existing nonconforming multi-family dwelling would extinguish the nonconforming use.

The Background/Facts: Renaissance Real Estate Holdings, L.P. ("RREH") owned property (the

“Property”) in a residential zoning district in the City of Philadelphia (the “City”). The Property was improved with a three-story, vacant, detached residential structure comprised of a three-family dwelling. That dwelling was a lawful nonconforming use.

In October 2015, RREH applied to the City’s Department of Licenses and Inspections (the “Department”) for a zoning/use registration permit for the proposed “complete demolition of all existing structures and for the erection of a new three[-]unit multi-family dwelling” on the Property. RREH claimed that the existing dwelling structure was structurally defective and proposed to replace it with a “[c]ode-compliant building dedicated to the same use, three-family dwelling.”

The Department denied the application.

RREH appealed to the City’s Zoning Board of Appeal (the “ZBA”).

The ZBA denied the appeal. In doing so, among other things, the ZBA explained that under the City’s Zoning Code § 14-305(10)(c), a nonconforming structure or use destroyed voluntarily must be “reconstructed in compliance with the Zoning Code for the zoning district where it is located.” The ZBA determined that RREH’s demolition of the existing structure on the Property would “result in extinguishment of the prior three-family use, and any subsequent development would be required to comply with the RSA-3 district’s standards, which do not permit multi-family dwellings.”

RREH appealed the ZBA’s decision to the trial court. The trial court affirmed.

RREH again appealed. On appeal, RREH argued, among other things, that it had not voluntarily destroyed the structure on the Property and that therefore the ZBA’s reliance on Zoning Code § 14-305(10)(c) was misplaced. RREH emphasized that it intended to continue the use of the property as a three-family dwelling, and was seeking to undertake “cosmetic improvements,” allowing the nonconforming use to “resume.”

DECISION: Judgment of Court of Common Pleas affirmed.

The Commonwealth Court of Pennsylvania held that, based on the “clear language” of the City’s Zoning Code § 14-305(10)(c) and relevant case law, RREH’s proposed voluntary demolition of the existing nonconforming multi-family dwelling on the property would extinguish the nonconforming use. As a result, the court held that “any reconstruction would require compliance with Zoning Code provisions for the RSA-3 district, which does not permit multi-family dwellings.”

RREH had argued that it enjoyed a vested property right in the three-family use, which was “constitutionally protected and [could not] be abrogated unless it constitute[d] a nuisance, [was] abandoned by the owner, or [was] extinguished by eminent domain.” Here, RREH maintained that the Property was not a nuisance, had not been abandoned, and was not taken through eminent domain. RREH argued that it had filed a zoning application to continue the non-conforming use in a replacement structure. Unless prohibited by ordinance, RREH asserted, a nonconforming use may be replaced. Again, RREH had argued that, because it had not yet demolished the existing structure, its reconstruction of the nonconforming use was not prohibited by Section 14-305(10)(c) of the Zoning Code and that it was entitled to rebuild the structure.

The court rejected RREH’s argument. The court noted that “[a] municipal ordinance prohibiting the restoration of a nonconforming structure when it is eliminated is a valid exercise of the police power.” Citing prior caselaw, the court said that “[t]he reconstruction of a structure for a specific nonconforming use is not allowed if the zoning ordinance specifies that such construction is prohibited.” Here, the court found that City Zoning Code § 14-305(10)(c) prohibited RREH from replacing the nonconforming structure because RREH had sought permission from the ZBA to demolish the existing structure.

See also: *Korngold v. Zoning Bd. of Adjustment of City of Philadelphia*, 147 Pa. Commw. 93, 606 A.2d 1276 (1992).

See also: *Keebler v. Zoning Bd. of Adjustment of City of Pittsburgh*, 998 A.2d 670 (Pa. Commw. Ct. 2010).

See also: *Money v. Zoning Hearing Bd. of Haverford Tp.*, 755 A.2d 732 (Pa. Commw. Ct. 2000).

Zoning News from Around the Nation

MAINE

Maine’s Land Use Planning Commission is exploring “whether to change the ‘adjacency principle,’ which limits where new zones for subdivisions or businesses can be located.” Currently, commercial buildings are restricted to within one mile by road of “existing, compatible development.” The Commission is considering allowing new residential and commercial development within seven miles of “rural hubs, and 1 mile from a public road.”

Proponents of the proposal say that the “current 1-mile rule encourages sprawl instead of strategic development,” and contend that the proposed rule change would help to prevent sprawl and scattered development. Opponents, however, argue the change would “encourage development in Maine forests.” Reportedly, the Commission is expected to make a decision on the proposed rule change by March or April.

Source: *Public News Service*; www.publicnewsservice.org

MASSACHUSETTS

In late December 2018, Governor Charlie Baker signed into law legislation that applies the Commonwealth’s 5.7% hotel and motel room tax to short-term accommodations rented out for 14 days a year or more. The legislation also provides municipalities with the authority to level additional local taxes.

Source: *Greenfield Recorder*; www.recorder.com

NEW YORK

The Town of Bedford is being sued over a zoning ordinance that limits the location of sales of e-cigarettes, other electronic nicotine delivery

systems, and vape. The plaintiffs, which include several businesses, allege that the ordinance is invalid because it’s “directed at the perceived social evil of electronic nicotine delivery devices rather than the regulations of land use.” The Town maintains the ordinance is a valid zoning law intended to address “‘negative secondary effects’ on the surrounding community.”

Source: *Rockland-Westchester Journal News*; www.lohud.com

RHODE ISLAND

Effective March 1, 2019, a new state law allows building height in special flood hazard areas (SFHA) to begin to be measured from the base flood elevation (BFE) of the area. The law also allows a structure in an SFHA to adhere to a BFE as determined by the state’s Coastal Resource Management Council (if more stringent than the Federal Emergency Management Agency’s calculations). The legislation is intended to “improve a municipality’s infrastructural resiliency to coastal flooding following a large storm event.”

Source: *The Narragansett Times*; www.ricentral.com

Zoning Bulletin

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Zoning News from Around the Nation

Short-term and vacation rentals/Preemption/Injunction—City adopts resolution interpreting zoning ordinance as banning short-term rentals

Airbnb contends state law preempts and prohibits short-term rental bans

Citation: *City of Miami v. Air BnB, Inc.*, 2018 WL 6332240 (Fla. 3d DCA 2018)

FLORIDA (12/5/18)—This case addressed the issue of whether a city ordinance prohibiting certain short-term and vacation rentals in a suburban residential zone was preempted by a state statute precluding the prohibition of vacation rentals.

The Background/Facts: In March 2017, the City of Miami (the “City”) adopted a resolution on short-term rentals. The resolution affirmed the City’s zoning regulations “as they pertain to short-term/vacation rentals” and “direct[ed] the City Manager to continue vigorously enforcing regulations pertaining to lodging uses.” The resolution affirmed the City of Miami’s zoning ordinance, Miami 21, which limits the T3 zoning district to “residential” use, defined as “land use functions predominantly of permanent housing.” The City’s resolution adopted a 2015 Zoning Interpretation of Miami 21 that declared “using a Single Family residence or Two Family-Housing (a duplex) within a T3 transect zone to provide rental accommodations per night, week, or anything less than one month would constitute an activity in violation of Miami 21.”

After the resolution was adopted, Airbnb—an online hosting platform that matches guests with short-term rentals—along with several City residents who rent their properties through Airbnb (collectively, hereinafter “Airbnb”), sued the City for declaratory and injunctive relief. Among other things, they argued that the City’s vacation rental ban in the T3 zone was preempted by state law.

The preemption statute cited by Airbnb, Florida Statute § 509.032(7)(b), provides that “[a] local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals.” The statute defines a “vacation rental” as a “condominium” or a “house or dwelling unit” rented on a transient basis. Notably, the statutory preemption “does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.” The 2016 version of Miami 21, addressed in the City’s March 2017 resolution, was identical in its material provisions to the Miami zoning code in effect in 2009.



Ultimately, the trial court granted Airbnb's motion for temporary injunction. It concluded that "Miami 21 does not prohibit vacation rentals and the City was therefore preempted under section 509.032(7)(b), Florida Statutes (2016) from enforcing its Zoning Interpretation and pronouncing any ban on short-term vacation rentals." Among other things, the temporary injunction issued by the court enjoined the City from "enforcing any ban on or from instituting or enforcing its vacation rental ban in the City pending a final hearing"

The City appealed.

DECISION: Judgment of Circuit Court reversed, and matter remanded.

The District Court of Appeal of Florida, Third District, held that the trial court's injunction against the City's "vacation rental ban" was overbroad.

In so holding, the court explained that in order to obtain

a temporary injunction, Airbnb had to demonstrate: "(1) the likelihood of irreparable harm if the temporary injunction [was] not entered; (2) the unavailability of an adequate remedy at law; (3) a substantial likelihood of success on the merits; and (4) entry of the temporary injunction [would] serve the public interest." Moreover, the court emphasized that "[i]njunctive relief must be specifically tailored to each case In other words, injunctions 'should never be broader than is necessary to secure to the injured party relief warranted by the circumstances involved in the particular case.'"

Here, the court concluded that Airbnb had failed to show that they had a substantial likelihood of success to sustain such a broad injunction as that issued by the trial court. The court found that the injunction here failed to recognize that under certain circumstances Miami 21 could prohibit short-term or vacation rentals in the T3, and was not preempted by Florida Statute § 509.032(7)(b).

Again, Miami 21 (adopted in 2016 and identical to the code in effect in 2009) limited the T3 zoning district to "residential" use, defined as "land use functions predominantly of permanent housing." And, Florida Statute § 509.032(7)(b), provides that "[a] local law, ordinance, or regulation [enacted after June 1, 2011] may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals."

The court concluded that "Miami 21 is not preempted by State law because it places land-use restrictions on all properties located in the T3 zone, which include properties used as short-term or vacation rentals." The court found that Miami 21 prohibited short-term and vacation rentals in T3 zones that convert a property's use to something other than "predominantly or permanent housing." Thus, a property used solely for short-term or vacation rentals was prohibited in the T3 zone. However, a property used predominantly for permanent housing, and used only incidentally for a short-term or vacation rental may not violate Miami 21, found the court. Accordingly, the court concluded that to the extent the City interpreted Miami 21 to ban "all short-term rentals," such an interpretation was "overbroad because a short-term rental may not always alter a property's use as 'predominantly of permanent housing.'" In any event, the court concluded that the trial court here had "failed to recognize that Miami 21 [was] not preempted and prohibit[ed] certain short-term rentals that compromise the residential characteristic of T3 properties." In other words, the court concluded that because the trial court's injunction banned the City from prohibiting any vacation or short-term rentals in the T3 zone, it was overbroad.

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Case Note:

There was also an issue of whether Airbnb's rentals constituted "lodging" under Miami 21. The appellate court determined that resolution of that issue was not necessary to its holding here with regard to the injunction. The court did note, however, that "[d]ue to the varied nature of the Airbnb rentals . . . some may qualify as lodging [as defined under Miami 21] and some may not."

Due Process—Coalition challenges city sign-off process, which exempts developments from compliance review

Coalition says it violates due process requirements

Citation: *Venice Coalition to Preserve Unique Community Character v. City of Los Angeles*, 2019 WL 141477 (Cal. App. 2d Dist. 2019)

CALIFORNIA (01/09/19)—This case addressed the issue of whether the process by which a City's Director of Planning issued a sign-off to exempt small-scale development projects in a neighborhood from project permit compliance review was subject to due process protection—requiring that the community be provided an opportunity for notice and a hearing.

The Background/Facts: When approving or denying development projects in its Venice community, the City of Los Angeles (the "City") employs two different, but parallel processes. One process involves the "Venice specific plan," which governs all development in Venice. The other process is pursuant to the California Coastal Act, with which all development in Venice must also comply. Relevant here, to comply with the specific plan, all development projects in Venice must either undergo a project permit compliance review, or obtain a determination that a review is not required. Thus, for many small-scale development projects in Venice, the City's Director of Planning may issue a "Venice Sign-Off" ("VSO"), which exempts the project from a project permit compliance review.

In February 2016, Venice Coalition to Preserve Unique Community Character and Celia R. Williams (collectively, "Venice Coalition") filed a complaint for declaratory and injunctive relief against the City and the City's Department of City Planning (hereinafter, collectively, the "City"). Among other things, Venice Coalition's alleged that the City was violating due process requirements of California law by "engag[ing] in a pattern and practice of approving development projects without affording the community an opportunity for notice and a hearing." More specifically, Venice Coalition took issue with the issuance of VSOs without notice and a hearing.

The City contended that the VSO process was "ministerial" and therefore did not trigger due process protections.

The trial court agreed with the City, and issued summary judgment in the City's favor.

Venice Coalition appealed.

DECISION: Judgment of superior court affirmed.

The Court of Appeal, Second District, Division 8, California, also agreed with the City that the VSO process was "ministerial" and therefore did not trigger due process protections.

The court explained that local governments take three types of actions in land use matters: legislative, adjudicative, and ministerial. Legislative actions "involve the enactment of general laws, standards or policies, such as general plans or zoning ordinances." Adjudicative actions "involve discretionary decisions" that apply laws to specific development projects such as zoning permits. "Ministerial actions involve nondiscretionary decisions based only on fixed and objective standards, not subjective judgment; an example is the issuance of a typical, small-scale building permit."

As Venice Coalition had argued, the federal and state Constitutions prohibit the government (including the City) from depriving persons of property without due process of law. (See U.S. Const., 5th Amend.; Cal. Const., art. I, § 7, subd. (a).) Looking at the three types of actions taken by local governments, the court said that adjudicative actions "that implicate significant or substantial property deprivation" "generally require the procedural due process protections of reasonable notice and an opportunity to be heard." On the other hand, "[l]egislative action generally does not require due process protections because 'it is not practical that everyone should have a direct voice in legislative decisions; elections provide the check there,' " said the court. And, "[m]inisterial actions do not generally trigger due process protections because they are 'essentially automatic based on whether certain fixed standards and objective measurements have been met,' " explained the court. In other words, the court explained that, in general: land use decisions that require a public official to exercise judgment are discretionary and require notice and a hearing, while land use decisions that "require a public officer to perform 'in a prescribed manner in obedience to the mandate of legal authority' without regard to his or her own judgment are ministerial and do not trigger due process protections."

Here, the court found that in issuing a VSO, the City's Director of Planning essentially uses checklists to determine whether or not a proposed project meets specified objective criteria. The court concluded that issuances of VSOs were thus ministerial and therefore not entitled to notice and a hearing. Accordingly, the court concluded that the City's VSO process did not violate due process requirements.

See also: *Calvert v. County of Yuba*, 145 Cal. App. 4th 613, 622, 51 Cal. Rptr. 3d 797, 166 O.G.R. 537 (3d Dist. 2006), as modified, (Jan. 3, 2007).

Case Note:

The court's decision also addressed other causes of action brought by Venice Coalition not discussed in this summary.

Process/Final Action— Telecommunications provider challenges oral decision of city zoning board

Parties dispute whether oral decision is
appealable “final action” under federal law

Citation: *T Mobile Northeast LLC v. City of Wilmington, Delaware*, 2019 WL 150630 (3d Cir. 2019)

The Third Circuit has jurisdiction over Delaware, New Jersey, Pennsylvania, and the U.S. Virgin Islands.

THIRD CIRCUIT (DELAWARE) (01/10/19)—This case addressed the issue of whether an oral decision of a zoning board of appeals was a “final action” under the review provision of the federal Telecommunications Act of 1966 (“TCA”) (47 U.S.C.A. § 332). It also addressed the issue of whether the timing requirement in the TCA’s review provision is jurisdictional. Finally, it addressed whether an untimely supplemental complaint can relate back and cure an unripe initial complaint.

The Background/Facts: T Mobile Northeast LLC (“T Mobile”), a wireless telecommunications service provider, applied to the Zoning Board of Adjustment (“ZBA”) of the City of Wilmington (the “City”) for permission to erect an antenna in the City. The ZBA ultimately denied the request in an oral decision. T Mobile then filed a legal action within 30 days of the ZBA’s oral decision, challenging the denial. Two days after the City filed its answer in the action, the ZBA issued its written decision on T Mobile’s application. Nearly a year after the ZBA issued its written denial, T Mobile filed a motion in its case, seeking leave to amend or supplement its initial complaint to note the issuance of that written decision.

Finding there were no material issues of fact in dispute, and deciding the matter on the law alone, the district court granted summary judgment in favor of the City. The district court concluded that T Mobile’s initial complaint was “irreparably unripe” because both the TCA and Delaware law required the ZBA to issue a written decision before the ZBA’s action could be considered “final” (and thus subject to appeal under the TCA review provision).

The TCA grants “[a]ny person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof” a right to have that locality’s decision reviewed by “commenc[ing] an action” “within 30 days” in district court. (47 U.S.C.A. § 332(c)(7)(B)(v).) The TCA also states that “[a]ny decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.” (47 U.S.C.A. § 332(c)(7)(B)(iii).)

Thus, the district court concluded that T Mobile had filed

its initial complaint too soon. The court also concluded that T Mobile’s supplemental complaint could not fix the ripeness problem because it was filed past the 30-day window for seeking review of the ZBA’s final action.

T Mobil appealed. On appeal, T Mobil contended that there was jurisdiction to hear its case. It advanced two alternative grounds for reversal: that its complaint was ripe because the ZBA’s oral decision qualified as a “final action” under the review provision of the TCA, and, in the alternative, that its supplemental complaint related back to and cured any ripeness problem with its initial complaint.

DECISION: Judgment of district court reversed in part, vacated in part, and remanded.

Disagreeing with T Mobile’s first argument, the United States Court of Appeals, Third Circuit, held that that an oral decision of the ZBA does not qualify as a “final action” under the TCA’s review provision. However, the court agreed with T Mobile that jurisdiction was proper in the District Court because the timing requirement in the TCA’s review provision was non-jurisdictional, and T Mobile’s supplemental complaint therefore related back and cured the ripeness problem with the initial complaint. The Third Circuit concluded that the District Court should thus have reached the merits of the dispute.

In so holding, the court explained that the terms “act,” “final action,” and “decision . . . to deny” are not defined in the TCA. Furthermore, the court found that the TCA failed to make clear whether “final action” should be read to encompass all decisions to deny, including oral ones. However, looking at the “text and structure” of the TCA, Delaware procedures, Supreme Court reasoning, decisions of sister circuits, and policy arguments, the court found they all supported the conclusion that “a writing is in fact a requirement for a denial to be final” under the TCA’s review provision. In light of that conclusion, the court held that, here, the ZBA’s oral decision was not a “final action” ripe for judicial review. As such, T Mobile’s initial complaint’s cause of action was “not ripe.”

Having determined that T Mobile’s initial complaint was not ripe for review because the oral decision that it challenged did not constitute a final action, and noting that T Mobile’s supplemental complaint was filed more than 30 days after the ZBA’s written “final” decision and was therefore untimely under the TCA’s review provision (see 47 U.S.C.A. § 332(c)(7)(B)(v)), the court noted that the district court only had jurisdiction if T Mobile’s supplemental complaint “cured the ripeness flaw in its initial complaint by relating back to the original filing date.” That would only be possible, noted the court, if the 30-day time limit in the TCA’s review provision was non-jurisdictional. And, the court concluded that it was non-jurisdictional.

The court explained that a Supreme Court-issued “readily administrable bright line for determining whether to classify statutory limitation as jurisdictional” was to determine “whether Congress has clearly state[d] that the rule is jurisdictional.” “[A]bsent such a clear statement,” the court said that it should treat the restriction as “nonjurisdictional in character.” Here, the court concluded that the 30-day time limit in the TCA’s review provision was not

jurisdictional because the text and context of the TCA, and historical treatment of timing requirements in similar statutes, did “not reveal a clear intent from Congress to make the review provision’s timing requirement jurisdictional.”

Finally, the court also concluded that, under Federal Rules of Civil Procedure Rule 15(d), an untimely supplemental complaint (such as that filed by T Mobile here) can, by relating back, cure an initial complaint that was unripe.

See also: *Delaware Riverkeeper Network v. Secretary Pennsylvania Department of Environmental Protection*, 903 F.3d 65 (3d Cir. 2018).

See also: *T-Mobile South, LLC v. City of Roswell, Ga.*, 135 S. Ct. 808, 190 L. Ed. 2d 679 (2015).

See also: *Sebelius v. Auburn Regional Medical Center*, 568 U.S. 145, 133 S. Ct. 817, 184 L. Ed. 2d 627 (2013).

See also: *Musacchio v. U.S.*, 136 S. Ct. 709, 193 L. Ed. 2d 639 (2016).

Case Note:

T Mobile had asserted that there should be a new requirement imposed on localities to address a locality’s failure to act (and timely issue a final decision). The court found that the TCA’s “shot clock”—which allows a wireless carrier to sue for a locality’s failure to act—was sufficient as it was the policy choice of Congress that the court was not “free to change.”

Standing/Validity of Regulations/Short-term rentals—Individuals and organization challenge constitutionality of city’s shared housing ordinance

Court evaluates its jurisdiction to hear challenge based on standing of individuals and organization

Citation: *Keep Chicago Livable v. City of Chicago*, 2019 WL 178566 (7th Cir. 2019)

The Seventh Circuit has jurisdiction over Illinois, Indiana, and Wisconsin.

SEVENTH CIRCUIT (ILLINOIS) (01/14/19)—This case addressed the issue of whether individuals and/or an organization had standing to challenge the constitutionality of a city’s shared housing ordinance.

The Background/Facts: In 2016, the City of Chicago (the “City”) passed an ordinance (the “Shared Housing Ordinance” or the “Ordinance”) to regulate home-sharing activities where property owners (“hosts”) rent rooms and

houses for temporary stays. The Ordinance requires hosts to register with the City and acquire a business license before listing their units for rent. City-approved hosts are also subject to health, safety, and reporting requirements.

Keep Chicago Livable is a non-profit organization that focuses on educating home-sharing hosts. Keep Chicago Livable and six individuals (collectively, the “Plaintiffs”) challenged the constitutionality of the City’s Shared Housing Ordinance. The Plaintiffs alleged that the Ordinance “violated the First Amendment by impermissibly restraining non-commercial speech as well as by compelling speech through content-based disclosure requirements,” and by offending their “right to intimate and expressive association.” They also alleged that the Ordinance violated the Equal Protection Clause (of the United States Constitution) by “arbitrarily treating shared-housing arrangements differently than guest suite and hotel rentals.” Further, they alleged that the Ordinance was “void for vagueness” under the Due Process Clause (of the United States Constitution).

The Plaintiffs asked the district court to issue a preliminary injunction on their claims. The district court denied that request. Among other things, the district court found that the Ordinance regulated economic activity, not speech.

The Plaintiffs appealed.

DECISION: Judgment of district court vacated, and matter remanded.

The United States Court of Appeals, Seventh Circuit, held that the district court had failed to determine whether any of the Plaintiffs had “the requisite injury or threat of injury to establish the standing necessary for federal subject matter jurisdiction.” Accordingly, the Seventh Circuit vacated the district court’s determination on the preliminary injunction issue, and remanded the matter for a determination of standing.

The Seventh Circuit explained that standing (i.e., the legal right to bring a judicial action) is a prerequisite to federal jurisdiction (i.e., jurisdiction of the federal courts to evaluate the challenges brought under federal law). The court further explained that individual standing requires a “threefold demonstration” of: “(1) an injury in-fact; (2) fairly traceable to the defendant’s action; and (3) capable of being redressed by a favorable decision from the court.” The alleged injury must be both “concrete and particularized” as well as “actual and imminent, not conjectural or hypothetical,” said the court. Further, the court explained that a different analysis is required to determine organizational standing. When an organization—such as Keep Chicago Livable—brings an action to remedy an injury to the organization, the organization must allege a concrete and particularized injury to the organization, said the court. When an organization brings an action on behalf of its members, the court explained that it must show that: (1) “its members would otherwise have standing to sue in their own right”; (2) “the interests it seeks to protect are germane to the organization’s purpose”; and (3) “neither the claim asserted nor the relief requested requires the participation of individual members in their lawsuit.”

Here, the court could not conclude that any of the Plaintiffs—the six individuals or Keep Chicago Livable—

had standing. The court found that none of the individuals made a “clear, requisite showing of an ongoing, concrete, and particularized injury caused by the Ordinance and capable of being redressed in a favorable ruling in [the] appeals.” Specifically, the court found that: one of the individuals no longer owned property in the City; three of the individuals failed to allege how the Ordinance was preventing or hampering any of their home-sharing activities in the City; and two of the individuals were out-of-town renters who had failed to establish whether they still wished to visit the City and, if so, how the Ordinance was inhibiting them from doing so. Moreover, the court found that Keep Chicago Livable had failed to allege a “concrete and particularized injury to the organization,” but had instead “shown little more than a ‘mere interest in a problem.’” Further, even assuming that Keep Chicago Livable had brought the action on behalf of its members, the court found that the organization was “unable to identify an individual plaintiff with standing to bring any claim.”

See also: *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 112 S. Ct. 2130, 119 L. Ed. 2d 351, 34 Env’t. Rep. Cas. (BNA) 1785, 22 Env’t. L. Rep. 20913 (1992).

See also: *Hunt v. Washington State Apple Advertising Com’n*, 432 U.S. 333, 97 S. Ct. 2434, 53 L. Ed. 2d 383 (1977).

Case Note:

In its decision, the court acknowledged that, although facts on the record before it did not establish standing by any of the Plaintiffs, on remand, they may be present evidence establishing standing.

Proceedings/Ripeness/ RLUIPA—Church contends city’s zoning code violates Religious Land Use and Institutionalized Persons Act

Church appeals district court finding that its claims are not ripe and moot

Citation: *Church of Our Lord and Savior Jesus Christ v. City of Markham, Illinois*, 2019 WL 244735 (7th Cir. 2019)

The Seventh Circuit has jurisdiction over Illinois, Indiana, and Wisconsin.

SEVENTH CIRCUIT (ILLINOIS) (01/17/19)—This case addressed the issue of whether a church’s claims, challenging a city’s zoning code under the federal Religious Land Use and Institutionalized Persons Act (“RLUIPA”) were ripe and/or moot.

The Background/Facts: In 1985, Reginald McCracken

(“McCracken”) purchased a single-family residence (the “Property”) in an R-3 One-Family Residential zoning district in the City of Markham (the “City”). McCracken was the pastor of The Church of Our Lord and Savior Jesus Christ (the “Church”). The Church converted the Property into a house of worship. The City Zoning Code did not expressly provide for any conditional uses in the R-3 district, and only permitted churches as a conditional use in the City’s R-1 district. No provision in the City Zoning Code expressly identified churches as a permitted use.

At some point, the City filed a legal action against the Church in state court. The City sought an injunction to halt the Church’s operation on the Property without a valid conditional use permit.

The Church requested a continuance from the district court to apply for a conditional use permit with the City. The court granted the continuance. The Church then applied for a conditional use permit, but did not request needed variances from the City’s parking regulations. Eventually, the City denied the Church’s conditional use permit application.

Following the denial of the conditional use permit, the Church sued the City. Among other things, it argued that the City’s Zoning Code violated the federal Religious Land Use and Institutionalized Persons Act (“RLUIPA”) (42 U.S.C.A. § 2000cc *et seq.*). The Church argued that a church was a permitted use of the Property, such that the City’s insistence on a conditional use permit was incorrect and “constituted a substantial burden on the [C]hurch’s religious exercise” in violation of RLUIPA. Alternatively, the Church argued that a church was a conditional use in R-3 districts, which would mean that the City Zoning Code provides no districts in which religious facilities are permitted as of right, “thereby violating RLUIPA’s equal terms and unreasonable limitations provisions.”

The City maintained that, under the City Zoning Code, churches were a conditional use in R-3 districts, but were permitted as of right in the City’s commercial and industrial districts. Accordingly, the City argued that there could not possibly be on equal terms or unreasonable limitations problem, and, thus, no violation of RLUIPA.

Finding there were no material issues of fact in dispute, and deciding the matter on the law alone, the district court issued summary judgment in favor of the City. The district court ruled that the Church’s claims were not ripe when the Church filed its action because the Church had failed to apply for necessary parking variances. The district court also ruled that the Church’s claims were moot because the City had ultimately (while the litigation was pending) issued a parking variance and a conditional use permit to the Church.

The Church appealed.

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

The United States Court of Appeals, Seventh Circuit, held that the ripeness of the Church’s claims did not hinge on the pursuit of parking variances because they said “nothing about whether the [C]hurch’s use of the Property [was] permissible.” The court also held that the City’s issuance to

the Church of a conditional use permit did not moot the Church's claim that it did not need one and was instead entitled to be treated as a permitted use as of right.

The Seventh Circuit emphasized the importance of the fact that the Church's equal terms and unreasonable limitations RLUIPA claims hinged on the City's interpretation of the zoning code rendering churches a conditional use in the R-3 districts, rather than a permitted use as of right. On the other hand, noted the court, if the Church's interpretation that churches are a permitted use in the R-3 district is correct, then the Church's equal terms and unreasonable limitations claims "fall away, leaving only its substantial burden claims," said the court. Thus, said the court, the "key question" in the case was whether operating a church on the Property was a permitted or conditional use. Since the district court did not answer that question, the Seventh Circuit remanded the matter for the district court to address.

Proceedings/Equitable Waiver—Zoning board grants equitable waivers to applicant

Abutting property owners argue statutory equitable waiver requirements were not met

Citation: *Dietz v. Town of Tuftonboro*, 2019 WL 275312 (N.H. 2019)

NEW HAMPSHIRE (01/08/19)—This case addressed the issue of whether statutory equitable waiver requirements were not met such that a zoning board of adjustment's grant of equitable waivers to a property owner that had constructed portions of a structure within a setback was in error.

The Background/Facts: Sawyer Point Realty, LLC ("Sawyer Point") owned a house (the "Property") along the shores of Lake Winnepesaukee in the Town of Tuftonboro (the "Town"). The Property was located within the Town's Lakefront Residential Zoning District (the "District"). The Town's zoning ordinance required buildings within the District to be located at a minimum 50-foot setback from the lake.

In 1999, Sawyer Point added a second floor addition (the "1999 Addition") to its house. The existing structure was located within the setback, but the Town granted a building permit for the 1999 Addition, noting it would cause "no change in the footprint." In 2008-2009, Sawyer Point constructed a second addition to its house, adding a portion to the second floor and an addition of the side of the house facing away from the lake (the "2008 Addition"). Portions of the 2008 Addition were within the 50-foot setback. Sawyer Point applied for and obtained from the Town's Zoning Board of Adjustment ("ZBA") a variance and a building permit for the 2008 Addition.

A 2014 survey of the Property revealed that, in regard to the 2008 Addition, more of the new structure was within the setback than had previously been represented to the Town's ZBA. After learning of that discrepancy, owners of abutting property, David F. and Katherine W. Dietz (the "Dietzes") sought injunctive relief against Sawyer Point. The Dietzes argued that Sawyer Point had built within the setback without obtaining the required approvals, and asked that the court order the removal of the unlawful construction.

Sawyer Point then applied to the ZBA for equitable waivers under New Hampshire's equitable waivers statute, RSA 674:33-a, for the portion of the 1999 Addition within the setback and for the portion of the 2008 Addition that was within the setback but not within the scope of the 2008 variance.

The equitable waivers statute, RSA 674:33-a, provides that "[w]hen a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance," the zoning board of adjustment can grant an equitable waiver from the requirement, "if and only if" the ZBA makes certain specified findings, including that: the violation was not noticed or discovered until after substantially completed; the violation was "not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith . . . but was instead caused by either a good faith error in measurement or calculation . . . or by an error in ordinance interpretation or applicability made by a municipal official . . ."; the violation does "not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property"; and the "cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected."

The ZBA granted the equitable waivers.

The Dietzes then appealed the grant of those equitable waivers to the trial court.

The trial court upheld the ZBA's grant of the equitable waivers to Sawyer Point.

The Dietzes appealed. Among other things, the Dietzes argued that: (1) the trial court erred because RSA 674:33-a requires the ZBA make written factual findings as to each element of the statute, and the ZBA failed to do so here; (2) the trial court erred because RSA 674:33-a, I(d) allows for an equitable waiver only if past construction was made in ignorance of the facts constituting violation, and Sawyer Point was not ignorant of the facts, but was aware that the additions were within the setback; and (3) the trial court erred in its application of the balancing test set forth in RSA 674:33-a, I(d) because Sawyer Point failed to present evidence to show the cost of correcting the zoning violation, and the ZBA failed to consider the "cumulative effect of the failure to enforce lakefront setback throughout the Town."

DECISION: Judgment of trial court affirmed.

The Supreme Court of New Hampshire rejected all of

the Dietzes' arguments and affirmed the ZBA's grant of the equitable waivers to Sawyer Point.

The court first held that, contrary to the Dietzes' assertions, RSA 674:33-a did not expressly require the ZBA make written factual findings as to each element of the equitable waivers statute. The court found that the language of the statute required that the ZBA "simply set forth 'the basis' for its decision in the minutes." Here, the court found that the ZBA's meeting minutes reflected that the ZBA "discussed and analyzed the four equitable waiver requirements."

Next, the court held that, contrary to the Dietzes' assertions, RSA 674:33-a, I(d) does not allow for an equitable waiver only if past construction was made because of the applicant's ignorance of the facts constituting violation. The court explained that the statute also allows for an equitable waiver based on an error made by a municipal official without the applicant also having erred in measurement or calculation. The Dietzes had argued that because Sawyer Point was not ignorant of the facts, but was aware that the additions were within the setback, the equitable waivers were issued in error. The court disagreed. The court concluded that, due to its reliance on "an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority," Sawyer Point was "ignorant of the facts constituting the violation," and thus met that equitable waiver requirement under RSA 674:33-a, I(d).

Finally, the court also rejected the Dietzes' argument that the trial court erred in its application of the equitable waiver statute's balancing test since Sawyer Point had not presented evidence of the cost of correcting the zoning violation. The court held that the ZBA members could properly use "their own knowledge and experience—as well as their common sense—to conclude, as they did, that the cost of tearing down portions of the 1999 and 2008 Additions would 'far outweigh [] any public benefit.'" Moreover, the court held that, contrary to the Dietzes' assertions, the equitable waiver statute's balancing test did not require the ZBA to consider the "cumulative effect of the failure to enforce lakefront setback throughout the Town," but rather, the statute clearly limited the scope of the cost-benefit analysis to the specific zoning violation at issue. (See RSA 674:33-a, I(d).)

See also: *Property Portfolio Group, LLC v. Town of Derry*, 163 N.H. 754, 48 A.3d 937 (2012).

See also: *Biggs v. Town of Sandwich*, 124 N.H. 421, 470 A.2d 928 (1984).

Zoning News from Around the Nation

NEW HAMPSHIRE

The State House Judiciary Committee has "kill[ed]" a bill (House Bill 104), which would have established a

three-member state Housing Board of Appeals to "hear appeals of final decisions by municipal boards involving housing development." Currently, appeals can only be heard in court. A similar bill is expected to be introduced in the Senate.

Source: *New Hampshire Business Review*; www.nhbr.com

Republican state Rep. Dave Testerman reportedly "plans to sponsor legislation to clarify municipal regulation of [tiny houses.]"

Source: *Concord Monitor*; www.concordmonitor.com

OHIO

In December, the Ohio House of Representatives and Senate agreed to modifications to House Bill 500, which would make a number of changes to Ohio's township laws, including:

- giving a board of township trustees the authority to charge a fee against those appealing a zoning decision;
- giving a board of township trustees authority to suspend a member of a township zoning commission or township board of zoning appeals after charges are filed against a member, but requiring a hearing for removal no later than 60 days after the charges are filed;
- in limited home rule townships, making optional the current requirement that a township must submit a proposed zoning amendment or resolution to a planning commission.

Source: *Ohio's Country Journal*; www.ocj.com

OREGON

To address a housing shortage, the Oregon legislature will take up a bill (House Bill 2001) that seeks to "require cities with populations larger than 10,000 to allow up to four homes to be built on land parcels currently zoned exclusively for single-family housing."

Source: *Willamette Week*; www.wweek.com

Source: *Portland Mercury*; www.portlandmercury.com

WYOMING

Pending in the state legislature is a bill (Senate File 49) that would remove county zoning law application to the construction or expansion of private schools. A recently introduced amendment to the bill would subject private schools to "the same rules currently regulating public and charter school facilities" and would only apply to schools registered as nonprofit corporations in Wyoming. The amended bill has passed out of the legislature's Education Committee. Proponents of the bill argue that it helps ensure all students a "right to an 'education.'" Opponents of the bill had argued that it takes away local input on site planning, economic vision, and environmental and quality of life issues. The bill next goes to the full Senate for a first reading.

Source: *Casper Star Tribune*; <https://trib.com>