

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**5:30 P.M., P.D.S.T., TUESDAY, MAY 4, 2021**  
**ELKO CITY HALL, COUNCIL CHAMBERS,**  
**1751 COLLEGE AVENUE, ELKO, NEVADA**  
**<https://global.gotomeeting.com/join/458385325>**

**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**  
                  **John Anderson**  
                  **Stefan Beck**  
                  **Gratton Miller**  
                  **Mercedes Mendive**

**Absent:**         **Tera Hooiman**

**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**

April 6, 2021 – Regular Meeting **FOR POSSIBLE ACTION**

**\*\*\*Motion: Approve the minutes from the April 6, 2021 regular meeting as presented.**

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

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

**I. NEW BUSINESS**

## A. PUBLIC HEARING

1. Review, consideration, and possible action on Zoning Ordinance Amendment 1-21, Ordinance No. 861, an amendment to the City Zoning Ordinance, specifically Section 3-2-4; Establishment of Zoning Districts, 3-2-19; Nonconforming Uses & 3-2-21; Amendments, and matters related thereto. **FOR POSSIBLE ACTION**

At the April 6, 2021 meeting, Planning Commission took action to initiate an amendment to the City Zoning Ordinance Title 3, Chapter 2, Section 4, Section 19 and Section 21.

Cathy Laughlin, City Planner, gave a brief overview of the Zoning Amendment process and then went over the proposed amendments to Sections 3-2-4, 3-2-19 and 3-2-21.

Michele Rambo, Development Manager, recommended approval as presented.

Bob Thibault, Civil Engineer, recommended approval as presented.

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

Scott Wilkinson, Assistant City Manager, recommended that the Ordinance was forwarded to City Council for possible adoption.

**\*\*\*Motion: Forward a recommendation to City Council to adopt an ordinance, which approves Zoning Ordinance Amendment 1-21 of the Elko City Code specifically Section 3-2-4; Establishment of Zoning Districts, 3-2-19; Nonconforming Uses & 3-2-21; Amendments.**

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

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

2. Review, consideration, and possible action on Zoning Ordinance Amendment 2-21, Ordinance No. 860, 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), and matters related thereto. **FOR POSSIBLE ACTION**

At the April 6, 2021 meeting, Planning Commission took action to initiate an amendment to the City Zoning Ordinance to address accessory building regulations in the sections listed above.

Ms. Rambo went over the proposed amendments to Sections 3-2-2, 3-2-5, 3-2-6, and 3-5-4 regarding accessory structures and placement and size of those accessory structures. There have not been any changes made since the Commission saw the amendments at their last meeting, but there is one proposed change that staff would like to make. If the Commission agrees to the change, it will need to be included in the motion. The additional proposed change is in regards to

the height limit for non-permanent accessory structures, which are the ones that can be bought at Home Depot. Originally the height limits were set the same as the principle structure, but staff would like to amend the height limitation to 15 feet.

Chairman Jeff Dalling pointed out that the maximum height was at 35 feet, which the Commission agreed to. He asked if staff wanted to lower the maximum height to 15 feet.

Ms. Rambo said that was correct. She explained that in the table the maximum heights are listed from 45 feet to 25 feet, depending on the zone. Staff wants to make everything simple and change the maximum heights to 15 feet for all zones.

Commissioner Giovanni Puccinelli asked if that was for non-permanent accessory structures.

Ms. Rambo said yes, and clarified that it was for prefabricated sheds. She also added that staff went around and measured and they were all less than 15 feet high.

Ms. Laughlin added that the sheds being sold at T-Rex are restricted by NDOT to be no more than 12 feet high in order to be transported down the highway.

Chairman Dalling thanked Ms. Rambo and Ms. Laughlin for their explanations and said that it helped everyone understand the reasoning behind the proposed change.

Ms. Rambo added that they wouldn't be changing the maximum height for permanent accessory structures, those would remain the same as the principle structure.

Mr. Wilkinson wanted to add, for the public's benefit, that staff has taken rear yard setbacks for accessory structures from 10 feet to 5 feet. The interior side yard and exterior side yard setbacks are also reduced down to 5 feet. He wanted to emphasize the point that this proposed amendment to the code provides a lot more yard utilization for property owners. Mr. Wilkinson recommended that the Ordinance be forwarded to City Council for possible adoption.

Chairman Dalling thought that helped the public understand that they are getting more, which he thought was great.

Mr. Wilkinson emphasized that a lot of properties have easements along their property lines. An easement is a property right and typically easements, which are of record, provide for utility and drainage property uses. Staff took a hard look at the setbacks and typical easements and tried to match those up. There is a difference between an easement on a property and a setback requirement. The setback requirement does not allow the property owner to utilize an easement if it is not being utilized for the purpose on record.

**\*\*\*Motion: Forward a recommendation to City Council to adopt an ordinance, which approves Zoning Ordinance Amendment 2-21 of the Elko City Code 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), with height limit changes to a maximum of 15 feet for non-permanent accessory buildings.**

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

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

After the motion and the vote, Sherry Smith wanted to know if the City would be grandfathering all the sheds that are currently over easements.

Ms. Rambo explained that she spoke to the City Attorney today and everything that is in existence right now will become legal non-conforming, which is different than grandfathering everything in. The difference is that legal non-conforming applies to zoning. Grandfathering would cause issues with the easements. The City Attorney stated that the City did not want to do a grandfathering clause because it takes away some of the City's rights, particularly with easements.

Ms. Smith asked if they could apply for a variance.

Ms. Rambo stated that they could always apply for a variance. Ms. Rambo clarified to Ms. Smith that her shed was on an easement. Variances are for zoning issues, not for easement issues. She told Ms. Smith that they could discuss her options further outside of the meeting.

Mr. Wilkinson pointed out that a vacation would be the correct process for that.

## **II. REPORTS**

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

*Ms. Laughlin reported that at the April 13<sup>th</sup> City Council Meeting they initiated the shadow ordinance with the Building Department Code sections for accessory structures. On the 27<sup>th</sup> of April the City Council approved a resolution for a property sale. They also did the second reading of Ordinance 857, which contains changes to the sidewalk maintenance, construction, and repair section of code.*

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

*Ms. Laughlin reported that there was a Redevelopment Agency Meeting on April 27<sup>th</sup>. There were three items on the agenda. They approved four storefront grants this year. There was only \$50,000 budgeted and they approved \$100,000. They denied a change to the block end design and directed staff to continue with the project for the block ends in the corridor as it was originally designed. We will come back later and add some raised pedestals for the art elements later on. They also approved a sign that City Staff had denied for a property on Silver Street.*

### **C. Professional articles, publications, etc.**

#### **1. Zoning Bulletin**

### **D. Miscellaneous Elko County**

### **E. Training**

*Ms. Laughlin reported that the June Planning Commission would be a live meeting in the Council Chambers.*

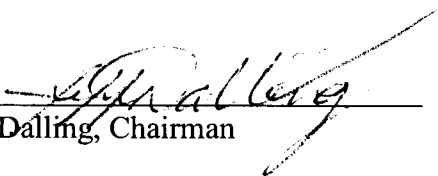
**COMMENTS BY THE GENERAL PUBLIC**

*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.

  
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Jeff Dalling, Chairman

  
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Tera Hooiman, Secretary