

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
5:30 P.M., P.D.S.T., TUESDAY, APRIL 6, 2021
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA
<https://global.gotomeeting.com/join/987251989>

CALL TO ORDER

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

ROLL CALL

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

Excused: **Stefan Beck**

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

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

APPROVAL OF MINUTES

March 2, 2021 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the March 2, 2021 Regular Minutes as presented.**

Made by Giovanni Puccinelli, seconded by Mercedes Mendive

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

I. NEW BUSINESS

A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible action to initiate an amendment to the City Zoning Ordinance, specifically Sections 3-2-4 Establishment of Zoning Districts, 3-2-19 Nonconforming Uses and 3-2-21 Amendments, and matters related thereto.
FOR POSSIBLE ACTION

Cathy Laughlin, City Planner, wanted to give some history on the proposed Code Amendment. Staff started this zoning amendment back in November. It has taken this long to get it to the point where it could be brought to the Planning Commission for initiation. In the document the original text is black, and anything that is in color has been added or deleted from the zoning amendment. There have been quite a few changes. Originally, staff started with the "Amendments" section of the Code. Amendments could be a zoning district amendment, or it could be an amendment to the Zoning Regulations. Staff wanted to separate those two things. There was a lot of legal discussion. Currently, amendments to zoning district boundaries are done by Resolutions, which would go in front of the Planning Commission and then to the City Council as public hearings. Legal counsel believes that they need to be done as Ordinances, which would make it the Zoning Law. An Ordinance has to go in front of City Council an additional time, once as a first reading and again as a second reading. The change would still come to the Planning Commission first, and then it would go to City Council twice. The biggest change in Section 3-2-21 is that the process will be done by an Ordinance instead of a Resolution. There are quite a few changes in that section. The changes in that section triggered the changes to the other sections that have been included in this amendment. Ms. Laughlin then went over the proposed changes to Section 3-2-21-A and 3-2-21-B. She then went over the proposed amendments to Section 3-2-4 and 3-2-19, which were triggered by the new process proposed in Sections 3-2-21-A and 3-2-21-B. Under Section 3-2-19 ways the City of Elko could consider a non-conforming use abandoned were added.

No other staff members had any comments to add.

*****Motion: Initiate an amendment to the City Zoning Ordinance, specifically Sections 3-2-4 Establishment of Zoning Districts, 3-2-19 Nonconforming Uses, and 3-2-21 Amendments and direct staff to bring the item back as a public hearing.**

Made by Gratton Miller, seconded by Tera Hooiman

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

2. Review, consideration, and possible action to initiate an amendment to the City Zoning Ordinance, specifically Sections 3-2-2 Definitions, 3-2-5 Residential Zoning Districts, 3-2-6 RB Residential Business District, and 3-5-4 Uses Permitted and Minimum Standards in coordination with an amendment to the City Building Ordinance, specifically Sections 2-1-2 Applicability, 2-1-4 Permits, and matters related thereto. **FOR POSSIBLE ACTION**

Michele Rambo, Development Manager, pointed out that there were a lot of sections with proposed changes. She explained that the amendment had to do with accessory structures. Some

of you may, or may not, know that there have been some issues with sheds, and the placement of those sheds on residential properties. Staff went back and took a new look at the regulations for accessory structures. Ms. Rambo wanted to go through the highlights of the changes. Some definitions have been added. Staff has specified between permanent and non-permanent accessory structures. The meat of what is proposed to change starts in Section 3-2-5 Residential Zoning Districts. Each Sections has some changes, with some being more complex than others. On Page 40, under Section 3-2-5(H) Residential Zoning Districts Area, Setback, and Height Schedule for Accessory Buildings there is a table for non-permanent accessory buildings, and a separate table for permanent accessory buildings. The requirements for each are going to be different. The main change is reducing the setbacks for accessory structures to five feet from the property line. The reason staff chose five feet was because when a subdivision is created all the lots have a five foot wide utility and drainage easement around the perimeter of the lots and the Building Code does not allow buildings to be constructed over easements. There was some discussion about reducing the setback to zero, but the Building Code doesn't allow for that. There is an exception if there is an alley in the rear, then the setback is reduced to zero. In some cases, the exterior side yard setback will be seven and a half feet. Accessory structures will not be allowed in the front yard setback. Detached garages and carports are also considered accessory structures. In another section of the code they are required to be setback 20 feet from the front lot line and the exterior side lot line. Those requirements are addressed in the footnotes of the two tables. Ms. Rambo then went over the specifics of the tables and how they were different. She wanted to go over a few sections that the wording need to be changed in. On page 18, the definition for "Building, Accessory, Non-Permanent" occupying an area of less than 200 square feet would need to be taken out, and "small" in front of greenhouse. Anything related to size needs to be taken out, because size is addressed in the Building Code. The same would need to be done to the definition of "Building, Accessory, Permanent." There are a couple of other minor changes to the tables on page 41. On footnote No. 5 "or exterior side yard" should be added.

Commission Gratton Miller was curious of why, on page 32, Ramada is explicitly named in the Code. He asked if that was by design, or if it was a typo.

Ms. Rambo explained that a ramada was a specific type of accessory structure.

Ms. Laughlin explained that staff put a lot of time and effort into this zoning amendment, and did some research on other Cities within the State, which was how it was decided to have the setbacks be 5 feet on all sides with the exceptions. Ms. Laughlin then went over the spreadsheet included as **Exhibit A**. Staff wanted to make sure that the City of Elko would be consistent with other jurisdictions within the State of Nevada. The Planning Department gets a lot of phone calls regarding sheds, so we tried to keep it consistent across the board.

Mr. Wilkinson wanted to call attention to the fact that this was being done in coordination with a few revisions to the Building Code and he thought it was important. A lot of the issues the City has is with people buying sheds at the retail level, putting them on their property, and maybe creating issues, maybe not. The City doesn't want to have to go through a building permit process for smaller sheds. This is dovetailing some Planning and Zoning issues with the Building Department, updating definitions, and clarifying what people need permits for. Setbacks will still need to be met, but we want to lessen the impact on home owners, so they can have more yard area with those reduced setbacks. Mr. Wilkinson thought it was a good approach. The

amendments to the Building Code will be ran through the City Council, since the Planning Commission doesn't have the authority to amend the Building Code.

*****Motion: Initiate an amendment to the City Zoning Ordinance, specifically Sections 3-2-2 Definitions, 3-2-5 Residential Zoning Districts, 3-2-6 RB Residential Business District, and 3-5-4 Uses Permitted and Minimum Standards in coordination with an amendment to the City Building Ordinance, specifically Sections 2-1-2 Applicability, 2-1-4 Permits and direct staff to bring the item back as a public hearing, including the changes discussed on pages 18 and 41.**

Made by Giovanni Puccinelli, seconded by Gratton Miller

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

II. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported that the City Council approved the purchase of a parcel of land located behind the Elko Police Department. It will be for an expansion of City Facilities. They also approved the Final Map for Ruby Mountain Peaks and the Performance Agreement. They approved a first amendment to a Revocable Permit for Maverik on Idaho Street.

B. Summary of Redevelopment Agency Actions.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Miscellaneous Elko County

E. Training

Ms. Laughlin said she was hoping to be able to have live meetings again in May, but it doesn't look like that will be the case with the social distancing requirements. The new iPads have come in. Ms. Laughlin hoped they would be able to be handed out at a live meeting, so there could also be some training. She thought Mr. Dalling could visit with her on how he wanted to hand those out and when. Everyone will be getting a new email address.

COMMENTS BY THE GENERAL PUBLIC

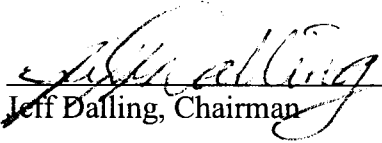
There were no public comments made at this time.

NOTE: The Chairman or Vice Chairman reserves the right to change the order of the agenda and if the agenda is not completed, to recess the meeting and continue on another

specified date and time. Additionally, the Planning Commission reserves the right to combine two or more agenda items, and/or remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

ADJOURNMENT

There being no further business, the meeting was adjourned.



Jeff Dalling, Chairman



Tera Hooiman, Secretary