

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**5:30 P.M., P.D.S.T., TUESDAY, APRIL 3, 2018**  
**ELKO CITY HALL, COUNCIL CHAMBERS,**  
**1751 COLLEGE AVENUE, ELKO, NEVADA**

**CALL TO ORDER**

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

**ROLL CALL**

**Roll Call.**

**Present:**     **David Freistroffer**  
                  **Ian Montgomery**  
                  **Jeff Dalling**  
                  **John Anderson**  
                  **Kevin Hodur**  
                  **Stefan Beck** (*Left at 7:09 p.m.*)  
                  **Tera Hooiman**

**City Staff:**   **Cathy Laughlin, City Planner**  
                  **Jeremy Draper, Development Manager**  
                  **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**

March 6, 2018 – Regular Meeting **FOR POSSIBLE ACTION**

**\*\*\*Motion: Approve the meeting minutes from March 6, 2018.**

**Moved by Kevin Hodur, Seconded by Ian Montgomery.**

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

**I. NEW BUSINESS**

**A. PUBLIC HEARING**

1. Review, consideration, and possible action of Conditional Use Permit No. 3-18, filed by Jason B. Land on behalf on Blaine Branscomb, which would allow for a professional office within an RO (Residential Office) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the south side of Court Street, approximately 50 feet east of 9<sup>th</sup> Street (910 Court Street, APN 001-281-002).

Jason Land, 1526 Sustacha Drive Lamoille, Nevada, stated that he was applying for a Conditional Use Permit to move his office into an RO Zone.

Cathy Laughlin, City Planner, went through the City of Elko Staff Report dated March 12, 2018. She recommended approval with the conditions listed in the staff report.

Jeremy Draper, Development Manager, stated the Development Department agreed with the Planning Department presentation. He recommended conditional approval. He then went over the Development Department conditions listed in the staff report.

Bob Thibault, Civil Engineer, said the Engineering Department recommended approval of the Conditional Use Permit with no additional conditions. Mr. Thibault also mentioned he lived across the street at 901 Court Street, and said he was happy to see any interest in the property, because it had been neglected for some time.

John Holmes, Fire Marshal, stated that the applicant needed to make sure everything in the 2012 International Fire Code was being met.

Ms. Laughlin stated that there were no comments from the City Manager's Office.

Commissioner Stefan Beck stated he was also neighbor and happy to see some improvements made to the lot.

Commissioner Kevin Hodur asked if the Fire comments needed to be included in the motion.

Ms. Laughlin suggested they be included as a condition.

**\*\*\*Motion: Conditionally approve Conditional Use Permit No. 3-18 subject to the conditions in the City of Elko Staff Report dated March 12, 2018 and condition from Fire Department, listed as follows:**

**Planning Department:**

1. CUP 3-18 shall automatically lapse and be of no effect one (1) year from the date of its issue unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.
2. The CUP 3-18 to be recorded with the Elko County Recorder within 90 days after the commencement of the work for the conversion from single family dwelling to professional office.
3. The garage will be demolished to develop off-street parking.

**Development Department:**

1. The permit is granted to the applicant Jason Land for the use of a professional office.
2. The permit shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.
3. The conditions of Variance 1-18 be met prior to occupancy of the building.
4. The conditions of Rezone 2-18 be met prior to occupancy of the building.

**City Clerk:**

1. A business license must be applied for and obtained prior to conducting business at this location.

**Building Department:**

1. Building Department conditions listed in Variance 1-18 be completed prior to occupancy.

**Fire Department:**

1. Must comply with the 2012 International Fire Code.

Commissioner Hodur's findings to support his recommendation are the proposed conditional use under the conditionally approved Residential Office district is consistent with the Land Use Component of the Master Plan. The proposed conditional use permit is consistent with existing land uses in the immediate vicinity. The proposed conditional use permit meets Objectives 2 and 4 of the Land Use Component of the Master Plan. The proposed conditional use is consistent with the Transportation Component of the Master Plan. The proposed use, intensity of use and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system. The proposed conditional use permit and repurposing the property and structure conforms to the Redevelopment Plan. The proposed conditional use is consistent with the City of Elko Wellhead Protection Plan. The proposed use of the property and allowed uses under the RO-Residential Office zoning district do not present hazard to City wells. The proposed use of the property requires a conditional use permit to conform to Section 3-2-3 of City Code. The proposed use based on conditional approval of Variance 1-18 conforms to Section 3-2-4 of City Code. The proposed conditional use is in conformance with Section 3-2-5(F)(3) RO-Residential Office based on conditional approval of Variance 1-18 and conditional approval of Rezone 2-18. The Planning Commission conditionally approved Variance 1-18 on February 6, 2018. The City Council conditionally approved zone amendment 2-18 on February 27, 2018. The property as developed is in conformance with City Code 3-2-17 for the principal permitted use as a single-family residence. Additional parking and ADA access is required for conformance under the proposed conditional use. The parcel is not located within a designated Special Flood Hazard Area. Development under the proposed conditional use will not adversely impact natural systems, or public/federal lands such as

waterways, wetlands, drainages, floodplains, etc. or pose a danger to human health and safety. The proposed conditional use is consistent with surrounding land uses.

Moved by Kevin Hodur, Seconded by Tera Hooiman.

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

2. Review, consideration, and possible recommendation to City Council for Rezone No. 1-18, filed by The City of Elko, for a change in zoning from R (Single-Family and Multiple-Family Residential) to PQP (Public, Quasi-Public), approximately 1.314 acres of property, to allow for incorporation into the Elko City Parks, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northwest corner of the intersection of College Avenue and Golf Course Road (1401 College Ave, APN 001-200-002).

Ms. Laughlin went through the City of Elko Staff Report dated March 13, 2018. She recommended conditional approval with the condition listed in the staff report.

Mr. Draper said the Development Department had no additional comments. He recommended approval of the proposed zone change. He reiterated the action required by the Planning Commission to accept the location of the accessory structure as it exists on the property.

Mr. Thibault recommended approval.

Mr. Holmes had no comments.

Ms. Laughlin stated the Assistant City Manager recommended approval as presented by staff with the specific approval for the accessory structure location included in a motion.

Chairman David Freistroffer said he was glad the City was taking the initiative to clean up the zoning in this area. There are many large properties that the use is not correct for the zone.

**\*\*\*Motion: Approve the location of the existing accessory structure shown on the site plan, and forward a recommendation to City Council to adopt a resolution which conditional approved Rezone No. 1-18 subject to the conditions listed in the City of Elko Staff Report dated March 13, 2018, listed as follows:**

**Planning Department:**

1. **The location of the remaining accessory structure is approved by the Planning Commission under Section 3-2-8 (E)(2) as shown on the site plan included with the application. The approval is included in the motion of the Planning Commission.**

**Commissioner Hodur's findings to support his recommendation are the proposed zone district is in conformance with the City of Elko Master Plan Land Use Component. The proposed zone district is in conformance with the Master Plan Transportation Component.**



The property is not located within the redevelopment area and consideration of the plan is not required. The proposed zone district and allowed uses do not present a hazard to City wells and is therefore in conformance with the City Wellhead Protection Plan. There is not a minimum lot area nor dimensions stipulated for the proposed zone district. The location of the accessory structure requires specific approval by the Planning Commission for the property to be in conformance with City Code 3-2-4(B). With Planning Commission approval of the existing accessory structure location, as shown on the site plan, the proposed rezone is in conformance with Section 3-2-8 of City Code. The current use of the property under the proposed district is in conformance with Section 3-2-17 of City Code. The proposed rezone is consistent with surrounding land uses. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety. The parcel is not located within a designated Special Flood Hazard Area.

Moved by Kevin Hodur, Seconded by Stefan Beck.

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

3. Review, consideration, and possible action on Variance No. 3-18, filed by Daniel Broockmann for a reduction of the required front yard setback from 15' to 11.6', the required interior side yard setback from 7' to 4.8', and the required exterior side yard setback from 12' to 10.7' within an R (Single-Family and Multi-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast corner of the intersection of W. Ash Street and A Street. (189 W. Ash St. - APN 001-091-001)

Daniel Broockmann, 189 W Ash St, stated that he purchased the property in August. The property is interesting. It has had several additions. He's been told it's a cultural relic of a Basque family that lived there. The additions were done over 24 years ago. The property exists as it is. They don't intend to change the footprint. It has an unfinished day lit basement. They would like to make that usable space. They were told they wouldn't be able to pull a Building Permit until a variance is granted, because the additions were built in the setbacks. They are requesting a variance to continue with getting the appropriate permits and developing the basement into a duplex. The property was previously a multi-family use.

Jan Screwcrew, 169 W. Ash, stated she had no objections to the variance.

Ms. Laughlin went through the City of Elko Staff Report dated March 13, 2018. She recommended conditional approval with the conditions listed in the staff report.

Mr. Draper said the Development Department agreed with the Planning Department and had similar findings. He recommend approval with the Development Department conditions listed in the staff report, with a minor change from 15' to 12' on the Exterior Side Yard.

Mr. Thibault recommended approval as presented by staff.

Mr. Holmes had nothing further.

Ms. Laughlin stated that the Assistant City Manager recommended approval as presented by staff.

Chairman Freistroffer asked if it was staying single-family if it still required a variance.

Ms. Laughlin said yes. There are sections of the Code that state that legal non-conforming status is lost when the use is changed, expanded, or enlarged. This parcel was considered a legal non-conforming use, because the structure encroached into the setbacks.

Chairman Freistroffer said Variances are a big deal, so the Planning Commission needs to make sure that this is specific to the property, and that they aren't allowing everybody this kind of variance. They need to think about this carefully. He thought it was appropriate to grant this variance to allow the property owner to use his property. If they don't, they would be depriving him of the use of his property. They have also met all the other application requirements for a Variance.

**\*\*\*Motion: Conditionally approve Variance No. 3-18 subject to the conditions in the City of Elko Staff Report dated March 13, 2018 listed as follows:**

**Planning Department:**

1. Compliance with all staff recommendations.
2. Commencement within one year and completion within eighteen (18) months. This includes development of off street parking and completion of the conversion of the basement area to a usable floor space and issuance of the required Certificate of Occupancy. Additional permits are required for certain components of the work.
3. Conformance to plans approved as a part of the variance.
4. Subject to review in two (2) years if determined necessary by the planning commission.

**Development Department:**

1. A variance is granted for the setbacks of the existing principle structure to be reduced for the following:
  - a. Interior side yard setback from 7' to 4.8'
  - b. Exterior side yard setback from 12' to 10.7'
  - c. Front setback from 15' to 11.6'
2. The required off-street parking is to be developed in accordance with Elko City Code 3-2-17.

**Building Department:**

1. Please see Elko City building code amendments table R302.1 regarding Exterior walls
  - Walls: < 5 feet require 1 hour fire rating
  - Projections: 2 feet to <5 feet require 1 hour on underside. 0 to 2 feet not allowed

- Openings: 3 feet to 5 feet allowed at 25% maximum of wall area or less
- Penetrations : < 5 feet must comply with section R317.3

**Public Works Department:**

1. Applicant must provide required off street parking.

Commissioner Hodur's findings to support its recommendation are the proposed variance is in conformance with the Land Use Component of the Master Plan is consistent with existing land uses in the immediate vicinity. The proposed variance is consistent with the Transportation Component of the Master Plan. The property is not located within the redevelopment area and consideration of the plan is not required. The proposed variance is consistent with City of Elko Wellhead Protection Plan. The proposed use of the property and allowed uses under the proposed district do not present a hazard to City wells. The property does not conform to Section 3-2-4 of City Code. Approval of the variance application is required to bring the property into conformance with code. The developed property meets the stipulated area and dimensions requirements stipulated in Section 3-2-5(G) R-Single-Family and Multiple-Family Residential. The structure encroaches into all of the stipulated yard areas excepting the rear yard area. Approval of the variance application is required to bring the property into conformance with code. The property does not conform to Section 3-2-17 of City Code. Development of the required parking areas will be required as a condition for variance approval. In accordance with Section 3-2-22, the applicant has demonstrated that the existing structure has been in place for over 24 years and it appears the structure predates the current setbacks stipulated in code and encroaches into the current stipulated setbacks. In accordance with Section 3-2-22, the applicant has demonstrated that this circumstance prevents the applicant from obtaining building permits to finish the basement level of the structure depriving the applicant of full use of the structure. In accordance with section 3-2-22, the applicant has demonstrated that the property has unique circumstances based on the fact that the basement daylight and other developed properties in the immediate area do not offer that potential for usable floor space. Granting of the variance will not result in material damage or prejudice to other properties in the vicinity. This finding is based on the fact the variance request is not for the actual conversion to a duplex use. In the event of that occurrence, the conversion of the structure to a duplex use will have to conform to all code requirements including off-street parking. This finding is also based on the fact the structure was previously converted from a multifamily use to a single-family use. Granting of the variance will not substantially impair the intent or purpose of the zoning ordinance. Single-family or duplexes are listed as principal uses in the underlying zone. Neither use requires a larger lot size than specified for the district. Granting of the variance will not impair natural resources. The parcel is not located within a designated Special Flood Hazard Area.

Moved by Kevin Hodur, Seconded by Stefan Beck.

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

4. Review, consideration, and possible action on Variance No. 4-18, filed by Al Latimer on behalf of Kenworth Sales Company, for an increase in the allowable sign

area from 194 square feet to 275 square feet within an IBP (Industrial Business Park) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the corner of the intersection of Ruby Vista Drive and Statice Street. (4224 Ruby Vista Dr. - APN 001-860-110)

Al Latimer, Sales Manager for IG Sign Company, explained that they were asking for an increase in the square footage of the signage to make it possible to use Kenworth's standard freeway sign, which they have used in all their locations. They aren't trying to change any of the zoning laws. If the building were facing the other way, it would be legal, per the sign ordinance.

Ms. Laughlin went through City of Elko Staff Report dated March 16, 2018. She recommended conditional approval with the conditions listed in the staff report. She also wanted to make the applicant aware that the sign needed to be located outside of the easement in the front of the property.

Mr. Draper said the Development Department agreed with the Planning Department. He recommended approval for the increase of the square footage of the sign. He pointed out that the City wants to cut down on the blight that might be seen with excessive signs. With the size of the lots in this area, the concerns are not the same as with the downtown area.

Mr. Thibault recommended approval with no additional concerns.

Mr. Holmes had no comments.

Ms. Laughlin stated that the Assistant City Manager recommended approval as presented by staff.

Commissioner Hodur said that this was a unique circumstance forced by the shape of the property.

Commissioner Freistroffer added that the shape of the building was also unique. He stated that building wasn't fitting to the Sign Ordinance.

**\*\*\*Motion: Conditionally approve Variance No. 4-18 subject to the conditions in the City of Elko Staff Report dated March 16, 2018 listed as follows:**

**Planning Department:**

- 1. Compliance with all staff recommendations.**
- 2. Commencement within one year and completion within eighteen (18) months. A sign permit is required for the work.**
- 3. Conformance to plans approved as a part of the variance.**
- 4. Subject to review in two (2) years if determined necessary by the Planning Commission.**

Commissioner Hodur's findings to support his recommendation are the proposed variance is in conformance with the Land Use Component of the Master Plan is consistent with existing land uses in the immediate vicinity. The property is not located within the redevelopment area and consideration of the plan is not required. There are no signage regulations stipulated in Section 3-2-11 of the City Code. In accordance with Section 3-2-22, the applicant has demonstrated that the property has unique circumstances based on the fact the building orientation has the shortest length parallel to Ruby Vista and the longest length along Statice Street, therefore, the sign area is calculated on the shortest length of the building. The size and orientation of the parcel would not accommodate a different orientation for the structure. In accordance with Section 3-2-22, the applicant has demonstrated that the allowable sign area equates 196 square feet versus the 275 square feet that is the standard trademark sign for the company. This circumstance would require a custom made sign and associate design for the sign infrastructure. Additionally, visibility from the adjacent freeway is an important consideration for the business. In accordance with Section 3-2-22, the other two parcels in the vicinity, fronting Ruby Vista are already fully developed and the cited conditions therefore do not generally apply to other properties in the area. Granting of the variance will not result in material damage or prejudice to other properties in the vicinity. This finding is based on the distance separation from the proposed sign to the adjacent properties. Granting of the variance will not substantially impair the intent or purpose of the zoning ordinance. The area as currently developed, in addition to the proposed signage will not result in distractions and obstructions that may adversely affect or conflict with traffic control signs, signals and other traffic control devices. In addition, granting of the variance will not result in visual clutter along streets and roadways and will provide each sign user an opportunity for effective identification and advertising by addressing the quantity, height and area of freestanding signs on all sites. Granting of the variance will not impair natural resources.

Moved by Kevin Hodur, Seconded by Stefan Beck.

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

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

1. Review and consideration of Annexation No. 1-18 filed by Legend Engineering on behalf of Ed and Sharon Netherton and JoyGlobal Surface Mining Inc., consisting of approximately 32.74 acres of property located southwest of the intersection of West Idaho Street and P&H Drive, and matters related thereto. **FOR POSSIBLE ACTION**

Ms. Laughlin went over the City of Elko Staff Report dated March 19, 2018. She recommended conditional approval with the conditions listed in the staff report.

Mr. Draper stated that the Development Department recommended approval. He pointed out that the Development Department had one condition that was listed in the Staff Report. He also mentioned that the Development Department reached out to the property owners in this area as part of the agreement the City has with these properties for providing water to them. They did that several years ago, and requested that they consider annexation. The City had positive

conversations with JoyGlobal at that time, and was considering an expansion to their facility, then were purchased by Komatsu. They have indicated that they will be doing a large building at this location and demolishing the existing building. When you look at the conditions from the Utility Department, those conditions are set up to allow for the construction of the new facility, connection of that facility to the City's water system, and demolition of the old facility prior to the abandonment of the existing well and water system. The vacant properties, as they don't currently have water service, they will connect as they are developed to the City of Elko Water System. In the Agreement with the properties, the City granted them 56-acre feet of water back in the 90's, which allowed them to develop in the County. The agreement was that they would then annex back into the City at the City's request once we were able to provide water to the area. The City has fulfilled their portion of the agreement and the property owners are on their way to fulfill their portion. The City will get back 56-acre feet and with the 32 acres that is 2.4 industrial units according to the Development Plan, which will only require 2.7 acre feet of water. He wanted to discuss the Utility Department Conditions. Stated in the conditions is that the property owners are to be actively constructing the new facility within 180 days. They have two options. One is to connect the old facility to the water system within 180 days, or begin construction of the new facility within 180 days. Mr. Draper spoke with Lonny Reed, of Legend Engineering, today, he indicated that they would have a representative at the meeting from Komatsu; unfortunately they were not able to make it. In his conversation with them, they were confident that they would be able to meet that construction timeline, to be in the new facility. If they are able to do that, they will satisfy the conditions. One of the reasons we pushed this with them is, as this becomes an Ordinance it's difficult to modify the Ordinance once it's approved by the City Council.

Mr. Thibault recommended approval. He had some conditions that didn't make it into the Staff Report. They are technical revisions to the Legal Description and the map, and must be completed prior to Council approval. They are listed as follows:

1. Revisions to legal description to be completed prior to Council Approval:
  - a. Description beings at the northwest corner, not  $\frac{1}{4}$  corner.
  - b. State a basis of bearings on the description.
  - c. The description should state who prepared it, and if it is by a licensed surveyor, it must be stamped and signed.
2. Revisions to map to be complete prior to Council approval:
  - a. Show the location of the northwest corner of Section 30 as stated in the description.
  - b. Label the parcels by APN, and the streets by name.

Mr. Holmes had nothing further.

Ms. Laughlin stated that the Assistant City Manager recommended approval as presented by staff.

Chairman Freistroffer said they had discussed that they had a property that was a County island. He asked if Ms. Laughlin could point out the property.

Ms. Laughlin pointed the property out, and explained that the City does not have certified program for annexations. There needs to be a population over 100,000 in order to be required to



have a certified program for annexation. If you did have program it would not allow leaving an island of less than 40 acres, therefore we are not in violation of the NRS by leaving this island.

Chairman Freistroffer asked who Mr. Draper spoke to that stated they would be ok with 180 days.

Mr. Draper stated that he spoke with Lonny Reed, who is the representative from Legend Engineering. He stated that in his conversations with the management of Komatsu that they are confident that they can meet the timeframe stipulated in the conditions.

Commissioner Hodur wished the applicant was present and wanted to see the zone application with the annexation, but stated that if staff was confident in the applicant's intentions with the process then he was all right with it.

Mr. Draper explained that Komatsu was trying to purchase the other two properties from Mr. Netherton. Once that was finalized, they would provide the zone change application.

Chairman Freistroffer pointed out that this annexation was very important, because it was a linchpin for what the City is trying to do at the 298 Exit and Interchange.

**\*\*\*Motion: Forward a recommendation to City Council to adopt an ordinance, which conditionally approves Annexation No. 1-18 subject to the conditions, listed in the City of Elko Staff Report dated March 19, 2018 listed as follows:**

**Development Department:**

1. The property owners shall receive approval for a zone designation for the property to be consistent with the Land Use designation in the City of Elko Master Plan.

**Utility Department:**

1. Joy Global Surface Mining shall extend the water main on P&H Drive the full frontage of the APN 006-09N-004 (Joy), 007 & 009 (Netherton), and make a point of connection in West Idaho Street. Water service (potable and fire protection) shall be extended within 180 days of annexation of the properties and the existing facility shall be connected to the City water system at that time; or, the water main shall be extended in conjunction with development of a new facility provided that Joy Global Surface Mining has applied for and received a Building Permit from the City and is actively engaged in constructing the new facility within the stipulated 180 days. Extension of water service and connection to the City water system may be extended by the length of time required for development of a new facility and will be required to obtain a Certificate of Occupancy for a new facility.
2. Joy Global Surface Mining shall file applications with Nevada Division of Water Resources to transfer all City water rights back to the City as stipulated in its agreement with the City dated November 1, 2013. The total water rights stipulated in the agreement is 58 acre feet. The same point of diversion shall be listed on the application. The application to transfer the water rights shall be filed no later than



- 60 days after extension of the water main in P & H drive and connection to either the existing facility or a newly developed facility.
3. The existing well shall be dedicated to the City of Elko no later than 90 days after the water rights have been transferred to the City. An easement shall be granted to the City of Elko to include access to the well, the wellsite including a 20' perimeter outside of the well house, and also a 20' wide utility easement westerly to the westerly property boundary at the time of well dedication.
  4. Joy Global Surface Mining shall extend dry sewer mains at the time of new facility development or expansion of the existing use.
  5. The City shall not be responsible for operation of the existing water supply system pending the extension of water service by Joy Global Surface Mining as stipulated in Item 1.
  6. Cross connections between the existing water system and the City's water system will not be allowed. All points of cross connection are to be properly abandoned under City approval.

**Engineering Department:**

1. Revisions to legal description to be completed prior to Council Approval:
  - a. Description beings at the northwest corner, not ¼ corner.
  - b. State a basis of bearings on the description.
  - c. The description should state who prepared it, and if it is by a licensed surveyor, it must be stamped and signed.
2. Revisions to map to be complete prior to Council approval:
  - a. Show the location of the northwest corner of Section 30 as stated in the description.
  - b. Label the parcels by APN, and the streets by name.

Commissioner Hodur's findings to support his recommendation are the petitioner is not requesting an amendment to the Land Use Component of the Master Plan. The existing land use of one of the properties is consistent with the Master Plan. The remaining properties are vacant. The annexation and subsequent zone classification of the properties must conform to the Master Plan. The proposed annexation and existing land uses are compatible with the Transportation Component of the Master Plan. The proposed annexation is consistent with the goals, objectives and supports long range planning as outlined in the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report dated November 2012. The proposed annexation is in conformance with the City's Airport Master Plan. In conformance with NRS 268.636(1) the property owners have submitted a map showing a boundary contiguous to the City of approximately 35%. In conformance with NRS 268.646(2), inclusive, it has been determined that the proposed annexation satisfies considerations and/or concerns identified as minimum factors for consideration under. In conformance with NRS 268.646(3), it has been determined that the proposed annexation will not have any long-term adverse impacts on adjacent areas nor will the proposed annexation and development of the property have an adverse influence on the local government structure of the County or the City. In conformance with NRS 268.646(4), it has been determined that the proposed annexation will not place a burden on the availability of water, the requirement for water or have a negative impact on other

natural resources in the area. In addition, the City will receive 58 acre feet of water rights upon annexation of the properties. In conformance with NRS 268.646(5), it has been determined that the area proposed for annexation does not fall under the jurisdiction of the Bureau of Land Management. In conformance with NRS 268.646(6), it has been determined that the City of Elko is not required, nor does it have an annexation program adopted and certified pursuant to NRS 268.625. The proposed annexation is consistent with the Land Use Component of the Master Plan and the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report dated November 2012. In conformance with NRS 268.663(3), although not required, it has been determined that all portions of County Roads that provide primary access to the area have been or will be annexed into the City and will become City Streets. The annexation application identifies the zoning classification as Light Industrial District. At this time, a zone application has not been filed in conjunction with the annexation petition. Future zone designation must conform with Section 3-2-4 of City Code. The proposed annexation is in conformance with the City's Wellhead Protection Plan. Annexation of the property provides an immediate accrual to the tax base for the City. Annexation of the property provides an opportunity for expanded Light Industrial Uses. The area proposed for annexation is not localized or isolated. Other, required, utilities will be installed at developer expense to facilitate development of the properties. The topography of the area is well suited for the proposed light industrial land uses. Expanded Uses on the properties will result in a positive economic impact to the community.

Moved by Kevin Hodur, Seconded by Jeff Dalling.

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

Mr. Draper explained that the reason for the condition regarding the existing well to be dedicated to the City of Elko was that the property adjacent, the County has applied for the BLM to be granted that property for an ATV Track. The idea is if that project goes through the well could be used for dust suppression.

**Commissioner Beck left at 7:09 p.m.**

## **II. REPORTS**

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

*Ms. Laughlin reported on March 27<sup>th</sup> the City Council accepted the annexation petition, and appointed Mr. Montgomery as the new Commissioner. They also held the public hearing for Resolution 10-18, which was for the Master Plan Amendment, and it was approved. The latest and greatest Master Plan is in the Sharefile for reference.*

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

*Ms. Laughlin reported that there would be an RDA meeting on Tuesday, April 10<sup>th</sup>. There will also be a RAC Meeting on April 26<sup>th</sup>, they will be reviewing the Storefront Grant Applications.*

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Preliminary agendas for Planning Commission meetings.

E. Elko County Agendas and Minutes.

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

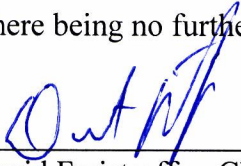
G. Staff.

#### **COMMENTS BY THE GENERAL PUBLIC**

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

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned.



David Freistroffer, Chairman



Tera Hooiman, Secretary