



CITY OF ELKO

Planning Department

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

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

PUBLIC MEETING NOTICE

The City of Elko Planning Commission will meet in a regular session on Tuesday, June 1, 2021 in the Council Chambers at Elko City Hall, 1751 College Avenue, Elko, Nevada, and beginning at 5:30 P.M., P.D.S.T. and by utilizing GoToMeeting.com.

Please join the meeting from your computer, tablet, or smartphone:

<https://global.gotomeeting.com/join/962775741>. You can also dial in using your phone: **+1 (786) 535-3211**. Access Code: **962-775-741**

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: May 25, 2021 2:10 p.m.

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

Date/Time Posted: May 25, 2021 2:05 p.m.

ELKO POLICE DEPARTMENT – 1448 Silver Street, Elko NV 89801

Date/Time Posted: May 25, 2021 2:15 p.m.

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

Date/Time Posted: May 25, 2021 2:00 p.m.

Posted by: Shelby Knopp, Planning Technician
Name Title


Signature

The public may contact Shelby Knopp by phone at (775) 777-7160 or by email at sknopp@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 or on the City website at <http://www.elkocity.com>.

Dated this 25th day of May, 2021.

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, City Planner

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING AGENDA
5:30 P.M., P.D.S.T., TUESDAY, JUNE 1, 2021
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA
<https://global.gotomeeting.com/join/962775741>

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

May 4, 2021 – Regular Meeting **FOR POSSIBLE ACTION**

I. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration and possible action on Variance No. 2-21, filed by Catherine Wines for the Great Basin Child Advocacy Center on behalf of Elko County for a reduction of the required off street parking stalls from 25 to 18, for a professional office in an PQP (Public, Quasi-Public) Zoning District, and matters related thereto, **FOR POSSIBLE ACTION**

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

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration and possible approval of Final Map No. 2-21, filed by Jordanelle Third Mortgage, LLC for the development of a subdivision entitled Zephyr Heights Unit 1 involving the proposed division of approximately 25.1 acres of property into 18 lots for residential development and 1 remainder lot within the R

(Multiple-Family and Single-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located on the east side of East Jennings Way generally east of Puccinelli Parkway. (APN 001-562-010)

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 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 13th City Council Meeting they initiated the shadow ordinance with the Building Department Code sections for accessory structures. On the 27th 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 27th. 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.

Jeff Dalling, Chairman

Tera Hooiman, Secretary

**Elko City Planning Commission
Agenda Action Sheet**

1. **Review, consideration and possible action on Variance No. 2-21, filed by Catherine Wines for the Great Basin Child Advocacy Center on behalf of Elko County for a reduction of the required off street parking stalls from 25 to 18, for a professional office in an PQP (Public, Quasi-Public) Zoning District, and matters related thereto, FOR POSSIBLE ACTION**
2. Meeting Date: **June 1, 2021**
3. Agenda Category: **PUBLIC HEARINGS**
4. Time Required: **15 Minutes**
5. Background Information: **The property was conveyed from the City of Elko to Elko County on May 17, 2021. The applicant has applied for a variance and conditional use permit for development of the property as a child advocacy center.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report**
8. Recommended Motion: **Conditionally approve Variance No. 2-21 based on the facts, findings and conditions as presented in the Staff Report dated May 18, 2021**
9. Findings: **See Staff Report dated May 18, 2021**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **Catherine Wines
421 Railroad Street Ste 208
Elko, NV 89801
catherine@r6studio.com

Tyler Ingram
540 Court Street 2nd Floor
Elko, NV 89801
tingram@elkocountynv.net**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 6/1

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

Title: Variance No. 2-21
Applicant(s): Great Basin Child Advocacy Center / Elko County
Site Location: 1401 College Ave. - APN 001-200-002
Current Zoning: PQP Date Received: 5/11/21 Date Public Notice: 5/18/21
COMMENT: This is to reduce the required off street parking stalls
from 15 to 10, for a professional office in a PQP Zoning District

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 5/20/21
Recommend approval as presented by
staff

SPW

Initial

City Manager: Date: 5/21/21
No comments/concerns.

CC

Initial



City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7219

CITY OF ELKO STAFF REPORT

REPORT DATE:	May 12, 2021
PLANNING COMMISSION DATE:	June 1, 2021
APPLICATION NUMBER:	Variance 2-21
APPLICANT:	Catherine Wines for the Great Basin Child Advocacy Center on behalf of Elko County
PROJECT DESCRIPTION:	1401 College Ave.

A variance request from provisions under Section 3-2-17, required off street parking.



STAFF RECOMMENDATION:

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

PROJECT INFORMATION

PARCEL NUMBER: 001-200-002

PARCEL SIZE: 1.314 acres

EXISTING ZONING: PQP-Public, Quasi-Public zoning district

MASTER PLAN DESIGNATION: (PUBLIC) Public/Quasi-Public

EXISTING LAND USE: Vacant land with previous uses consistent with Public, Quasi-Public uses

BACKGROUND:

1. The property owner is Elko County. Elko County has provided consent for Catherine Wines to apply for the variance. A deed transfer from City of Elko to Elko County was recorded on May 17, 2021 Document #787234.
2. The property is currently undeveloped but was previously developed with uses consistent with PQP uses.
3. The property fronts VFW Drive, College Ave. and Golf Course Road.
4. The property will be served by City of Elko water and sewer and other non-city utilities.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

-) North: PQP- Public, Quasi, Public / Developed
-) East: PQP- Public, Quasi, Public / Developed
-) West: PQP- Public, Quasi, Public / Developed
-) South: PQP- Public, Quasi, Public / Developed

APPLICABLE MASTER PLAN SECTIONS AND CITY CODE SECTIONS:

-) City of Elko Master Plan – Land Use Component
-) City of Elko Redevelopment Plan
-) City of Elko Zoning – Section 3-2-8 Public, Quasi-Public Districts
-) City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
-) City of Elko Zoning – Section 3-2-22 Variances

MASTER PLAN - Land Use:

1. The Master Plan Land Use Atlas shows the area as Public.
2. PQP-Public, Quasi-Public zoning district is listed as a corresponding zoning district for Public.
3. Objective 3: Strengthen, preserve, and promote the area around the City Park, City Hall, and Convention Center as the civic heart of the community.

The approval of the variance is in conformance with the Land Use Component of the Master Plan.

ELKO REDEVELOPMENT PLAN:

The property is not located within the redevelopment area and consideration of the plan is not required.

SECTION 3-2-8 PUBLIC, QUASI-PUBLIC DISTRICT:

1. The proposed use is listed as a principal permitted use in the PQP zoning district.
2. Under the property development standards for permitted principal uses, the minimum setback from any street line not less than one and one-half (1 ½) times the height of the principal building.
 - a. It appears that the proposed new development will meet the street line setback along College Ave., VFW Drive and Golf Course Road.
3. The minimum setback from interior and rear lot lines shall be not less than the height of the principal building, plus one additional foot for each five feet (5') or part thereof that such building exceeds thirty five feet (35') in the aggregate horizontal dimension of the wall generally parallel to such side or rear lot line.
 - a. It appears that the proposed new development will meet the rear setback.
4. The establishment, expansion or change of any use, including principal permitted uses, shall be governed by the conditional use permit procedure, as set forth in section 3-2-18 of this chapter.
 - a. The applicant has applied for a conditional use permit 2-21. The application will be heard by the Planning Commission at their July 6, 2021 meeting. Approval will be required for the property to be developed as proposed.
5. Accessory buildings, whether attached or detached, shall be located in accordance with location on the lot as approved by the Planning Commission. Planning Commission approved the location of the existing accessory building at their April 3, 2018 meeting.
6. Maximum lot coverage of all buildings shall not exceed thirty five percent (35%) of the net site area. The proposed development meets this requirement.

The proposed variance with approval of CUP 2-21 is in conformance with Section 3-2-8 of City Code.

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

Elko City Code 3-2-17(F) states that Offices; professional, governmental, banks, savings and loan agencies are to provide 1 off street parking stall per 300 sq. ft. of usable floor area. The application states that they would be required 25 parking stalls for their proposed development. Due to the special circumstances of the use of the building, they are providing 18 parking stalls and requesting a variance from this section of code.

3-2-17(E)4 allows the Planning Commission to waive all or any portion of an off street parking requirement, provided that such waiver does not conflict with the purpose and intent of ECC 3-2-17. A parking waiver was not applied for in this case due to the fact that the property has plenty of room to provide the 25 parking spaces, based on the use of the property, staff felt a variance was best suited for the off street parking reduction.

With the approval of variance 2-21 from Elko City Code 3-2-17 reducing the off street parking requirement from 25 to 18, the proposed development will be in conformance with 3-2-17.

SECTION 3-2-22 VARIANCES:

B. Procedure: Any person requesting a variance by the planning commission shall include the following:

Application Requirements

1. There are special circumstances or features, i.e., unusual shape, configuration, exceptional topographic conditions or other extraordinary situations or conditions applying to the property under consideration.
 -) The applicant has stated that there is nothing extraordinary about the property, the building for this property is unique in that the end user will be children who do not drive. There will never be more than a few child victims being served at the building at a time.
 -) Staff believes that the extraordinary situation is the fact that limited amounts of staff will be at this building at any given time. Eighteen parking stalls will still be sufficient enough to meet the needs for all users of the building.
2. The special circumstance or extraordinary situation or condition results in exceptional practical difficulties or exceptional undue hardships, and where the strict application of the provision or requirement constitutes an abridgment of property right and deprives the property owner of reasonable use of property.
 -) The applicant has stated that the building is required to have secure, private, outdoor space. A courtyard was included in the design to accommodate this. The lot is not large enough to accommodate a courtyard design and the required parking.
 -) Staff believes that the variance from 3-2-17 is justified based on the unusual circumstances of the proposed use of the building and limited amount of staff and users at the building at any given time based on testimony from the applicant.
3. Such special circumstances or conditions do not apply generally to other properties in the same zoning district.
 -) The applicant has stated that most buildings do not require large, private, secure outdoor space for play.
 -) PQP uses normally have a very high occupant load and therefore require a large number of parking stalls. This building is not the case and is unique to the PQP zoning district.
4. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity, nor be detrimental to the public interest, health, safety and general welfare.
 -) The applicant has stated that the building use is totally unique and will likely never be duplicated in our area.
 -) Staff believes that the public interest will continue to be served with the reduction of parking. Based on testimony from the applicant on how the proposed use will operate, staff believes that 18 parking stalls is sufficient.
5. The granting of the variance will not substantially impair the intent or purpose of the zoning ordinance or effect a change of land use or zoning classification.

-) The applicant has stated that the intent of the code is to provide enough parking to accommodate the users. A good portion of the building users are children that do not drive and don't need a parking space. The applicant also stated that the building fits in to current land use and zoning requirements.
 -) Staff believes that if the property ever changed use, there is substantial amount of landscaping which could be converted to future parking if there was a need.
6. The granting of the variance will not substantially impair affected natural resources.
-) The applicant has stated that no natural resources will be affected.

FINDINGS

1. The proposed variance approval is in conformance with the Land Use Component of the Master Plan.
2. The property is not located within the redevelopment area and consideration of the plan is not required.
3. The proposed variance with the approval of CUP 2-21 is in conformance with Section 3-2-8 of City Code.
4. The approval of variance 2-21 from Elko City Code 3-2-17 reducing the off-street parking requirement from 25 to 18 is required for the proposed development to be in conformance with 3-2-17.
5. The special circumstance is directly related to the use of the property being a public use with limited need for parking.
6. The exceptional practical difficulty is directly related to the use of the property.
7. The special circumstance of reduced parking needs does not generally apply to other properties in the district.
8. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity.
9. The granting of the variance is directly related to proposed use of the property and will not impair the intent or purpose of the zoning and will not change the use of the land or zoning classification.
10. The granting of the variance will not impair natural resources.

STAFF RECOMMENDATION:

Staff recommends this item be **conditionally approved** with the following conditions:

1. Approval of Conditional Use Permit 2-21.

Variance 2-21 Great Basin Child Advocacy Center - ELKO County

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001200002	ELKO CITY OF		1755 COLLEGE AVE	ELKO NV	89801
001560001	ELKO CITY OF (PARKS)	C/O PARKS & REC DEPARTMENT	723 RAILROAD ST	ELKO NV	89801-3829
001250001	ELKO LODGE NO 15 OF MASONS		PO BOX 15	ELKO NV	89803-0015
001250002	GIRL SCOUTS OF THE SIERRA NEVAD		605 WASHINGTON ST	RENO NV	89503-4328
001202007	HOUCHIN, KENNETH W		875 14TH ST	ELKO NV	89801-3414
001203007	JACKSON, REN		1380 OAK ST	ELKO NV	89801-3434
001203006	MCBETH, TWYLA P ETAL		838 A ST	ELKO NV	89801-2905
001252002	NAYLOR, RORY ET AL		1376 COLLEGE AVE	ELKO NV	89801-3428
001200009	NEVADA HEALTH CENTERS INC		3325 RESEARCH WAY FL 2	CARSON CITY NV	89706-7913
001252003	PUCCINELLI, CAROL A ET AL		18233 W EL CAMINITO DR	WADDELL AZ	85355-7811
001202008	SHURTLIFF, RICHARD BRYANT TR ET		1385 OAK ST	ELKO NV	89803-1705
001202009	SMITH, AUSTIN LEELAND		1375 OAK ST	ELKO NV	89801-3433
001200001	VETERANS OF FOREIGN WARS OF THE		PO BOX 1266	ELKO NV	89803-1266
001203014	WEBB, WILLIAM Z		1375 COLLEGE AVE	ELKO NV	89801-3427
001203015	WINTERMOTE, KELLY		1387 COLLEGE AVE	ELKO NV	89801-3427

13

Postmarked 5/21/21

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, June 1, 2021 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, by representative, or via Gotomeeting.com. <https://global.gotomeeting.com/join/962775741>.

The public can view or participate in the virtual meeting on a computer, laptop, tablet or smart phone at <https://global.gotomeeting.com/join/962775741>. You can also dial in using your phone. **+1 (786) 535-3211**. Access Code: **962-775-741**. Comments can also be emailed to cityclerk@elkocitynv.gov.

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

- Variance No. 2-21, filed by Catherine Wines for the Great Basin Child Advocacy Center on behalf of Elko County for a reduction of the required off street parking stalls from 25 to 18, for a professional office in an PQP (Public, Quasi-Public) Zoning District, and matters related thereto. The property was conveyed from the City of Elko to Elko County on May 17, 2021. The applicant has applied for a variance and conditional use permit for development of the property as a child advocacy center.

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

ELKO CITY PLANNING COMMISSION



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR VARIANCE

APPLICANT(s): Catherine Wines for the Great Basin Child Advocacy Center and Elko County

MAILING ADDRESS: 421 Railroad Street Elko, Nevada 89801

PHONE NO (Home) _____ **(Business)** 775-738-7829

NAME OF PROPERTY OWNER (If different): Elko County

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

MAILING ADDRESS: 571 Idaho Street Elko, Nevada 89801

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

ASSESSOR'S PARCEL NO.: 001-200-002 **Address** 1401 College Ave Elko, Nevada 89801

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

Or Parcel(s) & File No. TBD

FILING REQUIREMENTS:

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

Fee: A \$500.00 non-refundable fee must be paid. If in conjunction with a Rezone Application a \$250.00 non-refundable fee must be paid.

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

Elevation Plan: Elevation profile of all proposed buildings or alterations in sufficient detail to explain the nature of the request must be provided.

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

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

The APPLICANT requests the following variance from the following section of the zoning ordinance:

Requesting variance from Elko City Code 3-2-17(F) to reduce the number of required parking spaces. 25 spaces are required, we have 18 planned in the current design.

1. The existing zoning classification of the property PQP

2. The applicant shall present **adequate** evidence demonstrating the following criteria which are necessary for the Planning Commission to grant a variance:

- a) Identify any special circumstances, features or conditions applying to the property under consideration. i.e., unusual shape, configuration, exceptional topographic conditions or other extraordinary situations or conditions

There is nothing extraordinary about the property, the building for this property is

unique in that the end user will be children who do not drive. There will never be

more than a few child victims being served at the building at a time.

- b) Identify how such circumstances, features or conditions result in practical difficulty or undue hardship and deprive the property owner of reasonable use of property.

The building is required to have secure, private, outdoor space. A courtyard was

included in the design to accomodate this. The lot is not large enough to accomodate

a courtyard design and the required parking.

- c) Indicate how the granting of the variance is necessary for the applicant or owner to make reasonable use of the property.

The courtyard is the most efficient design to accomodate a private, outdoor play area.

- d) Identify how such circumstances, features or conditions do not apply generally to other properties in the same Land Use District.

Most buildings do not require large, private, secure out door space for play.

- e) Indicate how the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety and general welfare.

This building use is totally unique and will likely never be duplicated in our
area.

- f) Indicate how the variance will not be in conflict with the purpose or intent of the Code.

The intent of the code is to provide enough parking to accomodate the users.

A good portion of the building users are children that do not drive and don't
need a parking space.

- g) Indicate how the granting of the variance will not result in a change of land use or zoning classification.

The building fits in to current land use and zoning requirements.

- h) Indicate how granting of the variance will not substantially impair affected natural resources.

No natural resources will be affected.

3. Describe your ability (i.e. sufficient funds or a loan pre-approval letter on hand) and intent to construct within one year as all variance approvals **must** commence construction within one year and complete construction within 18 months per City Code Section 3-2-22 F.1.: _____

The intended schedule, at this time, is to begin constrcution in the fall of 2021 and be complete by
the summer of 2022. Financing is still being secured.

(Use additional pages if necessary to address questions 2a through h)

This area intentionally left blank

By My Signature below:

☒ I consent to having the City of Elko Staff enter on my property only for the sole purpose of inspecting 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 Catherine Wines, Architect
(Please print or type)

Mailing Address 421 Railroad Street ste 208
Street Address or P.O. Box
Elko, Nevada 89801
City, State, Zip Code

Phone Number: 775-738-7829

Email address: catherine@r6studio.com

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 2-21 **Date Filed:** 5/11/21 **Fee Paid:** No Charge

Cathy Laughlin

From: David M. Stanton <davidstanton@elkolawyers.com>
Sent: Monday, May 17, 2021 11:01 AM
To: Cathy Laughlin
Subject: Fw: GBCAC

Cathy, Here's the authorization you requested.

David M. Stanton
Goicoechea, DiGrazia, Coyle & Stanton, Ltd.
P.O. Box 1358
530 Idaho Street
Elko, Nevada 89801
Ph. 775-738-8091 Fax 775-738-4220

PLEASE DO NOT FORWARD THIS EMAIL WITHOUT PERMISSION

IMPORTANT NOTICE: If this e-mail is being sent to a client, or a representative of a client, it contains privileged and confidential attorney-client communications. If this e-mail is received by an unintended recipient, please immediately destroy and delete this e-mail, and, in such event: (1) the preservation or distribution of this e-mail is strictly prohibited; and (2) the attorney-client and work product privileges are not waived.

----- Forwarded Message -----

From: Tyler Ingram <tingram@elkocountynv.net>
To: David M. Stanton <davidstanton@elkolawyers.com>
Sent: Monday, May 17, 2021, 10:59:32 AM PDT
Subject: RE: GBCAC

Thank you, David. Please accept this email as consent for Catherine Wines to file the variance application with the City. Amanda Osborne, our County Manager, is copied on this email.

Tyler Ingram

Elko County District Attorney

540 Court St., 2nd Floor

Elko, NV 89801

P: 775-738-3101

F: 775-738-0160

From: David M. Stanton [mailto:davidstanton@elkolawyers.com]
Sent: Monday, May 17, 2021 10:53 AM
To: Tyler Ingram <tingram@elkocountynv.net>
Subject: GBCAC

Tyler, Here's the recorded deed. Also, I'm not sure if Ursula mentioned it when she was over there, but we need the County's consent for Catherine Wines to file the variance application with the City. Email to me or to Cathy Laughlin would be sufficient. Thanks,

David M. Stanton

Goicoechea, DiGrazia, Coyle & Stanton, Ltd.

P.O. Box 1358

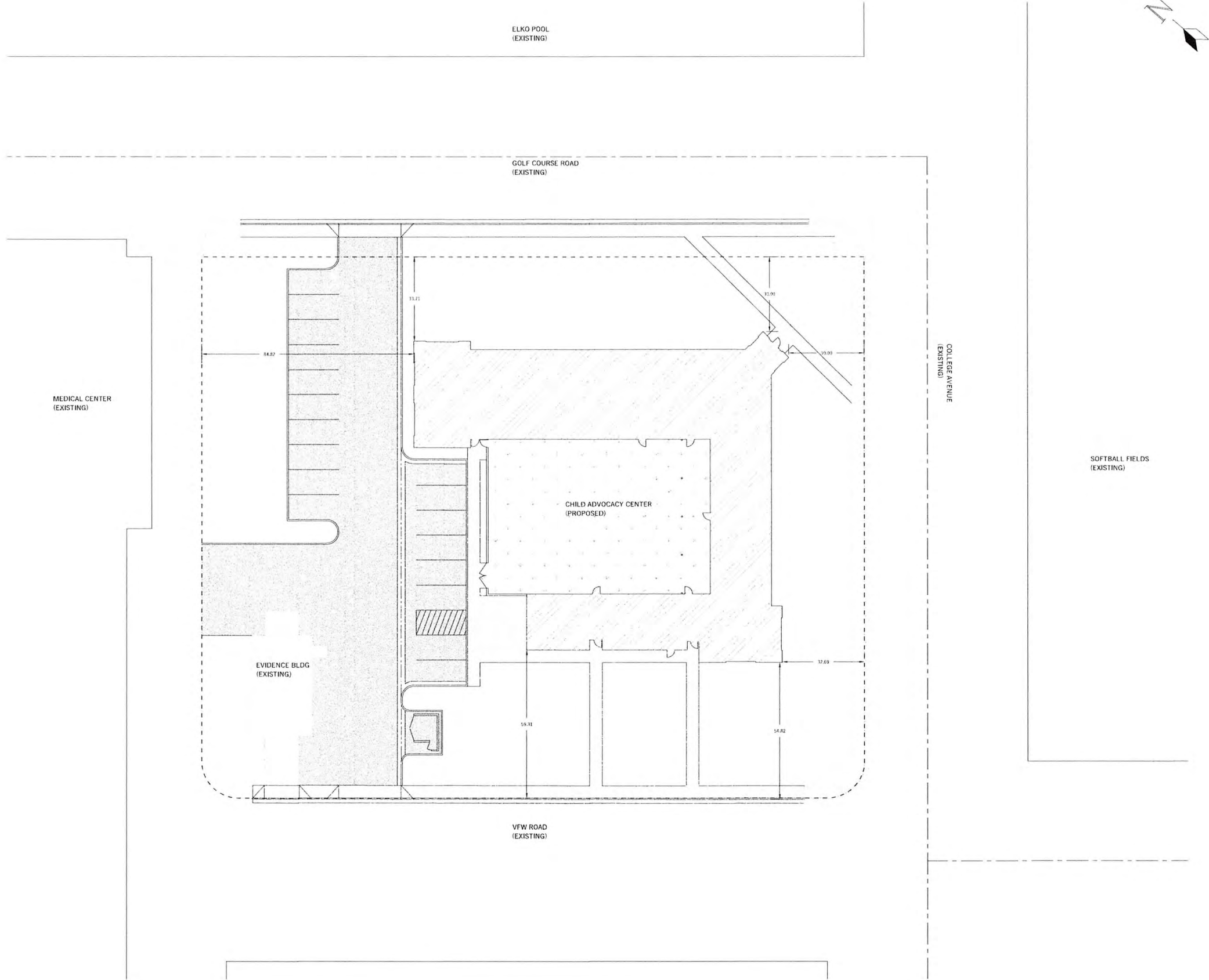
530 Idaho Street

Elko, Nevada 89801

Ph. 775-738-8091 Fax 775-738-4220

PLEASE DO NOT FORWARD THIS EMAIL WITHOUT PERMISSION

IMPORTANT NOTICE: If this e-mail is being sent to a client, or a representative of a client, it contains privileged and confidential attorney-client communications. If this e-mail is received by an unintended recipient, please immediately destroy and delete this e-mail, and, in such event: (1) the preservation or distribution of this e-mail is strictly prohibited; and (2) the attorney-client and work product privileges are not waived.



CONSULTANT



Black Dolphin
Consulting, LLC

PO BOX 2661, ELKO, NV 89803
e.latin@blackdolphinnv.com
(775) 934-5114

PROJECT NAME



Great Basin Child Advocacy Center
1435 College Avenue
Elko, Nevada

SHEET NAME

PLOT PLAN

REVISIONS

DATE

5.10.2021

SHEET NUMBER

1

PRELIMINARY
NOT FOR
CONSTRUCTION

Documents are instruments of service for use solely
for this project. Copyright (c) 2008 by Catherine Wines,
Architect PLLC Elko, Nevada. Unauthorized use is
subject to prosecution. All rights reserved.

PROJECT NAME

Great Basin Child Advocacy Center
1435 College Avenue
Elko, Nevada

SHEET NAME

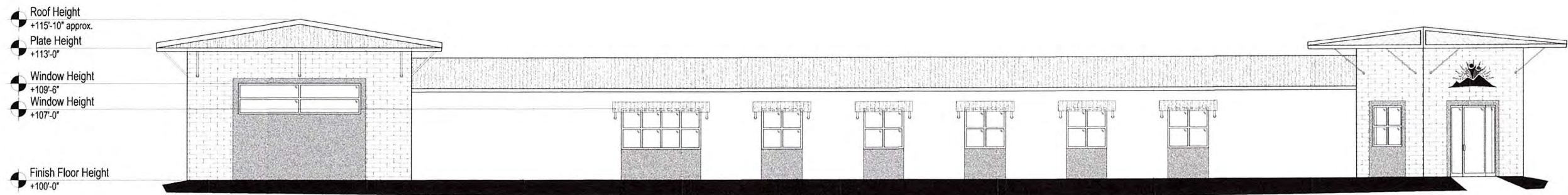
Building Elevations

REVISIONS

DATE
4.14.2021

SHEET NUMBER
a3.1

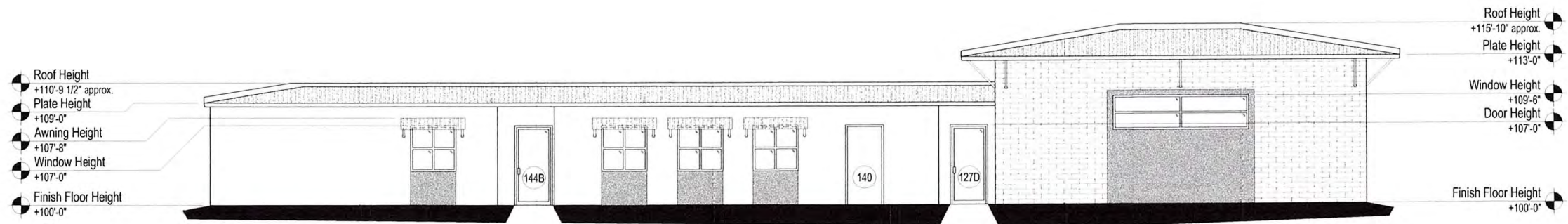
File number 21-004 - CAC, Elko City



South (softball field side) Building Elevation

Scale: 3/16" = 1'-0" - Do Not Scale Drawings

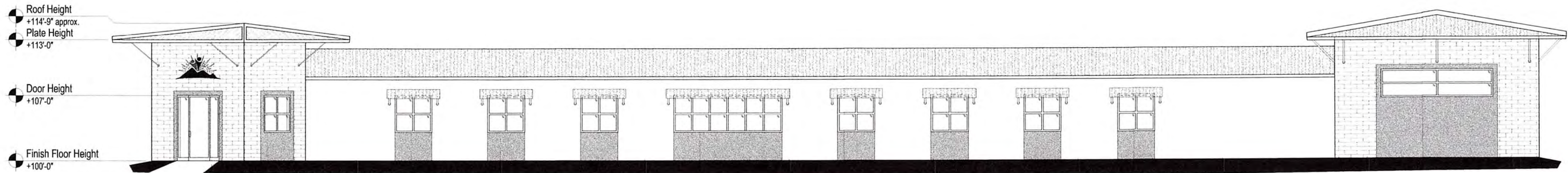
3



West (VFW side) Building Elevation

Scale: 3/16" = 1'-0" - Do Not Scale Drawings

2



East (swimming pool side) Building Elevation

Scale: 3/16" = 1'-0" - Do Not Scale Drawings

1

**Elko City Planning Commission
Agenda Action Sheet**

- 1. Review, consideration and possible approval of Final Map No. 2-21, filed by Jordanelle Third Mortgage, LLC for the development of a subdivision entitled Zephyr Heights Unit 1 involving the proposed division of approximately 25.1 acres of property into 18 lots for residential development and 1 remainder lot within the R (Multiple-Family and Single-Family Residential) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
- 2. Meeting Date: June 1, 2021**
- 3. Agenda Category: **NEW BUSINESS****
- 4. Time Required: 15 Minutes**
- 5. Background Information: Subject property is located on the east side of East Jennings Way generally east of Puccinelli Parkway. (APN 001-562-010)**
- 6. Business Impact Statement: Not Required**
- 7. Supplemental Agenda Information: Staff Report, Approved Construction Plans, Application**
- 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 the agreement to install improvements in accordance with the approved construction plans that satisfies the requirements of Title 2 Chapter 3, and conditionally approve Final Map 2-21 with findings and conditions listed in the Staff Report dated May 14, 2021.**
- 9. Findings: See Staff Report dated May 14, 2021**
- 10. Prepared By: Michele Rambo, AICP, Development Manager**
- 11. Agenda Distribution: Jordanelle Third Mortgage, LLC
Attn: Scott Macritchie
312 Four Mile Trail
Elko, NV 89801

High Desert Engineering
Attn: Tom Ballew
640aho Street
Elko, NV 89801**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 6/1

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

Title: Final Map No. 2-21 Zephyr Heights - Unit 1
Applicant(s): Jordanella Third Mortgage, LLC
Site Location: E. side of E. Jennings, E. of Puccinelli Pkwy - APN 001-562-010
Current Zoning: R Date Received: 4/19/21 Date Public Notice: N/A
COMMENT: This is for the division of approximately 25.1 acres
of property into 18 lots and 1 remainder parcel

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 5/20/21
Recommend approval as presented by
staff

SAW

Initial

City Manager: Date: 5/21/21
No comments/concerns.

CV

Initial



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

CITY OF ELKO STAFF REPORT

REPORT DATE:	May 14, 2021
PLANNING COMMISSION DATE:	June 1, 2021
AGENDA ITEM NUMBER:	I.B.1.
APPLICATION NUMBER:	Final Map 2-21
APPLICANT:	Jordanelle Third Mortgage, LLC
PROJECT DESCRIPTION:	Zephyr Heights Unit 1

A Final Map for the division of approximately 25.1 acres into 18 lots for residential development and 1 remainder lot within an R (Single-Family and Multiple-Family Residential) zoning district.



STAFF RECOMMENDATION:

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

PROJECT INFORMATION

PARCEL NUMBER: 001-562-010

PARCEL SIZE: 25.1 Acres

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

MASTER PLAN DESIGNATION: (RES-HD) Residential High Density

EXISTING LAND USE: Vacant

BACKGROUND:

1. The Final Map for Zephyr Heights Unit 1 has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City code.
2. The Planning Commission reviewed and recommended a conditional approval to the City Council on the Zephyr Heights Tentative Map on February 2, 2021.
3. The City Council conditionally approved the Zephyr Heights Tentative Map on February 23, 2021.
4. The subdivision is located on APN 001-562-010.
5. The proposed subdivision consists of 18 residential lots and a remainder lot for future development.
6. The total subdivided area is approximately 25.1 acres. Unit 1 consists of 7.334 acres.
7. The proposed density is 2.45 units per acre.
8. Approximately 1.218 acres are offered for dedication for street development.
9. Drainage and utility easements are provided along all lot lines.
10. The property is located on the east side of East Jennings Way generally east of Puccinelli Parkway.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

-) North: Single-Family and Multiple-Family Residential (R) / Vacant
-) South: General Commercial (C) / Partially Developed
-) East: Industrial Commercial (IC) / Developed
-) West: Single-Family Residential (R1) / Partially Developed
Single-Family and Multiple-Family Residential (R) / Partially Developed

PROPERTY CHARACTERISTICS:

-) The property is an undeveloped residential parcel.
-) The site abuts vacant residential land to the north, developed residential land to the west and southwest, apartments and other partially developed commercial land to the south, and developed industrial commercial property to the east.
-) The parcel has many slopes, but generally drains to the south. The slopes have been incorporated into the tentative map design where possible, but a large amount of grading

-) will be required and several large manufactured slopes will be created.
) The property will be accessed by two roads off of East Jennings Way.

APPLICABLE MASTER PLAN AND CITY CODE SECTIONS:

-) City of Elko Master Plan – Land Use Component
) City of Elko Master Plan – Transportation Component
) City of Elko Redevelopment Plan
) City of Elko Wellhead Protection Plan
) City of Elko Zoning – Section 3-3-7 Final Map State (Stage III)
) City of Elko Zoning – Section 3-3-8 Content and Format of Final Map Submittal
) City of Elko Zoning – Section 3-3-9 to 3-3-16 (Inclusive) Subdivision Design Standards
) City of Elko Zoning – Section 3-3-17 to 3-3-22 (Inclusive) Public Improvements/
Guarantees
) City of Elko Zoning – Section 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G), and 3-2-17 Zoning Code
Standards
) City of Elko Zoning – Section 3-8 Flood Plain Management

MASTER PLAN - Land use:

Conformance with the Land Use component of the Master Plan was evaluated with review and approval of the Tentative Map. The Final Map is in conformance with the Tentative Map.

Therefore, the proposed subdivision is in conformance with the Land Use Component of the Master Plan.

MASTER PLAN - Transportation:

Conformance with the Transportation component of the Master Plan was evaluated with review and approval of the Tentative Map. The Final Map is in conformance with the Tentative Map.

Therefore, the proposed subdivision is in conformance with the Transportation Component of the Master Plan.

ELKO REDEVELOPMENT PLAN:

The property is not located within the redevelopment area.

ELKO WELLHEAD PROTECTION PLAN:

The property is located within the 20-year capture zone for multiple City of Elko wells. Development of the site is required to be connected to a programmed sewer system and all street drainage will be directed to a storm sewer system.

As the project is designed, it does not present a hazard to City wells.

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

Pre-submission Requirements (C)(1) – The Final Map is in conformance with the zoning requirements.

Pre-submission Requirements (C)(2) – The proposed Final Map conforms to the Tentative Map.

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

- A. Form and Content – The Final Map conforms to the required size specifications and provides the appropriate affidavits and certifications.
- B. Identification Data
 - 1. The Final Map identifies the subdivision and provides its location by section, township, range, and county.
 - 2. The Final Map was prepared by a properly licensed surveyor.
 - 3. The Final Map provides a scale, north arrow, and date of preparation.
- C. Survey Data
 - 1. The boundaries of the subdivision are fully balanced and closed.
 - 2. Any exceptions are noted on the Final Map.
 - 3. The Final Map is tied to a section corner.
 - 4. The location and description of any physical encroachments upon the boundary of the subdivision are noted on the Final Map.
- D. Descriptive Data
 - 1. The name, right-of-way lines, courses, lengths, and widths of all streets and easements are noted on the Final Map.
 - 2. All drainage ways are noted on the Final Map.
 - 3. All utility and public service easements are noted on the Final Map.
 - 4. The location and dimensions of all lots, parcels, and exceptions are shown on the Final Map.
 - 5. All residential lots are numbered consecutively on the Final Map.
 - 6. There are no sites dedicated to the public shown on the Final Map.
 - 7. The locations of adjoining subdivisions are noted on the Final Map with required information.
 - 8. There are no deed restrictions proposed.
- 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 with space to be certified by a notary public.
- F. Additional Information
 - 1. All centerline monuments for streets are noted as being set on the Final Map.
 - 2. The centerline and width of each right-of-way is noted on the Final Map.
 - 3. The Final Map 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 Final Map.
 - 5. The Final Map is not located adjacent to a city boundary.
 - 6. The Final Map identifies the location of the section lines nearest the property.
- G. City to Check
 - 1. Closure calculations have been provided. Civil improvement plans have been approved. Drainage plans have been approved. An engineer's estimate has been provided.
 - 2. The lot closures are within the required tolerances.

H. Required Certifications

1. The Owner's Certificate is shown on the Final Map.
2. The Owner's Certificate offers for dedication all right-of-ways shown on the Final Map.
3. A Clerk Certificate is shown on the Final Map, certifying the signature of the City Council.
4. The Owner's Certificate offers for dedication all easements shown on the Final Map.
5. A Surveyor's Certificate is shown on the Final Map and provides the required language.
6. The City Engineer's Certificate is shown on the Final Map.
7. A certificate from the Nevada Division of Environmental Protection is provided with the required language.
8. The engineer of record has submitted the Tentative Map and construction plans to the state, but no written approval has been received.
9. A certificate from the Division of Water Resources is provided on the Final Map with the required language.
10. The construction plans identify the required water meters for the subdivision.

SECTION 3-3-9 THROUGH 3-3-16 (INCLUSIVE)

The proposed subdivision was evaluated for conformance to the referenced sections of code during the Tentative Map process.

The proposed development conforms with these sections of City code.

SECTION 3-3-17 RESPONSIBILITY FOR PUBLIC IMPROVEMENTS

The subdivider shall be responsible for all required improvements in conformance with this section of City code.

SECTION 3-3-18 CONSTRUCTION PLANS

The subdivider has submitted plans to the city and state agencies for review to receive all required permits in accordance with this section of City code. The plans have been approved by City staff.

SECTION 3-3-19 CONSTRUCTION AND INSPECTION

The subdivider has submitted plans to the city and state agencies for review to receive all permits in accordance with this section of City code.

SECTION 3-3-20 REQUIRED IMPROVEMENTS

The subdivider has submitted civil improvement plans which are in conformance with this section of City code.

Civil improvements include curb, gutter, and sidewalk as well as lighting, USPS gang boxes, paving, and utilities within the East Jennings Way, Mesquite Way, and Incline Avenue rights-of-way.

SECTION 3-3-21 AGREEMENT TO INSTALL IMPROVEMENTS

The subdivider will be required to enter into a Performance Agreement to conform to this section of City code.

SECTION 3-3-22 PERFORMANCE AND MAINTENANCE GUARANTEES

The subdivider will be required to provide a Performance and Maintenance Guarantee as stipulated in the Performance Agreement in conformance with this section of City code.

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

The proposed subdivision was evaluated for conformance to the referenced sections of code during the Tentative Map process.

The proposed development conforms with these sections of City code.

SECTION 3-8 FLOODPLAIN MANAGEMENT:

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

FINDINGS

1. The Final Map for Zephyr Heights Unit 1 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 and Transportation Components of the Master Plan.
4. The proposed development conforms with Sections 3-3-9 through 3-3-16 (inclusive).
5. The Subdivider shall be responsible for all required improvements in conformance with Section 3-3-17 of City code.
6. The Subdivider has submitted construction plans in conformance with Section 3-3-18 of City code.
7. The Subdivider has submitted plans to the city and state agencies for review to receive all required permits in accordance with the requirements of Section 3-3-19 of City code.
8. The Subdivider has submitted construction plans which, having been found to be in conformance with Section 3-3-20 of City code, have been approved by City staff.

9. The Subdivider will be required to enter into a Performance Agreement to conform to Section 3-3-21 of City code.
10. The Subdivider will be required to provide a Performance and Maintenance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-22 of City code.
11. The proposed development conforms to Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G), 3-2-17, and 3-8 of City code.

STAFF RECOMMENDATION/CONDITIONS OF APPROVAL:

Staff recommends this item be **conditionally approved** with the following conditions:

Development Department:

1. The Developer shall execute a Performance and Maintenance 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 Map approval by the City Council unless extended as stipulated in City code.
2. The Performance and Maintenance Agreement shall be approved by the City Council.
3. The Developer shall enter into the Performance and Maintenance Agreement within 30 days of approval of the Final Map by the City Council.
4. The Final Map for Zephyr Heights Unit 1 is approved for 18 residential lots and 1 remainder lot.
5. The Utility Department will issue a Will Serve Letter for the subdivision upon approval of the Final Map by the City Council.
6. Site disturbance shall not commence prior to approval of the project's construction plans by the Nevada Department of Environmental Protection.
7. Site disturbance, including clearing and grubbing, shall not commence prior to the issuance of a grading permit by the City of Elko.
8. Construction shall not commence prior to Final Map approval by the City Council and issuance of a will-serve letter by the City of Elko.
9. Conformance with the conditions of approval of the Tentative Map 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 of the Standard

Specifications for Public Works. The Engineer of Record is to certify that the project was completed in conformance with the approved plans and specifications.

11. Add note to the Final Map prohibiting access from Lots 1 and 18 to East Jennings Way prior to City Council consideration.
12. All slopes greater than 3:1 shall be permanently stabilized prior to acceptance of any public improvements by the City Council.

Engineering Department:

13. Remove Note 7 on Sheet 2 regarding slope easements prior to City Council consideration..

Public Works Department

14. All public improvements to be constructed per City of Elko code at time of development.



City of Elko – Development Department
1755 College Avenue
Elko, NV 89801
Telephone: 775.777.7210
Facsimile: 775.777.7219

April 20, 2021

High Desert Engineering, LLC
Attn: Tom Ballew
640 Idaho Street
Elko, NV 89801

Re: Zephyr Heights Phase 1 Final Map – Complete Submittal

Dear Mr. Ballew:

The City of Elko has reviewed your Final Map application materials for Zephyr Heights Phase 1 (submitted April 19, 2021) and has found them to be complete. We will now begin processing your application by transmitting the materials to other City departments for their review. You may receive further comments or corrections as these reviews progress. Barring any complications, this Final Map will be scheduled for Planning Commission on June 1, 2021 and City Council on June 15, 2021.

I will keep you updated on the status of your application, but please feel free to contact me at (775) 777-7217 if you have any questions.

Sincerely,

Michele Rambo, AICP
Development Manager
mrambo@elkocitynv.gov

CC: Jordanelle Third Mortgage, LLC
Attn: Scott MacRitchie
312 Four Mile Trail
Elko, NV 89801

City of Elko – File

Thomas C. Ballew, P.E., P.L.S.
Robert E. Morley, P.L.S.
Duane V. Merrill, P.L.S.



April 16, 2021

Consulting Civil Engineering
Land Surveying
Water Rights

RECEIVED

APR 19 2021

Cathy Laughlin, City Planner
City of Elko
1751 College Avenue
Elko, NV 89801

Re: Zephyr Heights Subdivision, Unit Number 1
Application for Final Plat Approval

Dear Cathy,

Enclosed please find the following items regarding the above referenced project:

- Application for Final Plat Approval.
- Two (2) 24"x36" copies (consisting of 2 sheets each) of the proposed Final Plat.
- One (1) 8-1/2"x11" copy of the proposed Final Plat.
- Two (2) 24"x36" copies (consisting of 9 sheets each) of the proposed construction drawings.
- One (1) copy of the subdivision lot calculations.
- One (1) copy of the public improvement estimate.
- Check in the amount of \$ 1,200.00 for the Final Plat review fee.

Pdf copies of the documents listed above will be transmitted to you.

Please be advised that I have also forwarded a request to the City of Elko Fire Department for a letter outlining the fire flow requirements for this project.

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

Sincerely,
HIGH DESERT Engineering, LLC

Thomas C. Ballew, P.E., P.L.S.

enclosures

cc Scott MacRitchie – Jordanelle Third Mortgage – via email



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR FINAL PLAT APPROVAL

APPLICANT(s): Jordanelle Third Mortgage, LLC
MAILING ADDRESS: 312 Four Mile Trail, Elko, NV 89801
PHONE NO (Home) _____ (Business) (775) 340-6005
NAME OF PROPERTY OWNER (If different): same
(Property owner consent in writing must be provided)
MAILING ADDRESS: same
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
ASSESSOR'S PARCEL NO.: 001-562-010 Address Not Addressed
Lot(s), Block(s), & Subdivision _____
Or Parcel(s) & File No. Adjusted Parcel 2 - File 775216
PROJECT DESCRIPTION OR PURPOSE: Single Family Residential Lots
APPLICANT'S REPRESENTATIVE OR ENGINEER: High Desert Engineering, LLC

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 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 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
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
✓	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: Jordanelle Third Mortgage, LLC
(Please print or type)

Mailing Address: 312 Four Mile Trail
Street Address or P.O. Box

Elko, NV 89801
City, State, Zip Code

Phone Number: (775) 340-6005

Email address: scott@macritchie.com

SIGNATURE: 

FOR OFFICE USE ONLY

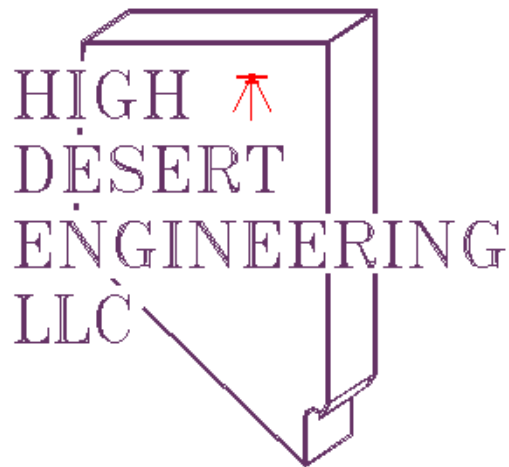
File No.: 2-21 Date Filed: 4/19/21 Fee Paid: \$1,225 = \$1,200 + \$25
Blots + 1 remainder = $19 \times 25 = 475$
CK# 3840 CK# 116370 \$750
JTM High Desert

LOT CALCULATIONS
FOR
ZEPHYR HEIGHTS SUBDIVISION
UNIT 1
ELKO, NEVADA

PREPARED FOR:

Jordanelle Third Mortgage, LLC
312 Four Mile Trail
Elko, Nevada 89801

Contact:
Scott MacRitchie
(775) 340-6005



PREPARED BY

HIGH DESERT Engineering
640 Idaho Street
Elko, Nevada

April, 2021

Parcel name: SUBDIVISION

	North: 28480439.203	East : 610180.761
Curve	Length: 226.11	Radius: 860.00
	Delta: 15-03-52	Tangent: 113.71
	Chord: 225.46	Course: N 02-16-01 E
	Course In: N 80-12-03 W	Course Out: N 84-44-05 E
RP	North: 28480585.571	East : 609333.309
End	North: 28480664.491	East : 610189.680
Line	Course: N 05-15-55 W	Length: 1071.21
	North: 28481731.181	East : 610091.378
Curve	Length: 352.53	Radius: 550.00
	Delta: 36-43-28	Tangent: 182.56
	Chord: 346.53	Course: N 23-37-39 W
	Course In: S 84-44-05 W	Course Out: N 48-00-37 E
RP	North: 28481680.709	East : 609543.699
End	North: 28482048.658	East : 609952.494
Line	Course: N 37-05-21 E	Length: 223.41
	North: 28482226.871	East : 610087.223
Line	Course: S 89-35-40 E	Length: 832.90
	North: 28482220.976	East : 610920.102
Line	Course: S 42-32-34 W	Length: 206.48
	North: 28482068.847	East : 610780.493
Curve	Length: 595.34	Radius: 380.00
	Delta: 89-45-52	Tangent: 378.44
	Chord: 536.30	Course: S 09-05-30 W
	Course In: S 54-12-34 W	Course Out: S 36-01-34 E
RP	North: 28481846.614	East : 610472.252
End	North: 28481539.289	East : 610695.751
Line	Course: S 54-38-16 E	Length: 430.47
	North: 28481290.158	East : 611046.803
Line	Course: S 45-30-12 W	Length: 394.58
	North: 28481013.609	East : 610765.352
Line	Course: S 45-30-12 W	Length: 819.57
	North: 28480439.199	East : 610180.760
Line	Course: N 09-52-09 E	Length: 0.00
	North: 28480439.199	East : 610180.760

Perimeter: 5152.61 Area: 1,093,740 S.F. 25.109 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.005 Course: S 13-36-44 W

Error North: -0.0045 East : -0.0011

Precision 1: 1,030,520.00

Parcel name: UNIT 1 REMAINDER

North: 28480936.090 East : 610164.649
Line Course: N 05-15-55 W Length: 798.46
North: 28481731.181 East : 610091.377
Curve Length: 352.53 Radius: 550.00
Delta: 36-43-28 Tangent: 182.56
Chord: 346.53 Course: N 23-37-39 W
Course In: S 84-44-05 W Course Out: N 48-00-37 E
RP North: 28481680.709 East : 609543.698
End North: 28482048.657 East : 609952.493
Line Course: N 37-05-21 E Length: 223.41
North: 28482226.871 East : 610087.222
Line Course: S 89-35-40 E Length: 832.90
North: 28482220.976 East : 610920.101
Line Course: S 42-32-34 W Length: 206.48
North: 28482068.847 East : 610780.492
Curve Length: 595.34 Radius: 380.00
Delta: 89-45-52 Tangent: 378.44
Chord: 536.30 Course: S 09-05-30 W
Course In: S 54-12-34 W Course Out: S 36-01-34 E
RP North: 28481846.614 East : 610472.251
End North: 28481539.289 East : 610695.749
Line Course: S 54-38-16 E Length: 136.37
North: 28481460.366 East : 610806.960
Line Course: S 51-07-06 W Length: 440.05
North: 28481184.140 East : 610464.406
Line Course: S 84-44-05 W Length: 55.27
North: 28481179.068 East : 610409.369
Line Course: S 05-15-55 E Length: 174.50
North: 28481005.305 East : 610425.383
Line Course: S 84-44-05 W Length: 158.00
North: 28480990.805 East : 610268.049
Line Course: S 05-15-55 E Length: 45.00
North: 28480945.995 East : 610272.179
Line Course: S 84-44-05 W Length: 108.00
North: 28480936.084 East : 610164.635

Perimeter: 4126.31 Area: 774,268 S.F. 17.775 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.016 Course: S 69-13-34 W

Error North: -0.0055 East : -0.0145

Precision 1: 257,894.38

Parcel name: UNIT 1

	North: 28480439.203	East : 610180.761
Curve	Length: 226.11	Radius: 860.00
	Delta: 15-03-52	Tangent: 113.71
	Chord: 225.46	Course: N 02-16-01 E
	Course In: N 80-12-03 W	Course Out: N 84-44-05 E
RP	North: 28480585.571	East : 609333.309
End	North: 28480664.491	East : 610189.680
Line	Course: N 05-15-55 W	Length: 272.75
	North: 28480936.090	East : 610164.650
Line	Course: N 84-44-05 E	Length: 108.00
	North: 28480946.001	East : 610272.195
Line	Course: N 05-15-55 W	Length: 45.00
	North: 28480990.811	East : 610268.065
Line	Course: N 84-44-05 E	Length: 158.00
	North: 28481005.310	East : 610425.398
Line	Course: N 05-15-55 W	Length: 174.50
	North: 28481179.074	East : 610409.385
Line	Course: N 84-44-05 E	Length: 55.27
	North: 28481184.146	East : 610464.422
Line	Course: N 51-07-06 E	Length: 440.05
	North: 28481460.372	East : 610806.976
Line	Course: S 54-38-16 E	Length: 294.10
	North: 28481290.163	East : 611046.817
Line	Course: S 45-30-12 W	Length: 1214.15
	North: 28480439.204	East : 610180.775

Perimeter: 2987.93 Area: 319,472 S.F. 7.334 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.013 Course: N 85-39-05 E
Error North: 0.0010 East : 0.0134
Precision 1: 229,840.77

Parcel name: UNIT 1 STREETS

North:	28480783.238	East :	610178.736
Line	Course: N 05-15-55 W	Length:	81.00
	North: 28480863.896	East :	610171.303
Curve	Length: 24.35	Radius:	15.50
	Delta: 90-00-00	Tangent:	15.50
	Chord: 21.92	Course:	S 50-15-55 E
	Course In: N 84-44-05 E	Course Out:	S 05-15-55 E
RP	North: 28480865.318	East :	610186.737
End	North: 28480849.884	East :	610188.160
Line	Course: N 84-44-05 E	Length:	77.00
	North: 28480856.950	East :	610264.835
Curve	Length: 24.35	Radius:	15.50
	Delta: 90-00-00	Tangent:	15.50
	Chord: 21.92	Course:	N 39-44-05 E
	Course In: N 05-15-55 W	Course Out:	N 84-44-05 E
RP	North: 28480872.384	East :	610263.412
End	North: 28480873.807	East :	610278.847
Line	Course: N 05-15-55 W	Length:	117.50
	North: 28480990.811	East :	610268.064
Line	Course: N 84-44-05 E	Length:	50.00
	North: 28480995.399	East :	610317.853
Line	Course: S 05-15-55 E	Length:	114.81
	North: 28480881.074	East :	610328.389
Curve	Length: 29.03	Radius:	15.50
	Delta: 107-17-38	Tangent:	21.06
	Chord: 24.97	Course:	S 58-54-44 E
	Course In: N 84-44-05 E	Course Out:	S 22-33-33 E
RP	North: 28480882.496	East :	610343.824
End	North: 28480868.182	East :	610349.770
Curve	Length: 37.14	Radius:	75.00
	Delta: 28-22-19	Tangent:	18.96
	Chord: 36.76	Course:	N 53-15-18 E
	Course In: N 22-33-33 W	Course Out:	S 50-55-52 E
RP	North: 28480937.443	East :	610320.997
End	North: 28480890.174	East :	610379.226
Line	Course: N 39-04-08 E	Length:	204.20
	North: 28481048.713	East :	610507.924
Curve	Length: 49.59	Radius:	275.00
	Delta: 10-19-54	Tangent:	24.86
	Chord: 49.52	Course:	N 44-14-05 E
	Course In: S 50-55-52 E	Course Out:	N 40-35-58 W
RP	North: 28480875.393	East :	610721.431
End	North: 28481084.194	East :	610542.470
Line	Course: N 49-24-02 E	Length:	293.23
	North: 28481275.019	East :	610765.113
Curve	Length: 248.23	Radius:	54.50
	Delta: 260-57-32	Tangent:	63.86
	Chord: 82.91	Course:	S 00-07-12 E
	Course In: S 40-35-58 E	Course Out:	S 40-21-34 W
RP	North: 28481233.638	East :	610800.580
End	North: 28481192.109	East :	610765.287

Parcel name: UNIT 1 STREETS - Con't

Curve	Length: 21.90	Radius: 15.50
	Delta: 80-57-32	Tangent: 13.23
	Chord: 20.12	Course: S 89-52-48 W
	Course In: S 40-21-34 W	Course Out: N 40-35-58 W
RP	North: 28481180.298	East : 610755.250
End	North: 28481192.067	East : 610745.163
Line	Course: S 49-24-02 W	Length: 224.10
	North: 28481046.230	East : 610575.009
Curve	Length: 40.57	Radius: 225.00
	Delta: 10-19-54	Tangent: 20.34
	Chord: 40.52	Course: S 44-14-05 W
	Course In: S 40-35-58 E	Course Out: N 50-55-52 W
RP	North: 28480875.393	East : 610721.431
End	North: 28481017.200	East : 610546.744
Line	Course: S 39-04-08 W	Length: 204.20
	North: 28480858.661	East : 610418.046
Curve	Length: 99.63	Radius: 125.00
	Delta: 45-39-57	Tangent: 52.63
	Chord: 97.01	Course: S 61-54-06 W
	Course In: N 50-55-52 W	Course Out: S 05-15-55 E
RP	North: 28480937.443	East : 610320.997
End	North: 28480812.971	East : 610332.468
Line	Course: S 84-44-05 W	Length: 140.31
	North: 28480800.095	East : 610192.750
Curve	Length: 24.35	Radius: 15.50
	Delta: 90-00-00	Tangent: 15.50
	Chord: 21.92	Course: S 39-44-05 W
	Course In: S 05-15-55 E	Course Out: S 84-44-05 W
RP	North: 28480784.660	East : 610194.172
End	North: 28480783.238	East : 610178.738

Perimeter: 2105.47 Area: 53,073 S.F. 1.218 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.002	Course: N 85-50-30 E
Error North: 0.0001	East : 0.0020

Precision 1: 1,052,745.00

Parcel name: LOT 1

North:	28480439.203	East :	610180.761
Curve Length:	226.11	Radius:	860.00
Delta:	15-03-52	Tangent:	113.71
Chord:	225.46	Course:	N 02-16-01 E
Course In:	N 80-12-03 W	Course Out:	N 84-44-05 E
RP North:	28480585.571	East :	609333.309
End North:	28480664.491	East :	610189.680
Line Course:	N 05-15-56 W	Length:	119.25
North:	28480783.238	East :	610178.736
Curve Length:	24.35	Radius:	15.50
Delta:	90-00-00	Tangent:	15.50
Chord:	21.92	Course:	N 39-44-05 E
Course In:	N 84-44-05 E	Course Out:	N 05-15-55 W
RP North:	28480784.660	East :	610194.171
End North:	28480800.095	East :	610192.748
Line Course:	N 84-44-05 E	Length:	90.50
North:	28480808.400	East :	610282.866
Line Course:	S 05-15-55 E	Length:	247.59
North:	28480561.854	East :	610305.587
Line Course:	S 45-30-12 W	Length:	175.00
North:	28480439.203	East :	610180.761

Perimeter: 882.80 Area: 32,610 S.F. 0.749 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.001 Course: S 29-40-26 W

Error North: -0.0009 East : -0.0005

Precision 1: 882,800.00

Parcel name: LOT 2

North:	28480808.400	East :	610282.866
Line Course:	N 84-44-05 E	Length:	49.81
North:	28480812.971	East :	610332.466
Curve Length:	26.89	Radius:	125.00
Delta:	12-19-35	Tangent:	13.50
Chord:	26.84	Course:	N 78-34-17 E
Course In:	N 05-15-55 W	Course Out:	S 17-35-30 E
RP North:	28480937.443	East :	610320.995
End North:	28480818.289	East :	610358.774
Line Course:	S 17-35-34 E	Length:	163.31
North:	28480662.617	East :	610408.134
Line Course:	S 45-30-12 W	Length:	143.77
North:	28480561.853	East :	610305.584
Line Course:	N 05-15-55 W	Length:	247.59
North:	28480808.399	East :	610282.864

Perimeter: 631.37 Area: 19,854 S.F. 0.456 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.003 Course: S 63-59-13 W

Error North: -0.0011 East : -0.0023

Precision 1: 210,456.67

Parcel name: LOT 3

North:	28480818.289	East :	610358.776
Curve Length:	64.07	Radius:	125.00
Delta:	29-22-09	Tangent:	32.76
Chord:	63.37	Course:	N 57-43-26 E
Course In:	N 17-35-30 W	Course Out:	S 46-57-39 E
RP North:	28480937.444	East :	610320.997
End North:	28480852.131	East :	610412.358
Line Course:	S 44-29-48 E	Length:	132.22
North:	28480757.820	East :	610505.027
Line Course:	S 45-30-12 W	Length:	135.84
North:	28480662.614	East :	610408.133
Line Course:	N 17-35-34 W	Length:	163.31
North:	28480818.286	East :	610358.773

Perimeter: 495.44 Area: 13,813 S.F. 0.317 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.005 Course: S 42-47-31 W
Error North: -0.0034 East : -0.0031
Precision 1: 99,088.00

Parcel name: LOT 4

North:	28480852.131	East :	610412.358
Curve Length:	8.66	Radius:	125.00
Delta:	3-58-13	Tangent:	4.33
Chord:	8.66	Course:	N 41-03-14 E
Course In:	N 46-57-39 W	Course Out:	S 50-55-52 E
RP North:	28480937.444	East :	610320.997
End North:	28480858.662	East :	610418.046
Line Course:	N 39-04-08 E	Length:	73.83
North:	28480915.983	East :	610464.577
Line Course:	S 44-29-48 E	Length:	141.17
North:	28480815.287	East :	610563.519
Line Course:	S 45-30-12 W	Length:	82.00
North:	28480757.816	East :	610505.029
Line Course:	N 44-29-48 W	Length:	132.22
North:	28480852.127	East :	610412.360

Perimeter: 437.88 Area: 11,197 S.F. 0.257 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.004 Course: S 30-09-43 E
Error North: -0.0039 East : 0.0022
Precision 1: 109,470.00

Parcel name: LOT 5

North: 28480915.984 East : 610464.578
Line Course: N 39-04-08 E Length: 82.52
North: 28480980.051 East : 610516.587
Line Course: S 44-29-48 E Length: 150.41
North: 28480872.765 East : 610622.004
Line Course: S 45-30-12 W Length: 82.00
North: 28480815.294 East : 610563.514
Line Course: N 44-29-48 W Length: 141.17
North: 28480915.989 East : 610464.573

Perimeter: 456.10 Area: 11,955 S.F. 0.274 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.008 Course: N 43-07-47 W
Error North: 0.0056 East : -0.0053
Precision 1: 57,012.50

Parcel name: LOT 6

North: 28480980.051 East : 610516.586
Line Course: N 39-04-08 E Length: 43.33
North: 28481013.692 East : 610543.895
Curve Length: 39.01 Radius: 275.00
Delta: 8-07-37 Tangent: 19.54
Chord: 38.97 Course: N 43-07-57 E
Course In: S 50-55-52 E Course Out: N 42-48-15 W
RP North: 28480840.372 East : 610757.402
End North: 28481042.134 East : 610570.541
Line Course: S 44-29-48 E Length: 156.88
North: 28480930.233 East : 610680.493
Line Course: S 45-30-12 W Length: 82.00
North: 28480872.762 East : 610622.003
Line Course: N 44-29-48 W Length: 150.41
North: 28480980.048 East : 610516.586

Perimeter: 471.63 Area: 12,677 S.F. 0.291 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.003 Course: S 08-50-13 W
Error North: -0.0030 East : -0.0005
Precision 1: 157,210.00

Parcel name: LOT 7

North: 28481042.136 East : 610570.543
Curve Length: 10.58 Radius: 275.00
Delta: 2-12-17 Tangent: 5.29
Chord: 10.58 Course: N 48-17-54 E
Course In: S 42-48-15 E Course Out: N 40-35-58 W
RP North: 28480840.374 East : 610757.404
End North: 28481049.175 East : 610578.443
Line Course: N 49-24-02 E Length: 73.10
North: 28481096.746 East : 610633.946
Line Course: S 44-29-48 E Length: 151.40
North: 28480988.754 East : 610740.058
Line Course: S 45-30-12 W Length: 83.50
North: 28480930.232 East : 610680.498
Line Course: N 44-29-48 W Length: 156.88
North: 28481042.133 East : 610570.546

Perimeter: 475.46 Area: 12,878 S.F. 0.296 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.004 Course: S 39-36-13 E

Error North: -0.0033 East : 0.0028

Precision 1: 118,865.00

Parcel name: LOT 8

North: 28481096.747 East : 610633.947
Line Course: N 49-24-02 E Length: 82.19
North: 28481150.233 East : 610696.352
Line Course: S 44-29-48 E Length: 145.81
North: 28481046.228 East : 610798.545
Line Course: S 45-30-12 W Length: 82.00
North: 28480988.757 East : 610740.055
Line Course: N 44-29-48 W Length: 151.40
North: 28481096.749 East : 610633.944

Perimeter: 461.40 Area: 12,186 S.F. 0.280 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.004 Course: N 45-22-28 W

Error North: 0.0027 East : -0.0027

Precision 1: 115,350.00

Parcel name: LOT 9

North: 28481150.233 East : 610696.352
Line Course: N 49-24-02 E Length: 64.29
North: 28481192.071 East : 610745.166
Curve Length: 21.90 Radius: 15.50
Delta: 80-57-32 Tangent: 13.23
Chord: 20.12 Course: N 89-52-48 E
Course In: S 40-35-58 E Course Out: N 40-21-34 E
RP North: 28481180.302 East : 610755.252
End North: 28481192.113 East : 610765.290
Curve Length: 80.70 Radius: 54.50
Delta: 84-50-35 Tangent: 49.80
Chord: 73.53 Course: N 87-56-16 E
Course In: N 40-21-34 E Course Out: S 44-29-01 E
RP North: 28481233.642 East : 610800.583
End North: 28481194.759 East : 610838.772
Line Course: S 44-29-48 E Length: 77.75
North: 28481139.300 East : 610893.264
Line Course: S 45-30-12 W Length: 132.79
North: 28481046.232 East : 610798.546
Line Course: N 44-29-48 W Length: 145.81
North: 28481150.237 East : 610696.353

Perimeter: 523.24 Area: 16,042 S.F. 0.368 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.004 Course: N 12-47-53 E

Error North: 0.0041 East : 0.0009

Precision 1: 130,810.00

Parcel name: LOT 10

North: 28481194.756 East : 610838.768
Curve Length: 87.65 Radius: 54.50
Delta: 92-08-35 Tangent: 56.58
Chord: 78.50 Course: N 00-33-18 W
Course In: N 44-29-01 W Course Out: N 43-22-24 E
RP North: 28481233.639 East : 610800.580
End North: 28481273.254 East : 610838.007
Line Course: N 42-58-21 E Length: 135.83
North: 28481372.639 East : 610930.596
Line Course: S 54-38-16 E Length: 142.50
North: 28481290.168 East : 611046.806
Line Course: S 45-30-12 W Length: 215.26
North: 28481139.299 East : 610893.263
Line Course: N 44-29-48 W Length: 77.75
North: 28481194.757 East : 610838.770

Perimeter: 658.99 Area: 25,259 S.F. 0.580 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.003 Course: N 51-41-54 E

Error North: 0.0017 East : 0.0021

Precision 1: 219,663.33

Parcel name: LOT 11

North:	28481273.254	East :	610838.007
Curve Length:	79.88	Radius:	54.50
Delta:	83-58-22	Tangent:	49.05
Chord:	72.92	Course:	N 88-36-47 W
Course In:	S 43-22-24 W	Course Out:	N 40-35-58 W
RP North:	28481233.639	East :	610800.580
End North:	28481275.019	East :	610765.113
Line Course:	N 38-52-54 W	Length:	117.98
North:	28481366.860	East :	610691.055
Line Course:	N 51-06-29 E	Length:	148.93
North:	28481460.366	East :	610806.972
Line Course:	S 54-38-16 E	Length:	151.59
North:	28481372.635	East :	610930.595
Line Course:	S 42-58-21 W	Length:	135.83
North:	28481273.250	East :	610838.007

Perimeter: 634.21 Area: 25,083 S.F. 0.576 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.004 Course: S 06-49-08 W

Error North: -0.0040 East : -0.0005

Precision 1: 158,552.50

Parcel name: LOT 12

North:	28481275.019	East :	610765.113
Line Course:	S 49-24-02 W	Length:	76.53
North:	28481225.216	East :	610707.005
Line Course:	N 38-52-54 W	Length:	120.30
North:	28481318.863	East :	610631.491
Line Course:	N 51-08-17 E	Length:	76.50
North:	28481366.863	East :	610691.059
Line Course:	S 38-52-54 E	Length:	117.98
North:	28481275.022	East :	610765.116

Perimeter: 391.32 Area: 9,115 S.F. 0.209 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.004 Course: N 56-39-29 E

Error North: 0.0024 East : 0.0037

Precision 1: 97,827.50

Parcel name: LOT 13

North: 28481225.213 East : 610707.002
Line Course: S 49-24-02 W Length: 76.53
North: 28481175.410 East : 610648.894
Line Course: N 38-52-54 W Length: 122.60
North: 28481270.847 East : 610571.937
Line Course: N 51-07-06 E Length: 76.50
North: 28481318.867 East : 610631.488
Line Course: S 38-52-54 E Length: 120.30
North: 28481225.221 East : 610707.002

Perimeter: 395.94 Area: 9,291 S.F. 0.213 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.007 Course: N 02-15-01 W

Error North: 0.0074 East : -0.0003

Precision 1: 56,561.43

Parcel name: LOT 14

North: 28481175.407 East : 610648.891
Line Course: S 49-24-02 W Length: 76.53
North: 28481125.604 East : 610590.784
Line Course: N 38-52-54 W Length: 124.89
North: 28481222.824 East : 610512.388
Line Course: N 51-07-06 E Length: 76.50
North: 28481270.844 East : 610571.939
Line Course: S 38-52-54 E Length: 122.60
North: 28481175.407 East : 610648.897

Perimeter: 400.53 Area: 9,467 S.F. 0.217 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.006 Course: S 85-54-03 E

Error North: -0.0004 East : 0.0060

Precision 1: 66,753.33

Parcel name: LOT 15

North: 28481125.601 East : 610590.780
Line Course: S 49-24-02 W Length: 59.10
North: 28481087.141 East : 610545.907
Curve Length: 17.45 Radius: 325.00
Delta: 3-04-37 Tangent: 8.73
Chord: 17.45 Course: S 47-51-44 W
Course In: S 40-35-58 E Course Out: N 43-40-35 W
RP North: 28480840.376 East : 610757.406
End North: 28481075.433 East : 610532.966
Line Course: N 38-52-54 W Length: 127.66
North: 28481174.809 East : 610452.832
Line Course: N 51-07-06 E Length: 76.50
North: 28481222.829 East : 610512.383
Line Course: S 38-52-54 E Length: 124.89
North: 28481125.609 East : 610590.778

Perimeter: 405.61 Area: 9,645 S.F. 0.221 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.008 Course: N 13-16-20 W

Error North: 0.0077 East : -0.0018

Precision 1: 50,700.00

Parcel name: LOT 16

North: 28480952.991 East : 610430.219
Line Course: N 05-15-55 W Length: 227.04
North: 28481179.073 East : 610409.384
Line Course: N 84-44-05 E Length: 37.40
North: 28481182.505 East : 610446.626
Line Course: S 38-52-54 E Length: 137.38
North: 28481075.562 East : 610532.862
Curve Length: 36.66 Radius: 275.00
Delta: 7-38-20 Tangent: 18.36
Chord: 36.64 Course: S 42-53-18 W
Course In: S 43-17-32 E Course Out: N 50-55-52 W
RP North: 28480875.399 East : 610721.434
End North: 28481048.719 East : 610507.927
Line Course: S 39-04-08 W Length: 123.29
North: 28480952.998 East : 610430.223

Perimeter: 561.78 Area: 14,853 S.F. 0.341 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.009 Course: N 32-24-41 E

Error North: 0.0073 East : 0.0046

Precision 1: 62,418.89

Parcel name: LOT 17

North:	28480995.399	East :	610317.853
Line Course:	N 84-44-05 E	Length:	108.00
North:	28481005.309	East :	610425.397
Line Course:	S 05-15-55 E	Length:	52.54
North:	28480952.991	East :	610430.219
Line Course:	S 39-04-08 W	Length:	80.91
North:	28480890.173	East :	610379.225
Curve Length:	37.14	Radius:	75.00
Delta:	28-22-19	Tangent:	18.96
Chord:	36.76	Course:	S 53-15-18 W
Course In:	N 50-55-52 W	Course Out:	S 22-33-33 E
RP North:	28480937.443	East :	610320.996
End North:	28480868.181	East :	610349.768
Curve Length:	29.03	Radius:	15.50
Delta:	107-17-38	Tangent:	21.06
Chord:	24.97	Course:	N 58-54-44 W
Course In:	N 22-33-33 W	Course Out:	S 84-44-05 W
RP North:	28480882.495	East :	610343.822
End North:	28480881.073	East :	610328.387
Line Course:	N 05-15-55 W	Length:	114.81
North:	28480995.398	East :	610317.852

Perimeter: 422.42 Area: 10,993 S.F. 0.252 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.001 Course: S 84-43-49 W

Error North: -0.0001 East : -0.0013

Precision 1: 422,430.00

Parcel name: LOT 18

North: 28480946.001 East : 610272.193
Line Course: S 05-15-55 E Length: 72.50
North: 28480873.807 East : 610278.847
Curve Length: 24.35 Radius: 15.50
Delta: 90-00-00 Tangent: 15.50
Chord: 21.92 Course: S 39-44-05 W
Course In: S 84-44-05 W Course Out: S 05-15-55 E
RP North: 28480872.385 East : 610263.412
End North: 28480856.950 East : 610264.834
Line Course: S 84-44-05 W Length: 77.00
North: 28480849.884 East : 610188.159
Curve Length: 24.35 Radius: 15.50
Delta: 90-00-00 Tangent: 15.50
Chord: 21.92 Course: N 50-15-55 W
Course In: N 05-15-55 W Course Out: S 84-44-05 W
RP North: 28480865.318 East : 610186.737
End North: 28480863.896 East : 610171.302
Line Course: N 05-15-55 W Length: 72.50
North: 28480936.090 East : 610164.649
Line Course: N 84-44-05 E Length: 108.00
North: 28480946.001 East : 610272.193

Perimeter: 378.69 Area: 9,401 S.F. 0.216 ACRES

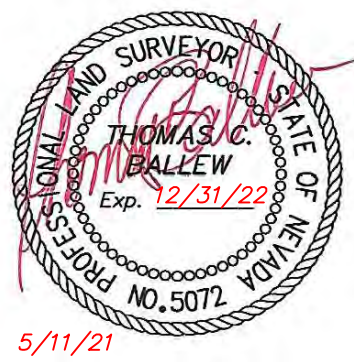
Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.000 Course: S 90-00-00 E
Error North: 0.0000 East : 0.0000
Precision 1: 378,700,000.00

ZEPHYR HEIGHTS SUBDIVISION – UNIT NUMBER 1
ELKO, ELKO COUNTY, NEVADA

LAND SURVEYOR'S CERTIFICATE:

I, THOMAS C. BALLEW, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF NEVADA, CERTIFY THAT:

- THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY SUPERVISION AND DIRECTION AT THE INSTANCE JORDANELLE THIRD MORTGAGE, LLC.
- THE LANDS SURVEYED LIE WITHIN SECTION 2, TOWNSHIP 34 NORTH, RANGE 55 EAST, M.D.B.& M., AND THE SURVEY WAS COMPLETED ON THE ____ DAY OF _____, 20 ____.
- 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.
- THE MONUMENTS DEPICTED ON THE PLAT ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED HEREON AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.



THOMAS C. BALLEW, P.L.S. No. 5072

DATE

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 OR THAT THE MONUMENTS HAVE NOT BEEN SET AND THAT A PROPER PERFORMANCE BOND HAS BEEN DEPOSITED GUARANTEEING THEIR SETTING ON OR BEFORE _____.

CITY OF ELKO CITY ENGINEER'S REPRESENTATIVE

DATE

APPROVAL – CITY OF ELKO PLANNING COMMISSION

AT A REGULAR MEETING OF THE CITY OF ELKO, NEVADA, PLANNING COMMISSION HELD ON THE ____ DAY OF _____, 20____, A TENTATIVE MAP OF THIS SUBDIVISION WAS DULY AND REGULARLY 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

DATE

APPROVAL – CITY OF ELKO CITY COUNCIL

AT A REGULAR MEETING OF THE CITY OF ELKO, NEVADA, CITY COUNCIL HELD ON THE ____ DAY OF _____, 20____, THIS MAP WAS APPROVED FOR SUBDIVISION PURPOSES PURSUANT TO N.R.S. 278.461 THROUGH 278.469, INCLUSIVE, AND ALL APPLICABLE LOCAL ORDINANCES. ALL OFFERS OF DEDICATION, AS SHOWN HEREON, WERE ACCEPTED FOR PUBLIC USE.

MAYOR, CITY OF ELKO, NEVADA

DATE

ATTEST: CITY CLERK, CITY OF ELKO, NEVADA

DATE

LEGAL DESCRIPTION:

ADJUSTED PARCEL 2 AS SHOWN ON THE BOUNDARY LINE ADJUSTMENT RECORD OF SURVEY FOR THE POINTE AT RUBY VIEW, LLC, FILED IN THE OFFICE OF THE ELKO COUNTY RECORDER, ELKO, NEVADA, AT FILE NUMBER 775216.

ZEPHYR HEIGHTS
SUBDIVISION



VICINITY MAP

APPROVAL – NEVADA DIVISION OF WATER RESOURCES

THIS FINAL MAP 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 AT THIS OFFICE.

NEVADA DIVISION OF WATER RESOURCES

DATE

APPROVAL – NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

THIS FINAL MAP 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

DATE

ASSESSOR'S CERTIFICATE:

I, JANET IRIBARNE, CERTIFY THAT THE ASSESSOR'S PARCEL NUMBER SHOWN ON THIS PLAT IS CORRECT AND THAT THE PROPOSED PARCELS ARE A DIVISION OF SAID ASSESSOR'S PARCEL NUMBER 001–562–010.

ELKO COUNTY ASSESSOR

DATE

TREASURER'S CERTIFICATE:

I, CHERYL PAUL, CERTIFY THAT ALL PROPERTY TAXES ON ASSESSOR'S PARCEL NUMBER 001–562–010 HAVE BEEN PAID FOR THIS FISCAL YEAR.

ELKO COUNTY TREASURER

DATE

OWNER'S CERTIFICATE:

KNOWN OF ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, SCOTT MACRITCHIE, MANAGING DIRECTOR OF JORDANELLE THIRD MORTGAGE, LLC, BEING THE OWNER OF THOSE PARCELS AS SHOWN ON THIS MAP, DOES HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP AND OFFERS 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, SCOTT MACRITCHIE, SET MY HAND ON THE DATE SHOWN.

JORDANELLE THIRD MORTGAGE, LLC

BY: SCOTT MACRITCHIE, MANAGING DIRECTOR

DATE

STATE OF NEVADA }
COUNTY OF ELKO } S.S.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE ____ DAY OF _____, 20____, BY SCOTT MACRITCHIE, MANAGING DIRECTOR OF JORDANELLE THIRD MORTGAGE, LLC.

NOTARY PUBLIC IN AND FOR ELKO COUNTY, NEVADA

MY COMMISSION EXPIRES: _____

APPROVAL – PUBLIC UTILITY EASEMENTS

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

FRONTIER COMMUNICATIONS

DATE

SIERRA PACIFIC POWER COMPANY d/b/a NV ENERGY

DATE

SOUTHWEST GAS CORPORATION

DATE

ZITO MEDIA

DATE

ELKO COUNTY RECORDER:

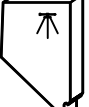
FILE NUMBER: _____

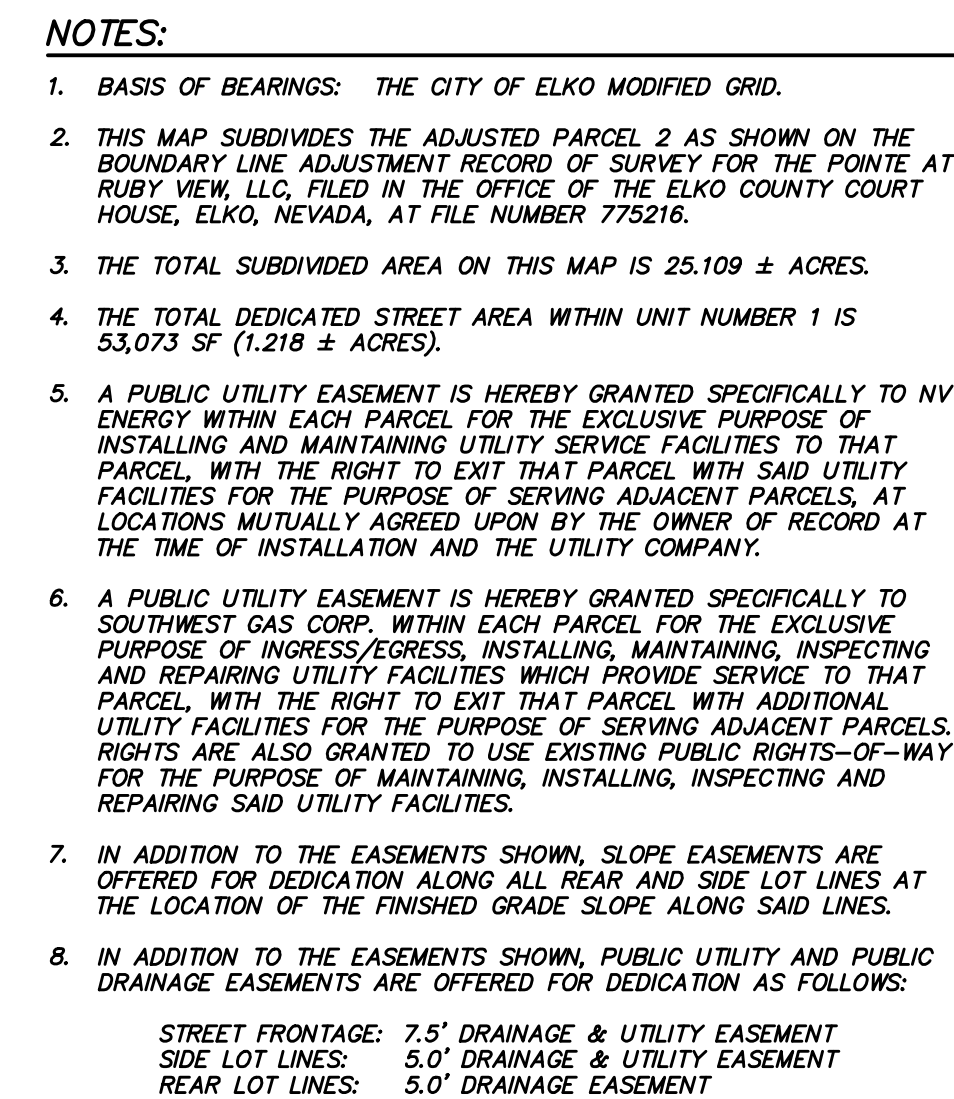
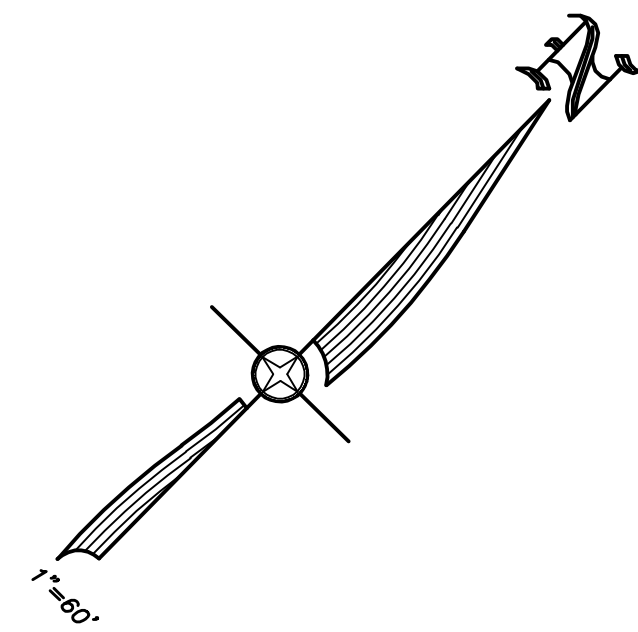
FILED AT THE REQUEST OF: _____

DATE: _____

TIME: _____

D. MIKE SMALES, ELKO COUNTY RECORDER

SHEET 1 OF 2		
FINAL MAP OF ZEPHYR HEIGHTS SUBDIVISION UNIT NUMBER 1		
LOCATED IN: SECTION 2, T.34 N., R.55 E., M.D.B.& M.		
ELKO	ELKO COUNTY	NEVADA
 HIGH DESERT ENGINEERING LLC	640 IDAHO STREET ELKO, NEVADA 89801 (775) 738-4053	221021



CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	TANGENT
C1	45°39'57"	100.00"	78.70'	77.61'	42.10'
C2	10°19'54"	250.00"	45.08'	45.02'	22.60'
C3	90°00'00"	15.50'	24.35'	21.92'	15.50'
C4	12°19'34"	125.00'	26.89'	26.84'	13.50'
C5	29°22'09"	125.00'	64.07'	63.37'	32.76'
C6	3°58'11"	125.00'	85.01'	84.37'	43.37'
C7	8°47'12"	225.00'	34.51'	34.47'	17.29'
C8	1°32'42"	225.00'	6.07'	6.07'	3.03'
C9	80°57'32"	15.50'	21.90'	20.12'	13.23'
C10	84°50.36"	54.50'	80.70'	73.53'	49.80'
C11	32°08'14"	54.50'	87.55'	78.50'	56.58'
C12	77°39'36"	54.50'	73.87'	68.34'	43.87'
C13	6°18'47"	54.50'	6.00'	6.00'	3.01'
C14	3°31'45"	275.00'	16.94'	16.94'	8.47'
C15	28°22'20"	75.00'	37.14'	36.76'	18.06'
C16	10°17'12'32"	15.50'	23.87'	21.92'	11.50'
C17	90°00'00"	15.50'	24.35'	21.92'	15.50'
C18	90°00'00"	15.50'	24.35'	21.92'	15.50'
C19	15°03'52"	860.00'	226.11'	225.46'	113.71'
C20	36°43.28"	550.00'	356.53'	346.53'	182.26'
C21	89°49'52"	300.00'	336.30'	336.30'	178.44'
C22	6°48'09"	275.00'	32.65'	32.63'	16.33'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 05°15'55" W	45.00'
L2	N 84°44'05" E	40.00'
L3	N 84°44'05" E	22.81'
L4	N 84°44'05" E	42.10'
L5	N 39°04'08" E	42.10'
L6	N 39°04'08" E	22.60'
L7	N 49°24'02" E	22.60'
L8	S 40°35'33" E	29.50'
L9	N 05°15'55" W	52.94'
L10	N 84°44'05" E	106.00'
L11	N 84°44'05" E	158.00'
L12	N 05°15'55" W	174.50'
L13	N 15°05'23" W	46.81'
L14	N 84°44'05" E	55.27'

SHEET 2 OF 2

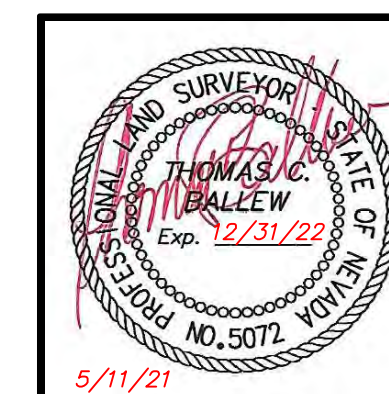
FINAL MAP
OF
ZEPHYR HEIGHTS SUBDIVISION
UNIT NUMBER 1

LOCATED IN:
SECTION 2, T.34 N., R.55 E., M.D.B. & M.

ELKO ELKO COUNTY NEVADA

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

221021



***JORDANELLE THIRD MORTGAGE, LLC
ZEPHYR HEIGHTS SUBDIVISION - UNIT NUMBER 1
SITE CONSTRUCTION DRAWINGS***



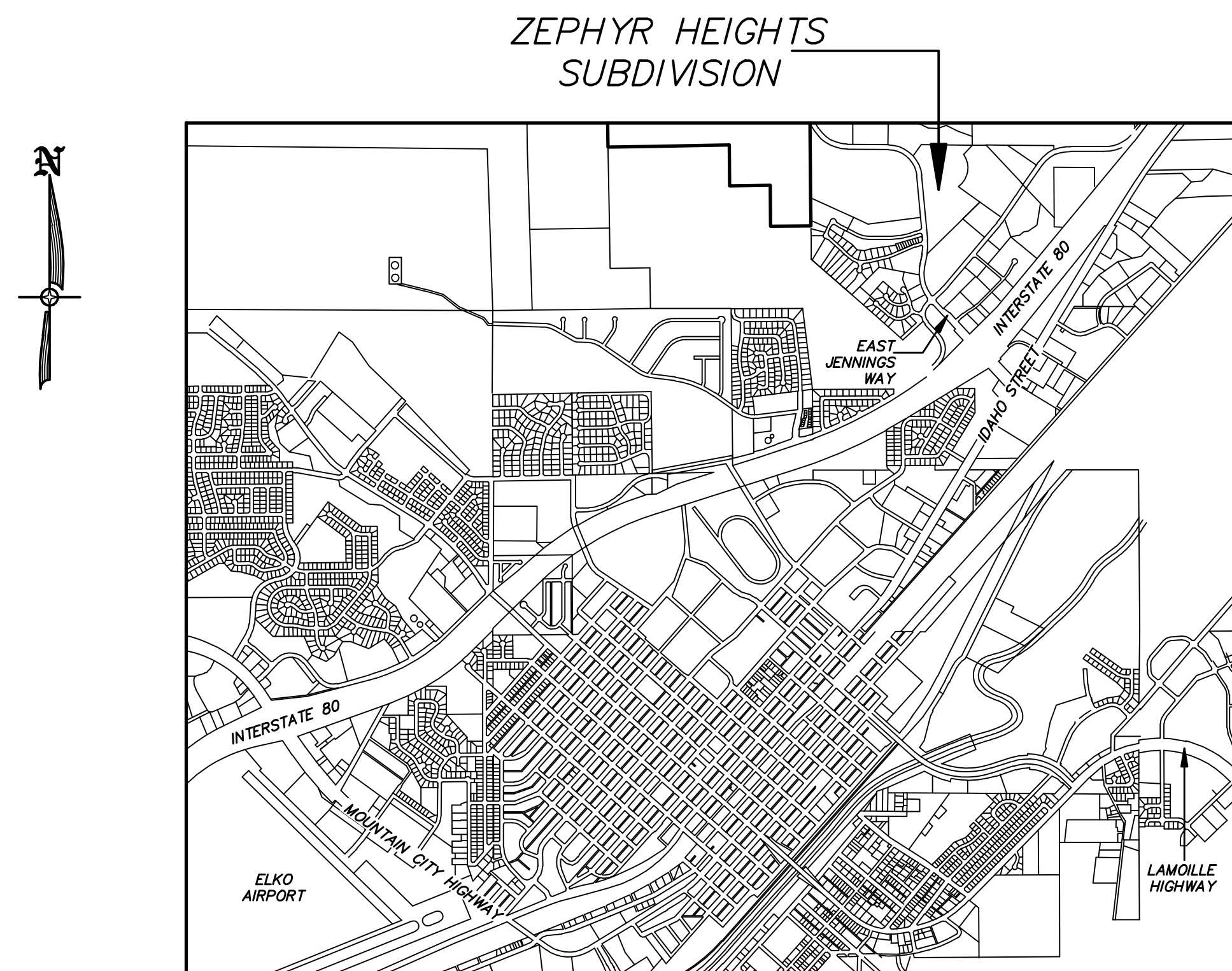
JORDANELLE THIRD MORTGAGE, LLC
312 FOUR MILE TRAIL
ELKO, NEVADA 89801
SCOTT MACRITCHIE (775) 340-6005

1. ALL CONSTRUCTION SHALL CONFORM TO THE LATEST EDITION OF THE "STANDARD SPECIFICATIONS FOR PUBLIC WORKS, CONSTRUCTION" AS SPONSORED AND DISTRIBUTED BY THE REGIONAL TRANSPORTATION COMMISSION OF WASHOE COUNTY, YAHOE COUNTY, CITY OF SPARKS, CITY OF RENO, CARSON CITY AND DOUGLAS COUNTY, NEVADA.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF ELKO STANDARD DETAILS, STANDARD REQUIREMENTS AND REQUIREMENTS SPECIFIC TO THIS PROJECT.
3. ALL CONSTRUCTION WITHIN NEVADA DEPARTMENT OF TRANSPORTATION RIGHTS-OF-WAY SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" AND THE LATEST EDITION OF THE "STANDARD PLANS FOR ROAD AND BRIDGE CONSTRUCTION" AS DISTRIBUTED BY THE NEVADA DEPARTMENT OF TRANSPORTATION.
4. ALL TRAFFIC CONTROLS AND ALL PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES".
5. ALL WORK PERTAINING TO HANDICAP ACCESSIBLE ROUTES, HANDICAP PARKING SPACES AND HANDICAP RAMPS SHALL BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND ANSI A117.1-2009, "ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES."
6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE GEOTECHNICAL INVESTIGATION FOR ZEPHYR HEIGHTS SUBDIVISION, ELKO, NEVADA, PREPARED FOR THIS PROJECT BY SUMMIT ENGINEERING CORPORATION, 1150 LAMOLLE HWY, ELKO, NEVADA, 89801.
7. ANY CONFLICTS BETWEEN THE ABOVE REFERENCED SPECIFICATIONS AND THE REQUIREMENTS CONTAINED IN THE CONTRACT DOCUMENTS SHALL IMMEDIATELY BE BROUGHT TO THE ATTENTION OF THE OWNER FOR RESOLUTION.
8. ALL WORK ASSOCIATED WITH ANY PUBLIC IMPROVEMENT IS TO BE PERFORMED BY A PROPERLY LICENSED CONTRACTOR.
9. THE CONTRACTOR SHALL NOTIFY THE PROJECT ENGINEER, THE SOILS ENGINEER, THE CITY OF ELKO, AND ALL UTILITY COMPANIES 48 HOURS PRIOR TO COMMENCEMENT OF WORK.
10. THE CONTRACTOR SHALL OBTAIN AND PAY FOR A CUT PERMIT FROM THE CITY OF ELKO FOR ALL WORK DONE WITHIN THE CITY OF ELKO PUBLIC RIGHTS-OF-WAY. THE CONTRACTOR SHALL COMPLY WITH ALL PROVISIONS OF THIS PERMIT.
11. THE CONTRACTOR SHALL SUBMIT A TRAFFIC CONTROL PLAN TO THE CITY OF ELKO. THIS PLAN SHALL BE REVIEWED AND APPROVED BY THE CITY OF ELKO PRIOR TO COMMENCEMENT OF CONSTRUCTION.
12. IF THE DISTURBED AREA WITHIN THE PROJECT IS GREATER THAN ONE (1) ACRE, THE CONTRACTOR SHALL OBTAIN A STORMWATER DISCHARGE PERMIT AND COMPLY WITH THE STATE OF NEVADA DIVISION OF ENVIRONMENTAL PROTECTION REQUIREMENTS FOR STORMWATER POLLUTION PREVENTION. A COPY OF THIS PERMIT MUST BE KEPT ON SITE AT ALL TIMES WHILE THE CONTRACTOR IS WORKING ON THE PROJECT. THE CONTRACTOR SHALL INCORPORATE THE STORM WATER POLLUTION PREVENTION MEASURES SHOWN ON THESE PLANS.
13. IF THE DISTURBED AREA WITHIN THE PROJECT IS GREATER THAN FIVE (5) ACRES, THE CONTRACTOR SHALL OBTAIN AN AIR QUALITY PERMIT AND COMPLY WITH THE STATE OF NEVADA DIVISION OF ENVIRONMENTAL PROTECTION REQUIREMENTS FOR AIR POLLUTION PREVENTION. A COPY OF THIS PERMIT MUST BE KEPT ON SITE AT ALL TIMES WHILE THE CONTRACTOR IS WORKING ON THE PROJECT. THE CONTRACTOR SHALL COMPLY WITH ALL PROVISIONS OF THIS PERMIT.

THE CONTRACTOR SHALL COORDINATE ALL WORK WITH THE APPROPRIATE UTILITIES AND GOVERNMENT AGENCIES AS FOLLOWS:

14. ELECTRIC: NV ENERGY
TELEPHONE: FRONTIER COMMUNICATIONS
TELEVISION: ZITO MEDIA
NATURAL GAS: SOUTHWEST GAS CORP.
WATER, SEWER: CITY OF ELKO, NEVADA
PUBLIC STREETS: CITY OF ELKO, NEVADA
15. THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT (811 OR 1-800-227-2600) AT LEAST 48 HOURS PRIOR TO BEGINNING EXCAVATION OR GRADING OPERATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE TO EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION.
16. HORIZONTAL AND VERTICAL LOCATIONS OF EXISTING UTILITIES ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXISTING LOCATION OF ALL EXISTING UTILITIES AND IMPROVEMENTS. ANY DAMAGE TO EXISTING UTILITIES OR IMPROVEMENTS CAUSED BY THE OPERATION OF THE CONTRACTOR SHALL BE REPAIRED BY THE CONTRACTOR AT HIS OWN EXPENSE.
17. THE CONTRACTOR SHALL VERIFY IN THE FIELD, ALL ELEVATIONS, DIMENSIONS, FLOW LINES, EXISTING CONDITIONS, AND POINTS OF CONNECTIONS WITH ADJOINING PROPERTY (PUBLIC OR PRIVATE), ANY DISCREPANCIES SHALL BE CALLED TO THE ATTENTION OF THE PROJECT ENGINEER BEFORE PROCEEDING WITH THE WORK.
18. THE CONTRACTOR SHALL HAVE STAMPED, AGENCY APPROVED PLANS, AT THE WORK SITE DURING CONSTRUCTION. CONSTRUCTION SHALL NOT PROCEED UNTIL THIS SET OF PLANS IS ISSUED WITH INCLUED REVISIONS AND COMMENTS MADE BY THE AGENCIES.
19. THE CONTRACTOR SHALL WORK WITH THE PROJECT ENGINEER TO ENSURE AN ACCURATE AS-BUILT CAN BE GENERATED AND SUBMITTED TO THE CITY OF ELKO BY THE PROJECT ENGINEER.
20. THE PROJECT ENGINEER WILL PROVIDE AN AS-BUILT TO THE CITY OF ELKO. THE AS-BUILT WILL INCLUDE ALL RELEVANT QUALITY ASSURANCE AND QUALITY CONTROL INFORMATION AND BE STAMPED BY A PROPERLY LICENSED PROFESSIONAL ENGINEER.
21. ALL DIMENSIONS TO TOP BACK OF CURB, UNLESS OTHERWISE NOTED.
22. REFERENCE DETAIL SHEETS FOR CONSTRUCTION DETAILS.

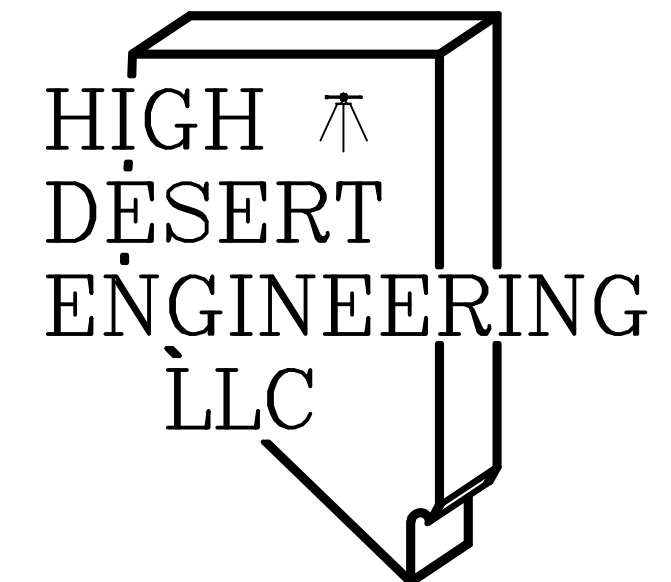
APN:	001-562-010	MINIMUM SETBACKS:	
LEGAL DESCRIPTION:	ADJUSTED PARCEL 2 - FILE 775216	FRONT:	15' (20' FOR GARAGE)
LOCATION:	SECTION 2, T. 34 N., R. 55 E.	EXTERIOR SIDE:	15'
VESTING DOCUMENT:	DOCUMENT NUMBER 775677	INTERIOR SIDE:	5.5'
ADDRESS:	NOT ADDRESSED	REAR:	20'
ZONING:	R: SINGLE-FAMILY & MULTIPLE-FAMILY RESIDENTIAL	MINIMUM LOT SIZE:	
SPECIAL FLOOD HAZARD:	NONE	AREA:	6,000 S.F. (6,500 S.F. FOR CORNER LOT)
AVERAGE SLOPE CALCULATION:	AS = .002291%/A I = 2 FEET L = 76,897 FEET A = 25.11 ACRES	WIDTH: DEPTH:	60' 100'
AVERAGE SLOPE:	AS = 14.03%	MAXIMUM BUILDING HEIGHT:	45' (OR LESS PER AIRPORT MASTER PLAN)
		FIRE FLOW REQUIREMENT:	
		BUILDINGS <= 3,600 S.F.	1,000 GPM FOR 1 HOUR
		BUILDINGS > 3,600 S.F.	1,500 GPM FOR 2 HOURS



LEGEND:

	EXISTING SANITARY SEWER SERVICE		EXISTING OVERHEAD TELEPHONE LINE
	EXISTING SANITARY SEWER W/ SIZE & DIRECTION		EXISTING UNDERGROUND TELEPHONE LINE
	EXISTING SANITARY SEWER MANHOLE		EXISTING TELEPHONE PEDESTAL
	PROPOSED SANITARY SEWER SERVICE		PROPOSED UNDERGROUND TELEPHONE LINE
	PROPOSED SANITARY SEWER W/ SIZE & DIRECTION		EXISTING OVERHEAD TELEVISION LINE
	PROPOSED SANITARY SEWER CLEANOUT		EXISTING UNDERGROUND TELEVISION LINE
	PROPOSED SANITARY SEWER MANHOLE		EXISTING TELEVISION PEDESTAL
	EXISTING STORM SEWER W/ SIZE & DIRECTION		PROPOSED UNDERGROUND TELEVISION LINE
	EXISTING STORM SEWER MANHOLE		EXISTING GAS VALVE
	PROPOSED STORM SEWER LATERAL		EXISTING GAS MAIN OR SERVICE LINE
	PROPOSED STORM SEWER W/ SIZE & DIRECTION		NEW GAS MAIN OR SERVICE LINE
	PROPOSED STORM SEWER MANHOLE		EXISTING DELINEATOR
	PROPOSED CATCH BASINS		PROPOSED PAVEMENT
	EXISTING FIRE HYDRANT		PROPOSED CONCRETE
	EXISTING WATER VALVE		CALCULATED POINT
	EXISTING WATER LINE W/ SIZE		SET PROPERTY CORNER
	PROPOSED FIRE HYDRANT		FOUND PROPERTY CORNER
	PROPOSED WATER VALVE		FOUND STREET MONUMENT
	PROPOSED WATER LINE W/ SIZE		EXISTING STREET MONUMENT
	PROPOSED WATER SERVICE		TEST PIT #1
	EXISTING OVERHEAD POWER LINE		SPOT ELEVATION
	EXISTING UNDERGROUND POWER LINE		EXISTING GROUND CONTOUR
	EXISTING ELECTRICAL BOX		PROPOSED FINISH GRADE CONTOUR
	PROPOSED UNDERGROUND POWER LINE		PROPOSED GRADE BREAK
			SPECIAL CONSTRUCTION • WATER/SEWER CROSSING

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



CONSTRUCTION DRAWINGS

C-1.0 TITLE SHEET
C-2.0 DEMOLITION & EROSION CONTROL PLAN
C-3.0 GRADING & DRAINAGE PLAN
C-4.1 PLAN & PROFILE - EAST JENNINGS WAY
C-4.2 PLAN & PROFILE - MESQUITE WAY
C-4.3 PLAN & PROFILE - INCLINE AVENUE
C-5.1 SITE DETAILS
C-5.2 WATER SYSTEM DETAILS
C-5.3 SEWER SYSTEM DETAILS & UTILITY NOTES

UTILITIES APPROVED
05/17/2021 9:30:10 AM

APPROVED
ENGINEERING DEPARTMENT
05/14/2021 *Robert Thibault*

SUPPLEMENTAL DRAWINGS

1 FINAL MAP - SHEET 1 OF 2
2 FINAL MAP - SHEET 2 OF 2

Planning Department

Approved

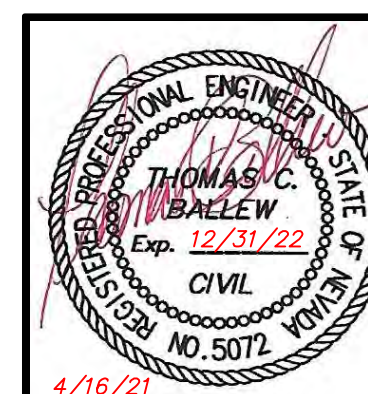
05/14/2021
APPROVED

APPROVED
Elko Fire Department

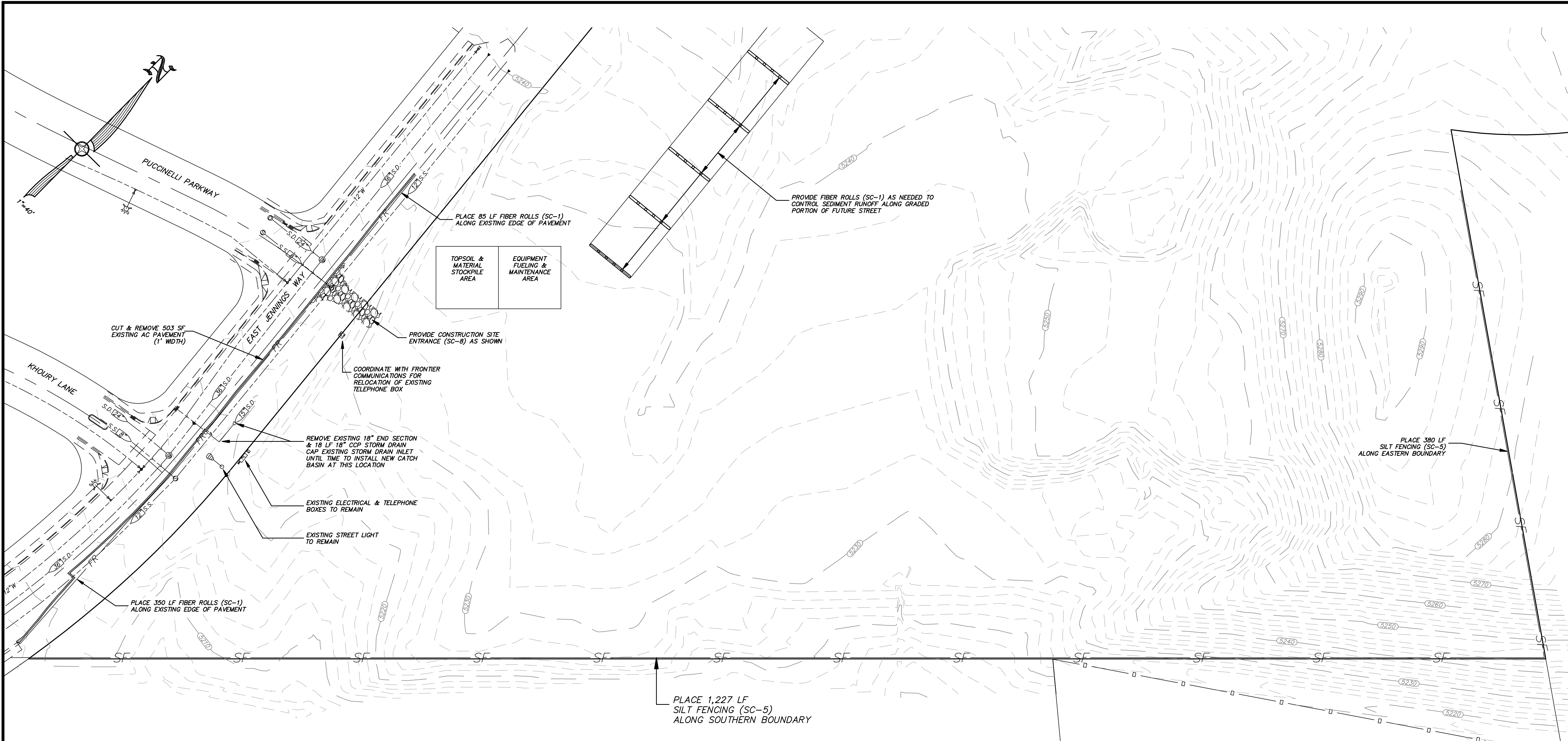
Jamie Winrod

ABBREVIATIONS:

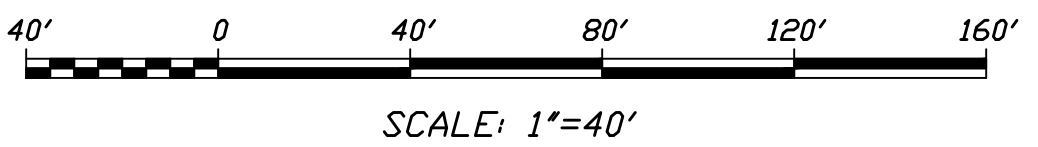
AC	ASPHALTIC CONCRETE	MON	MONUMENT
AD	ANGLE POINT	PAD	PAD ELEVATION
ACP	ASBESTOS CEMENT PIPE	PAC	POINT OF CURVATURE
BDG	BUILDING	PC	POINT OF COMPOUND CURVE
BS	BOTTOM OF SIDEWALK	PI	POINT OF INTERSECTION
BTM	BOTTOM OF STEP	PL	PROPERTY LINE
BVC	BEGINNING OF VERTICAL CURVE	PNL	PANEL POINT
C	CREST	PPC	POINT ON CURVE
CB	CATCH BASIN	POT	POINT OF TANGENT
CH	CHORD	PO	POWER POLE
CL	CENTERLINE	PVC	POINT OF REVERSE CURVE
CMP	CORRUGATED METAL PIPE	PT	POINT OF TANGENCY
CON	CONDUIT	PWC	POINT WYVIL CHLORIDE PIPE
CONC	CONCRETE	(R)	RADIAL
C PNT	CONTROL POINT	R	RADIUS
CR	CONCRETE PIPE	RC	REINFORCED CONCRETE PIPE
CR	CURB RETURN	REF	REFERENCE
DET	DETAIL	RIGHT	RIGHT
DI	DROP INLET	R/W	RIGHT-OF-WAY
DIP	DUCTILE IRON PIPE	S	SLOPE
E	ELECTRICAL	SD	STORM SEWER
E/CUL	EDGE OF CULTURE	SEC	SECTION
EG	EXISTING GRADE	SHT	SHEET
ELEV	ELEVATION	SS	SEWER
ER	EDGE OF ROAD	STA	STATION
EP	EDGE OF PAVEMENT	SW	SIDEWALK
EVC	END OF VERTICAL CURVE	TOE	TOE
EX	EXISTING	TOP	TOP OF ASPHALT
FX	FENCE CORNER	TAN	TANGENT
FF	FINISHED FLOOR	TBC	TOP BACK OF CURB
FFC	FRONT FACE OF CURB	TBD	TO BE DETERMINED
FG	FINISHED GRADE	TOC	TOP OF CONCRETE
FH	FIRE HYDRANT	TEL	TELEPHONE
FL	FLOW LINE	TO	TOP OF GRADE
G	GAS	TOP	TOP OF STEP
GB	GRADE BREAK	TOP	TOP OF PAVEMENT
GS	GROUND SHOT	TPED	TELEPHONE PEDESTAL
GW	GUY WIRE	TRANS	TRANSFORMER PAD
HORIZ	HORIZONTAL	TWS	TOP OF SWALES
H	HEWER SERVICE	TV	TELEVISION
HW	HOT WATER	TYP	TYPICAL
IE	INVERT ELEVATION	VC	VERTICAL CURVE
INT	INTERSECTION	VERT	VERTICAL
L	LENGTH	VPI	VERTICAL POINT OF INTERSECTION
LF	LINEAL FEET	W	WATER
LP	LIGHT POLE	WSR	WATER SERVICE
LT	LEFT	WY	WATER VALVE
MH	MANHOLE		



<div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div><div><div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div>
--



DEMOLITION & EROSION CONTROL PLAN



DEMOLITION NOTES:

- MATERIALS SLATED FOR REMOVAL SHALL BE DISPOSED OF IN ACCORDANCE WITH CITY OF ELKO, ELKO COUNTY AND STATE OF NEVADA REQUIREMENTS.
- MATERIALS SLATED FOR SALVAGE SHALL BE DELIVERED TO THE OWNER IN UNDAMAGED CONDITION, AT A LOCATION ACCEPTABLE TO THE OWNER. CONTRACTOR SHALL ENDEAVOR TO REMOVE THESE MATERIALS WITHOUT DAMAGING THEM AND TO DELIVER THEM TO THE OWNER IN UNDAMAGED CONDITION, TO THE EXTENT POSSIBLE.
- MATERIALS SLATED FOR RELOCATION SHALL BE REMOVED AND STORED IN A MANNER ACCEPTABLE TO THE OWNER UNTIL SUCH TIME AS THEY ARE RELOCATED. CONTRACTOR SHALL ENDEAVOR TO REMOVE THESE MATERIALS WITHOUT DAMAGING THEM AND TO PROTECT THEM DURING STORAGE AND RELOCATION, TO THE EXTENT POSSIBLE.
- LOCATIONS OF EXISTING UTILITIES ARE TO BE CONSIDERED APPROXIMATE, BASED ON CITY OF ELKO AND UTILITY COMPANY RECORDS. CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING LOCATIONS.
- THE CONTRACTOR SHALL COORDINATE ALL WORK WITH THE APPROPRIATE UTILITIES AND GOVERNMENT AGENCIES AS FOLLOWS:

ELECTRIC:	NV ENERGY
TELEPHONE:	FRONTIER COMMUNICATIONS
TELEVISION:	ZITO MEDIA
NATURAL GAS:	SOUTHWEST GAS CORP.
WATER, SEWER:	CITY OF ELKO, NEVADA
CITY STREETS:	CITY OF ELKO, NEVADA
- THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT (1-800-227-2600) AT LEAST 48 HOURS PRIOR TO BEGINNING EXCAVATION OR GRADING OPERATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE TO EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION.

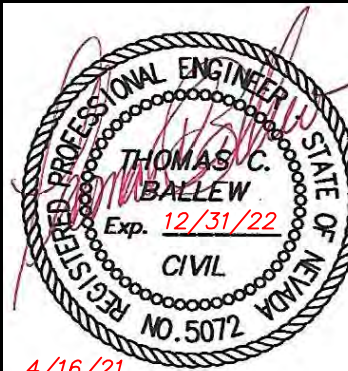
EROSION CONTROL NOTES:

- ALL RUNOFF AND EROSION CONTROL MEASURES TO BE IN ACCORDANCE WITH THE CITY OF ELKO, NEVADA, "CONSTRUCTION SITE BEST MANAGEMENT PRACTICES HANDBOOK", LATEST EDITION.
- THE CITY OF ELKO, NEVADA, "CONSTRUCTION SITE BEST MANAGEMENT PRACTICES HANDBOOK" CAN BE DOWNLOADED FROM THE CITY OF ELKO'S WEBSITE AT THE FOLLOWING LOCATION:
http://www.ci.elko.nv.us/departments/environmental_department/index.php
- BEST MANAGEMENT PRACTICES REQUIRED FOR THIS PROJECT ARE AS FOLLOWS:

PL-2:	SCHEDULING
PL-4:	TOPSOIL REUSE
PL-5:	EMPLOYEE TRAINING
EC-5:	WIND EROSION AND DUST CONTROL
EC-7:	RIPRAP
EC-8:	REVEGETATION
SC-1:	FIBER ROLLS
SC-5:	SILT FENCING
SC-8:	CONSTRUCTION SITE ENTRANCES AND EXITS
GM-1:	WATER CONSERVATION PRACTICES
GM-2:	STOCKPILE MANAGEMENT
GM-3:	SOLID AND DEMOLITION WASTE MANAGEMENT
GM-5:	STREET SWEEPING
GM-6:	SPILL PREVENTION AND CONTROL
GM-7:	VEHICLE AND EQUIPMENT CLEANING
GM-8:	VEHICLE AND EQUIPMENT MAINTENANCE AND FUELING
GM-9:	HANDLING AND DISPOSAL OF CONCRETE AND CEMENT
GM-10:	MATERIAL DELIVERY, HANDLING, STORAGE AND USE
GM-11:	PAINTS AND LIQUID MATERIALS
GM-12:	PAVEMENT CONSTRUCTION MANAGEMENT
GM-18:	ILICIT DISCHARGES AND CONNECTIONS - DETECTION AND REPORTING
- CONTRACTOR SHALL PREPARE A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) AND SUBMIT A NOTICE OF INTENT (NOI) TO THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION.
- PRIOR TO COMMENCING WORK, A COPY OF THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP) AND THE NOTICE OF INTENT (NOI) SHALL BE PROVIDED TO THE CITY OF ELKO ENVIRONMENTAL DEPARTMENT FOR REVIEW. CONTACT ADELINE TRIBAULT, 1751 COLLEGE AVENUE, ELKO, NV 89801, (775) 777-7213.

EROSION CONTROL NOTES:

- THIS PLAN SHALL BE KEPT ON SITE AT ALL TIMES AND SHALL BE ACCESSIBLE TO INSPECTORS DURING WORKING HOURS. A COPY OF THE STATE SWPPP PERMIT, ALONG WITH ALL INSPECTION REPORTS, SHALL BE KEPT IN A BINDER AVAILABLE TO INSPECTORS DURING WORKING HOURS.
- CONTRACTOR SHALL PROVIDE ALL CONSTRUCTION WATER. IF CONTRACTOR WISHES TO USE MUNICIPAL WATER, HE SHALL APPLY WITH THE CITY OF ELKO AND SHALL PAY ALL ASSOCIATED FEES.
- THE OWNER, CONTRACTOR AND THEIR AUTHORIZED AGENTS SHALL PREVENT SEDIMENT, DEBRIS AND ALL OTHER POLLUTANTS FROM ENTERING THE WATERS OF THE STATE OF NEVADA AT ALL TIMES.
- AT ALL TIMES DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PREVENTING AND CONTROLLING EROSION DUE TO WIND AND RUNOFF. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR MAINTAINING EROSION CONTROL FACILITIES SHOWN.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING DRAINAGE AND EROSION CONTROL FACILITIES AS REQUIRED. STREETS SHALL BE SWEEPED DAILY TO CONTROL TRACKOUT FROM TRAFFIC FROM THIS SITE.
- FIBER ROLLS AND GRAVEL CONSTRUCTION ENTRANCES SHALL BE INSTALLED PRIOR TO COMMENCING EARTHWORK ON THIS PROJECT.
- CONCRETE WASHOUT CONTAINMENT STRUCTURES, IF NEEDED, SHALL BE CONSTRUCTED PRIOR TO COMMENCING CONCRETE OPERATIONS AND SHALL BE PLACED AT LOCATION(S) ACCEPTABLE TO THE OWNER. CONTAINMENT TO BE CLEANED AND REMOVED UPON COMPLETION OF WORK.
- THE CONTRACTOR SHALL MAINTAIN A 24-HOUR DUST CONTROL PROGRAM INCLUDING WATERING OF OPEN AREAS. DUST CONTROL PROGRAM SHALL BE IN COMPLIANCE WITH ALL FEDERAL, STATE, COUNTY AND CITY CODES AND ORDINANCES.
- THE CONTRACTOR SHALL MAINTAIN AN ON-GOING PROCESS FOR REMOVAL OF SPILLAGE OF EXCAVATED MATERIAL ON ALL PAVED STREETS.
- ALL AREAS DISTURBED AND LEFT UNDEVELOPED FOR A PERIOD OF MORE THAN 14 DAYS SHALL BE STABILIZED USING AN APPROVED FORM OF STABILIZATION IN ACCORDANCE WITH THE CONSTRUCTION GENERAL STORMWATER PERMIT.
- LOCATION AND SIZE OF MATERIAL STOCKPILE AND EQUIPMENT MAINTENANCE & FUELING AREAS SUBJECT TO CONTRACTOR NEEDS.
- ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED DUE TO UNFORESEEN PROBLEMS.



DESIGNED BY:	TCB	BY:	APP'D
DRAWN BY:	TCB	DATE:	5/6/21
CHECKED BY:	TCB	DESCRIPTION:	CITY REVIEW
APPROVED BY:	TCB	REV:	1
DATE:	APRIL 2021		

ZEPHYR HEIGHTS SUBDIVISION - UNIT 1
SITE CONSTRUCTION DRAWINGS
DEMOLITION & EROSION CONTROL PLAN
ELKO COUNTY NEVADA

SCALE: 1"=40'
HORIZ. 1"=40'
VERT. 1"=40'
JOB No. 6062
DWG. No. 6062

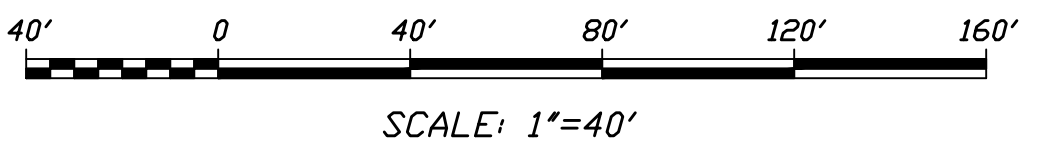
CONSULTING ENGINEERING & SURVEYING
640 IDAHO STREET
ELKO, NEVADA 89801
(775) 738-4053

HIGH DESERT ENGINEERING LLC

SHEET C-2.0
OF 9

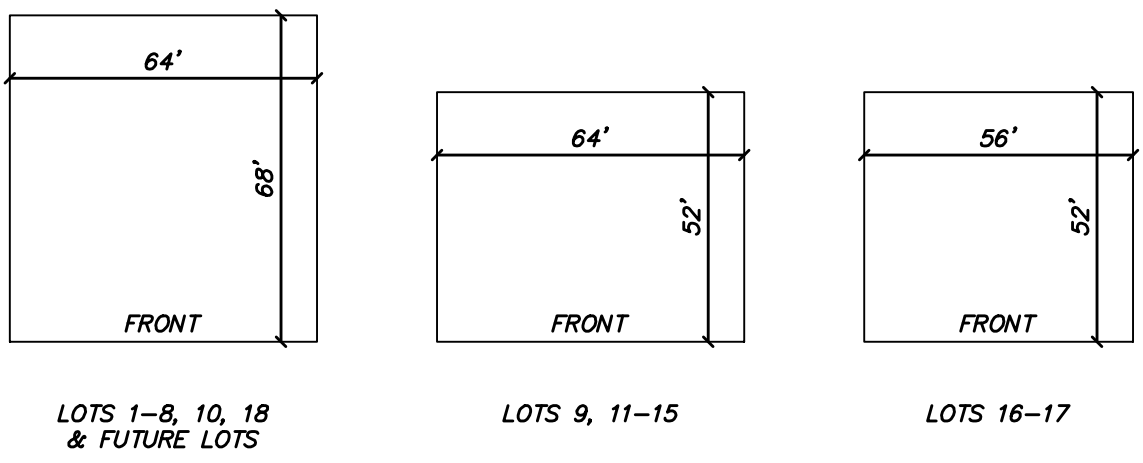


GRADING & DRAINAGE PLAN

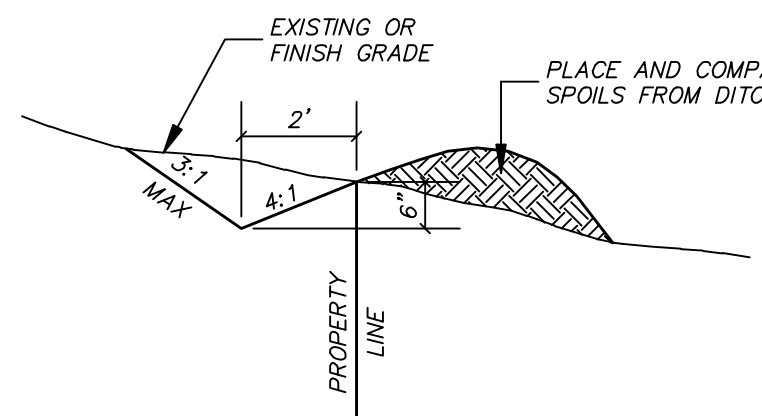


GRADING NOTES:

- CURB & GUTTER GRADES AT MATCH POINTS ARE TO BE CONSIDERED APPROXIMATE ONLY. FINAL GRADES WILL BE DETERMINED PRIOR TO PLACING CURB & GUTTER.
- CONTRACTOR SHALL PROVIDE ALL CONSTRUCTION WATER. IF CONTRACTOR WISHES TO USE MUNICIPAL WATER, HE SHALL APPLY WITH THE CITY OF ELKO AND SHALL PAY ALL ASSOCIATED FEES.
- PRIOR TO COMMENCING EARTHWORK, SITE SHALL BE CLEARED OF OBJECTIONABLE MATERIALS AND DISPOSED OF IN ACCORDANCE WITH CITY OF ELKO REQUIREMENTS.
- EXISTING BRUSH TO BE BROKEN UP AND REMOVED WITH TOPSOIL. TOPSOIL/BRUSH TO BE USED TO CONSTRUCT SLOPES AS SHOWN ON THE PROJECT PLANS. EXCESS TOPSOIL TO BE SPREAD AND DISKED INTO FINISHED CUT SLOPES PRIOR TO SEEDING.
- WHERE FILL IS PLACED ON NATIVE SLOPES WITH GRADIENTS GREATER THAN 5:1 (H:V) AND AT HEIGHTS GREATER THAN 5 FEET, THE FILL SHALL BE KEYED INTO THE NATIVE SOILS BY BENCHING. THE BENCHES SHALL HAVE A MINIMUM WIDTH OF 8 FEET AND THE CROSS SLOPE SHALL NOT EXCEED 5%.
- THE CONTRACTOR SHALL MAINTAIN A 24-HOUR DUST CONTROL PROGRAM INCLUDING WATERING OF OPEN AREAS. DUST CONTROL PROGRAM SHALL BE IN COMPLIANCE WITH ALL FEDERAL, STATE, COUNTY AND CITY CODES AND ORDINANCES.
- THE CONTRACTOR SHALL MAINTAIN AN ONGOING PROCESS FOR REMOVAL OF SPILLAGE OF EXCAVATED MATERIAL ON ALL PAVED STREETS.
- ALL AREAS DISTURBED AND LEFT UNDEVELOPED FOR A PERIOD OF MORE THAN 14 DAYS SHALL BE STABILIZED BY THE APPLICATION OF A DUST PALLIATIVE. ALL AREAS 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.
- STORM SEWERS TO BE ADVANCED DRAINAGE SYSTEMS "N-12" DOUBLE WALL HIGH DENSITY POLYETHYLENE PIPE WITH WATER TIGHT JOINTS.
- ESTIMATED EARTHWORK QUANTITIES:
CLEAR & GRUB: 11.2 ACRES
EXCAVATION: 75,650 C.Y.
EMBANKMENT: 60,550 C.Y.
- CONTRACTOR SHALL VERIFY EARTHWORK QUANTITIES PRIOR TO PROCEEDING WITH EARTHWORK.



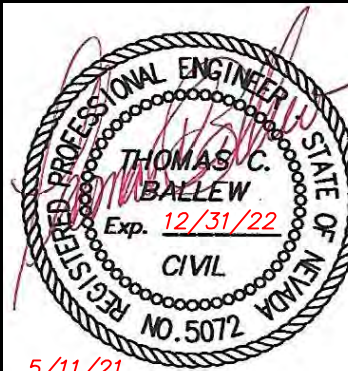
BUILDING PAD DIMENSIONS



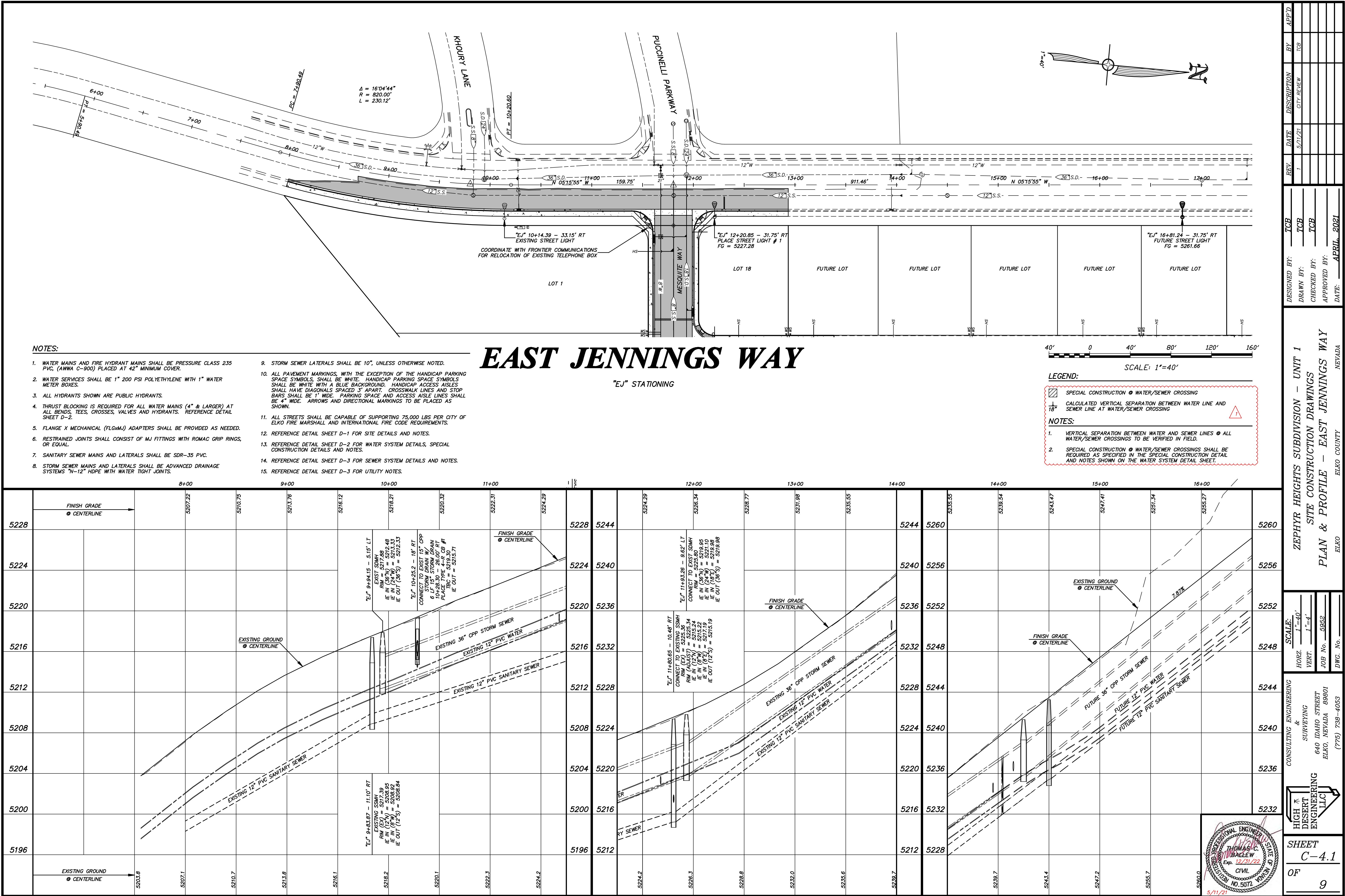
SIDE LINE DITCH DETAIL

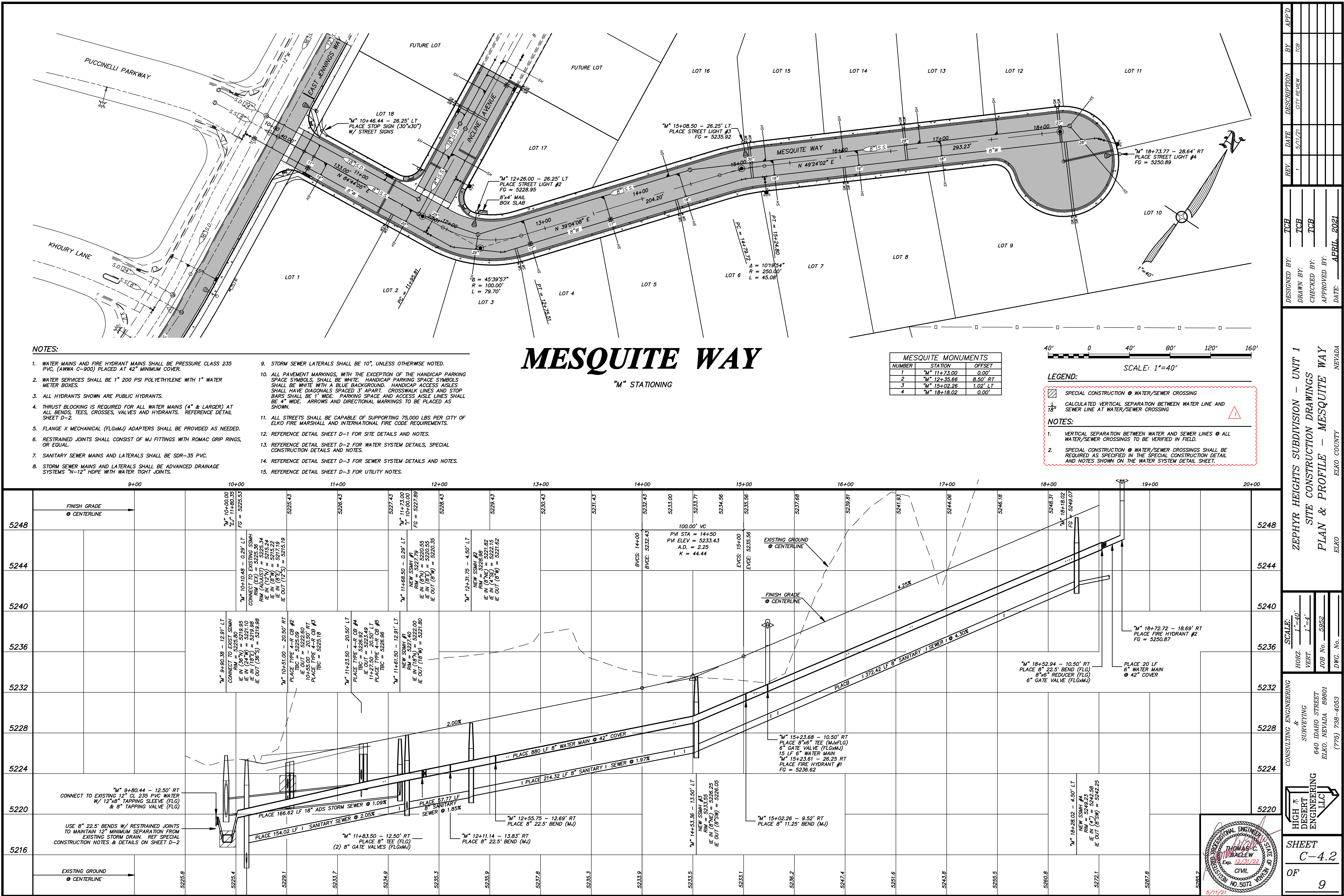
LEGEND:

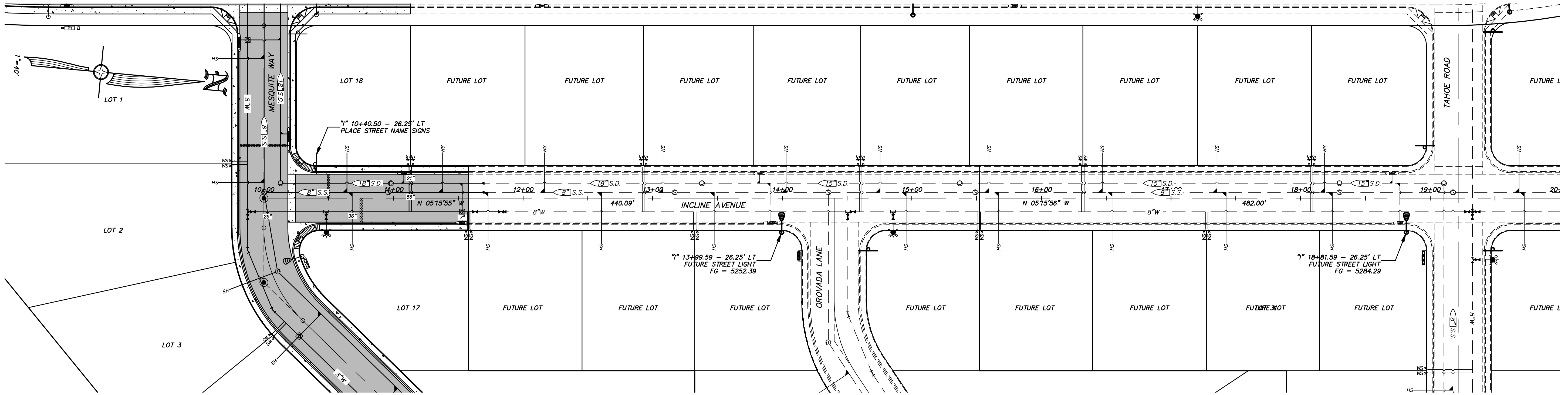
- FG FINISH GRADE ELEVATION TO BE CONSTRUCTED BY BUILDING CONTRACTOR.
- PAD ROUGH GRADE ELEVATION TO BE CONSTRUCTED AS PART OF THIS PROJECT.
- SIDE LINE DITCH TO BE CONSTRUCTED AS PART OF THIS PROJECT (REFERENCE DETAIL THIS SHEET).



DESIGNED BY: TCB	DRAWN BY: TCB	CHECKED BY: TCB	APPROVED BY: DATE: APRIL 2021	BY TCB	APP'D
					DESCRIPTION
					DATE
					REV.
ZEPHYR HEIGHTS SUBDIVISION - UNIT 1					
SITE CONSTRUCTION DRAWINGS					
GRADING & DRAINAGE PLAN					
ELKO COUNTY NEVADA					
ELKO					
SCALE: 1"=40'					
HORIZ.					
VERT.					
JOB NO. 5062					
DWG. NO.					
CONSULTING ENGINEERING & SURVEYING					
640 IDAHO STREET					
ELKO, NEVADA 89601					
(775) 738-4053					
HIGH DESERT ENGINEERING LLC					
SHEET C-3.0					
OF 9					







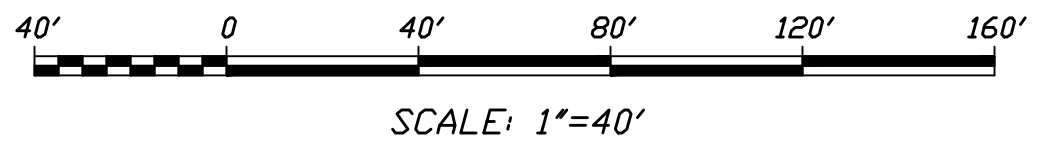
NOTES:

1. WATER MAINS AND FIRE HYDRANT MAINS SHALL BE PRESSURE CLASS 235 PVC, (AWWA C-900) PLACED AT 42" MINIMUM COVER.
2. WATER SERVICES SHALL BE 1" 200 PSI POLYETHYLENE WITH 1" WATER METER BOXES.
3. ALL HYDRANTS SHOWN ARE PUBLIC HYDRANTS.
4. THRUST BLOCKING IS REQUIRED FOR ALL WATER MAINS (4" & LARGER) AT ALL BENDS, TEES, CROSSES, VALVES AND HYDRANTS. REFERENCE DETAIL SHEET D-2.
5. FLANGE X MECHANICAL (FLGMJ) ADAPTERS SHALL BE PROVIDED AS NEEDED.
6. RESTRAINED JOINTS SHALL CONSIST OF MJ FITTINGS WITH ROMAC GRIP RINGS, OR EQUAL.
7. SANITARY SEWER MAINS AND LATERALS SHALL BE SDR-35 PVC.
8. STORM SEWER MAINS AND LATERALS SHALL BE ADVANCED DRAINAGE SYSTEMS "N-12" HOPE WITH WATER TIGHT JOINTS.
9. STORM SEWER LATERALS SHALL BE 10", UNLESS OTHERWISE NOTED.
10. ALL PAVEMENT MARKINGS, WITH THE EXCEPTION OF THE HANDICAP PARKING SPACE SYMBOLS, SHALL BE WHITE. HANDICAP PARKING SPACE SYMBOLS SHALL BE WHITE WITH A BLUE BACKGROUND. HANDICAP ACCESS AISLES SHALL HAVE DIAGONALS SPACED 3" APART. CROSSWALK LINES AND STOP BARS SHALL BE 1" WIDE. PARKING SPACE AND ACCESS AISLE LINES SHALL BE 4" WIDE. ARROWS AND DIRECTIONAL MARKINGS TO BE PLACED AS SHOWN.
11. ALL STREETS SHALL BE CAPABLE OF SUPPORTING 75,000 LBS PER CITY OF ELKO FIRE MARSHALL AND INTERNATIONAL FIRE CODE REQUIREMENTS.
12. REFERENCE DETAIL SHEET D-1 FOR SITE DETAILS AND NOTES.
13. REFERENCE DETAIL SHEET D-2 FOR WATER SYSTEM DETAILS, SPECIAL CONSTRUCTION DETAILS AND NOTES.
14. REFERENCE DETAIL SHEET D-3 FOR SEWER SYSTEM DETAILS AND NOTES.
15. REFERENCE DETAIL SHEET D-3 FOR UTILITY NOTES.

INCLINE AVENUE

"1" STATIONING

INCLINE MONUMENTS		
NUMBER	STATION	OFFSET
1	7" 10+00.00	0.00'
FUTURE	7" 14+00.00	0.00'
FUTURE	7" 19+22.00	0.00'
FUTURE	7" 22+45.00	0.00'

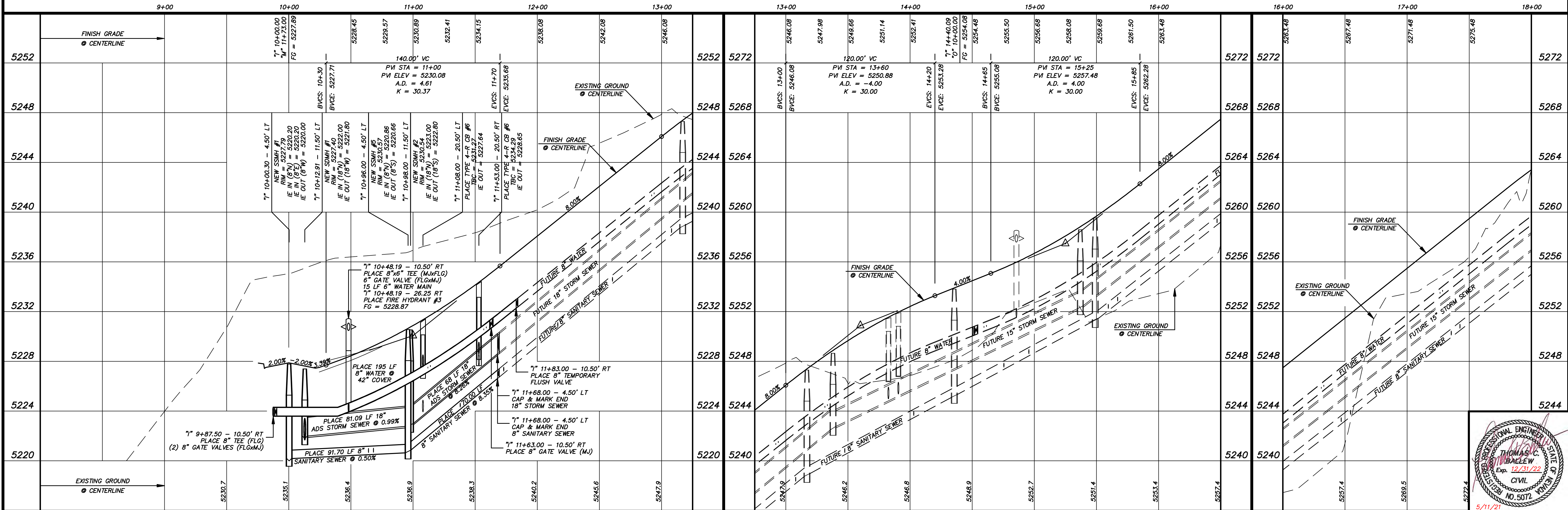


LEGEND:

- SPECIAL CONSTRUCTION • WATER/SEWER CROSSING
- CALCULATED VERTICAL SEPARATION BETWEEN WATER LINE AND SEWER LINE AT WATER/SEWER CROSSING

NOTES:

1. VERTICAL SEPARATION BETWEEN WATER AND SEWER LINES • ALL WATER/SEWER CROSSINGS TO BE VERIFIED IN FIELD.
2. SPECIAL CONSTRUCTION • WATER/SEWER CROSSINGS SHALL BE REQUIRED AS SPECIFIED IN THE SPECIAL CONSTRUCTION DETAIL AND NOTES SHOWN ON THE WATER SYSTEM DETAIL SHEET.



DESIGNED BY: TCB
DRAWN BY: TCB
CHECKED BY: TCB
APPROVED BY: TCB
DATE: APRIL 2021

REVISIONS
REV. DATE DESCRIPTION
1 5/11/21 QTY REVIEW

BY APP'D
TCB TCB

ZEPHYR HEIGHTS SUBDIVISION - UNIT 1
SITE CONSTRUCTION DRAWINGS
PLAN & PROFILE - INCLINE AVENUE
ELKO COUNTY NEVADA
ELKO

SCALE:
HORIZ. 1"=40'
VERT. 1"=4'
JOB No. 6062
DWG. No.

CONSULTING ENGINEERING & SURVEYING
THOMAS C. BALLEW
640 IDAHO STREET
ELKO, NEVADA 89601
(775) 738-4053

DESERT ENGINEERING LLC
SHEET C-4.3
OF 9



PCC JOINTING DETAILS



1. CONCRETE SHALL MEET THE REQUIREMENTS OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
2. AGGREGATE BASE MATERIAL SHALL MEET THE REQUIREMENTS OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
3. REINFORCING STEEL SHALL MEET THE REQUIREMENTS OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
4. PLANTMIX BITUMINOUS SURFACE SHALL BE 1/4" TO 1/2" ABOVE VALLEY GUTTERS. ALL OTHER SURFACES TO BE FLUSH WITH VALLEY GUTTERS.
5. CURB RAMPS & DETECTABLE WARNINGS SHALL MEET THE REQUIREMENTS OF 28 CFR PART 36, ADA STANDARDS FOR ACCESSIBLE DESIGN.
6. PER THE PUBLIC RIGHT-OF-WAY ACCESSIBILITY GUIDELINES SECTION R304.3.2, THE RUNNING SLOPE OF A CURB RAMP SHALL BE 8.3% MAXIMUM, BUT SHALL NOT REQUIRE THE RAMP LENGTH TO EXCEED 15.0 FEET.
7. CROSS SLOPE OF SIDEWALK AND CURB RAMP SURFACES SHALL NOT EXCEED 2%.
8. CURB RAMPS SHALL BE CONSTRUCTED WITH A ROUGH BROOM FINISH TRANSVERSE TO THE SLOPE OF THE RAMP.
9. DETECTABLE WARNINGS SHALL BE YELLOW AND CONSIST OF RAISED TRUNCATED DOMES AND PLACED AT THE BOTTOM PORTION OF THE RAMP.
10. WHEN CONSTRUCTING A CURB RAMP WHERE CURB & GUTTER ALREADY EXIST, COMPLETELY REMOVE INTERFERING PORTIONS OF EXISTING CURB & GUTTER. LOCATION OF CURB RAMP SHALL BE APPROVED BY THE CITY OF ELKO PRIOR TO INSTALLATION.
11. IF 2% CROSS SLOPE CAN NOT BE ATTAINED ON THE VALLEY GUTTER ASSOCIATED WITH A HANDICAP RAMP, PROPOSED CROSS SLOPE SHALL BE APPROVED BY THE CITY OF ELKO.
12. DRIVEWAY GEOMETRICS SHALL GO TO THE P.C. AND THE P.T.
13. MAINTAIN POSITIVE DRAINAGE IN CROSSWALK AREAS AND PEDESTRIAN ROUTES TO PREVENT PONDING.
14. PLANTMIX BITUMINOUS SURFACE SHALL BE FLUSH WITH THE EDGE OF THE GUTTER PAN IN THE AREA OF THE CURB RAMP.
15. ALL CONCRETE CURB, GUTTER AND SIDEWALK SHALL HAVE 1/2" EXPANSION JOINTS AT 30' INTERVALS AND AT ALL CURB RETURNS. CURB & GUTTER SHALL HAVE WEAKENED PLANE JOINTS EVERY 10'. SIDEWALK SHALL HAVE WEAKENED PLANE JOINTS EVERY 5' AND SHALL COINCIDE WITH CURB WEAKENED PLANE JOINTS. FOR BARRIER CURB ONLY, PLACE WEAKENED PLANE JOINTS EVERY 5'.

CURB, GUTTER & SIDEWALK NOTES



1. SIGNS SHALL MEET THE REQUIREMENTS OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION AND THE LATEST EDITION OF THE M.U.T.C.D.
2. SIGN PANELS SHALL BE MOUNTED ON SIGN BLANK EXTRUDED ALUMINUM NO. 6061-T6, WITH A MINIMUM THICKNESS OF 0.080".
3. MATERIALS TO BE USED FOR SIGNING SHALL BE DIAMOND GRADE RETRO-REFLECTIVE SHEETING OR BETTER.

STREET NAME SIGN



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

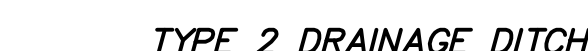
STREET SIGN



EAST JENNINGS WAY



MESQUITE WAY, INCLINE AVENUE, OROVADA LANE, TAHOE ROAD



GRADE π (B TO A)	"A" MIN. (FT.)	"B" MIN. (FT.)
> -4.00	4.5	15.0
-4 TO -3.01	4.5	12.0
-3 TO -2.01	5.0	9.5
-2 TO -1.01	5.5	8.0
-1 TO 1	7.0	7.0
1.01 TO 2	8.0	5.5
2.01 TO 3	9.5	4.5
3.01 TO 4	12.0	4.5
> 4.00	15.0	4.5

SECTION C-C



1. USE PG 64-22 PERFORMANCE GRADE ASPHALT CEMENT IN ALL PLANT MIX BITUMINOUS COURSES.
2. USE TYPE 2 OR TYPE 3 AGGREGATE (AS SPECIFIED) IN ALL PLANT MIX BITUMINOUS SURFACES.
3. ALL PAVEMENT SURFACES TO BE SEALED. USE SS-1 EMULSIFIED ASPHALT (MIXED WITH AN EQUAL AMOUNT OF WATER) FOR SEAL COATS. APPLY AT A RATE OF 0.10 GPSPY AND APPLY SAND BLOTTER AS NECESSARY.
4. FOR MULTIPLE PLANT MIX BITUMINOUS COURSES, TACK COAT SHALL BE APPLIED BETWEEN EACH PLANT MIX BITUMINOUS COURSE.
5. TOP OF PLANT MIX BITUMINOUS SURFACE TO BE 1/8" (MIN.) TO 1/4" (MAX.) ABOVE CONCRETE GUTTER LIP.
6. CONTRACTOR SHALL TAKE MEASURES TO ASSURE PAVEMENT EDGES PLACED WITHOUT BORDERS ARE STRAIGHT AND COMPACT.

PAVEMENT NOTES



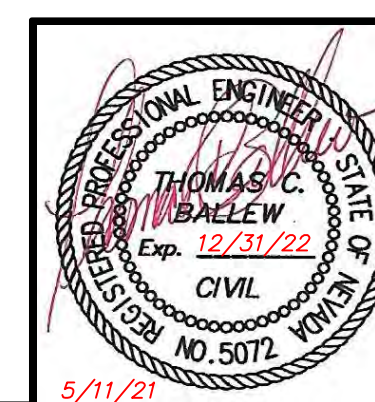
1. IF COLDMILL OF SAWCUT IS WITHIN 24" OF EDGE OF PLANTMIX PAVING, REMOVE EXISTING PAVEMENT TO THAT EDGE AND REPLACE ENTIRE SECTION.

TYPICAL PATCH FOR FLEXIBLE PAVEMENT




RAMP IN CURB RETURN

TYPE 1 (MODIFIED) CURB RAMP



ZEPHYR HEIGHTS SUBDIVISION – UNIT 1
SITE CONSTRUCTION DRAWINGS
SITE DETAILS

CONSULTING ENGINEERING
&
SURVEYING
640 IDAHO STREET
ELKO, NEVADA 89601
(775) 738-4053



ROBERTSON
ENGINEERING
LLC

SHEET
C 5 1

OF 9

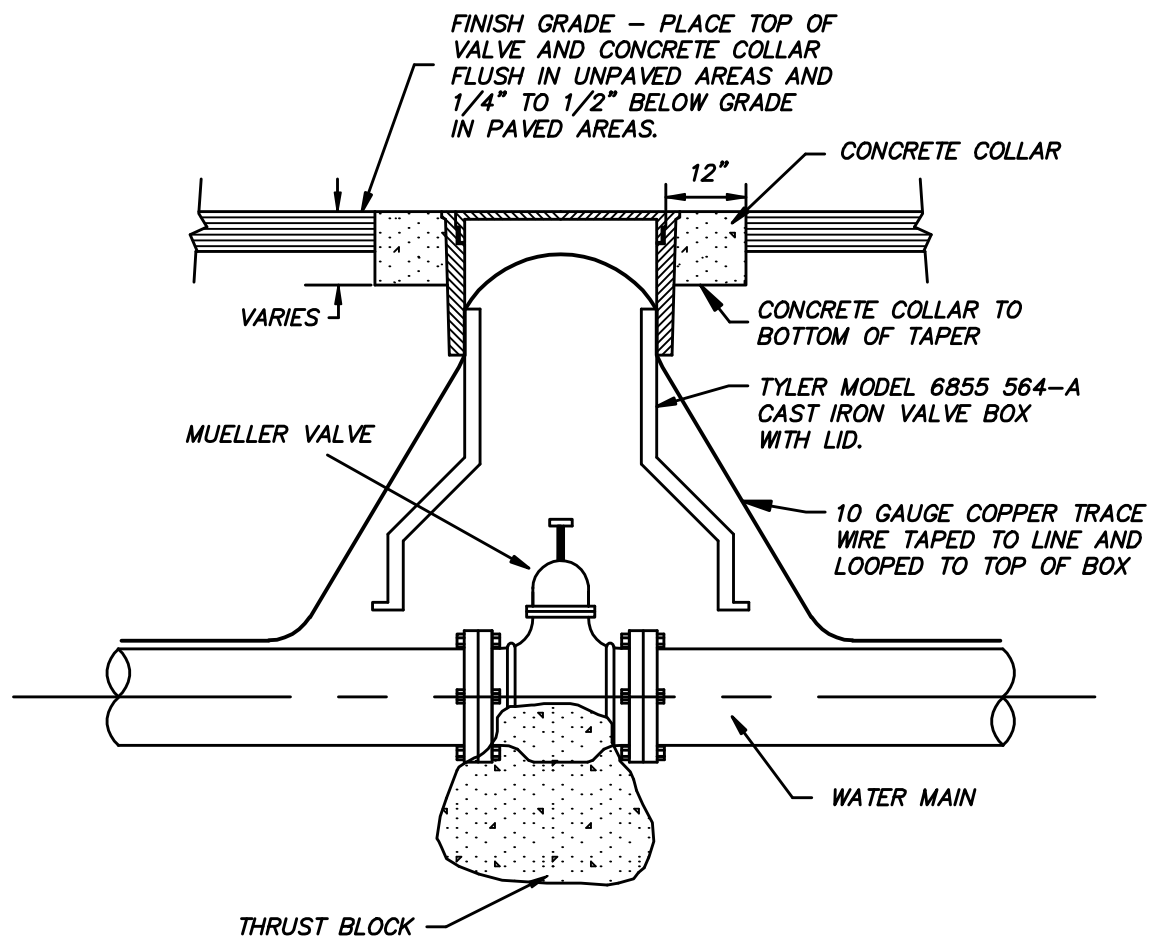
TYPE OF FITTING	90° BEND	45° BEND	11-1/4" OR 22-1/2" BEND	TEE OR DEAD END
TYPICAL INSTALLATION				

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
SIZE OF PIPE	4"	2	1	1	2	2
	6"	4	4	2	4	4
	8"	7	4	2	5	7
	10"	12	6	3	8	12
	12"	16	10	5	12	16
	14"	20	12	6	14	20
	16"	27	15	8	18	27
	18"	45	25	13	32	45
	24"	65	35	18	46	65

TYPE OF FITTING	CROSS WITH PLUG	TEE WITH PLUG	VERTICAL BEND
TYPICAL INSTALLATION			

- NOTES:
- CONCRETE FOR THRUST BLOCKS SHALL HAVE A 28 DAY COMPRESSIVE STRENGTH OF 3,000 PSI OR GREATER.
 - AREAS GIVEN ARE FOR PIPE AT A TEST PRESSURE OF 150 PSI, WITH 2000 PSF BEARING CAPACITY. INSTALLATIONS USING DIFFERENT PIPE, TEST PRESSURES, AND/OR SOIL TYPES SHOULD ADJUST AREAS ACCORDINGLY, SUBJECT TO THE APPROVAL OF THE ENGINEER.
 - THRUST BLOCKS ARE TO BE POURED AGAINST UNDISTURBED SOIL.
 - JOINTS AND FACES OF PLUGS TO BE KEPT CLEAR OF CONCRETE.
 - BOLTS ON SADDLE TEES ARE EXEMPT FROM THRUST BLOCK REQUIREMENTS IF STATED IN MANUFACTURER'S TABULATED DATA.

THRUST BLOCK BEARING AREAS

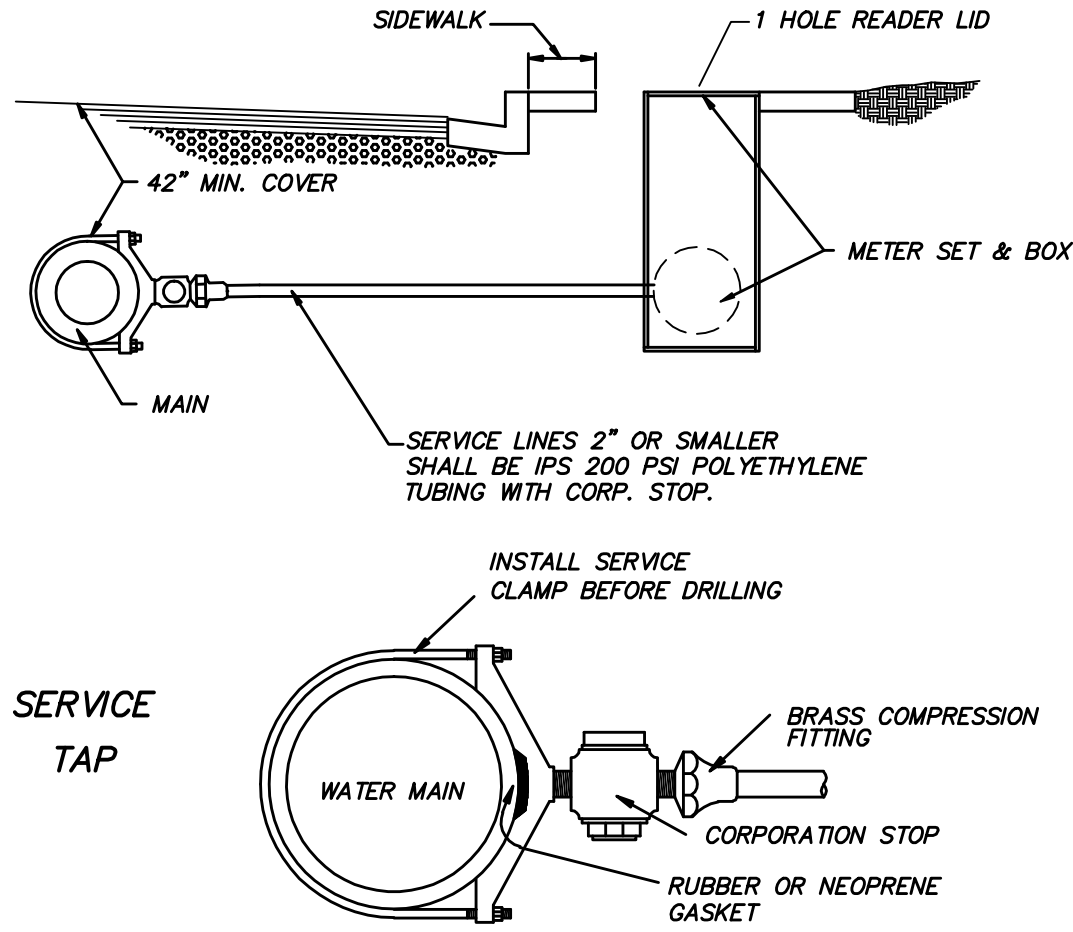


- NOTES:
- CONCRETE SHALL MEET THE REQUIREMENTS OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, UNLESS OTHERWISE SPECIFIED.
 - CONCRETE COLLAR REQUIRED WHEN VALVE IS NOT LOCATED IN CONCRETE OR BITUMINOUS SURFACE.

VALVE DETAIL

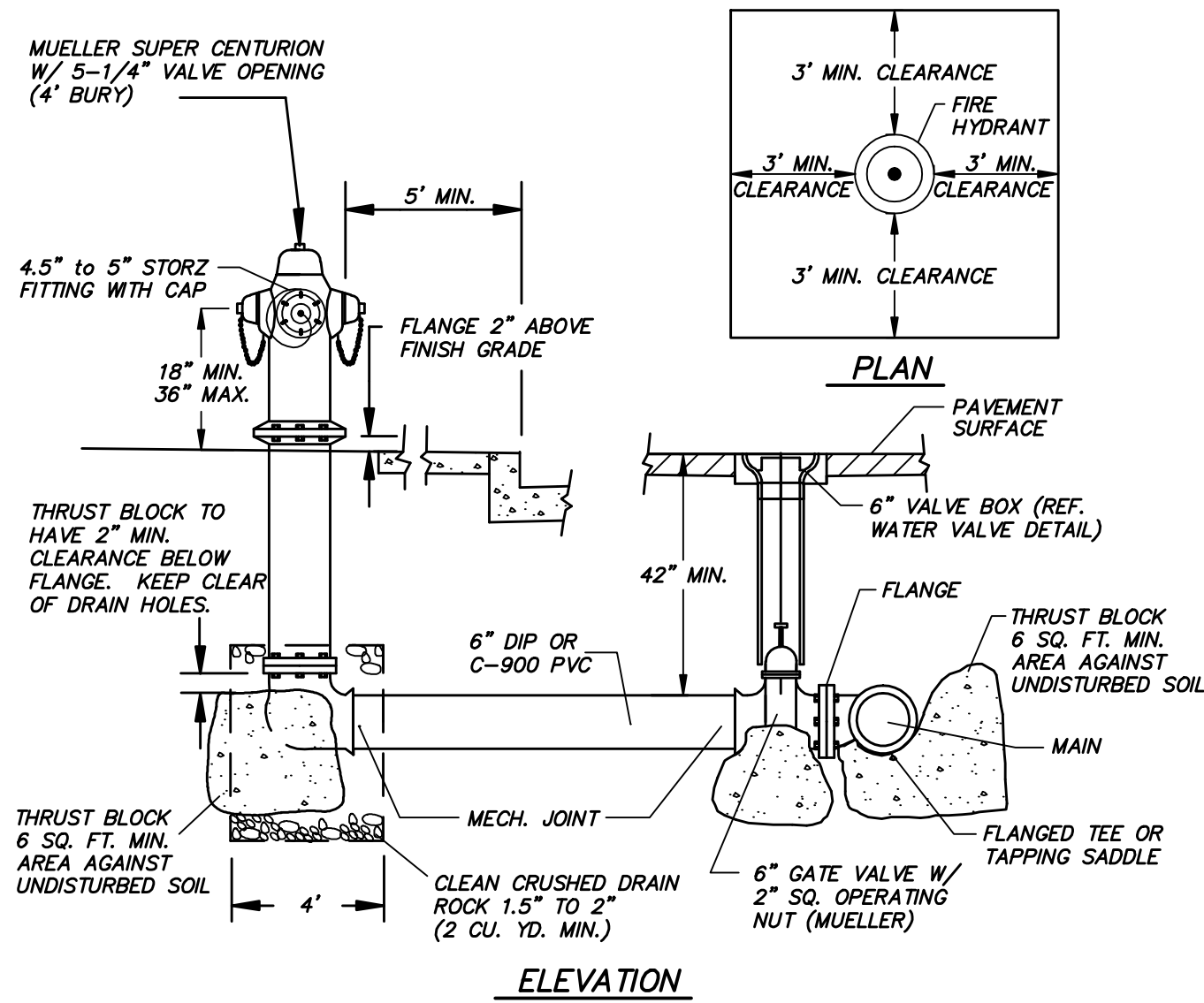
- NOTES:
- WATER DENSIFIED BACKFILL AND TUNNELING SHALL NOT BE ALLOWED.
 - BACKFILL SHALL MEET THE REQUIREMENTS FOR CLASS "C" BACKFILL WITH NO ROCKS OVER 4", COMPACTED IN 6" (MAX) LIFTS TO 90% (MIN) OF MAXIMUM COMPACTION (ASTM D-1557).
 - BEDDING MATERIAL FOR DUCTILE IRON PIPE SHALL BE CLASS "C", AND SHALL BE CLASS "A" FOR ALL OTHER PIPE.
 - BEDDING MATERIAL SHALL BE COMPACTED TO 90% (MIN) OF MAXIMUM COMPACTION (ASTM D-1557).
 - FOR TRENCHES IN ROADWAY SECTION, SEE TRENCH PATCH DETAILS.
 - ALL TRENCHES EXCAVATIONS SHALL CONFORM TO THE LATEST O.S.H.A. AND M.U.T.C.D. REQUIREMENTS.
 - UNDERGROUND WARNING TAPE SHALL BE METALLIC AND APPROPRIATELY LABELED AND COLORED.
 - THE CONTRACTOR SHALL NOT HAVE AN OPEN OR UNATTENDED TRENCH AT ANY TIME.

TRENCH EXCAVATION AND BACKFILL



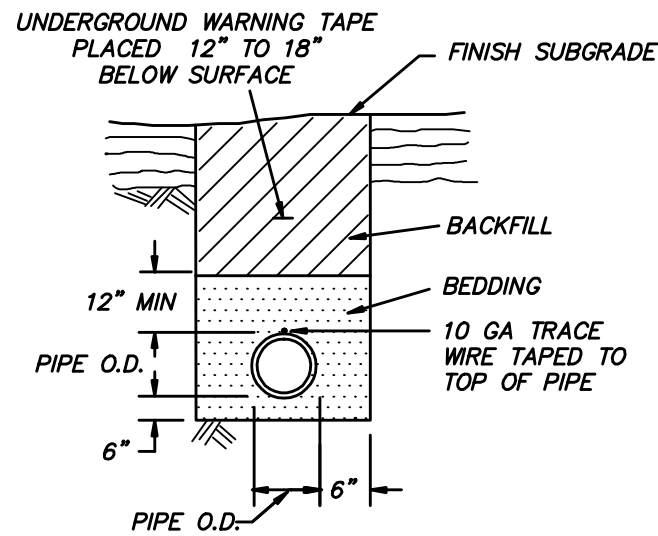
- NOTES:
- CORPORATION STOP, CURB STOP, (GATE VALVE 4" OR LARGER) AND SERVICE LINE TO BE SAME SIZE.
 - SERVICE CLAMPS SHALL BE DOUBLE STRAP FOR ALL SERVICE TAP SIZES, EXCEPT WHERE SIZE OF TAP EXCEEDS MANUFACTURER'S RECOMMENDED LIMIT FOR SIZE OF MAIN.
 - TAPS SHALL BE STAGGERED AND PLACED A MINIMUM OF 12" APART FOR DUCTILE IRON PIPE. TAPS SHALL BE STAGGERED AND PLACED A MINIMUM OF 18" APART FOR PVC (AWWA C-900). NO TAPS SHALL BE CLOSER THAN 2 FEET FROM THE ENDS OF PIPE.
 - ALL JOINT FITTINGS SHALL BE OF BRASS COMPRESSION TYPE.

WATER SERVICE CONNECTION

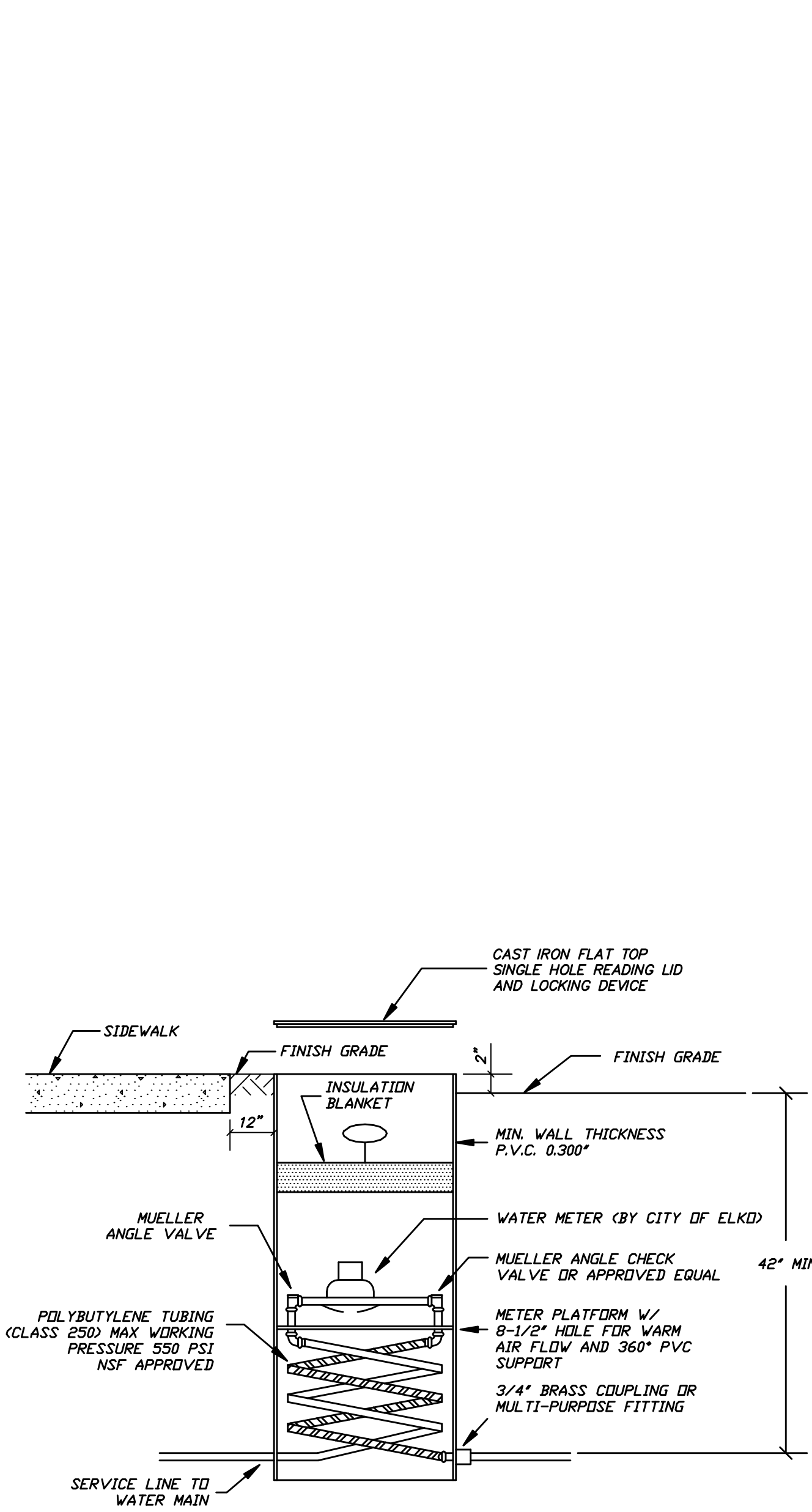


- NOTES:
- HYDRANTS SHALL BE ENAMELED RED.
 - ALL HYDRANTS SHALL HAVE (2) 2.5" PUMPER OUTLETS (MALE THREAD WITH CAP & CHAIN) AND (1) 4.5" STEAMER PUMPER OUTLET WITH 4.5" - 5" STORZ FEMALE CONNECT WITH CAP & CHAIN. ALL THREADS SHALL BE SPECIFIED FOR AMERICAN NATIONAL HOSE COUPLING.
 - OPERATING NUT SHALL BE 1.5" PENTAGON.
 - INSPECTION BY A CITY OF ELKO FIRE OR PUBLIC WORKS REPRESENTATIVE IS REQUIRED PRIOR TO BACKFILLING.
 - FOR FINAL ACCEPTANCE, A FLOW, FLUSH, & HYDROSTATIC TEST SHALL BE WITNESSED BY CITY OF ELKO FIRE DEPT./UTILITY DIRECTOR OR PUBLIC WORKS REPRESENTATIVE, PER FORM 13-97, "MATERIALS & TEST CERTIFICATE FOR UNDERGROUND PIPING".
 - ALL HYDRANTS SHALL INCLUDE APPROVED TRAFFIC PROTECTION, 3' MINIMUM CLEARANCES, AND POSITIVE DRAINAGE AWAY FROM THE HYDRANT.

FIRE HYDRANT



DI, PVC, PE & HDPE PIPE

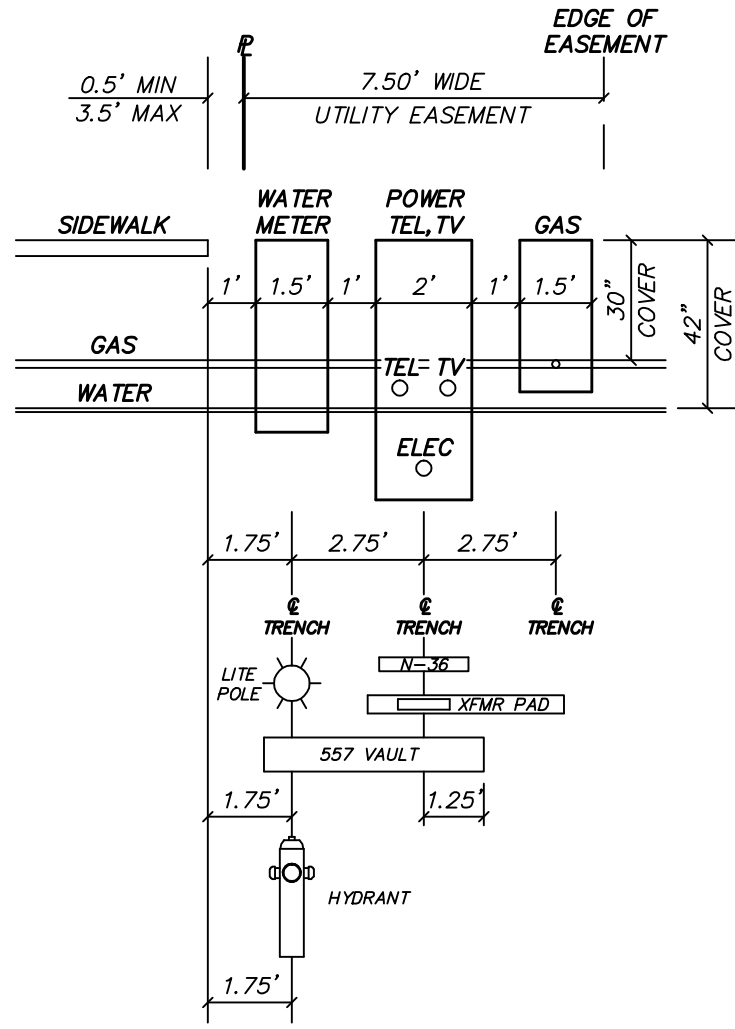


- NOTES:
- 4" WATER METER BOX SHALL BE MUELLER / McCULLOUGH THERMA-COIL METER BOX.
 - NO MORE THAN ONE EXTENSION ALLOWED.
 - CL OF METER BOX TO BE LOCATED 1.75 FEET BEHIND BACK OF SIDEWALK.

3/4" & 1" WATER METER

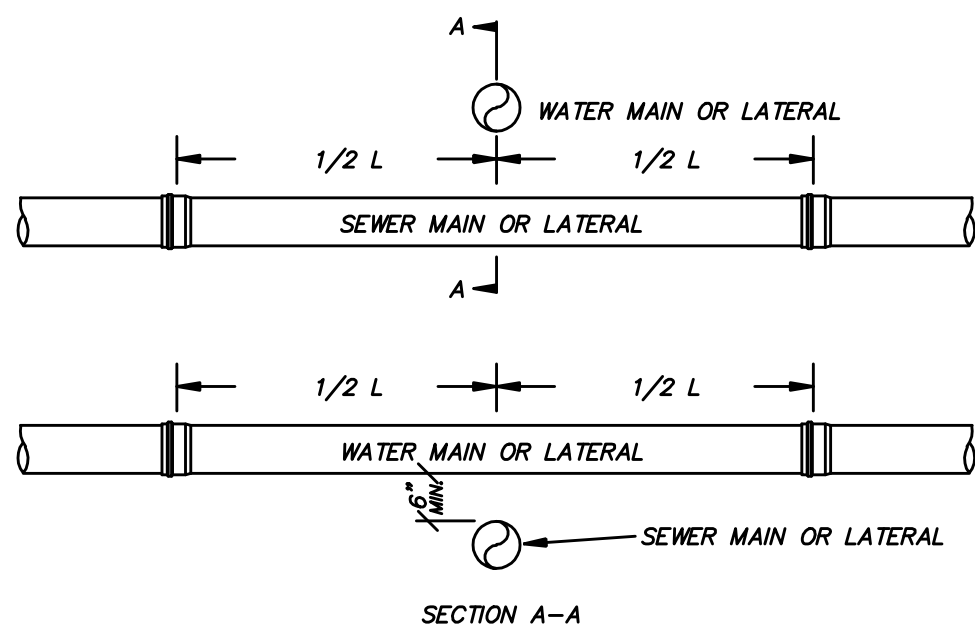
SPECIAL CONSTRUCTION NOTES:

- "WATER" INCLUDES WATER MAINS AND LATERALS.
- "SEWER" INCLUDES SANITARY SEWER MAINS AND LATERALS, STORM DRAINS, AND RECLAIMED WASTEWATER MAINS AND LATERALS.
- USE OF A "SLEEVE" IS AN ACCEPTABLE ALTERNATIVE TO CENTERING THE WATER AND SEWER AT THE POINT OF CROSSING. "SLEEVE" MEANS ENCASE 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 2/3 THE DIAMETER OF THE SLEEVE.
- RESTRAIN MEANS USING MECHANICAL COUPLINGS TO RESTRICT JOINT MOVEMENT OR SEPARATION OF PIPE JOINTS WITHIN 10' EACH SIDE OF THE POINT OF CROSSING.
- VERTICAL SEPARATION IN ALL CASES SHALL NOT BE LESS THAN 6".
- "CONCRETE ENCASEMENT" OF THE WATER AS MITIGATION OR PROTECTION IS DISCOURAGED.
- 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 EXISTING 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"-168" 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 16". 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.
- 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 SEWER MAIN.
- RECLAIMED WASTEWATER MAIN ABOVE WATER MAIN, OR RECLAIMED WASTEWATER MAIN BELOW WATER MAIN 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 AND RESTRAIN WATER MAIN.



NOTE: MAINTAIN UTILITY SEPARATIONS IN ACCORDANCE WITH NV ENERGY, FRONTIER COMMUNICATIONS, ZITO MEDIA, SOUTHWEST GAS CORP. AND CITY OF ELKO REQUIREMENTS.

TYPICAL UTILITY LAYOUTS



- NOTES:
- THIS DETAIL APPLIES IF WATER MAIN OR WATER LATERAL IS BELOW SEWER MAIN OR SEWER LATERAL; OR IF WATER MAIN OR WATER LATERAL IS ABOVE SEWER MAIN OR SEWER LATERAL, BUT NOT OF SUFFICIENT SEPARATION.
 - SEE SPECIAL CONSTRUCTION NOTES BELOW FOR DETAILED REQUIREMENTS FOR WATER / SEWER CROSSINGS.
 - WATER AND SEWER JOINTS WITHIN 10 FEET OF SEWER PIPE MUST BE RESTRAINED.
 - NO JOINTS ARE ALLOWED IN WATER LINES 3" AND SMALLER WITHIN 10 FEET OF SEWER PIPE.

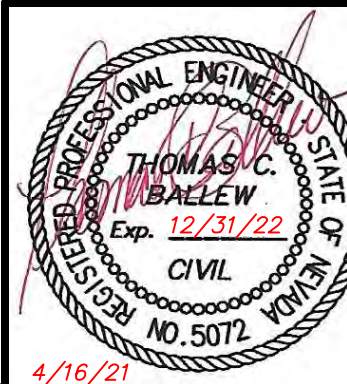
SPECIAL CONSTRUCTION DETAIL

APP'D	BY	DESCRIPTION	DATE	REV.	TCB	DESIGNED BY:	TCB	DRAWN BY:	TCB	CHECKED BY:	TCB	APPROVED BY:	DATE:
													APRIL, 2021

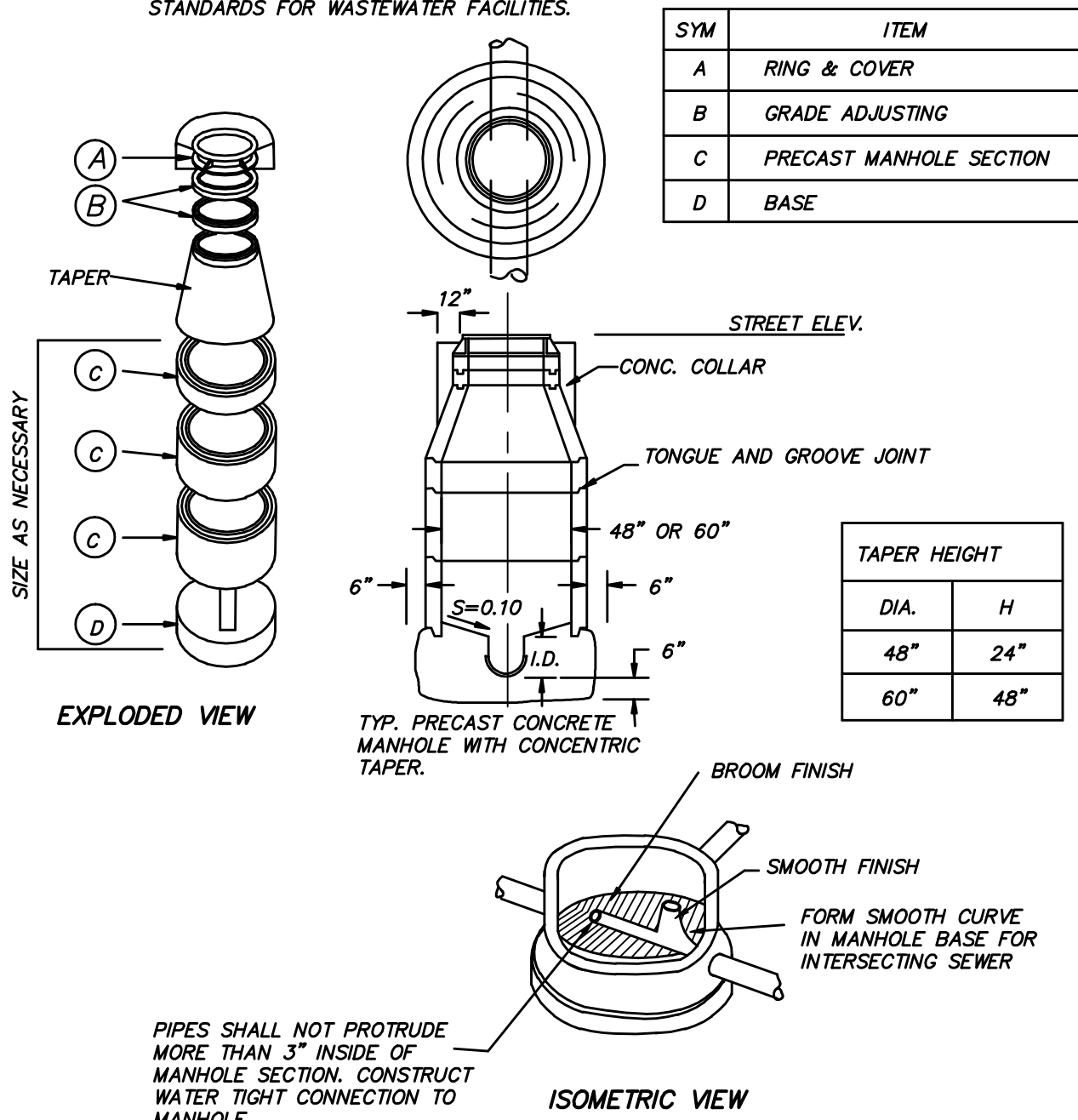
ZEPHYR HEIGHTS SUBDIVISION – UNIT 1 SITE CONSTRUCTION DRAWINGS WATER SYSTEM DETAILS

SCALE:	HORIZ.	VERT.	JOB No.	DWG. No.
			6662	738-4053

CONSULTING ENGINEERING & SURVEYING	DESERT ENGINEERING LLC	SHEET
640 IDAHO STREET ELKO, NEVADA 89601 (775) 738-4053	THOMAS C. BAILEW Exp. 12/31/22 CIVIL	C-5.2



- NOTES: 1. PRECAST MANHOLE COMPONENTS SHALL CONFORM TO ASTM C-478.
2. MINIMUM MANHOLE ACCESS DIMENSION SHALL BE 24" PER THE GLUMRB RECOMMENDED STANDARDS FOR WASTEWATER FACILITIES.

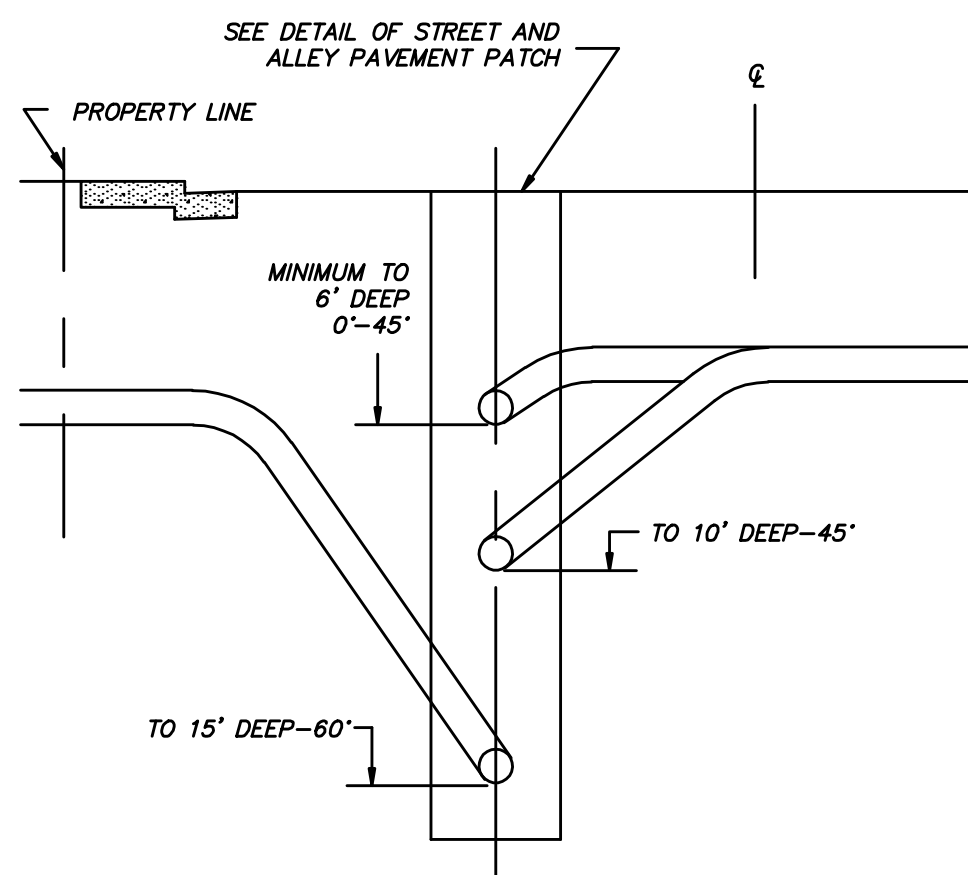


- NOTES:
- PIPE SECTION LENGTHS ARRANGED TO FIT DEPTH.
 - PRECAST BASE MAY BE USED IF APPROVED BY GOVERNING AGENCY.
 - MANHOLE STEPS ARE NOT REQUIRED.
 - REFER TO MANHOLES - GENERAL NOTES FOR ADDITIONAL INFORMATION.

TYPE 1 MANHOLE

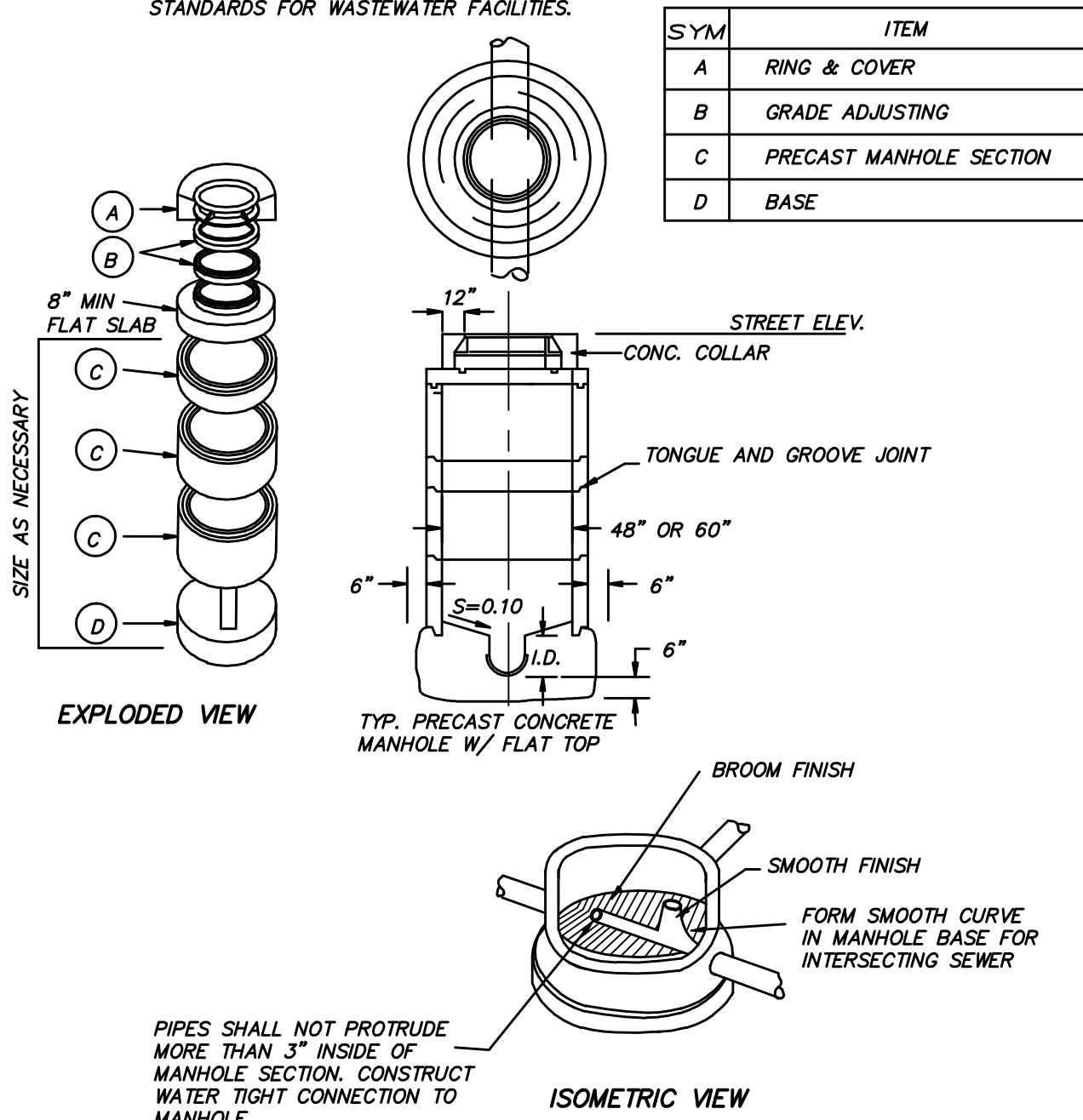
- ALL MANHOLES SHALL MEET THE REQUIREMENTS OF SECTION 204 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
- MANHOLE COVERS SHALL BE IDENTIFIED AS STORM DRAIN, WATER OR SEWER CLEARLY DISPLAYED ON THE COVER.
- ALL TRENCHES AND EXCAVATIONS SHALL CONFORM WITH THE LATEST EDITION OF THE O.S.H.A. REQUIREMENTS.
- 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.
- TYPE & SIZE OF MANHOLE TO BE CONSTRUCTED IN A PARTICULAR LOCATION SHALL BE DETERMINED BY THE PIPE SIZE, ALIGNMENT AND GRADE AS FOLLOWS:
TYPE 1 & 2:
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.
- 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.
- THE TOTAL HEIGHT OF MANHOLE GRADE RINGS SHALL NOT EXCEED 12 INCHES.

MANHOLES - GENERAL NOTES:



LATERAL CONNECTION ANGLES

- NOTES: 1. PRECAST MANHOLE COMPONENTS SHALL CONFORM TO ASTM C-478.
2. MINIMUM MANHOLE ACCESS DIMENSION SHALL BE 24" PER THE GLUMRB RECOMMENDED STANDARDS FOR WASTEWATER FACILITIES.



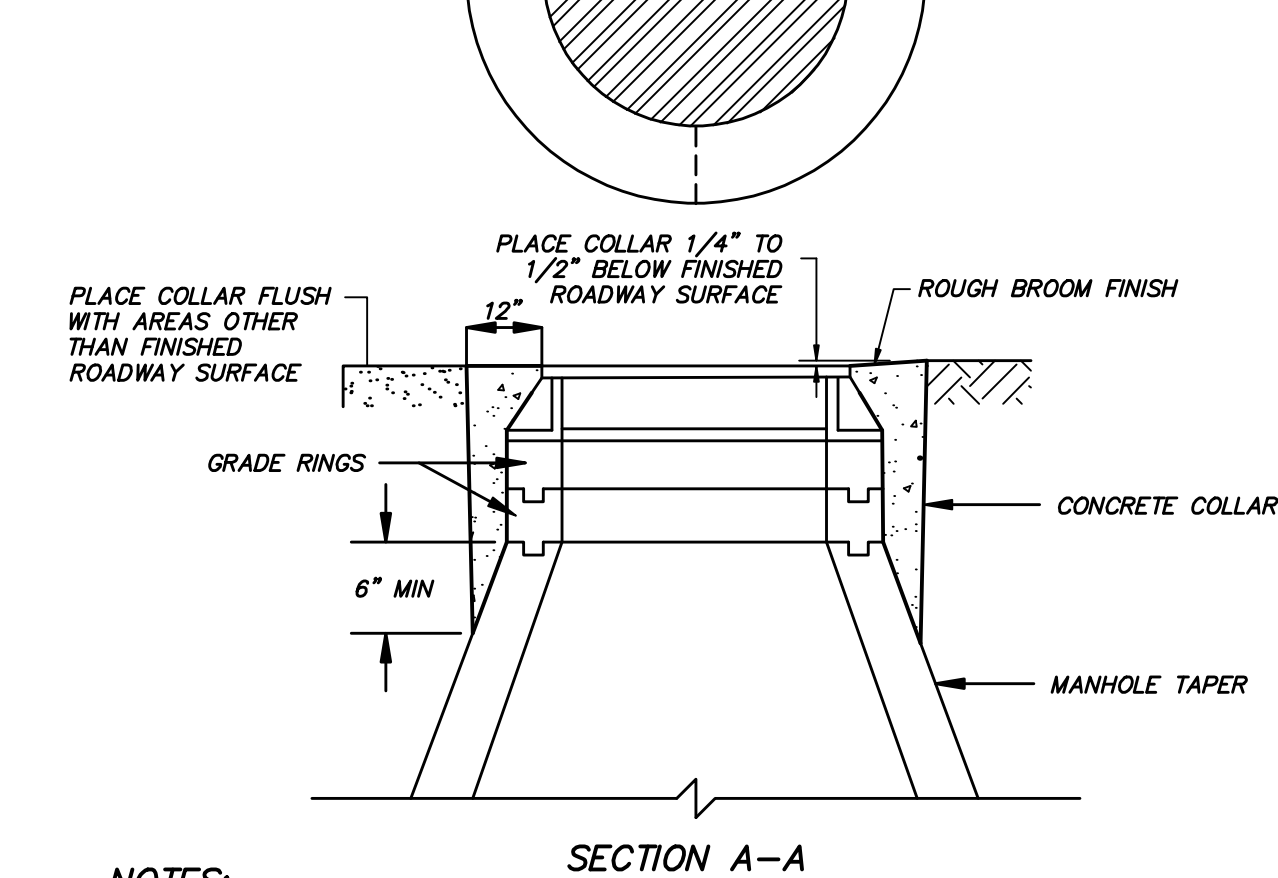
- NOTES:
- PIPE SECTION LENGTHS ARRANGED TO FIT DEPTH.
 - PRECAST BASE MAY BE USED IF APPROVED BY GOVERNING AGENCY.
 - MANHOLE FRAME & COVER MAY BE CONCENTRIC OR ECCENTRIC.
 - REFER TO MANHOLES - GENERAL NOTES FOR ADDITIONAL INFORMATION.

TYPE 2 MANHOLE

- THE CITY OF ELKO UTILITY DEPARTMENT SHALL BE CONTACTED FOR AUTHORIZATION TO PLACE ANY NEW WATER SYSTEMS, EXTENSIONS, REPLACEMENTS IN EXISTING SYSTEMS AND VALVED SECTIONS INTO SERVICE FOR TESTING OR FINAL ACCEPTANCE.
- BEFORE BEING CERTIFIED BY AN ENGINEER OR 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 C-651, "DISINFECTING WATER MAINS". TWO SETS OF CONSECUTIVE SAMPLES ARE REQUIRED AT LEAST 24 HOURS APART FROM EVERY 1200 FEET OF MAIN AND EACH BRANCH GREATER THAN 20 FEET IN LENGTH.
- BEFORE BEING CERTIFIED BY AN ENGINEER OR ACCEPTED BY THE CITY OF ELKO, ANY NEW WATER SYSTEMS, EXTENSIONS, REPLACEMENTS IN EXISTING SYSTEMS AND VALVED SECTIONS SHALL BE PRESSURE TESTED IN ACCORDANCE WITH NAC 445A.67145 AND AWWA C-600 OR AWWA C-605, AS APPROPRIATE.
- BEFORE BEING CERTIFIED BY AN ENGINEER OR ACCEPTED BY THE CITY OF ELKO, ANY NEW SEWER SYSTEMS, EXTENSIONS, REPLACEMENTS IN EXISTING SYSTEMS SHALL BE PRESSURE TESTED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, LATEST EDITION.
- AT ALL POINTS WHERE SEWER (SANITARY OR STORM), WATER MAINS AND LATERALS CROSS, VERTICAL AND HORIZONTAL SEPARATION SHALL BE MAINTAINED PER NAC, ENGINEER AND CONTRACTOR TO REFERENCE SECTION 445A.6715 TO SECTION 445A.6718 OF THE NEVADA ADMINISTRATIVE CODE FOR UTILITY SEPARATION AND CLEARANCES.
- ALL CONNECTIONS TO THE EXISTING WATER MAINS WILL BE DONE BY THE CITY OF ELKO. THE CONTRACTOR SHALL COORDINATE THIS WORK WITH THE CITY OF ELKO.
- THE CITY OF ELKO UTILITY DEPARTMENT SHALL BE CONTACTED TO PERFORM ALL TAPS ONTO CITY OF ELKO UTILITIES.
- ABOVE GROUND UTILITIES ARE NOT PERMITTED WITHIN THE PUBLIC RIGHT-OF-WAY.
- ALL WATER MAINS, HYDRANTS, WATER AND SEWER SERVICE CONNECTIONS REQUIRE CITY OF ELKO INSPECTIONS PRIOR TO BACKFILLING.
- ALL CONSTRUCTION TO BE AWWA C-600 OR AWWA C-605 COMPLIANT AS APPROPRIATE.
- WATER TAPS ONTO THE WATER MAIN ARE TO BE IN ACCORDANCE WITH WATER SERVICE CONNECTION DETAIL SHOWN ON THE WATER SYSTEM DETAIL SHEET.
- WATER TAPS ONTO THE WATER MAIN ARE TO BE A MINIMUM OF SIX FEET FROM HYDRANT TAPS.
- IN GENERAL HYDRANTS SHOULD BE LOCATED A MINIMUM DISTANCE OF SIX FEET FROM ABOVE GROUND UTILITIES.
- MINIMUM COVER OVER THE WATER MAIN SHALL BE 42".
- ALL WATER MAINS SHALL BE INSTALLED WITH LOCATOR WIRE AND MARKING TAPE.
- ALL WATER MAINS SHALL BE PRESSURE CLASS 235 PVC (AWWA C-900). FIRE MAINS TO BE PRESSURE CLASS 235 PVC (AWWA C-900). ALL WATER MAINS TO BE PLACED WITH 42" MINIMUM COVER.
- DUCTILE IRON PIPE AND ALL DUCTILE IRON FITTINGS TO BE DOUBLE WRAPPED WITH 8 MIL POLYETHYLENE.
- ALL WATER SERVICE LINES SHALL BE 1" IRON PIPE SIZE (IPS) RATED 200 PSI POLYETHYLENE (AWWA C-901), UNLESS OTHERWISE SHOWN.
- CENTERS OF FIRE HYDRANTS TO BE PLACED 1.75' BEHIND BACK OF SIDEWALK.
- ALL SANITARY SEWER MAINS SHALL BE 8" SDR 35 PVC (GREEN) PIPE. ALL RESIDENTIAL SANITARY SEWER LATERALS SHALL BE 4" SDR 35 PVC PIPE WITH A 2% SLOPE MINIMUM UNLESS OTHERWISE SHOWN. ALL COMMERCIAL SANITARY SEWER LATERALS SHALL BE 6" SDR 35 PVC PIPE WITH A 2% SLOPE MINIMUM UNLESS OTHERWISE SHOWN.
- ALL OPENINGS IN UNFINISHED PIPING OR APPURTENANCES MUST BE SEALED AT THE END OF EACH WORKING DAY IN SUCH A MANNER AS TO PREVENT THE ENTRY OF BIRDS AND OTHER ANIMALS, DIRT, TREXON WATER AND OTHER SOURCES OF POLLUTION OF CONTAMINATION.
- THE MATERIALS SPECIFIED FOR THE WATER SYSTEM SHALL MEET THE REQUIREMENTS OF NAC 445A.66085 "LEAD FREE" AND NAC 445A.67125 "DISTRIBUTION SYSTEM MATERIALS".
- ANY ENERGY (POWER), FRONTIER COMMUNICATIONS (TELEPHONE), ZITO MEDIA (TELEVISION) AND SOUTHWEST GAS CORPORATION WILL ALL BE INSTALLING BOTH ON-SITE AND OFF-SITE UTILITIES FOR THIS PROJECT. CONTRACTOR SHALL COORDINATE CONSTRUCTION ACTIVITIES WITH THESE UTILITIES AND CONFORM TO ALL UTILITY COMPANY REQUIREMENTS. REFERENCE IS MADE TO ALL DRAWINGS PREPARED BY THE RESPECTIVE UTILITY COMPANIES FOR THIS PROJECT AND TO THE TYPICAL UTILITY LAYOUTS DETAIL.
- ALL WATER SYSTEM COMPONENTS SHALL COMPLY WITH NSF/ANSI STANDARD 61: "DRINKING WATER SYSTEM COMPONENTS".
- THESE PLANS ARE IN COMPLIANCE WITH NAC 278.440 AND NAC 445A.65505 THROUGH NAC 445A.6731.

UTILITY NOTES:

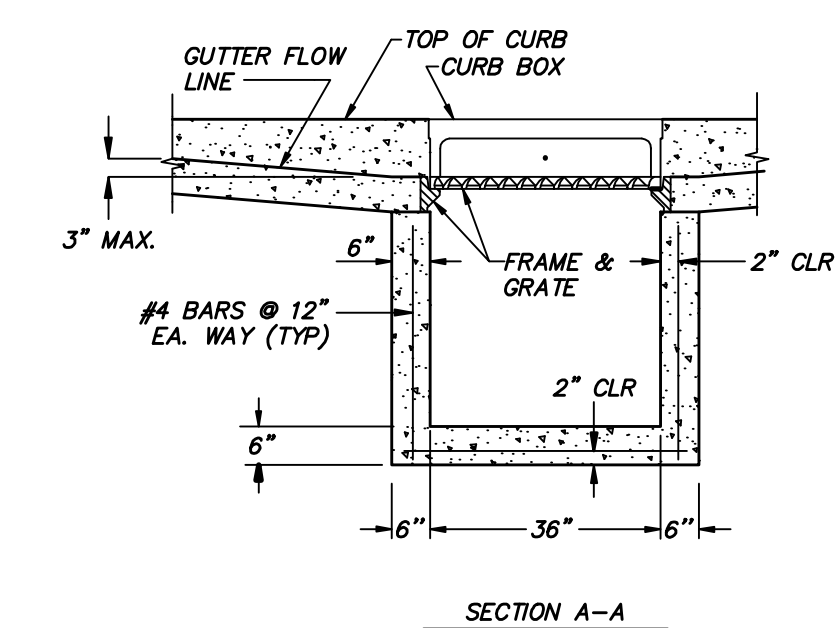
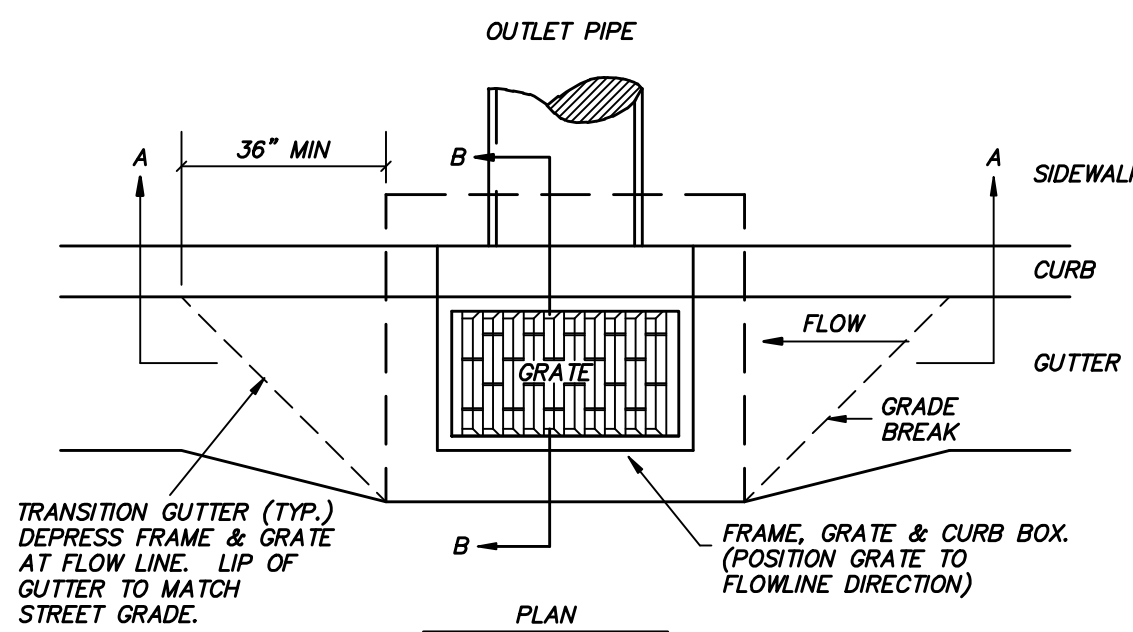
SCORE 4 LINES, 2 PARALLEL & 2 PERPENDICULAR TO THE CENTERLINE OF THE ROADWAY, ON TOP OF CONCRETE COLLAR AT A DEPTH EQUAL TO 1/4 OF THE CONCRETE THICKNESS. EDGE THE SCORE LINES AT A 1/2" RADIUS.



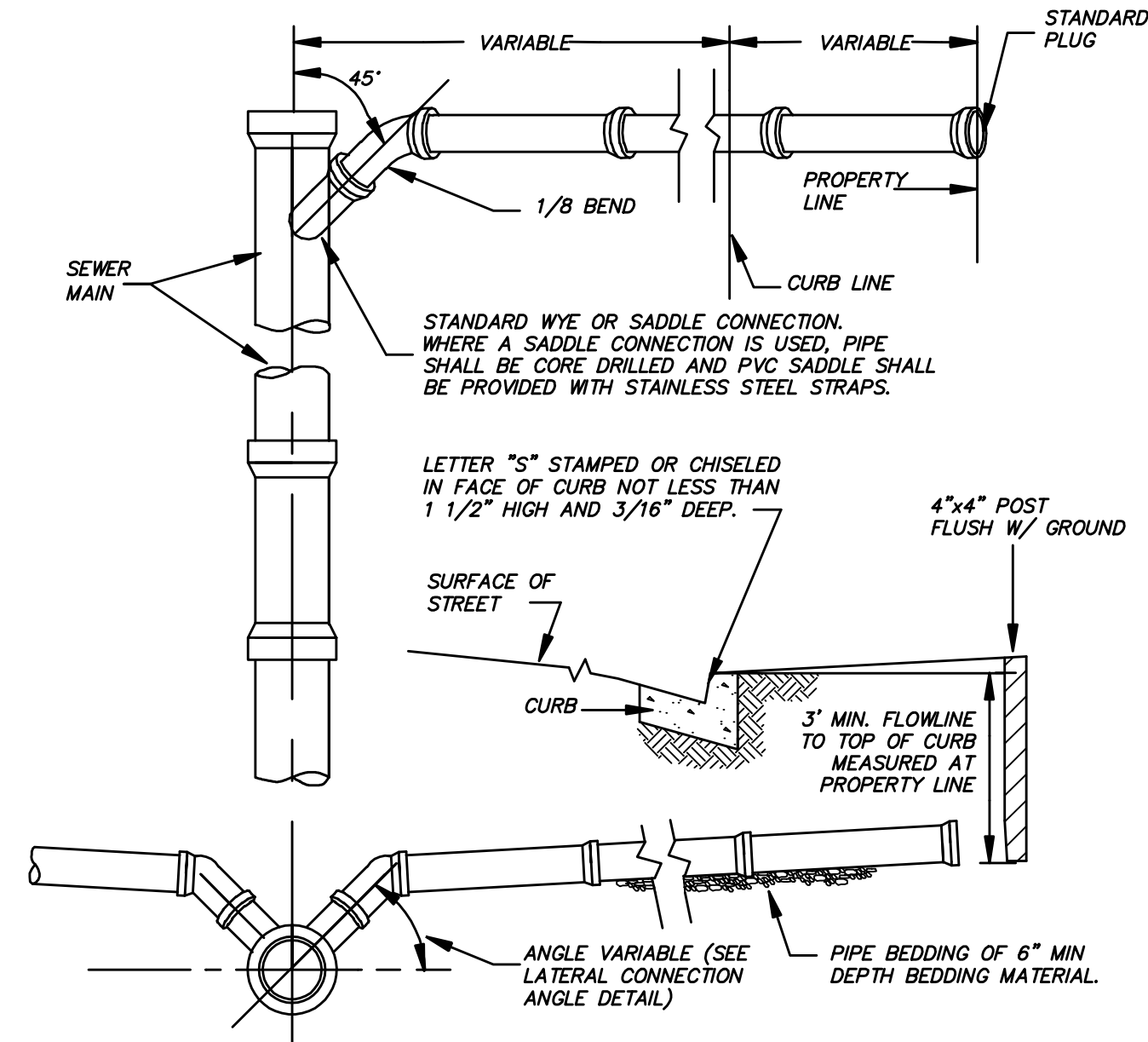
NOTES:

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

MANHOLE COLLAR DETAIL



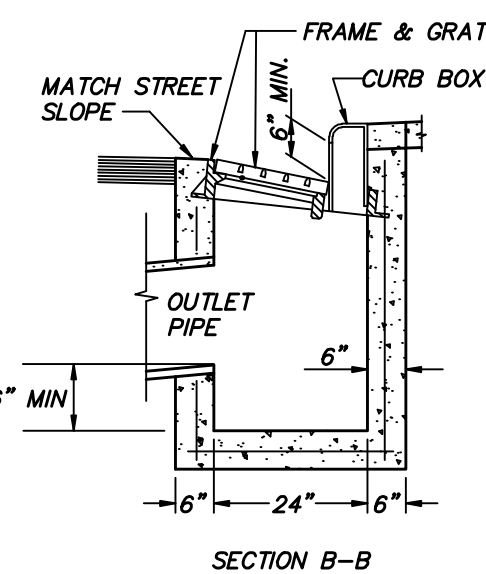
CATCH BASIN TYPE 4-R



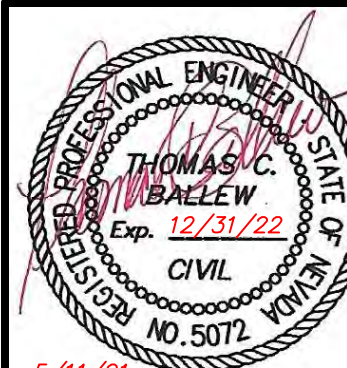
NOTES:

- IN NO CASE SHALL A LATERAL CONNECT TO THE SEWER MAIN DIRECTLY ON TOP OF THE PIPE OR MATCH THE FLOWLINE OF THE PIPE.
- SEWER LATERALS SHALL HAVE A MIN. SLOPE OF 2%, UNLESS OTHERWISE APPROVED.
- SEWER PIPE WITHIN RIGHT-OF-WAY SHALL BE SDR-35 OR AWWA C-900 PVC.
- ALL JOINTS ON SEWER LATERAL PIPE WITHIN THE RIGHT-OF-WAY SHALL BE COMPRESSION TYPE.
- LATERAL SHALL EXTEND TO PROPERTY LINE UNLESS OTHERWISE SHOWN ON PLANS.
- 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 CITY OF ELKO APPROVAL.
- SEWER MAIN/LATERAL CONNECTIONS SHALL MEET THE REQUIREMENTS OF NAC 445A.

SEWER LATERAL CONNECTION



- STORM DRAIN INLETS SHALL BE TRAFFIC RATED & LOCATED AT THE LOW POINTS OR PER APPROVED PLANS.
- ALL STORM DRAIN INLETS SHALL HAVE A CAST IRON HOOD WITH THE FOLLOWING LANGUAGE STAMPED INTO THE HOOD "NO DUMPING! DRAINS TO WATERWAYS".
- FRAME SHALL BE NEENAH R-3295 SINGLE CURB UNIT WITH A TYPE "V" VANE GRATE FOR LONGITUDINAL FLOW OR A TYPE "I" GRATE FOR SUBMERGED FLOW, OR APPROVED EQUALS.
- ILT 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.
- FRAMES & GRATES SHALL BE MATCHED TO ACHIEVE A CLOSE TOLERANCE FIT WITH MINIMAL GAPS, AS APPROVED BY THE GOVERNING AUTHORITY.
- VAULT SHALL BE JENSEN PRECAST MODEL D12436-4R DROP INLET VAULT WITH EXTENSIONS AS NEEDED, OR APPROVED EQUAL.
- VAULT MAY BE A CAST-IN-PLACE CONCRETE UNIT WITH PRIOR APPROVAL FROM THE GOVERNING AUTHORITY. PORTLAND CEMENT CONCRETE AND REINFORCING STEEL SHALL MEET THE REQUIREMENTS OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
- 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 GOVERNING AUTHORITY. PIPE MINIMUM AND MAXIMUM COVERS SHALL BE AS PER MANUFACTURER'S RECOMMENDATION.
- STORM DRAIN PIPE TO BE SIZED PER PLAN.
- INFLOW PIPE INVERT ELEVATION SHALL BE 0.1 FEET (MIN) ABOVE OUTFLOW PIPE INVERT ELEVATION.
- IF NO SIDEWALK IS PRESENT, POUR 6" CONCRETE CURB STRUCTURE BEHIND GRATE AND TIE BEAM INTO BOX.



SCALE:	HORZ.	VERT.	JOB No.	DWG. No.	DATE	BY	APP'D
			6662		5/11/21	TCB	TCB
CONSULTING ENGINEERING & SURVEYING							
640 IDAHO STREET ELKO, NEVADA 89801 (775) 738-4053							
HIGH DESERT ENGINEERING LLC							
SHEET C-5.3							
OF 9							

DESIGNED BY: TCB
DRAWN BY: TCB
CHECKED BY: TCB
APPROVED BY: TCB
DATE: APRIL 2021

NEVADA
ELKO COUNTY
ELKO

ZEPHYR HEIGHTS SUBDIVISION - UNIT 1
SITE CONSTRUCTION DRAWINGS
SEWER SYSTEM DETAILS & UTILITY NOTES

Zoning Bulletin

in this issue:

Compliance Certificates	1
Limited Residential Uses	2
Mixed Use	3
Setbacks	4
Land Use	5
Zoning News from Around The Nation	7

Compliance Certificates

Plaintiffs claim they lost millions of dollars after compliance certificates stripped

Citation: *Astalus v. Village of Morton Grove*, 2021 WL 723975 (N.D. Ill. 2021)

The Village of Morton Grove, Illinois issued Ovidiu Astalus, the president and owner of SYNY Logistics, Crown Point Truck & Trailer Sales, and Crown Point Truck & Trailer Repair (collectively, the plaintiffs) compliance certificates allowing them to do business in the village.

A month after the village issued these certificates, an intoxicated person confronted Astalus and his wife at the plaintiffs' business. Astalus feared for his life so he drew his firearm.

Morton police officers arrived on the scene and reviewed video footage of the incident. Then, they arrested Astalus and charged him with assault.

Astalus was found not guilty, but four months after his arrest, Morton's zoning administrator inspected his properties as part of an annual compliance check. The administrator told Crown Point that it needed to complete a special application since the sign on the exterior of the building exceeded a maximum size of 120 feet. But, earlier that same day, the administrator had told Crown Point that the sign was within specifications and that the application for that sign would be approved.

In an e-mail, the administrator wrote, "I apologize for stating that the sign should be ready this afternoon. Upon final review, I had misread the measurements."

Crown Point then submitted a special use application, which Morton denied. This was despite the fact that two comparable entities operated near the plaintiffs' property without a special use permit: Lin-Mar Towing, which maintained a large fleet of tow trucks and the vehicles it towed; and Menards, which stored repair vehicles.

The plaintiffs alleged that they weren't granted certificates because Morton didn't want them doing business in the village. Astalus, who was from a foreign country, claimed that a village official had said "you foreigners give us trouble" and that another had said he was "too young to make this kind of money."

Because the plaintiffs didn't have the village's permission to operate, they lost contracts guaranteeing close to \$78 million in annual revenue because those contracts required them to be certified.

The plaintiffs also contended a construction project got underway next to their property, depositing large amounts of dust and particulate matter onto their property. When the plaintiffs complained to the village, the village ignored their

concern, which resulted in close to \$1.9 million in dust-and-particular-matter damage.

On the plaintiffs' claims against the village that it had violated their due process rights, the village sought dismissal.

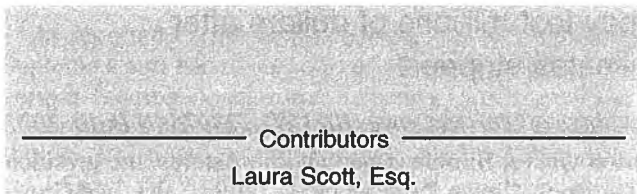
DECISION: Request for dismissal granted.

The plaintiffs merely made "a conclusory allegation that the [v]illage acted irrationally and arbitrarily."

The plaintiffs didn't present any allegations suggesting why the village's actions were unlawful, the court found. "Municipalities may constitutionally regulate the size of commercial signage for numerous reasons, including aesthetic and safety reasons," the court noted.

THE BOTTOM LINE

"As pleaded, [the] [p]laintiffs' allegations set forth a



For authorization to photocopy, please contact the **Copyright Clearance Center** at 222 Rosewood Drive, Danvers, MA 01923, USA (978) 750-8400, <http://www.copyright.com> or **West's Copyright Services** at 610 Opperman Drive, Eagan, MN 55123, copyright.west@thomsonreuters.com. Please outline the specific material involved, the number of copies you wish to distribute and the purpose or format of the use.

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Zoning Bulletin is published and copyrighted by Thomson Reuters, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526. For subscription information: call (800) 229-2084, or write to West, Credit Order Processing, 620 Opperman Drive, PO Box 64833, St. Paul, MN 55164-9753.

POSTMASTER: Send address changes to Zoning Bulletin, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526.



THOMSON REUTERS®

610 Opperman Drive
P.O. Box 64526
St. Paul, MN 55164-0526
1-800-229-2084

email: west.customerservice@thomsonreuters.com

ISSN 0514-7905

©2021 Thomson Reuters

All Rights Reserved

Quinlan™ is a Thomson Reuters brand

rational basis for the Village's refusal to renew [their] compliance certificates: [p]laintiffs erected a sign that was incompliantly large, operated with that noncompliant sign, got caught, then applied for a permit, and then that permit was rejected because it exceeded the 120 square foot size restrictions under the [v]illage's [c]ode," the court explained.

These facts standing alone did "not plead a constitutional violation or irrational governmental behavior." Instead, the facts showed the government had "enforced the letter of the law that the [p]laintiffs, as pleaded, violated." Therefore, the due process claim failed.

CASE NOTE

The plaintiffs also contended the village was liable for negligence under state law due to the damage the dust from the adjacent construction site caused. The court dismissed that claim without prejudice, refusing to exercise "supplemental jurisdiction" over that claim. "[T]he negligence claim [wa]s complex and involve[d] interpretation and application of Illinois common law regarding construction practices and norms, and so it should be pursued in a state forum," the court explained.

Limited Residential Uses

University revoked frat house's authorization to operate and property owner cited after residents remained in the dwelling

Citation: *City of Bloomington Board of Zoning Appeals v. UJ-Eighty Corporation*, 163 N.E.3d 264 (Ind. 2021)

UJ-Eighty Corp. (UJ) owned a fraternity house at Indiana University (IU) in Bloomington, Indiana. The house sat within a district zoned by the City of Bloomington to permit limited residential uses, and IU had to sanction or recognize any of its fraternities and sororities for usage.

UJ leased its house to an IU-sanctioned fraternity. Before the lease ended, IU revoked its recognition and approval of the fraternity, so no one could continue to live there.

Two residents stayed at the property, though, so Bloomington issued a zoning violation, which UJ appealed.

The City of Bloomington Board of Zoning Appeals (BZA) affirmed, and UJ asked a court to review the matter. In its view, the city had impermissibly delegated zoning authority to IU by permitting it to unilaterally define fraternities and sororities.

The lower court granted UJ's request for relief. On appeal, the decision was affirmed. But, on further review, the Supreme Court of Indiana reached a different conclusion.

DECISION: Reversed.

"Bloomington did not delegate any authority to IU; it merely defined fraternities and sororities in zoning law

based on their relationship with IU. While this may have had a ‘collateral effect’ on land use, it was not a delegation,” therefore the city didn’t violate UJ’s rights.

A CLOSER LOOK

UJ argued the city violated its constitutional rights by “improperly delegate[ing] the unilateral authority to define ‘fraternity’ and ‘sorority’ to IU.” But, the court disagreed, writing its review of the applicable ordinance never “**empowered** IU to define fraternities and sororities, a power IU already clearly possesse[d].”

Instead, the city, by its legislative process, had “defined fraternities and sororities based on their relationship with IU. It did not delegate any authority, legislative or otherwise. Because there was no improper delegation or other denial of due process, there were no constitutional violations,” the court found.

CASE NOTE

UJ had two central arguments:

- 1) that the city had violated the state constitution by unlawfully delegating power to IU; and
- 2) that it had violated UJ’s rights under the U.S. Constitution by depriving it of due process.

Both of these arguments failed. Only the city could “make or amend its zoning laws.” Its establishment of zones and permitted and prohibited uses in those districts was the relevant “legislative action” in this case. “Bloomington—not IU—undertook that action when it wrote and enacted the [o]rdinance,” the court found.

THE BOTTOM LINE

There wasn’t anything in the record supporting a conclusion that IU had “made the zoning law in Bloomington.” The ordinance’s “definition of ‘fraternity’ and ‘sorority’ was no different than many of its other definitions that referenced an outside entity.” The city never “delegate[d] legislative authority to any of these entities.” Rather, it just “defined certain land uses based on their relationships with relevant outside organizations.”

UJ also argued the city violated the U.S. Constitution by improperly delegating authority to IU or otherwise had deprived it of due process. This argument also failed. But, again, “Bloomington never delegated any authority to IU. IU had no power to make or amend zoning law, and its power to regulate and discipline students and student organizations—including fraternities—c[ame] from the General Assembly, not Bloomington.”

While IU’s decision to sanction or recognize may have had “‘**collateral** effects’ on land use in Bloomington, . . . that did ‘not transform [its] quasi-judicial decision [to revoke its recognition of the frat house] into an exercise of [Bloomington]’s legislative function.’ ”

“It was not IU that decided whether UJ . . . or any other landowner violated Bloomington’s zoning laws. Bloomington, through the BZA, ultimately decided.”

In addition, UJ never showed it had been barred from supporting the frat house during IU’s proceedings. “As [its] landlord, it would have been reasonable to remain aware of any potential problems and support its tenant as necessary,” the court wrote. And, UJ didn’t allege IU lacked authority to discipline the frat house.

Mixed Use

Proposed multifamily development at center of dispute with one city in Washington

Citation: *Oak Harbor Main Street Association v. City of Oak Harbor*, 2021 WL 424306 (Wash. Ct. App. Div. 1 2021)

Pioneer Way Housing LLLP (PWH) applied to develop a mixed-use housing project in Oak Harbor’s Central Business District zone (CBD). The Oak Harbor Municipal Code (OHMC) required mixed use developments in the Central Business District (CBD). But, when a development’s predominate use was residential, it had to be located in the CBD’s designated subdistricts CBD-1 or CBD-2.

PWH’s proposed multifamily development included 51 housing units, about 530 square feet of retail space, and 77 off-street parking spaces on a 1.153-acre site at 601 SE Pioneer Way, within Oak Harbor’s CBD.

PWH claimed the project was designed to preserve the unique history and heritage of Oak Harbor, enhance the main street and pedestrian-oriented character of downtown, and deliver affordable housing close to jobs, transit, daily services, and open space.

The CBD’s purpose to “preserve and enhance the unique harbor location of the city’s heritage with the character of the traditional center of social, culture and retail activity.” For mixed-use developments, a combination of retail and visitor-oriented activities on the ground floor with office, retail and residential uses above, were required. And, “[s]ubdistricts CBD-1 and CBD-2 [we]re created . . . to provide for flexibility of residential development within specific areas of the central business district.” And, generally, the CBD developments had to comply with “principal permitted uses.” Specifically:

- “[I]n the CBD district: mixed use sites with multiple street frontages [could] locate dwelling units on the ground level on any street frontages other than Pioneer Way”; and
- the CBD-1 and CBD-2 subdistricts dwelling units could be the primary use of the site.

The applicable code provision stated that “[t]he intent of the [s]ite [p]lan review process [wa]s to ‘[p]romote integrated review of the various city [c]odes concerned with development,’ ‘[a]ssure consistency with development regulations and plans,’ ‘protect neighboring owners and uses,’ promote ‘community growth,’ ensure vehicular and pedestrian safety, ‘[m]inimize conflicts that might

otherwise be created by a mix of uses within allowed zones,' etc."

The code also specifying the review process when "[t]he director determine[d] that based on departmental comments or public input there [we]re significant unresolved concerns that [we]re raised by the proposal."

The City of Oak Harbor Development Services Department (the department) received a number of public comments about the project. It found that the project would be considered during a hearing with the hearing examiner and subject to a decision by the city council.

For the Hearing Examiner and City Council to approve the site plan, the project had to comply with a number of OHMC provisions and the Oak Harbor Design Regulations and Guidelines.

The department responded to PWH's application with review comments. It asked PWH to respond to whether "the amount of retail space provided [wa]s not sufficient to meet the mixed-use provisions of the OHMC and Comprehensive Plan."

PWH then submitted a revised application, indicating that neither the comprehensive plan nor the OHMC had established minimum or maximum amounts of retail space. But, it still increased the amount of proposed retail space from one 530 square foot space to two 550 square feet spaces, one on SE Pioneer Way and the other on Hal Ramaley Memorial Park. It also proposed a "Community Courtyard" to separate the retail spaces from the entrance to the residential space and asserted the project met the code's definition of mixed use because it contained retail and residential spaces.

OHMC eventually approved the project. But, then a court reversed that decision because the project's predominant use was residential, but it was not located in either subdistrict. An appeal followed.

DECISION: Affirmed.

The OHMC had erroneously interpreted the applicable regulation.

"The [p]roject's proposed site [wa]s within the CBD but not within subdistrict CBD-1 or CBD-2," the court explained. "The [p]roject's proposed structure [wa]s 39,936 square feet, and only 1,100 of those square feet [we]re dedicated retail space," it added.

THE BOTTOM LINE

"The project satisfied the definition of mixed use, and dwelling units were the predominant use to which the property was or could be devoted." Therefore, the project violated the applicable regulation. "This reading [wa]s also consistent with [a regulation] that acknowledge[d] the [c]ity [had] established CBD-1 and CBD-2 as subdistricts 'to provide for flexibility of residential development within specific areas of the central business district.' "

Setbacks

State's highest court rules on whether denial of request to proceed with animal feeding operations should be overturned

Citation: *Grand Prairie Agriculture, LLP v. Pelican Township Board of Supervisors*, 2021 ND 29, 955 N.W.2d 87 (N.D. 2021)

Grand Prairie Agriculture LLP (GPA) asked the Pelican, North Dakota Board of Supervisors (BOS) to determine whether a proposed animal feeding operation (AFO) complied with the township's zoning regulations. The AFO was described as being a swine operation with a maximum of 1,000 animals.

The BOS denied the request for an AFO. The township concluded the facility wouldn't comply with its zoning regulations or the state code.

Meeting minutes also showed the request was denied because a campground was located within setbacks for a hog facility of this size.

GPA appealed the township's decision to the lower court. It argued the denial due to the setback was precluded by state law and the township had misinterpreted or misapplied the law.

The lower court affirmed the township's decision to deny the request, and GPA appealed further.

DECISION: Reversed; case sent back for further proceedings.

The township misinterpreted and misapplied the law in applying setback requirements, the Supreme Court of North Dakota ruled.

"In an appeal from the decision of a local governing body, the governing body's decision will be affirmed unless it acted arbitrarily, capriciously, or unreasonably, or there is not substantial evidence supporting the decision," the court explained.

Also, the court's "primary purpose in interpreting a statute [wa]s to determine the legislative intent, and [it] start[ed] with the plain language of the statute and g[a]ve each word of the statute its ordinary meaning." "We give words their plain, ordinary, and commonly understood meaning, unless they are specifically defined or a contrary intention plainly appears," it explained.

The relevant section of the North Dakota code authorized a township to establish zoning districts within the township. "[T]he board of township supervisors may establish one or more zoning districts and within such districts may . . . regulate and restrict the . . . use of buildings and structures, . . . and the location and use of . . . land for trade, industry, residence, or other purposes," the court explained. "All such regulations and restrictions must be uniform throughout each district, but the regulations and restrictions in one district may differ from those in other districts," it added.

In addition, a township could enact an ordinance regu-

lating AFOs “A board of township supervisors may adopt regulations that establish different standards for the location of animal feeding operations based on the size of the operation and the species and type being fed,” it noted. “‘Location’ [wa]s defined as ‘the setback distance between a structure, fence, or other boundary enclosing an animal feeding operation . . . and the nearest occupied residence, the nearest buildings used for nonfarm or nonranch purposes, or the nearest land zoned for residential, recreational, or commercial purposes.’ ” And, the township’s regulations could not preclude the development of an animal feeding operation in the township.

Here, Pelican’s zoning ordinance stated “To effectively carry out the provisions of these regulations, the land covered by the jurisdiction of these regulations (i.e., Pelican Township) shall be zoned agricultural.”

It also enacted ordinances on AFOs, which included regulation of the location of an AFO based on size of the operation through the use of setback provisions. “The ordinance states the owner of an AFO with at least 300 but no more than 1,000 animal units shall locate the site of the operation 3/4 of a mile from ‘existing residences, businesses, churches, schools, and public parks as well as areas of property that are zoned residential, recreational, or commercial.’ ”

The township had denied GPA’s request after finding the proposed AFO didn’t comply with the zoning regulations or statutory setback provisions under state law. “The Township stated township ordinances required 3/4-mile setbacks for the proposed AFO, state statutory law required 1/2-mile setbacks, and the proposed AFO was located 1340 feet from the Kenner Campground. The Township determined [the] [c]ampground was located within the setback distance required under either the township ordinances or the statutory setback provisions and therefore the petition should be denied,” the court explained.

GPA contended that the state law permitted townships to impose setbacks measured from the “ ‘nearest occupied residence, the nearest buildings used for nonfarm or nonranch purposes, or the nearest land zoned for residential, recreational, or commercial purposes’ and the campground did not meet any of these requirements.” In its view, the campground wasn’t on land zoned for recreational purposes, so Pelican erred in using it to measure setback requirements.

THE COURT’S RATIONALE FOR REVERSING

The state code permitted a township to adopt regulations for an AFO’s location and defined location as the setback distance between the AFO and the nearest occupied residence or buildings used for nonfarming or nonranching purposes. Alternatively, location was defined as the setback distance with respect to the nearest land zoned for residential, commercial, or recreational purposes. “The plain language of [the code] authorize[d] townships to regulate the setback distance between AFOs and certain types of buildings or the nearest land zoned for residential, commercial, or recreational purposes,” the court explained.

Here, the township had used the campground to measure the setback distance for the proposed AFO. But:

- “The campground did not include an occupied residence or a building used for nonfarm or nonranch purposes”;
- it wasn’t “located on land zoned for residential, recreational, or commercial purposes”; and
- all of the township’s land was agriculturally zoned.

The campground was located in an agricultural district. While the township’s ordinances allowed recreational use of land zoned for agriculture, “the land was not zoned for recreational purposes.” “The campground was not located on land zoned for recreational purposes,” the court wrote. And, none of the conditions under the code were met under which the township would have been able to regulate the location of the proposed AFO by measuring the setbacks from the campground.

Practically Speaking:

“We conclude the Township misinterpreted and misapplied the law by denying Grand Prairie’s petition for approval of the proposed AFO site,” the court found.

Land Use

Asphalt company seeks approval to build a hard-rock quarry on unzoned land designed as a residential vacant lot

Citation: Asphalt Specialties Co., Inc. v. Laramie County Planning Commission, 2021 WY 19, 479 P.3d 1247 (Wyo. 2021)

Asphalt Specialties Co., Inc. (ASCI), a Colorado corporation, had 555 acres of land in southwestern Laramie County, Wyoming, called the “Lone Tree Creek” property. ASCI wanted to develop a 15-acre “hard rock quarry” on the property, which was unzoned and assessed as residential vacant land.

In 2018, ASCI filed a site plan application with the Laramie County Planning Commission (LCPC) in accordance with the Laramie County Land Use Regulation (LCLUR). The LCLUR stated that “[a] site plan [wa]s required for all new commercial, industrial, public, and multi-family residential land uses.” The requirement was in place to protect the health, welfare, and safety of residents “through appropriate design of commercial . . . developments.”

LCPC held a public hearing about the proposed project. There were public concerns over the project and in July 2018, LCPC voted to postpone making a decision on the matter.

Then in October 2018, LCPC held another hearing about the site plan. It didn’t ask for public comment at that time and opted to deny the request for the application by a 2-2 vote.

LCPC's written decision explained that "The applicant's proposed use does not fulfill the purpose of the site plan regulation. It does not adequately protect the health, safety and welfare of Laramie County Residents. It also fails to support the community vision described in the Laramie County comprehensive plan and it does not effectively balance economic development with other equally important needs in the community."

ASCI asked the lower court to review that decision. After the lower court affirmed, it appealed to the state's highest court.

DECISION: Reversed LCPC's decision set aside.

LCPC exceeded its authority in denying ASCI's application.

"Counties [could] only restrict a land use pursuant to zoning. ASCI's Lone Tree Creek property is not zoned. The Commission therefore exceeded its statutory authority when it utilized its comprehensive land use plan and the site plan review process to outright deny ASCI use of its land for a limited gravel mining operation," the Supreme Court of Wyoming ruled.

The Wyoming Administrative Procedure Act governed the court's review of this matter. A court had to affirm a local land commission's decision unless it was:

- "[A]rbitrary, capricious, an abuse of discretion or otherwise not in accordance with law";
- "[c]ontrary to constitutional right, power, privilege or immunity";
- "[i]n excess of statutory jurisdiction, authority or limitations or lacking statutory right";
- "[w]ithout observance of procedure required by law"; or
- "[u]nsupported by substantial evidence in a case reviewed on the record of an agency hearing provided by statute."

A CLOSER LOOK

ASCI argued LCPC's denial under the guise of its site plan review wasn't lawful under state law. "Our analysis of whether the denial exceeded the Commission's statutory authority alone warrants reversal," the court found.

The court focused on:

- the county's zoning authority;
- whether it had exercised such authority;
- the distinction between zoning and planning; and
- the legal impact the county's regulatory control under a comprehensive land use plan and LCLURs concerning site plan review and approval.

State law "expressly permit[ted] a county to regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for . . . industry, commerce, public use and other purposes in the unincorporated area of the county." "The restriction of a particular land use is accomplished through zoning and extends to restricting use for the development of sand, gravel, and rock," the court added.

Here, it was "undisputed that Laramie County ha[d] not zoned ASCI's property and ha[d] no land use regulations governing quarries or mining operations. However, the County d[id] have a comprehensive land use plan and LCLURs that require[d] submission, review and approval of site use plans in regulatory areas, including the Lone Tree Creek property. It [wa]s these land planning measures that the [LCPC] interpret[ed] as providing sufficient legal authority to deny ASCI's proposed project altogether."

"The question [wa]s whether the [LCPC] impermissibly expanded the [c]ounty's statutory authority to prohibit use of the Lone Tree Creek property as a hard rock quarry," the court explained. "Applying long-recognized statutory and legal distinctions between planning and zoning, we conclude it has."

THE BOTTOM LINE

The legislature mandated the counties to "adopt . . . [a] comprehensive, land use plan, statutorily defined as 'any written statement of land use policies, goals and objectives adopted by local governments.'" The plans were supposed to "relate to an explanation of the methods for implementation." They weren't, however supposed to require any zoning provision. This meant the comprehensive plan was advisory in nature.

"Zoning, on the other hand, [wa]s statutorily defined as 'a form of regulatory control granted to local governments which may be used to guide and develop specific allowable land use.'" Zoning, therefore, was "the process that a community employ[ed] to legally control the use which may be made of property and the physical configuration of development upon the tracts of land located within its jurisdiction."

Further, zoning resolutions had to be adopted by the county commissioners board in accordance "with a statutorily prescribed process for considering the Planning and Zoning Commission's recommendations."

So, LCLURs were "tools the [c]ommission [could] use to ensure the goals set forth in the [c]ounty's comprehensive plan [we]re met." "But these regulations [we]re separate and distinct from the zoning regulations."

While the LCPC "was in a difficult position given the public's vocal disapproval of ASCI's proposed quarry," it was "undisputed the [c]ounty ha[d] not zoned the Lone Tree Creek property to restrict quarry operations," the court ruled. And, absent zoning, the denial of ASCI's proposal was unlawful.

Key Takeaway:

"Comprehensive plans 'lack[ed] the legal effect of zoning laws and c[ould not] be equated with comprehensive zoning in legal significance.' "

Zoning News from Around The Nation

California

What San Jose's 2021 community survey revealed

San Jose, California recently concluded its 2021 Community Survey after receiving more than 2,000 responses. The city noted, however, that residents could still take the survey and if/when an additional 500 responses were received, it would publish further results.

In addition to reviewing the overall results, the city included a breakdown of opportunity housing survey results by zip code and results including non-San Jose responses.

Concerning opportunity housing, the "Envision San Jose 2040 Task Force recommended to the San Jose City Council to have City staff explore Opportunity Housing citywide. Opportunity Housing, as recommended, would allow homeowners citywide to redevelop a single-unit property to up to four units. Exploration includes community outreach. Criteria and restrictions would need to be developed and approved by the City Council."

In response to the question "Are you in favor of Opportunity Housing, opposed to Opportunity Housing, or need more information to decide?" the breakdown on 1,893 responses were as follows:

- 23.9% said they were in favor of opportunity housing;
- 26% said they needed more information; and
- 50% opposed opportunity housing.

To access the survey results, visit district5united.org/san-jose-2021-community-survey/sj-community-survey-final-results/.

Source: district5united.org

Connecticut

Desegregate CT's zoning atlas may provide insight into exclusionary zoning across the state

Desegregate CT, a coalition focused on creating diverse and abundant housing, has released what it describes as the first-in-the-national interactive map showing how all of the state's 2,620 zoning districts and 2 subdivision districts treat housing. Within its Zoning Atlas, Desegregate CT analyzed the more than 32,000 pages of pertinent regulations and found that many towns may be in violation of a longstanding Connecticut Supreme Court decision in *Builders Service Corp. v. Planning Zoning Commission*.

In *Building Service Corp.*, the court ruled the town of East Hampton's minimum floor area requirements were "not rationally related to any legitimate purpose of zoning." These included the "legitimate objectives of . . . the promotion of health, safety, and general welfare or conserving the value of buildings."

Desegregate CT's data showed that 90.5% of the land

in the state is reserved for single-family housing. In mapping out every district permitting multi-family dwellings (of two to four units) it found that 27.5% was for two families, and just 2.5% and 2.2% was reserved for three and four families, respectively.

And, "[s]ingle-family housing is allowed as of right in 99.4 [percent] of the land shown as Primarily Residential Zoning, and 67.4 [percent] of land zoned as PRZ *only* allows single-family housing," its website explained. Also, seven towns across the state only permitted single-family housing, and only five towns allowed two-, three-, and four-family housing on 2.5% or less of land in those towns.

The Zoning Atlas also seeks to answer questions like:

- where accessory dwelling units are located; and
- what's allowed around train stations and main streets.

Recently, *PBS Newshour* covered efforts to reform Connecticut's land use laws, which addresses many of the issues outlined in the Zoning Atlas. Desegregate CT included a link to the video on its website, which can be found at youtu.be/Joaprn70Zco.

The case cited is *Builders Service Corp., Inc. v. Planning & Zoning Com'n of Town of East Hampton*, 208 Conn. 267, 545 A.2d 530, 87 A.L.R.4th 255 (1988).

Source: desegregatect.org

Hawaii

U.S. Supreme Court denies request for review of Ninth Circuit decision concerning state land use commission

The Supreme Court has denied a request for certiorari in a case involving the Hawaii Land Use Commission (HLUC). The case arose after Bridge Aina Le'a LLC, a developer, bought land in the state with the intent of constructing hundreds of new homes.

The HLUC blocked its ability to do so, however, by redesignating the land of agricultural use.

In its case against the HLUC, Bridge Aina Le'a claimed its constitutional rights had been violated because what happened effectively constituted a taking without proper compensation.

Following an eight-day trial, the jury determined the HLUC's actions constituted a taking under the Fifth Amendment. The lower court then found there was a factual basis for that verdict.

But, on appeal, the Ninth U.S. Circuit Court of Appeals reversed, finding no reasonable jury could have found a taking had occurred.

A friend-of-the-court brief in support of Bridge Aina Le'a asserted there were reasons the Court should grant review:

- "to safeguard the landowner's fundamental right to a jury's determination of the effect of the government's taking"; and
- "reaffirm the Seventh Amendment guarantee of right to trial by jury."

In a dissent, Justice Clarence Thomas wrote that current

regulatory takings case law left “much to be desired.” He noted, too, that “[a] regulation effect[ed] a taking . . . whenever it [went] too far.”

Here, he posited, the issues were ripe for review. Referencing the lower court’s and Ninth Circuit’s divergent conclusions in this case, Justice Thomas wrote those “starkly different outcomes based on the application of the same law indicate that we have still not provided courts with a ‘workable standard’ ” for evaluating these types of cases.

Justice Thomas’ opinion can be found at supremecourt.gov/opinions/20pdf/20-54_4315.pdf.

The case cited is *Bridge Aina Le’a, LLC v. Hawaii Land Use Commission*, 141 S. Ct. 731 (2021).

Source: scotusblog.com

North Dakota

North Dakota Farm Bureau attorney discusses zoning ordinances’ impact on animal feeding operations

As reported earlier in this edition, the North Dakota Supreme Court has ruled on a case involving the issue of animal feeding operations. Recently, Attorney Tyler Leverington, an attorney for the North Dakota Farm Bureau, which was part of this case, discussed the practical impact this ruling could have on ranchers’ rights generally.

Attorney Leverington noted that while the ruling is limited to the one company and town involved, he opined it as a victory for ranchers statewide, noting the decision could establish precedent to create a smoother permitting path for ranchers generally, *kxnet* reported.

To watch this KX Conversation, visit kxnet.com/news/local-news/kx-conversation-north-dakota-farm-bureau-lawyer-on-zoning-ordinances/.

Source: kxnet.com

Virginia

Commission to Examine Racial Inequity in Virginia Law report available

In *Identifying and addressing the vestiges of inequity and inequality in Virginia’s laws*, the Commission to Examine Racial Inequity in Virginia Law discusses racial inequities in housing and other issues, including educa-

tion, criminal justice, health, environmental justice, and agricultural equity.

Available for download at governor.virginia.gov/media/governorvirginiagov/governor-of-virginia/pdf/2020-Commission-Report---Inequity-and-Inequality-in-Virginia-Laws.pdf, this report discusses creating a state subsidy program for affordable housing development, adding more funding to the state’s Housing Trust Fund, and/or “attaching state development dollars to inclusionary zoning and affordable housing actions by localities.”

“Racial disparities in housing are widely acknowledged to be the direct result of government action, including state and local zoning and lending choices,” the report notes. “For example, in the 1930s, the Home Owners Loan Association graded neighborhoods by lending risk. These grades were highly dependent upon race—what is often called redlining. Unfortunately, the legacy of this redlining lives on today,” it added.

The practical impact of these policy decisions have denied families of color the opportunity to participate in owning homes, the report stated. “While nearly three quarters of White families in Virginia own their homes today, only about half of households of color are homeowners, with Black and Hispanic families being the least likely to own homes,” it noted.

The report also addresses the issue of exclusionary zoning and “historical zoning practices [that have] enable[d] cities to exclude certain residents, both contributing to the concentration of low-income individuals of color in poor-quality housing as well as the affordable housing crisis statewide.” To address a lack of affordable housing, the commission made several recommendations, including to:

- adopt “more effective inclusionary zoning laws statewide” through an affordable dwelling units (ADU) program;
- impose limits on exclusionary zoning in localities;
- provide building space to Richmond and other cities with high eviction rates “to serve as a physical, community-based space for a face-to-face coordinated eviction prevention program”; and
- revise the state’s landlord-tenant laws.

Source: governor.virginia.gov

Zoning Bulletin

in this issue:

Fourth Amendment	1
Special Use Permit	3
Rezoning	4
Taking	4
Standing	5
Zoning News From Around The Nation	7

Fourth Amendment

Did code enforcement officer unlawfully enter property owner's curtilage and driveway to photograph alleged violations?

Citation: *Simpson v. Shelby County, Tennessee, 2021 WL 886231 (W.D. Tenn. 2021).*

Michael Simpson's hobby was to collect and refurbish old military vehicles. He claimed that the Shelby County, Tennessee's Office of Construction Code Enforcement (Shelby County) violated his constitutional rights by finding his hobby violated the local zoning ordinance.

On inspection of the property, Shelby County's code enforcement officer (the officer) observed "a heavy military-style truck, a heavy trailer, and a large, heavy, metal box" parked in Simpson's yard and driveway. The storage of heavy trucks and trailers constituted a violation of Shelby County municipal ordinances, and the officer warned Simpson that he needed to remove the vehicles or else risk a civil citation.

About a week later, officer returned to the property and saw that Simpson had not taken any steps towards complying with the ordinance. When the vehicles were still on his property on November 30, 2016, the officer issued him a citation, which was taped to Simpson's front door because he was not home to receive it.

On December 5, 2016, the officer, along with other code enforcement employees, returned to the property to take photographs of the vehicles on Simpson's property. To do this, the officer wanted down Simpson's driveway toward the back of his house.

Simpson knew they were there because he heard voices coming from the driveway side of his house, even though they never entered his backyard. He claimed this violated his Fourth Amendment rights because the officer didn't have his consent to enter the property or a warrant to search the premises.

Over the course of 2017 and 2019, the officer returned several times to take more pictures. Each time she arrived, she would stand in Simpson's driveway or his porch, except one time when she stood on gravel adjacent to the driveway. She physically touched his house once when knocking on the door to deliver the original citation before taping it to the door.

In February 2017, the Shelby County Environmental Court found that Simpson had violated the zoning ordinance and ordered him to remove the vehicles from his property no later than April 1, 2017. Simpson appealed the order to the Shelby County Circuit Court.

In January 2019, the officer again entered Simpson's property to conduct an inspection. She and the other employees present observed that Simpson still had the vehicles on his property and that it appeared as if he had begun doing commercial repairs, which is itself a separate violation of the applicable unified development code.

The officer issued Simpson with a second code enforcement citation for failing to comply with the court order due to improper outdoor storage of military trucks and heavy equipment and for engaging in auto repairs in an RS zone. Simpson claimed this citation was issued to harass him, in violation of his due process rights.

Simpson filed suit against Shelby County, which asked the court to dismiss the claims against it.

DECISION: Shelby County's request for dismissal granted.

Contributors

Laura Scott, Esq.

For authorization to photocopy, please contact the **Copyright Clearance Center** at 222 Rosewood Drive, Danvers, MA 01923, USA (978) 750-8400, <http://www.copyright.com> or **West's Copyright Services** at 610 Opperman Drive, Eagan, MN 55123, copyright.west@thomsonreuters.com. Please outline the specific material involved, the number of copies you wish to distribute and the purpose or format of the use.

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Zoning Bulletin is published and copyrighted by Thomson Reuters, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526. For subscription information: call (800) 229-2084, or write to West, Credit Order Processing, 620 Opperman Drive, PO Box 64833, St. Paul, MN 55164-9753.

POSTMASTER: Send address changes to Zoning Bulletin, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526.



THOMSON REUTERS®

610 Opperman Drive
P.O. Box 64526
St. Paul, MN 55164-0526
1-800-229-2084
email: west.customerservice@thomsonreuters.com
ISSN 0514-7905
© 2021 Thomson Reuters
All Rights Reserved
Quinlan™ is a Thomson Reuters brand

Simpson didn't have valid Fourth or Fourteenth Amendment violation claims.

Fourth Amendment—As a procedural matter, “Simpson’s Fourth Amendment claims related to the December 5, 2016, incident are barred by the statute of limitations,” the court found. He alleged that on December 5, 2016, the officer violated his rights by entering his curtilage to take photographs of his personal property. He had a year to file a claim related to this alleged constitutional violation, the court found.

And, even if the court were to consider the merits of Simpson’s claim against the officer, it would have still found it failed, the court explained. “Simpson argues that [the officer] violated his Fourth Amendment rights by entering his property to take photographs. The Fourth Amendment provides, ‘[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated,’ ” the court noted. “It is well-settled that a ‘naked-eye’ observation of a home’s exterior from a public street or from an open field is not a Fourth Amendment search,” the court added.

The court added that while the Fourth Amendment could “be implicated when a defendant enters onto the curtilage of the home,” to determine if the search violated one’s constitutional rights, the court had to evaluate “both the methods used—such as if the defendant observed what could have been seen by a passerby or if the defendant resorted to either ‘[e]xtraordinary measures’ or ‘dirty business’—as well as the purpose of the investigation.”

THE BOTTOM LINE

Simpson’s claim that the officer had walked down the driveway to take photos of his personal property by entering his curtilage wasn’t sufficient to support his claim. The facts showed the officer had “remained on the driveway, sidewalk, and porch during every visit to his house (except for one occasion in January 2019 where she stood immediately adjacent to the driveway) and that she only touched the house to knock on the door and post the citation.” And, Simpson admitted that “he saw code enforcement inspectors taking pictures from his driveway and from the gravel section adjacent to the driveway, but never in his backyard.”

Practically speaking:

Entering Simpson’s curtilage and standing on or around his driveway didn’t amount to a Fourth Amendment violation.

Due process—Simpson alleged when the officer issued him an additional citation for not complying with the court orders while his earlier citation was still pending on appeal constituted a constitutional violation. But, this claim failed, too.

The officer hadn’t violated Simpson’s procedural or substantive due process rights. She didn’t “deprive Simpson of any constitutional guarantee or engage in any

conduct that would even come close to shocking the conscience,” so his substantive due process claim failed.

All the officer did was post “a citation on Simpson’s door for failing to comply with the Environmental Court’s order to remove all of the military vehicles from his property and for continuing to violate local zoning ordinances,” the court explained. “The citation was ultimately dismissed for lack of jurisdiction because of the ongoing litigation for the first citation. That he was required to reappear in court and defend against the second citation does not establish a substantive due process violation,” it added.

In addition, it was reasonable for the officer “to believe that she was justified in issuing him a second citation for continuing to have military vehicles on his property.” And, “maintaining community aesthetics and enforcing zoning ordinances [wa]s a legitimate government interest.”

Simpson’s procedural due process claim, too. He couldn’t show he was “deprived of property as a result of established state procedure that itself violates due process rights” or that he had been “deprived . . . of property pursuant to a ‘random and unauthorized act’ and that available state remedies would not adequately compensate for the loss.”

“Simpson’s due process claim fail[ed] because he was given an adequate opportunity to defend against the second citation and because his right to appeal the first citation was not abridged,” the court found. He alleged his “due process rights were violated because the second citation interfered with his right to appeal the first citation and amounted to harassment.”

“Simpson’s due process claim fail[ed] because he was given an adequate opportunity to defend against the second citation and because his right to appeal the first citation was not abridged,” the court found.

The fact remained, however, though that “[f]or both citations, Simpson was afforded a constitutionally sufficient hearing process and, as a result, his procedural due process challenge fail[ed] as a matter of law.”

Special Use Permit

Developer claims environmental testing firm unfairly concluded its project might cause a host of issues

Citation: *The 81 Development Company, LLC v. Soil and Materials Engineers, Inc.*, 2021 WL 868886 (W.D. Mich. 2021).

In 2015, The 81 Development Company LLC (81 Dev) applied for a special use permit to construct a condominium complex on its 81-acre property in Michigan’s Peninsula Township. The township approved the permit with conditions, including environmental testing and monitoring.

81 Dev thought the township was treating it unfairly and in violation of its right to equal protection because the township had approved a permit for a similar development project, called “Vineyard Ridge,” without environmental testing or monitoring requirements.

Prior to approving 81 Dev’s permit, the township hired Soils and Materials Engineering Inc. (SME) to provide an environmental report about the project. In 2017, an SME staffer prepared a report indicating the project could pose a potential threat to human health due to the likely presence of contaminants in the soil. That report urged 81 Dev to conduct environmental testing on its property.

81 Dev claimed the staffer wasn’t a neutral expert because he had worked for the township’s attorney and the attorney’s law firm to prepare a “false” report as to contamination at the site.

81 Dev filed several lawsuits. The first was against the township, its attorney, and a local land conservancy in which 81 Dev claimed the defendants had denied its right to equal protection and had conspired to do so. After those claims failed, 81 Dev filed another lawsuit against SME.

Before the court was SME’s request for dismissal of the third lawsuit on the grounds that res judicata applied and because 81 Dev failed to state a claim on which relief could be granted.

DECISION: Request for dismissal granted.

SME wasn’t controlled by the township or its attorney in a manner from which the court could find it had acted on their behalf.

There wasn’t evidence the SME staffer acted as an agent of the township or its attorney. “[A]gency posits a consensual relationship in which one person, to one degree or another or respect or another, acts as a representative of or otherwise acts on behalf of another person with power to affect the legal rights and duties of the other person,” the court explained. “More specifically, ‘[a]n agency is defined as a fiduciary relationship created by express or implied contract or by law, in which one party (the agent) may act on behalf of another party (the principal) and bind that other party by words or actions.’” And, “fundamental to the existence of an agency relationship is the right to control the conduct of the agent with respect to the matters entrusted to him.”

Here:

- the complaint and the other documents in the record didn’t indicate that SME or its staffer could “bind” the attorney or the township “by their words or actions”;
- the documents didn’t show that the attorney or the township exerted control of SME or its staffer’s conduct “with respect to the matters entrusted to them”;

- the township had hired SME to provide advice, and while the attorney gave “some input into the content of [the SME staffer’s] advice, [the attorney] did not require [that individual] to accept this input”; and
- “the sort of control that create[d] an agency relationship [wa]s control over ‘the method of the work,’ ” and such control wasn’t present here based on the alleged facts.

Rezoning

Lawsuit emerges after city denies rezoning request

Citation: *MOJO Built, LLC v. Prairie Village, Kansas, City of*, 2021 WL 826239 (D. Kan. 2021).

MOJO Built LLC (MOJO) applied with the City of Prairie Village, Kansas, to have two properties rezoned and split into two lots. Prairie Village denied the applications, so MOJO filed suit alleging its procedural and substantive due-process rights had been violated, as well as its right to equal protection under the law.

Prairie Village asked the court to dismiss the claims. It contended MOJO had failed to plead unequal treatment to a similarly situated third party sufficient to sustain an equal-protection claim.

DECISION: Prairie Village’s request for dismissal granted.

MOJO didn’t have a third-party to compare itself to, so its equal protection claim failed.

MOJO argued it had been treated differently regarding one zoning application (7540), which had been approved, and other rezoning applications (7631 and 7632), which were denied, even though the properties were substantially similar and the same rules applied.

“The Fourteenth Amendment prohibits a state from denying ‘to any person within its jurisdiction the equal protection of the laws,’ ” the U.S. Constitutional states. “A violation of equal protection occurs when the government treats someone differently than another who is similarly situated,” the court noted, citing another case.

And, while “equal-protection caselaw typically focus[ed] on the existence of a particular protected class, a plaintiff may proceed under a ‘class of one’ theory in a zoning case ‘where the plaintiff allege[d] [being] . . . intentionally treated differently from others similarly situated and that there [wa]s no rational basis for the difference in treatment.’ ”

Here, Prairie Village contended that MOJO failed to state an equal-protection claim because it was “comparing its own prior treatment on a different piece of property, rather than comparing itself to others who are similarly situated.” MOJO sought to draw comparisons between itself in seeking rezoning of 7540, versus itself in seeking rezoning of 7631 and 7632, arguing that the properties were identical in all material respects, and it

claimed there wasn’t any requirement in an equal-protection claim that a comparison couldn’t be drawn between the same party.

Prairie Village contended that MOJO failed to state an equal-protection claim because it was “comparing its own prior treatment on a different piece of property, rather than comparing itself to others who are similarly situated.”

The court disagreed with MOJO. “The standard applied in equal-protection cases, which MOJO cite[d], contemplates the existence of a third-party to compare against.”

THE BOTTOM LINE

“Here, MOJO only . . . pleaded dissimilar treatment of itself between its application to rezone 7540 and its subsequent applications to rezone 7631 and 7632. Contrary to MOJO’s unsupported assertion in its brief . . . the law does not support such a self-comparison equal-protection claim,” the court found.

Therefore, MOJO failed to state an equal-protection claim because it had “failed to plead dissimilar treatment from another similarly situated third party.”

Practically Speaking:

“Allowing parties to compare themselves anytime a subsequent zoning decision goes against them would be contrary to the ‘strict reading’ of the comparison element applied in class-of-one cases out of concern that all zoning decisions not become subject to constitutional review as a matter of course,” the court noted.

CASE NOTE

MOJO also unsuccessfully claimed its procedural and substantive due process rights had been violated, too.

The case cited is *Jacobs, Visconsi & Jacobs, Co. v. City of Lawrence, Kan.*, 927 F.2d 1111, 1991-1 Trade Cas. (CCH) ¶ 69361, 109 A.L.R. Fed. 737 (10th Cir. 1991).

Taking

Property owner claims a taking occurred after he was issued ‘junkyard’ citations

Citation: *Cousins v. Town of Tremont*, 2021 WL 827007 (D. Me. 2021).

A fire destroyed the restaurant and home of Robert Cousins in the village of Bass Harbor within the town of

Tremont, Maine. About a year later, the Tremont Planning Board approved Cousins' application for a permit to rebuild within the existing footprint of the structure.

In December 2014, Plaintiffs filed suit against several court several individuals and entities, including the town and members of its fire department, related to the fire.

In March 2017, the court dismissed claims against some of the defendants, and in August 2018, the court granted judgment without a trial to the town and its fire department. Then, the First U.S. Circuit Court of Appeals, which has jurisdiction over Maine, affirmed.

Meanwhile, in October 2015, the town's then code enforcement officer issued a stop work order and a notice of violation concerning the location of a new concrete slab relative to the property lines and the footprint of the original structure. That notice stated that Cousins didn't have the right to appeal to the Board of Appeals. Nonetheless, Cousins attempted to raise the issue at planning board meetings and continued to dispute the issue with the code enforcement officer in 2015 and 2016.

Then, in 2018, Cousins met with the new code enforcement officer, who issued a notice of violation and order to correct violations of a "junkyard" provision of the local ordinance concerning the subject property. The notice listed several specific violations the code enforcement officer allegedly had observed between June 2017 and June 2018.

Cousins denied there were worn-out or discarded items, unregistered box trucks, a new unpermitted driveway, and the use of a camper and a bus as a living space on the property. Cousins then asked for an administrative consent agreement (ACA) to resolve the new issues.

In October 2018, Cousins also filed an application for an appeal to the Board of Zoning Appeals, which was denied. A month later, the town drafted an ACA, which would have required Cousins to admit several things he denied.

Also, under the proposed ACA, Cousins would be assessed a \$200 fine and bound to address the alleged violations. In exchange, the town would agree to release Cousins from any claims the town had against him based on the alleged violations.

Cousins claimed the town and its officials deprived him of constitutional protections concerning the dispute over the status and use of his real property. He filed an application to proceed with a takings claim "in forma pauperis"—meaning he would not incur court fees for bringing suit.

DECISION: Cousins' request to proceed with in forma pauperis lawsuit denied.

None of Cousins' allegations gave rise to a takings claim.

"Here, the government action was allegedly initiated pursuant to ordinances governing storage of discarded items, unregistered vehicles, occupancy of temporary living quarters, and building footprints and permits," The court explained. "None of the three factors outlined by

the Supreme Court suggests that ordinary local land use regulations will give rise to a takings claim," it noted.

A CLOSER LOOK

Under the Fifth Amendment, the government was barred from taking for public use private property unless just compensation was provided. "A regulatory taking occurs 'where government requires an owner to suffer a permanent physical invasion of her property,' or 'completely deprive[s] an owner of all economically beneficial use of her property,' or demands an exaction as a condition to approving development, such as a public easement, that is disproportionate to the impact of the proposed development," the court explained, citing the Supreme Court's decision in *Lingle v. Chevron USA Inc.*

Also, "[o]utside of the relatively narrow categories, when faced with a regulatory takings claim, courts employ a 'more nuanced, three-pronged inquiry into (1) the extent to which the regulation interferes with the claimant's reasonable investment-backed expectations; (2) the regulation's economic impact on the property owner; and (3) the character of the government action.'"

Further, to the event Cousins believed the town was using "regulations and notices as a pretext to interfere with . . . efforts to rebuild th[e] home and restaurant," Cousins hadn't "alleged any facts to support such a claim."

THE BOTTOM LINE

More than Cousins' "conclusory allegations regarding the officials' motives" was needed. Because he failed to deliver on that, the court found he had failed "to state a plausible regulatory takings claim."

The case cited is Lingle v. Chevron U.S.A. Inc., 544 U.S. 528, 125 S. Ct. 2074, 161 L. Ed. 2d 876, 35 Env'tl. L. Rep. 20106 (2005).

Standing

Court applies 'Enabling Act' standards to determine if there was standing to appeal zoning variance

Citation: *Porter v. Board of Appeal of Boston*, 99 Mass. App. Ct. 240, 2021 WL 712630 (2021).

The Board of Appeal of Boston (BAB) granted the owners of property along Cambridge Street in Boston's Allston neighborhood certain variances permitting partnership to convert a mixed-use commercial and residential property into six residential units. A landowner on the street, Eric Porter, appealed the BAB's decision.

The judge ruled Porter failed to show standing as a "party in interest" for purposes of the Boston zoning enabling act or standing as an "aggrieved person" under that act. After Porter's lawsuit was dismissed, Porter appealed.

DECISION: Vacated; case sent back for further proceedings.

Porter demonstrated he was a party in interest for purposes of the applicable zoning law, so the lower court's ruling was vacated, and the case was sent back for additional review.

Porter was entitled to presumptive standing to challenge the BAB's decision to grant the variances, the Appeals Court of Massachusetts ruled.

Standing under the enabling act "confer[red] standing on '[a]ny person aggrieved by a decision' of the board." This language was identical to language in the state's general laws and was "subject to the same interpretation," the appeals court found.

Under the state law (chapter 40A section 11), "parties in interest," included "the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner." Such parties "enjoy[ed] a rebuttable presumption that they [we]re 'persons aggrieved.'"

"As the presumption may be rebutted only by 'offering evidence warranting a finding contrary to the presumed fact,' " if the "facts alleged in the complaint and any other materials properly considered in evaluating a motion to dismiss suffice[d] to demonstrate a plaintiff [wa]s a party in interest, a claim c[ould not] be disposed of on the ground of lack of standing at the motion to dismiss stage."

Also, even if Porter wasn't classified as a party in interest, he could have standing as "a person aggrieved, . . . if the 'permit cause[d], or threaten[ed] with reasonable likelihood, a tangible and particularized injury to a private property or legal interest protected by zoning law.'"

It was Porter's burden to prove aggrievement, the court explained. And, if "the facts alleged suffice[d] to demonstrate that [he] [wa]s a person aggrieved, the case c[ould not] be disposed of at the motion to dismiss stage for lack of standing," it added.

A CLOSER LOOK

Porter owned property at 604 Cambridge Street in Allston. The property at issue was located at 599 Cambridge Street. Porter claimed that as an abutter to the property he had a legal right to challenge the BAB's decision to grant the variances. He further argued that the BAB hadn't:

- **made the specific findings required for the variances;** and
- **had a sufficient factual basis for its findings.**

Porter also claimed the BAB had made legally and factually erroneous conclusions.

The landowner requested dismissal on the grounds that Porter had failed to state a claim. It argued Porter wasn't an aggrieved party for the purposes of the enabling act, and thus lacked standing to challenge the BAB's decision.

Porter asserted that his standing as an abutter was derived from his property's location—his land was "directly across the street from or possibly overlapping"

the property in question. He submitted a map showing the "relative locations of the parties' properties at 599 and 604 Cambridge Street, along with corresponding lot lines for each property; according to the map, the two properties were on opposite sides of Cambridge Street."

While the lower court had taken the map into account, the judge found that because Porter's property was on the other side of Cambridge Street he wasn't an abutter. At most, he was "an abutter to land that [wa]s directly opposite the [. . . property]." Therefore, the judge found that Porter had failed to show he was entitled to presumptive standing as a party in interest. And, in the absence of that presumption, Porter had also failed to "allege the particularized harm required to establish his status as a person aggrieved," the appeals court explained.

The lower court erred; the appeals court ruled. "[B]ased on the map . . . Porter's property was 'directly across the street' from the . . . property, and . . . Porter was entitled to a rebuttable presumption of standing on that basis," it found.

THE BOTTOM LINE

The properties "extended to the center line of Cambridge Street, which r[an] between the parcels, . . . the extended lot lines on the map demonstrated that, at their opposite corners, small portions of the Porter property and the [subject] property were 'directly opposite on [a] public or private street.' " "This showing was enough to establish Porter's presumptive standing to challenge the [BAB's] grant of the variances as an '[owner] directly across the street,' " the court found.

Practically Speaking:

The appeals court rejected the argument by the landowner granted the variances that there was a "limit on the number of properties that could be considered as 'directly opposite' a given parcel, or that there was a threshold minimum portion of each property that must be opposite the other to qualify as 'directly opposite.' " "[W]e are not persuaded," the court ruled. The plain language of the statute was "clear and unambiguous." It was "conclusive as to legislative intent . . . and the courts enforce[d] the statute according to its plain wording . . . so long as its application would not lead to an absurd result."

The state law defined " 'parties in interest' to include only four categories of parties—the petitioner, abutters, owners of land directly opposite on any public or private street or way, . . . abutters to the abutters within three hundred feet of the property line of the petitioner"—and certain town planning boards, it limits neither the number of potential 'parties in interest' in each category nor the number of 'owners of land directly opposite,' and it d[id] not articulate any minimum portion of the properties at issue that must abut or be 'directly opposite' one another." Accordingly, "Porter's showing of presumptive standing to challenge the [BAB's] decision was sufficient to defeat the motion to dismiss."

Zoning News From Around The Nation

California

Will single-family housing go away in Oakland?

Good question—and, it's one that may soon be answered, the *East Bay Times* reported recently.

In March 2021, Oakland, California's City Council was set to determine if it would ask city planners to look into the possibility of permitting fourplex housing units in neighborhoods currently zoned for single families, the news outlet explained.

Oakland's vice mayor stated in a memo that exclusionary zoning, such as that allowing single-family homes only within desirable areas, perpetuates inequity and racial disparities, the news outlet reported.

If Oakland proceeds with studying and potentially approving a ban on exclusionary zoning, it would be joining other California cities, like Berkeley, Sacramento, and San Jose, where there's growing support to eliminate such zoning going forward.

According to a two-year study, single-family zoning is the dominate designation across the Bay Area, which presents a "barrier to integration." For more on that study, which the University of California at Berkeley's Othering and Belonging Institute released in August 2020, visit belonging.berkeley.edu/racial-segregation-san-francisco-bay-area-part-5.

Sources: [eastbaytimes.com](https://www.eastbaytimes.com); belonging.berkeley.edu

Iowa

Disappointment among Cedar Falls business owners, residents in College Hill District concerning proposed zoning changes

Some business owners and residents are disappointed because consultants hired to study the impact of proposed zoning changes in Cedar Falls, Iowa's College Hill District didn't address the impact those changes would have on parking or on nonwhite individuals, *The Courier* reported recently.

According to [ourcedarfalls.com](https://www.ourcedarfalls.com), the city asked urban and design consultants at Ferrell Madden to answer questions and develop a "new Vision Plan to guide the future of College Hill and the surrounding neighborhoods." The website states the plan is to focus on "scale and character of new development; walking, biking, and other transportation options; and the mix of uses and range of activities that will combine to create and maintain a vibrant neighborhood center." In addition, the design team is tasked with "engag[ing] the public using a variety of on-line tools, building on the public input from the Kick-Off Meeting and their on-site analysis of the College Hill area last Spring, and help us to rethink the current zoning standards to better shape the character of future development in and around College Hill."

According to [Patch.com](https://www.patch.com), the city launched a public

survey in March 2021 to get thoughts on the proposed changes.

Sources: [wfcourier.com](https://www.wfcourier.com); [patch.com](https://www.patch.com); [ourcedarfalls.com](https://www.ourcedarfalls.com)

Massachusetts

Court decides whether city overstepped legal bounds in denying request to construct a road to access solar farm

Tracer Lane II Realty LLC (Tracer) owned land at 119 Sherbourne Place in Waltham, Massachusetts. There was a single-family dwelling on the property, which sat at the end of a cul-de-sac on a street zoned for residential use and occupied entirely by single-family homes (the Waltham site).

The property bordered the neighboring town of Lexington. For instance, the back—north—lot line coincided with the municipal boundary between Waltham and Lexington and was adjacent to Tracer Lane's development parcel in Lexington, on which it proposed to build a solar energy facility (the Lexington site).

The Lexington Site consisted of a 30-acre parcel of land located adjacent to and just north of the Waltham Site. The Lexington Site was unimproved except for electrical transmission lines running over a 250-foot wide NSTAR Electric Company (NSTAR) easement.

The Lexington Site did not have any frontage on any public way. There was a private way owned by the city of Cambridge that could provide access to the Lexington Site, but Tracer was unable to obtain permission to use the private way. The Lexington Site was also zoned for commercial use, including the proposed ground-mounted solar array.

Tracer proposed to develop a ± 1.0 -megawatt, ground-mounted solar array on 9.5 acres of the Lexington Site. Its plan was to install approximately 3,916 solar panels measuring approximately 6.5 by 3.3 feet, which would be placed in rows on the Lexington Site, along with supporting equipment, which would be placed in two areas on concrete pads and enclosed by a seven-foot high fence. The solar panels would be placed in rows in two separate areas of the Lexington Site, on either side of the 250-foot wide NSTAR easement, which roughly bisected the property.

Tracer proposed access to and egress from the Lexington Site for construction and maintenance by an access road to be constructed over the existing residential property it owned at the end of the cul-de-sac on Sherbourne Place, from the end of the cul-de-sac to the north boundary of the property where it met the Lexington Site. The access road was proposed to be 102 feet long and 12 feet wide.

Construction was expected to last eight months, and Tracer stated there would be anywhere from 12 to 32 truck trips made on the street each day. It proposed continued use of the access road post-construction, with the road being smoothed, graded, and surfaced.

In 2019, Waltham's building inspector met with Tracer

to discuss the proposed road. The inspector advised Tracer that the local ordinance wouldn't allow commercial uses in residential zoning districts, so the proposed road—an accessory to a commercial use—would be barred.

There wasn't a way for Tracer to get around by getting a use variance or special permit under the current Waltham Zoning Code.

The question for the Massachusetts Land Court to address was whether Tracer was entitled to build and use the access road over its property in the residentially zoned neighborhood to access the solar energy facility, which would be situated on land in Lexington.

On the parties cross motions for judgment without a trial, the judge found Waltham's bar against the solar energy facilities—and in this case an access road servicing the facility—in all by industrial zoning districts violated Massachusetts law (General Law chapter 40A section 3). Therefore, the judge granted Tracer's request for judgment without a trial.

"[B]ecause the Waltham Zoning Code prohibit[ed] the construction of solar energy systems in residential districts, it d[id]s not have in place an appropriately circumscribed special permit or site plan review provision or other mechanism that would allow for appropriate but limited review of a proposal to construct a solar energy system," the court wrote. "Any review without the benefit of a provision in place in the [o]rdinance properly circumscribing such review would be necessarily and by definition ad hoc, arbitrary and subject to no appropriate limitations. Review that is not thus circumscribed would by definition be 'unreasonable regulation' in violation of" the applicable state law.

The court then issued a declaration that the Waltham Zoning Code's prohibition of the access road Tracer proposed to alleviate access to the Lexington site was invalid. "The building inspector and the city of Waltham will be ordered to allow the construction of the proposed access road notwithstanding the prohibition in the Waltham Zoning Code against the installation of solar energy systems and structures relating thereto in residential zoning districts," the judge wrote.

The case cited is Tracer Lane II Realty, LLC v. City of Waltham, 2021 WL 861157 (Mass. Land Ct. 2021).

New Jersey

Madison ZBA traffic engineer confirms a new building and parking garage won't have major impact on downtown traffic

The traffic engineer for the Madison, New Jersey's

Zoning Board of Adjustment (ZBA) confirmed the findings of a traffic study conducted by Bowman Consulting (BC) concerning a proposed parking garage and building to be located at the 14 Lincoln Place address in downtown, *tapinto.net* reported recently. BC concluded the development project won't significantly alter downtown traffic.

Madison's Chamber of Commerce and Downtown Development Commission are both in support of the project, but many citizens have raised concerns that the proposed building, which would be situated near Madison's post office, could adversely impact traffic in the area, the news outlet reported.

To read an open letter about the 14 Lincoln Place project, visit indd.adobe.com/view/b4fd16ec-4588-4559-8a9b-bc32221ac8db.

According to the ZBA's website, the applicant on 14 Lincoln Place is seeking preliminary and final site plan approval to construct a multistory, mixed-use building requiring a use variance and bulk variance approval on the location of the old Madison Movie Theater, which is located in Madison's Central Business District Zone 1 (CBD-1).

Sources: rosenet.org; tapinto.net

Pennsylvania

Potential plans for old state hospital in Allentown outlined in newly released study

A newly released study explores potential uses for the property where Allentown State Hospital once operated. The report, authored by Michael Baker International, provides insight into three proposed redevelopment options—each with varied degrees of institutional, commercial, industrial, and residential land uses for the 200-acre parcel.

While Pennsylvania owns the land on which the hospital stood, the city of Allentown will determine how to proceed with rezoning and, therefore, will have a voice in how redevelopment plays out.

For more information on the *Reuse Feasibility Study for Allentown State Hospital*, visit allentownpa.gov/Portals/0/files/Planning_Zoning/Plans/ASH-Feasibility-Study-9.30.2020.pdf?ver=dJGn4jL0wwC9M9JPRjLhxg%3d%3d.

Source: allentownpa.gov

Zoning Bulletin

in this issue:

RLUIPA	1
Short-term Rentals	3
Variances	5
Claim Preclusion	5
Zoning News from Around the Nation	6

RLUIPA

Lawmakers thwart consulting agency's bid to build Islamic school and youth development center

Citation: *HIRA Educational Services North America v. Augustine*, 991 F.3d 180 (3d Cir. 2021)

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

Each year, Pennsylvania's Department of General Services (DGS) developed a plan to sell state-owned property. The General Assembly (GA) had to approve the DGS' plans.

In 2017, following GA approval, DGS solicited bids for the purchase of the New Castle Youth Development Center, a property which had housed juvenile offenders in Shenango Township until it closed in 2013. DGS had been trying to sell the property for several years but never received an adequate bid.

HIRA Educational Services North America (HIRA), a consulting agency for Islamic educational groups—submitted the highest bid of \$400,000. It wanted to use the property to establish a youth intervention center—which would be similar to the facility that previously had been located on the property. In addition, HIRA wanted to build an Islamic boarding school.

DGS accepted HIRA's bid and entered into a land sale agreement.

A week later, several lawmakers reached out to Gov. Tom Wolf expressing concern over the sale. They claimed HIRA was not in a financial position to turn the property into an economic driver for the community. They cited information indicating that the state of New Jersey had revoked its corporate status and that it had reported low income on several of its tax filings. They also complained that HIRA had not returned their phone calls and that some paperwork relating to the sale wasn't complete.

While the lawmakers asked the governor for a meeting to discuss their concerns, the governor didn't take any action. The lawmakers then attended a Shenango Township community meeting where some members of the public made disparaging comments about Muslims and discussed baseless rumors about HIRA and its plans for the property.

Two of the lawmakers also complained to the media. They said the sale was being pushed through too quickly and that they were skeptical of HIRA's intentions for the property.

Then, the county district attorney opened a criminal investigation into the sale based on an anomaly in the bidding process. While this was happening, Shenango Township was adopting Ordinance No. 4 of 2017, which rezoned the area where the development center was located to prohibit commercial schools.

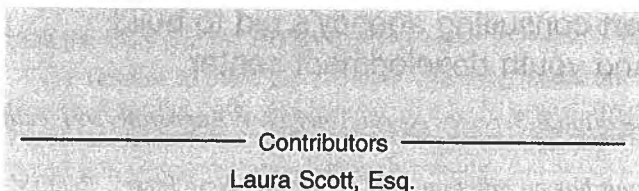


HIRA claimed the township adopted the ordinance to block its goal of establishing a boarding school on the property. The sale fell through, and DGS asked for new bids.

HIRA bid \$500,000 but was outbid by a \$2 million bid. Two of the lawmakers said they would ensure that this bidder would be able to secure financing; none of the lawmakers challenged the sale to this new buyer.

THE LAWSUIT

HIRA filed suit alleging the legislators violated the Religious Land Use and Institutionalized Persons Act (RLUIPA) and the Pennsylvania Religious Freedom Protection Act. It also asked the court to delay the transfer of the property to the new buyer.



For authorization to photocopy, please contact the **Copyright Clearance Center** at 222 Rosewood Drive, Danvers, MA 01923, USA (978) 750-8400, <http://www.copyright.com> or **West's Copyright Services** at 610 Opperman Drive, Eagan, MN 55123, copyright.west@thomsonreuters.com. Please outline the specific material involved, the number of copies you wish to distribute and the purpose or format of the use.

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Zoning Bulletin is published and copyrighted by Thomson Reuters, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526. For subscription information: call (800) 229-2084, or write to West, Credit Order Processing, 620 Opperman Drive, PO Box 64833, St. Paul, MN 55164-9753.

POSTMASTER: Send address changes to Zoning Bulletin, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526.



THOMSON REUTERS®

610 Opperman Drive
P.O. Box 64526
St. Paul, MN 55164-0526
1-800-229-2084

email: west.customerservice@thomsonreuters.com

ISSN 0514-7905

©2021 Thomson Reuters

All Rights Reserved

Quinlan™ is a Thomson Reuters brand

The lawmakers requested dismissal. They claimed they were entitled to absolute legislative immunity.

The lower court denied the lawmakers' request to dismiss the lawsuit. The court found further examination was needed to decide if the lawmakers had been engaged in legitimate activities in the course and scope of their positions and authority.

The lawmakers tried to appeal, but the court challenged their request. The court didn't believe it had made a final decision as to their immunity just because it dismissed their request for dismissal. Then, the lawmakers filed an interlocutory appeal with the Third U.S. Circuit of Appeals.

DECISION: Affirmed in part; reversed in part.

The lower court's order was a final order that was immediately appealable under the "collateral order doctrine" but, the lawmakers weren't entitled to absolute immunity.

COLLATERAL ORDER DOCTRINE

A final order was one that "end[ed] the litigation on the merits and le[ft] nothing for the court to do but execute the judgment." "But, under the collateral order doctrine, certain interlocutory orders [we]re final," and this included some denying immunity, the Third Circuit explained.

"Under the collateral order doctrine, certain interlocutory orders [we]re final," and this included some denying immunity, the Third Circuit explained.

"Where absolute or qualified immunity appl[ied] parties [we]re immune from suit, not merely from liability." The Supreme Court had previously "stressed the importance of resolving immunity questions at the earliest possible stage in litigation," and "[d]enials of immunity w[e]re immediately appealable even if the denial [wa]s 'implicit.'"

THE BOTTOM LINE

"When a district court refu[s]es to rule on an immunity claim 'on the premise that the court [wa]s unable, . . . or prefer[red] not to, determine the motion without discovery' then it [wa]s making 'at least an implicit decision that the complaint allege[d] a . . . claim on which relief can be granted.'"

In this case, the lower court erred by concluding the lawmakers' appeals were improper. "First, its order acted as an implicit denial of immunity—even though it was without prejudice—because it would require the [l]egislators to bear the burdens of discovery and other pretrial matters Second, the[ir] immunity claims depend[ed] on questions of law and not on factual disputes that would deprive [the Third Circuit] of jurisdiction."

The court added that the lawmakers weren't—for purposes of the appeal—challenging the truth of HIRA's claims. "They argue[d] instead that even if HIRA's allegations [we]re true they [we]re nonetheless entitled to absolute or qualified immunity."

ABSOLUTE IMMUNITY

Certain activities were entitled to absolute immunity. These included "legislative factfinding and investigation, writing committee reports, offering resolutions, voting, and 'the things generally done in a session of the House by one of its members in relation to the business before it.'" But, absolute immunity didn't apply "to acts only 'casually or incidentally related to legislative affairs but not a part of the legislative process itself.'" These included "political activities like performing 'errands' for constituents, making appointments with government agencies, securing government contracts, preparing news releases, and delivering speeches outside Congress."

Here, HIRA claimed the lawmakers could be held liable for:

- introducing a resolution to divest DGS of its authority to sell the property;
- co-authoring a letter to the governor describing their concerns with the sale;
- acting with discriminatory intent;
- making public statements against the sale that implied HIRA was acting in an unscrupulous manner; and
- treating the subsequent purchaser of the property more favorably than they treated HIRA.

"At the outset, our analysis is unaffected by HIRA's allegation that the Legislators acted with discriminatory intent. Both legislative and qualified immunity protect legislators irrespective of their subjective intent," the court explained.

The lawmakers' introduction of a resolution to the senate and a presentation to the house "were quintessentially legislative activities." Therefore, those activities were entitled to absolute immunity. Also, their letter to the governor and calls to HIRA for more information constituted "examples of protected legislative factfinding."

ACTIVITIES OUTSIDE THE SCOPE OF ABSOLUTE IMMUNITY

There were a few activities that may have been outside the scope of absolute immunity. For instance, when the lawmakers made disparaging comments publicly about HIRA, met with the DGS secretary to try and get DGS to cancel the sale to HIRA, and gave preferential treatment to the subsequent purchaser of the property. "These are most accurately described as political 'errands' or 'speeches delivered outside [of] Congress,' so the [l]egislators are not entitled to absolute immunity for those activities." However, the question then became whether they were entitled to "qualified immunity for that conduct."

"Qualified immunity shield[ed] officials from civil liability" to the extent their "conduct d[id] not violate clearly established statutory or constitutional rights of which a reasonable person would have known." In reviewing a qualified immunity claim, the court examined whether the plaintiff had "sufficiently alleged the violation of a constitutional right, and . . . whether the right was clearly established at the time of the official's conduct."

The court found HIRA's claims against two of the lawmakers failed because it hadn't "pointed to any precedential case prohibiting legislators from speaking against the sale of state-owned property or from extending preferential treatment to certain recipients of government contracts." Because they hadn't violated any clearly established law, they were entitled to qualified immunity.

Case Note:

HIRA claimed, "the general constitutional rule that government officials cannot interfere with the free exercise of religion was sufficiently clear to give the [l]egislators fair warning of liability," the court noted. "But given the high degree of specificity required to prove that a right has been clearly established, the general constitutional rule HIRA points to does not suffice," it added.

Short-term Rentals

Property owners challenge resort communities' enactment of law outlining short-term rental requirements

Citation: *Calvey v. Town Board of North Elba*, 2021 WL 1146283 (N.D. N.Y. 2021)

The Village of Lake Placid and the Town of North Alba, New York, were both resort communities known for hosting sporting events and outdoor events. Over the years, Lake Placid hosted the Winter Olympics and continued to be a tourist destination.

Property owners claimed that there was a significant demand for short-term rentals of their homes. They contended websites like Airbnb, *homeaway.com*, and *vrbo.com* made it possible for them to make some money to help pay their mortgages and provide visitors to the area with a more unique experience than they could have if they stayed at a hotel.

The property owners contended that Lake Placid's short-term rental market consisted of 620 available rentals in December 2019. In a given year, a short-term rental was occupied an average of 126 days. And, the annual revenue a homeowner could make from short-term rentals was around \$34,500.

The property owners also asserted that the area was becoming less of a year-round community and served more as destination for vacation and second homes.

THE DISPUTE

The property owners claimed Lake Placid and North Elba (the defendants) violated their constitutional rights to equal protection by passing local land-use legislation concerning short-term rentals, which went into effect March 17, 2020. The defendants asserted the short-term rental law was to regulate the dwelling units and to establish “‘comprehensive registration and licensing regulations’ to prevent ‘extensive short-term rentals that endanger[ed] the historical and residential character of the resident resort community.’”

The defendants asked the court to dismiss the property owners’ claims.

DECISION: Request to dismiss the equal protection claims denied.

The allegations were sufficient to support the property owners’ equal protection claim at this stage of the litigation.

The property owners claimed the short-term rental law “create[d] distinctions between similarly situated owners of short-term rental property without a rational basis.” “At this preliminary stage in the litigation, such factual allegations [we]re sufficient to state a ‘class of one’ equal protection cause of action.”

The property owners claimed the short-term rental law “create[d] distinctions between similarly situated owners of short-term rental property without a rational basis.”

Here, the property owners claimed the defendants treated them differently than other property owners who weren’t subjected to short-term rental ordinance. They alleged the other homes could offer short-term rentals and were “located in areas zoned for the same purpose as their homes and taxed at the same rate.”

The defendants claimed those property owners weren’t substantially similar comparators because they lived in complexes with a homeowners’ association, were located next to more heavily populated business districts, or had a residential owner on site for the majority of the year.

This short-term rental law exempted some properties from the bar on rentals for more than 90 nights annually. But, the property owners sufficiently alleged the defendants didn’t have any “rational basis for treating th[ose] property owners differently than they treat[ed] them.”

UNREASONABLE SEARCH AND SEIZURE

The property owners had other claims against the town

and village, too, including one for unreasonable search and seizure in violation of the Fourth Amendment. At this stage in the lawsuit, the court found they had “stated a claim that the short-term rental ordinance violate[d] their Fourth Amendment rights . . . [T]he legislation compel[ed] them to allow warrantless searches of their property as a condition of obtaining and maintaining permits to rent their property. [The] [d]efendants argue[d] that any searches performed pursuant to the short-term rental law are excused because property owners consent to them. This consent, however, [wa]s not a choice, but a legal requirement,” the court noted.

THE BOTTOM LINE

“The permission to search that the property owner provides as a condition to obtaining a permit does not make a warrantless search a consensual one,” the court added. While further examination during discovery might provide sufficient defenses to the property owners’ claim about the law’s invalidity, it was too early in the process to dismiss this claim.

A CLOSER LOOK AT THE SHORT-TERM RENTAL LAW

The short-term rental law:

- required property owners to obtain a revocable permit to use their dwelling unit for short term rentals and pay a permit fee;
- defined a short-term rental as being for a period of fewer than 30 consecutive nights (this included rooming and boarding houses but excluded timeshares, bed and breakfasts, and dormitories belonging to schools and nonprofits) and barred rental for more than 90 days in a calendar year;
- gave an enforcement officer the right to inspect the rental property to ensure it complied with the local law;
- established fines of not less than \$350 and no more than \$1,000 for a first offense, and up to \$3,000 for a second offense;
- provided that property owners would be liable for legal fees and costs if the town or village sued them for injunctive or other relief;
- required property owners to provide renters a packet of information the town and village prepared that “summariz[ed] the restrictions, guidelines, and requirements applicable to short-term use” and a set of “Good Neighbor guidelines”; and
- required short-term rentals to provide off-street parking equal to the number of bedrooms on the property.

Variances

Landowners sought variances for plats approval without required dedications

Citation: *Pietsch v. Ward County*, 991 F.3d 907 (8th Cir. 2021)

The Eighth U.S. Circuit has jurisdiction over Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

Landowners in Ward County, North Dakota asked for plats approval without the required dedications. They applied for variances.

The Ward County Board of Commissioners considered variances through paper application or during a zoning board meeting. Variances could be approved based on “extraordinary hardship to the subdivider, because of unusual topography, or other such conditions [that] would result in retarding the achievement of the objectives of these [zoning] regulations.” Also, variance decisions were recorded and stated in minutes of the County Commission.

The landowners, the Ward County Farm Bureau, and the Ward County Farmer’s Union (collectively, the plaintiffs) argued the variance procedure violated the Due Process clauses of the Fifth and Fourteenth Amendments.

The lower court granted the county’s request for judgment without a trial on their claims. The plaintiffs appealed.

DECISION: Affirmed.

The county ordinance didn’t violate the plaintiffs’ rights.

The plaintiffs claimed the Ward County’s right-of-way dedication ordinance, which required them to meet a certain width requirement concerning the plats proposed along the road, violated their procedural due process rights. In their view, the dedication rules might cause “an exaction, which would require consideration of nexus and proportionality. But this conflates takings and due process law,” the appeals court wrote.

It was lawful for the government to “choose whether and how a permit applicant [wa]s required to mitigate the impacts of a proposed development, but it may not leverage its legitimate interest in mitigation to pursue governmental ends that lack[ed] an essential nexus and rough proportionality to those impacts.”

The court also found the challenged zoning ordinance wasn’t truly irrational. Also, the county had provided sufficient procedural due process. “Due process claims involving local land use decisions must demonstrate the government action complained of is truly irrational, that is something more than arbitrary, capricious, or in violation of state law,” the court explained.

The court also found the challenged zoning ordinance wasn’t truly irrational.

Further, “[i]n the zoning context, assuming a landowner ha[d] a protectible property interest, procedural due process [wa]s afforded when the landowner ha[d] notice of the proposed government action and an opportunity to be heard.”

Here, the landowners had “received individualized notice and an opportunity to be heard on their variance applications, [so] the [c]ounty provided sufficient notice and opportunity for a hearing about their proposed uses.”

A Closer Look:

The plaintiffs wanted to “enjoin the requirement in the [c]ounty’s dedication ordinance that plats proposed along roads dedicate to the public sufficient rights-of-way to meet road width requirements.”

Claim Preclusion

Land trust trustee claims BZA overstepped in ordering him to comply with certain restrictions concerning airport operation

Citation: *Moore, Successor Trustee of Clarence M. Moore and Laura P. Moore Trust v. Hiram Township, Ohio*, 988 F.3d 353 (6th Cir. 2021)

The Sixth U.S. Circuit has jurisdiction over Kentucky, Michigan, Ohio, and Tennessee.

LaVon Moore got into a dispute over a right to continue using rural property he owned as a private airport in Hiram Township, Ohio. Moore claimed members of the township’s board of zoning appeals (BZA members) and its zoning inspector violated (collectively, the defendants):

- his procedural due process rights by not adhering to proper process requirements concerning the issuance of a certificate of nonconforming use;
- his substantive due process rights by unlawfully restricting the use of his property; and
- his equal protection rights by not requiring similarly situated landowners to apply for a certificate of nonconforming use.

The lower court granted the defendants’ request for dismissal on the grounds of res judicata. Morris appealed.

DECISION: Affirmed.

Res judicata applied.

Claim preclusion generally barred a litigant from raising claim(s) that could have been brought in the original lawsuit. Issue preclusion was more limited in that it prevented the re-litigation of a specific fact or point a court had previously determined.

Here, the defendants claimed both issue and claim

preclusion applied. “But because claim preclusion bars all of Moore’s claims, we need not address issue preclusion,” the court wrote.

CLAIM PRECLUSION

In Ohio, where the controversy tied to this case took place, the doctrine of claim preclusion could be boiled down to four key elements:

- “a prior final, valid decision on the merits by a court of competent jurisdiction;”
- “a second action involving the same parties, or their privies, as the first”; and
- “a second action raising claims that were or could have been litigated in the first action”; and
- “a second action arising out of the transaction or occurrence that was the subject matter of the previous action.”

It was a defendant’s burden to prove these elements. Here, Moore did not “dispute that this action arose out of the same transaction or occurrence as his prior state-court suit. The fourth element [wa]s therefore satisfied because both actions concerned the issuance of the certificate of nonconforming use, leaving only the first three elements to be examined,” the court explained.

THE BOTTOM LINE

- there had been a final adjudication on the merits;
- the cases involved the same parties “or their privies”—“[u]nder Ohio law, privity [wa]s ‘somewhat amorphous,’ and ‘[a] contractual or beneficiary relationship is not required,’ ” the court explained, adding that it was “created when there [wa]s a ‘mutuality of interest, including an identity of desired result’ between the two parties”; and
- the federal lawsuit was based on claims that could have been or had been litigated in the original matter—“the record show[ed] that Moore did litigate his constitutional claims in his administrative appeal and, even if he did not, that he could have.”

A CLOSER LOOK

Morris, a successor trustee of a trust that held title for about 108 acres of land in Hiram, operated the Far View Airport on the property, which had been in the family since 1813.

In the 1950s, the township enacted a zoning resolution zoning the property as rural-residential and classified the airport as a nonconforming use.

The airport began using the nonconforming use so that ultralight aircraft and hang gliders could take off and land. In 2016, the township told Moore that he had to obtain a certificate of nonconforming use to continue the airport’s operations.

Moore was unsuccessful at obtaining the certificate. And, at a public hearing, the BZA voted to grant Moore the certificate provided several conditions were met.

Moore appealed the BZA’s decision to the Portage County Common Pleas Court. He claimed the BZA’s actions were illegal, arbitrary, capricious, unreasonable, and unconstitutional. More specifically, he asserted that the BZA erred by issuing him an improper certificate of nonconforming use, had exceeded its statutory authority by placing illegal conditions on Moore’s nonconforming use, violated Ohio law by placing conditions on Moore’s nonconforming use that effectively barred the use from continuing if the airport was ever sold or transferred and erred by not following its regular procedures for issuing a nonconforming-use certificate.

The state court found that the BZA has properly issued the certificate. But, it modified several of the conditions the BZA imposed.

Moore and the township asked for state appeals court review. The township argued the modifications to the restrictions placed on the certificate were not consistent with the Moore family’s prior use and the township’s zoning resolution. Moore countered that the restrictions placed on the certificate were not lawful and that the lower court had erred in finding the BZA was authorized to decide that large-scale use of the airport for ultralight aircraft and hang gliders was a nuisance.

Before the state appeals court ruled on the matter, Moore filed a federal lawsuit alleging the defendants had committed constitutional violations. Then, the state appeals court affirmed the lower court’s judgment, and neither party appealed to the state’s highest court.

In the federal lawsuit, the defendants argued Moore had already addressed his claims against them and the state court had properly dismissed those, so he was barred from relitigating his dispute against them.

Zoning News from Around the Nation

Connecticut

Zoning Commission approves regulations for outdoor restaurant

The Old Saybrook Zoning Commission (ZC) has unanimously approved changes to zoning regulations that a local business seeking to operate an outdoor restaurant had proposed. The Point LLC (The Point) wants to open Smoke on the Water on Saybrook Point where a previous restaurant called the Dock and Dine stood.

According to the ZC meeting minutes, The Point requested that the zoning regulations be amended “to include outdoor restaurant definition and standards and to allow temporary non-residential restaurant trailers in the SP-2 District and for Town owned properties located on the CT River or Long Island Sound for a maximum of 180 days per calendar year.”

The ZC chairman “stated that a multitude of opinions both for and against this text change to allow outdoor restaurants in the SP-2 district were received and

reviewed.” For instance, many opposed to the request resided in the North Cove neighborhood of the town. But, the chairman noted, “there [we]re several hundred feet of buffer (SP-1 District) between the SP-2 District and the residential District including North Cove. The Commission reviewed and edited the text during deliberations. These edits included the removal of take-out service since it conflicts with the definition in Section 9 which only permits take out for indoor restaurants. Text amendments relating to food and beverage concession service in the SP-2 district were deleted,” the meeting minutes stated.

More from the meeting minutes can be found at oldsaybrookct.gov/sites/g/files/vyhlf3626/f/minutes/zcminutes_20210322.pdf.

Source: oldsaybrookct.gov

Georgia

Atlanta City Council passes short-term rental license and registration system

In March 2021, the Atlanta City Council approved legislation amending the city’s code of ordinances concerning the taxation and regulation of short-term housing rentals. This ordinance, if approved by the mayor, would:

- 1) establish a regulatory framework for governing short-term rentals; and
- 2) outline penalties for violations with proposed changes.

For instance, would-be renters would need to file an application (and \$150 fee) for a permit with Atlanta’s Department of Planning and Community Development. And, property owners could be financially responsible (\$300 per violation) if short-term rental occupants disrupt the neighborhood or interfere with the quiet enjoyment rights of neighboring property owners. And, if a property is flagged three times for violations, the city would prohibit short-term rental licensing for that specific property for a one-year period.

To read more about the proposed changes, which would take effect September 1, 2021, visit atlantacityga.ig2.com/Citizens/Detail_LegiFile.aspx?Frame=SplitView&MeetingID=3387&MediaPosition=15003.175&ID=22711&CssClass=

The city council also adopted an ordinance to amend the city’s zoning ordinance to add a new chapter: “Westside Park Affordable Workforce Housing District.” This legislation is designed to ensure that affordable workforce housing exists in neighborhoods near Bellwood Quarry’s Westside Park. More information about this ordinance can be found at atlantacityga.ig2.com/Citizens/Detail_LegiFile.aspx?Frame=SplitView&MeetingID=3391&MediaPosition=0.000&ID=22954&CssClass=.

Source: citycouncil.atlantaga.gov

Illinois

Village map in Midlothian—the subject of one homeowner’s dispute

A man from the Windy City suburb of Midlothian

claims a local zoning map could negatively impact resale of a property that’s been in his family for close to four decades, chicago.cbslocal.com reported recently. The news outlet explained that the county refers to the property as a two-family unit, but the local zoning map designates it as a single family. It reported the man said the discrepancy could equate to around a \$40,000 difference in the market rate on the property. He also told the news outlet that several homes nearby have been misclassified as commercial businesses.

The man told the news outlet he was provided with a legal non-conforming letter, which helped but that the letter also stated that if the property experienced more than 50% damage, permits to repair would only be granted for how the property is currently zoned (as a single-family), so that the apartment would need to be built as houses. The building superintendent for Midlothian said spot zoning is not allowed, the news outlet reported.

Now, the man is threatening legal action.

Source: chicago.cbslocal.com

Massachusetts

Easthampton working with A/E firm on creating strategic plan for its downtown

Easthampton, Massachusetts has enlisted the help of architecture and engineering firm Harriman, a Bay State-based company, to create a strategic plan for its downtown. Harriman previously worked with the city to develop a “Complete Street” vision for Union Street, its main commercial thoroughfare, the A/E firm’s website explained.

Through this strategic plan (available at plandowntown-easthampton.com/wp-content/uploads/2020/04/18670-Easthampton-Downtown-Strategic-Plan.pdf), the city hopes to address a broader planning area including its cultural district and main street, as well as three school properties, Harriman noted, adding those properties may help ignite investments into the downtown area.

Within the study, Harriman, which prepared with Tighe & Bond and RKG Associates, discusses land use overlay zoning, and parcel evaluation in section 3 of its report.

Source: harriman.com

Michigan

Gaylord’s city council to review proposed changes that would give a green light for marijuana businesses to operate

Gaylord, Michigan’s city council selected an ad hoc committee to meet, discuss, and review the idea of drafting a new marijuana ordinance that would replace an “opt out” ordinance that had been in place (as of 2020). The committee’s goal was to:

- review the current ordinance;
- prepare desired changes; and
- recommend changes to the city council, the city’s website explained.

Following the nine-member committee’s review, the

city council is now ready to start its review process, the *Gaylord Herald Times* reported recently. The committee's study, which the city council will consider, can be found at cityofgaylord.org/uploads/Marihuana/Marihuana%20Ad%20Hoc%20Committee%20Report%20to%20City%20Council.pdf.

Source: petoskeynews.com

Ohio

Reynoldsburg's planning commission shelves site-development plan

Reynoldsburg, Ohio's planning commission (PC) unanimously voted to shelve a site-development plan for a 9-acre parcel of land, thisweeknews.com reported recently. This came after the city's Board of Building and Zoning Appeals (BBZA) approved a conditional use permit in February 2021 that would allow single-family attached townhome dwelling on the site.

To move forward a site-development plan must receive both the PC's and the BBZA's approval.

The request to build the attached dwellings came after the city's zoning code was amended in 2020 so that areas zoned as suburban residential would permit, by conditional use, attached single-family dwellings.

Source: thisweeknews.com

Washington, D.C.

Federal lawmakers propose Housing Supply and Affordability Act

Sen. Amy Klobuchar (D-Minnesota), Sen. Rob Portman (R-Ohio), and Sen. Tim Kaine (D-Virginia) have introduced the Housing Supply and Affordability Act, which would create a new grant program to provide funding aid to localities so they can develop and implement comprehensive housing policy plans, Sen. Klobuchar's office stated in a press release. The program would also focus on giving "technical assistance to help states, localities, and regional coalitions increase housing supply, improve housing affordability, and reduce barriers to new housing development while avoiding the displacement of current residents."

"All Americans deserve access to an affordable home, but unfortunately the nationwide housing shortage has created an affordability crisis for far too many," said Sen. Klobuchar. "These grants will help communities identify their housing challenges, improve affordability, and implement unique solutions to expand their housing supply," she added.

The COVID-19 pandemic has brought the issue of housing affordability to the forefront of cities across Ohio and metropolitan areas across the country, added Sen. Portman. "This bipartisan piece of legislation will provide localities and municipalities with resources to expand the

supply of housing and increase affordability. As we turn the corner on the coronavirus pandemic, let's make sure that housing affordability and availability is at the center of our economic recovery efforts," he said.

Sen. Kaine added that "barriers that keep Americans from accessing safe and affordable housing" must be eliminated.

The press release noted that around 2.5 million additional housing units are needed to meet long-term housing demand. But, in December 2020, the total number of homes for sale at the end of 2020 was the lowest on record. "This shortage of housing supply—and the inability of many housing markets to respond to local demand—decreases housing affordability for working families, restricts access to high-opportunity job markets, and raises the costs for housing assistance programs offered by the Department of Housing and Urban Development (HUD)," Sen. Klobuchar's office explained.

If this act is enacted, \$300 million would be set aside each year for planning and implementation grants. States, localities, and regional coalitions of localities would be eligible to apply for the grants, which would be used toward the "development and implementation of comprehensive plans to expand the supply and affordability of housing" while "reduc[ing] barriers to new housing development, and avoid[ing] the displacement of current residents."

In addition, the legislature would authorize HUD to provide recommendations on what states and localities should consider in developing and implementing affordable housing plans, "including how to best inclusively engage with community members on housing reforms."

It also would require "routine reporting from applicants regarding the use of these grant funds, convenes a learning group of applicants and grantees to facilitate problem-solving regarding housing reforms, and requires a study from HUD describing the impact of the Program and outlining the most successful strategies in expanding the supply of housing."

Sen. Klobuchar's office reported that the legislation has been endorsed by 100 local and national organizations, including the American Planning Association, Habitat for Humanity, Minnesota Housing Partnership, NeighborWorks Association, and Up For Growth Action.

Sen. Klobuchar's office also noted that companion legislation is being considered in the House of Representatives, with Rep. Lisa Blunt Rochester (D-Delaware), Rep. Jaime Herrera Beutler (R-Washington), and Rep. Joyce Beatty (D-Ohio) leading that charge.

To read the text of the bill, visit congress.gov/bill/116/h-congress/senate-bill/5061.

Source: klobuchar.senate.gov