

CITY OF ELKO
PLANNING COMMISSION
SPECIAL MEETING MINUTES
5:30 P.M., P.S.T., THURSDAY, SEPTEMBER 7, 2017
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

The meeting was called to order at 5:30 p.m. by Aaron Martinez, Chairman of the City of Elko Planning Commission.

ROLL CALL

Present: **Aaron Martinez**
 David Freistroffer (excused himself at 6:10 p.m.)
 Jeff Dalling
 John Anderson
 Kevin Hodur
 Stefan Beck
 Tera Hooiman

City Staff: **Scott Wilkinson, Assistant City Manager**
 Jeremy Draper, Development Manager
 Cathy Laughlin, City Planner
 Bob Thibault, City Engineer
 Shelby Archuleta, Planning Technician

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

APPROVAL OF MINUTES

July 18, 2017 – Special Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the minutes from July 18, 2017 as presented.**

Moved by Jeff Dalling, Seconded by Kevin Hodur.

**Motion passed. (6-0 Chairman Martinez abstained)*

August 1, 2017 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the August 1, 2017 minutes as presented.**

Moved by Jeff Dalling, Seconded by Tera Hooiman.

****Motion Passed. (4-0 Commissioners Freistroffer, Hodur, and Beck abstained)***

II. NEW BUSINESS

A. PUBLIC HEARING

1. Review and consideration of Preliminary Plat No. 4-17, filed by Jordanelle Third Mortgage LLC, for the development of a subdivision entitled Tower Hill involving the proposed division of approximately 24.97 acres of property into 73 lots for residential development within the R1 (Single Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally southeast of the terminus of Stitzel Road (APN 001-920-079).

Mark Dunbar, 369 Ash Street, Pastor of the Church at 1700 Stitzel Road, said he had a couple of questions and comments. The first being that there is a lot that is designated to be a City Park. That has been a back burner issue for the last 15 years. This seems to be an opportune moment to address that. Has there been any discussion about that? His concern was that they function, because the size of their piece of land, as the community city park. You're going to add another 73 families to community, and the church, in effect, becomes the community park. They are not really geared for that. He can't make sure that it's safe. They have plans to put in some swings and things for the kids anyways, but that maybe dumping something on them that they didn't sign up for. He wanted to make sure everyone was aware of that. They deeded part of that parcel to the City with the understanding that it would be developed into a City Park. That has never happened. Mr. Dunbar said he had been there for 5 years and, to date, they have done all of the clean-up and maintenance on that parcel. He said he wasn't complaining, he just wanted to point out that the City has a relationship with them that needs a little more attention than it has received. That was his main concern. He had another minor concern. His wife is not a big fan of the big, black plastic fence. It looks like crap, and it gets worse, but they do patch it. How is this going to affect traffic flow? At Pinion Road and the Highway it's a tough turn as it is. If we add 70 homes that's approximately 120 more automobiles. That's going to get stiff.

Jeremy Draper, Development Manager, said Mr. Wiley, the Parks & Rec Director, has been working on that. Mr. Draper wasn't sure where he was at with funding the park, but they have been working on the design.

Chairman Aaron Martinez asked if it was the north side of the parcel.

Mr. Draper clarified that it was both the parcels. They are both City of Elko parcels that are designated for that park use. We've had a couple different things in there it's just a matter of funding, and when that funding is available to get the job done. The black fencing that's up there is part of a best management practice. That is required as part of their permit with NDEP for storm water control. The traffic analysis. When this subdivision was originally submitted to the City in 2013 we had extensive conversations with NDOT, as Pinion Road does interface with

NDOT right-of-way. One of the things that NDOT stated at the time was that this located does not warrant a traffic signal at this time. We did give them the information based on this proposed subdivision and they approved the continuation of this subdivision. Traffic Analysis wise, for the 73 lots you're going to have almost 700 addition vehicle trips per day. According to ITE, Institute of Transportation Engineers, each single family residence creates almost 10 trips per day out of their residence. That's what we used in our analysis and have presented that for review.

Chairman Martinez explained to Mr. Dunbar that the traffic will increase. He thought the projections were a little high. There is an existing easement that pops through this parcel and continues to the east. Beyond this development there is future potential development that could further the easement. Some of those things are not something that we can control as the growth of the City continues. Those existing roadway easements are in place to further that growth. He asked Mr. Draper if the traffic analysis evaluated anything on Lamoille Highway.

Mr. Draper said no it does not. The traffic information that we received was specific to the subdivision. One thing that we do require within our Code now, is any development that has an increase of more than 1000 vehicle trips per day does require a full blown traffic study. As this does not meet that threshold. The next thing we look at is if we have any expectations that the increase in traffic would affect down stream flow, we would also require that. As stated before, with our visit with NDOT, when this first came through, there was no concern that the amount of traffic influx from this subdivision would create an undue burden on that intersection.

Mr. Dunbar asked if there was any discussion about finishing out Powder House Road, where there is a signal there to get onto the highway. He mentioned that a number of the people who live out there used to go out that way, which is now blocked off.

Chairman Martinez thought a lot of that was contingent on the next parcel to develop. This development is rather high above that hillside, so were talking about future improvements on a future development to hopefully link that together. He thought that was part of the Master Plan for those to eventually loop up.

Mr. Draper said that was correct. Powder House Road would serve as that next Collector for Stitzel Road. It would also serve for future subdivisions in this area. Most all of the development of Powder House Road will happen as other properties develop and are required to use that road for access.

Chairman Martinez said it will alleviate some, but it's outside the City's control, as most of that is private development. That private development will drive that future infrastructure.

Scott MacRitchie said in reference to that being blocked off. The first road in Phase 1 is blocked off, but in the first phase they do curb, gutter, sidewalk, and pavement all the way up to the property line. That will be open again after Phase 1 is open. It's blocked off now because they are putting in sewers and it posed a problem for someone coming in and getting hurt. As soon as they are done with Phase 1, that entire area opens back up to the general public. It's not their road, it is the City's road at that point in time.

Mr. Draper explained that we've seen this subdivision prior. We've gone through not only a preliminary plat, but also final plat approvals. Unfortunately, the Preliminary Plat expired, which is the reason for coming back to the Planning Commission to start the process over. Even with the expired Preliminary Plat, we do have Civil Improvement drawings that have been approved. A grading permit has been issued for this project and the Developer is continuing with those public improvements. Mr. Draper then went through the Development Department Memo dated August 28, 2017.

Cathy Laughlin, City Planner, wanted to add one more additional item regarding the discussion of the Master Plan. In the Master plan it is called out as medium density. It is currently zoned as R1, and R1 is listed in the Master Plan as a corresponding district, so we are in conformance with the Master Plan. Mr. Holmes had conditions. She then went through the Fire Department conditions listed in the City of Elko Staff Report dated August 22, 2017. The Planning Department recommended conditional approval of the Preliminary Plat.

Bob Thibault, City Engineer, had no additional comments and recommended approval.

Chairman Martinez said he understood that the hillside doesn't trigger that code, but does the City have any concerns with how that lots grading and the positions that future development, and how that positions those future homes on that hillside. He asked if they were calling the future development Phase 3.

Mr. Draper explained pointed out Phase 3 on the map.

Chairman Martinez said the natural grade, as its sitting right now, in conjunction with the 20 foot setback from the property line pushes those houses very close, if not off the hillside. He was curious if the Engineering or Development Departments had any concerns with those things.

Mr. Draper said there was roughly 80 feet in that area.

Chairman Martinez thought there maybe was enough room.

Mr. Draper thought that when they went through the final plat for this phase, previously, they did take a look at that. They looked more at the buildable area for this area when they approved the grading plans. We can double check that as we go through the final plat.

Scott Wilkinson, Assistant City Manager, recommend approval as presented by staff.

Commissioner Freistroffer said a clarification on the process for the park that the Pastor for the Church at 1700 Stitzel Road mentioned. That is a City Council funding issue, correct?

Mr. Draper explained that ultimately that is a City Council issue. Mr. Wiley, through the Parks & Rec Advisory Board, has set a priority list and the Sports Complex is their top priority, and it has been for several years now. This park has moved up on that priority list. Hopefully we can get that moving forward, especially as we add these additional homes. He encouraged the Pastor to visit with Mr. Wiley or attend the Parks & Rec Advisory Board Meeting and express his concerns there as well.

Commissioner Freistroffer wanted to clarify his understanding of how traffic studies work on Lamoille Highway in conjunction with the development that is there. A larger traffic study isn't triggered until you have, by the Transportation Engineer's estimate, 1000 daily trips. (Correct). Are there other mechanisms that trigger traffic studies? Where Pinion Road goes to Lamoille Highway, for example.

Mr. Draper said there are other things. We look at level of service as well. Currently the intersection of Pinion Road and Lamoille Highway, we felt, had a lower level of service. We did reach out to NDOT a couple years ago, as they were doing their urban job, and asked them to study that intersection to see if we met the warrants for a traffic signal at that location. With the Land Fill right there, and a few other developments, we have seen a large increase of traffic just on the east side of Lamoille Highway. We've seen some development on the west side as well. We went to NDOT with that, they did their warrant study, and concluded that we don't meet warrants for a traffic signal at this time. In order to meet those warrants they look at the turning movements coming across Lamoille Highway, the safety record through there. They've got a list of about 10 factors that they look at. If this subdivision was over 1000 vehicle trips, which would be 100 homes, then the developer would have been required to do a traffic study. We've seen those more commonly with apartment complexes and we also saw it with the Autumn Colors Subdivision. Typically, subdivisions in this area are small enough that we don't require it. Great Basin Estates was required to do one, because it came off of 12th Street and it has a lower level of service. When they came in and developed we requested that they have their traffic study done, even though they didn't meet the 1000 trips per day. We based some approvals off of that traffic study. There are a few factors we look at. Our visit with NDOT on the Pinion Road and Lamoille Highway intersection we determined that a traffic study wouldn't be required.

Commissioner Freistroffer said that made sense. He asked if they did a traffic study, based on the previous Preliminary Plat, in this area.

Mr. Draper said they did.

Commissioner Freistroffer said this had already been looked at by the State.

Mr. Draper said that was correct, and it was just recently. In 2014 or 2015 we approached them and they did the warrant study, which is based on existing traffic flows. We asked them to include some proposed future flows as well.

*****Motion: Forward a recommendation to City Council to conditionally approve Preliminary Plat No. 4-17 with the conditions listed in the City of Elko Staff Report dated August 22, 2017 listed as follows:**

Development Department:

1. The applicant submits an application for Final Plat within a period of four (4) years in accordance with NRS 278.360(1)(a). Approval of the Preliminary Plat will automatically lapse at that time.
2. Access for Lot 103 and 110 is restricted to Partridge Drive. Access for Lot 115 is restricted Deerfield Way. Access for lot 122 and 123 is restricted to Chukar Drive. **A note on the Final Plat is required.**

3. Nevada Department of Transportation written confirmation that its approval is not required with regard to the level of service at the intersection of Pinion Road and State Route 227. If a study is required it shall be completed prior to or with application to the City of Elko for Final Plat.
4. Public improvements along State Route 227 shall be required in the form of the development of a shared use path on the west side of State Route 227 as approved by Elko City Council on September 24, 2017. The frontage improvements shall be phased with the completion of the phases for the subdivision as noted below. The footage is based on the footage of property adjacent to the State Route 227 right-of-way, actual required improvements on the path are determined based on the total length of improvements for the entire path:
 - a. Unit 1: 303 LF
 - b. Unit 2: 283 LF
 - c. Unit 3: 442 LF
5. A soils report is required with Final Plat submittal.
6. Final Plat civil improvements are to comply with Chapter 3-3 of City code, and have been approved. A grading permit was issued on April 17, 2015.
7. The Utility Department will issue an Intent to Serve letter.
8. Modification of lot 223 as shown on the previous preliminary plat dedicating a portion of the lot as right of way to be used for mail gang boxes.
9. Modification of lot 107 to adjust the west property line to be along the 15' easement line, and modification to lot 106 to adjust the east property line 5' to the west to provide a 20' wide dedicated parcel over the storm drain infrastructure.

Fire Department:

1. Fire Department access shall comply with the requirements of the 2012 International Fire Code chapter 5 section 503, and Appendix D section D107 as follows:

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Exceptions:

- (1) Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.
- (2) The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

This section requires that one- and two-family dwelling subdivisions with more than 30 dwellings have more than one fire apparatus access road into the development. The second access road is needed in case one access road for any reason becomes unusable. The two access roads must also be remote from one another as required by Section D104.3 to reduce the likelihood that both access roads would be compromised by a single fire or other emergency event.

Exception (1) states that when there are more than 30 dwelling units equipped throughout with an approved sprinkler system in accordance with NFPA 13, 13R or 13D, as applicable or approved, a second access road is not required. This recognizes the effectiveness and reliability of properly designed and installed automatic sprinkler systems in mitigating the need to have two access points.

Exception (2) requires approval by the fire code official any time a new house is constructed on an existing access road. Once the maximum number of dwelling units allowed by this section has been reached, no further development may occur unless the fire code official determines that there will be a future road connection that will prevent creation of an excessive dead-end situation with no means for apparatus turn-around. Such determination by the fire code official should consider the phased-development of an individual project or adjacent projects. Requiring evidence of legal agreements for specific future development would be prudent, especially in times of economic uncertainty. This gives the fire code official an opportunity to assess whether additional access is required in the interim.

2. Please demonstrate the existing access easement meets the requirements of the 2012 International Fire Code chapter 5, section 503 and will be maintained as such or provide fire suppression as an approved exception as list
3. Fire protection water supply and access shall be provided prior to combustibles on site.
4. Fire protection water supply shall be provided as required by the 2012 International Fire Code chapter 5, section 507. Fire flow demand and duration shall be determined in compliance with the 2009 International Fire Code Appendix B. Documentation the required Fire flow can be achieved shall be obtained from the City of Elko Engineering Department and provided in the plan submittal.
5. Fire protection water supply shall be determined public or private by the city of Elko Utilities Director and clearly labeled on plan.
6. Fire hydrants shall be provided and spaced in compliance with the 2012 International Fire Code Appendix C.
7. A detailed phasing plan shall be provided for the entire subdivision. Phasing plan shall detail the required fire department access and water supply for each phase.

Commissioner Freistroffer's findings were that the subdivision is in conformance with the Master Plan Land Use and Transportation Components. The subdivision is in conformance with the City of Elko Code Sections 3-2-3, 3-2-4, 3-2-5(B) and (G), 3-2-28, 3-2-17, 3-3-5, and 3-3-7. The Redevelopment Plan does not apply to the proposed subdivision. The proposed development is in conformance with the City of Elko Wellhead Protection Program. The subdivision will not result in undue water or air pollution. The City has adequate water supply to meet foreseeable needs of the subdivision. The proposed development will not cause unreasonable soil erosion or the reduction of the capacity of the land to hold water, resulting in dangerous or unhealthy conditions. The proposed subdivision will not create an unreasonable burden on the existing water supply. The requirement for a traffic study will be determined by NDOT, if a study is required it should be completed prior to, or with the application to the City of Elko for the final plat. City utilities are available in the immediate area and can be extended for the proposed development. The proposed development is not expected to have a negative impact on available public services. It would appear that there

are no significant changes between the expired preliminary plat and this preliminary plat that was presented today.

Moved by David Freistroffer, Seconded by Kevin Hodur.

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

Commissioner Freistroffer excused himself from the meeting at 6:10 p.m.

2. Review, consideration, and possible action of Rezone No. 9-17, filed by Bruce & Sidnie Miller Family Trust for a change in zoning from AG (Agricultural) to C (General Commercial), approximately 7.821 acres of property, a portion of APN 001-679-003, to allow for the development of a truck stop and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of W. Idaho Street, approximately 740 feet east of I-80 exit 298. (APN 001-679-003)

Ms. Laughlin explained that the parcel is currently a large parcel, but we did have a Parcel Map submitted. It has been through staff review and has been approved. It is currently back with their Engineer to get approval signatures. The application for this rezone is only for the smaller portion, Parcel A of the Parcel Map, and the remainder will remain zoned as Agricultural until it is developed. We also have on the agenda a Conditional Use Permit that we are tabling for that property. That property is being proposed to be developed as truck stop, convenience store, fast food restaurant, casino, etc.

Chairman Martinez said the remaining improvements that Ms. Laughlin was discussing would be occurring on which parcel?

Ms. Laughlin said it will happen on Parcel 1. Parcel 2 will remain Agriculture in zoning and there is no proposed development at this time. The Planning Department recommend approval with conditions listed in the City of Elko Staff Report dated August 18, 2017.

Mr. Draper said furthermore on that parcel map, just for clarification purposes, Parcel 1, the smaller of the two, will be 7.8 acres, Parcel 2 will be 27.6 acres. We believe both are significant sized. This will become a General Commercial District. The Land Use in this area is identified as Commercial Highway. General Commercial is one of those corresponding districts in the Master Plan for that. We just want to point out that this property is currently not located within our Wellhead Protection area, but that the City of Elko does have a well planned for approximately 2,500 feet from that property. So, as we approve the plans for construction we will need to take that into consideration and make sure our wells are protected. The Development Department has two conditions listed in the City of Elko Staff Report dated August 18, 2017.

Mr. Thibault had no additional comments and recommended approval as presented.

Chairman Martinez said Mr. Draper had talked about the utility and drainage easement on the north easterly boundary. He asked if the applicant would be responsible for the easement establishment on that section only.

Mr. Draper clarified that they would be responsible for that section and a section north of the freeway. The reason for that is we won't have access to the water line unless we have that easement in place. In our review of the Parcel Map that is a condition of the Parcel Map, because our Parcel Map review requires us to make sure new parcels have that access. Mr. Draper also wanted to make sure the Commissioners were aware that we do not have sewer in this area. What we are working on with this development, and all future developments, is actually installation of a dry sewer, which will come to a lift station, and that lift station will pump the sewer back to the treatment plant. We aren't able to put the force main in the lift station until we have certain flows in this area. One of the things we're trying to do is make sure that the dry sewer is in place, so that as we see more significant development in this area we can make that dry sewer a wet sewer and have that force main in place, so that the properties are no longer on septic tanks and more on the municipal sewer. Mr. Draper stated that the Assistant City Manager's comment was to recommend approval as presented by staff.

*****Motion: Forward a recommendation to City Council to adopt a Resolution which conditionally approves Rezone No. 9-17 subject to the conditions in the City of Elko Staff Report dated August 18, 2017, listed as follows:**

Development Department:

1. The rezone not be recorded until the conditions for Parcel Map 7-17 are met and the parcel map is recorded.
2. The extension of a water line from Cattle Drive has been completed and accepted by the city. This would include the water line to be extended along the frontage of West Idaho Street.

Commissioner Hodur's findings were that the proposed rezone is in conformance with the Land Use Component of the Master Plan. The proposed rezone is in conformance with Transportation Document of the Master Plan. The proposed rezone is in conformance with Elko City Code 3-2-4 (B) and (C), 3-2-17, and City of Elko Wellhead Protection Plan. The proposed rezone is in conformance with Elko City Code 3-2-10(B). The proposed rezone is consistent with surrounding land uses. Development under the proposed rezone will not adversely impact natural systems, or public federal lands such as; waterways, wetlands, drainages, floodplains, etc., or pose a danger to human health and safety.

Moved by Kevin Hodur, Seconded by Jeff Dalling.

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

3. Review, consideration, and possible action on Conditional Use Permit No. 4-17, filed by Golden Gate Petroleum of Nevada, which would allow for the development of a truck stop facility within a C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of W. Idaho Street, approximately 740 feet east of I-80 exit 298. (APN 001-679-003)

*****Motion: Table Conditional Use Permit No. 4-17, due to the error in the public notifications.**

Moved by Kevin Hodur, Seconded by Jeff Dalling.

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

I. UNFINISHED BUSINESS

A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

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

Mr. Draper said the last time we discussed this, he thought the Commission was in agreement with everything except for the status of Statice Street. One of the biggest, most significant, changes is Statice Street. It was originally, in the 2011 update of the Master Plan, shown as a Collector Roadway tying into the Jennings Way extension. As the Bizkaia Subdivision was proposed there was a lot of discussion amongst staff about if that roadway was actually needed as a Collector Roadway. Ultimately, we concluded, after discussion with the Planning Commission, that it may not be needed as Collector Roadway. That doesn't mean that Statice Street goes away as a local roadway in the future if it ever needs to be. We do have the School Bus barn, which accesses Statice Street, as well as some county residents. The concern from the Commission was why we would develop that road for county residents, when the majority of the City residents in the subdivision would come through the subdivision to Jennings Way. We did leave Statice Street on there from Ruby Vista Drive to Delaware Drive as an Industrial Collector. We have developments, such as Kenworth, going on there, NV Energy, and Cashman. All those are currently using Statice Street for access to their businesses. We know of a developer that just completed a land swap with the State for 60 acres of land in this area, which has potential for annexation and development as Industrial Roadway. That was our more significant change on the map. We did update a few other roadways. Mr. Draper then went through the proposed changes to the Transportation Component.

Chairman Martinez said to be clear, this map has been modified slightly from the last meeting, and it only is at Statice. Is that correct?

Mr. Draper said that is correct. The previous meeting we had Statice Street not connecting to Jennings, but we had that extended past where the bus barn is. After the discussion we had, we felt like we could continue traffic through the parcels and provide all that traffic to come back through Jennings Way extension.

Ms. Laughlin added had we left Statice as a Collector, as it was previously shown, and if the Bizkaia Subdivision does go through they would be required curb, gutter, sidewalk, and improvements along the entire length of Statice Street, and they wouldn't be using it. Ms. Laughlin also pointed out that there were, from your packet to what was presented today, a couple of minor changes that were made by the Assistant City Manager.

Mr. Thibault said any comments that the Engineering Department had are already incorporated into what you have in front of you.

Mr. Wilkinson said really, what we did when we took a look at Statice was under any Subdivision Code we have the authority to require a continuation of roadway through the subdivision. So, if you look at Statice, our last discussion we were talking about that small 40 acre piece needing to be served by Statice. Any subdivision that is north of Jennings we can require a continuation of roadway. We don't need Statice to serve multiple parcels, because under code we can require that the developer do their layout and provide for that. When we took a look at the proposed Bizkaia layout you could extend a roadway 150 feet and develop that roadway, provide that multiple parcel access, and then you could eliminate all that Statice frontage, if you decided to do that as areas develop. That was something we took a look at that justifies backing Statice up clear back to Delaware. If the School District were to develop they would have to improve that frontage accordingly.

*****Motion: Include the proposed revisions to the City of Elko Master Plan Transportation Component and Atlas Map #12, and direct staff to bring the item back to the Planning Commission as a Resolution and Public Hearing.**

Moved by Kevin Hodur, Seconded by Jeff Dalling.

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

II. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible action on Temporary Use Permit No. 4-17, filed by The City of Elko, to allow the continued use of the humanitarian campground located off Hot Springs Road, and matters related thereto. **FOR POSSIBLE ACTION**

Council took action on March 18, 2014 approving the development of a temporary humanitarian campsite located on City property off Hot Springs Road. Friends in Service Helping (FISH) operated the camp under a Temporary Use Permit that has expired. FISH is no longer able to operate the campground. City Council authorized staff to apply for a TUP at their July 25, 2017 meeting.

Ms. Laughlin explained that City Council authorized staff to apply for this Temporary Use Permit at their July 25, 2017 meeting. The previous Temporary Use Permit was applied for and issued to FISH. It expired as well as their agreement to manage it. The City of Elko is the property owner, therefore the City of Elko is currently managing the humanitarian camp. We have requested that this Temporary Use Permit be issued for 5 years, with the possibility of an automatic renewal without coming back to the Planning Commission at the 5 year point. There are no permanent structures existing on the property. Ms. Laughlin recommended approval of the

Temporary Use Permit with the three conditions listed in the City of Elko Staff Report dated August 15, 2017.

Mr. Draper said the Development Department also reviewed this application and came to similar conclusions as the Planning Department. He recommended conditional approval of the Temporary Use Permit.

Mr. Thibault recommend approval.

Mr. Wilkinson recommend approval. He added that if the Commissioners had any questions he would be happy to answer them.

Commissioner Tera Hooiman asked if this was now becoming the City's responsibility.

Mr. Wilkinson explained that the City had a license agreement for FISH to operate this camp on City Property. FISH has determined that they are unable to do that, mainly for liability and insurance reasons. They are unable to move forward and continue that under their current insurance carrier without going to a high risk pool. Their current carrier would not even entertain that, so they would have to get another carrier. They have a pretty good idea of what that would cost and FISH, being a nonprofit, just doesn't have the ability to absorb a hit like that. For the most part, when you look at these type of facilities they are government run. We were also looking at being able to purchase property somewhere in the City that would work for client services at FISH. Most of the individuals at the camp are also clients with FISH and we provide transportation a couple times a day. We were looking around for a property suitable for development of a more permanent camp facility, and one that would be beneficial to the City and FISH. We identified a piece of property adjacent to FISH. FISH had some concerns with that type of clientele impacting their store operations. So, they decided that they weren't in favor of having the camp that close to their facility. Right now what we're looking to do is just maintain, for a variety of reasons. The first being we're not sure we want this as the permanent location. It's a good location but we don't believe it is the best. Keeping a temporary camp allows the City the flexibility to continue looking at opportunities as they arise. There are some other reasons we want to keep it classified as a temporary camp. We expect a 5 year period will go by in the blink of an eye, under these type of circumstances. The City has to provide a location for people to camp. If we don't, they get to camp wherever they want, except on private property.

Chairman Martinez said the key point that he took away from that was if we want to enforce that in our City, we have to provide location for them to stay. That decision was made long ago. He saw a concern with the conditions. The City is obviously in a position of uncertainty with the future of this campground. That uncertainty gives the Commission uncertainty in terms of not having any ability to comment on that type of facility in a future time period. If it automatically extends, then that would not allow the Commission to make that opportunity useful and make any useful comments. Mr. Martinez wanted to strike Condition 2, and it would come back after the 5 years, especially considering the temporary nature of the City's plan as it sits today.

Commissioner Jeff Dalling said he was thinking the same thing.

Mr. Wilkinson said they proposed that to the City Council that staff would put that in the application. This is a City Application that has been approved by the City Council. It was

presented to the City Council that that would be the intent of the application. They approved us making that application. This isn't something that staff thought was a good idea. The City Council approved staff making that application. The City Council views a 10 year period as something that might be needed on a temporary basis going forward.

Chairman Martinez said the temporary nature of the City's Plan and the uncertainty moving forward, we just have no certainty. Some of the Commission members were here for the initial conception of that idea. 5 years is a long time and with something of this nature 5 years could be catastrophic. Nobody likes the location and no one wants it in their backyard. A 20 min discussion in 5 years, would be well worth it.

Commissioner Dalling said 10 years is not really temporary.

Mr. Wilkinson said the City has Temporary Use Permits for the School District, and the Juvenile Center that are decades old. He just wanted the Commission to know that the Council approved staff making this application. The Commission can make their decision and at that point he can decide if that needs to go back to the City Council for an appeal. Hopefully we won't have the Temporary Use Permit under the City's name for very long, we're giving it to somebody else, but there are a variety of reasons why we need it as a Temporary Use Permit. It might continue for quite some time, or we might end up permanentizing it at that location.

Ms. Laughlin commented that this parcel is in the Redevelopment Area. We did have a recent request to purchase this parcel. The City Council denied that request due to the fact that it is in the Redevelopment Area and that it does have potential for a large development in the Redevelopment Area. With it being a 5 year Temporary Use, it's easier for us to remove it off of the land inventory from sell to retain.

Mr. Wilkinson said as a Temporary Use Permit we did do public notifications. The last time we went through this we had some public comments and some concerns that were expressed, you don't see any of that tonight. Mr. Wilkinson said he talked with the adjacent neighbors. They've had no major issues. Nobody has had any vandalism. The biggest problem we have at the camp is the public. If people would leave those individuals alone things would go a lot better. People under the pretense of helping were creating a lot of problems, but that has tapered off over time.

Commissioner Dalling asked if the other Commissioners wanted to leave out condition 2.

Commissioner Hooiman thought it needed to come back.

Commissioner John Anderson wanted to see it come back.

Commissioner Kevin Hodur said he could agree to the consensus of the Commission.

Commissioner Stefan Beck agreed with the consensus.

*****Motion: Conditionally approve Temporary Use Permit 4-17 with the following conditions:**

- 1. The proposed use meets the requirements of city code 3-2-3-C-5**

3. The temporary use applies to the designated portion of parcel APN 001-677-001 as shown on site plan.

Commissioner Dalling's findings were that the proposed development was in conformance with the Land Use and Transportation Components of the Master Plan and Elko City Code Sections 3-2-3(C)5, 3-2-17, and 3-8.

Moved by Jeff Dalling.

Chairman Martinez suggested Mr. Dalling amend his motion to include a modification of Condition 2 to include a time frame. The use is permitted for a period of 5 years, and to not be extended automatically.

***Commissioner Jeff Dalling modified his motion to include Condition 2 with a modification include that at the end of five years, it does not automatically renew and that it will have to come back to Planning Commission for approval.**

Stefan Beck Seconded the motion.

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

III. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported on August 8th City Council did not take the Planning Commission's recommendation, and they denied Resolution 24-17, which was for the Rezone from RS to R1, which was filed by the City of Elko for the area that we are referring to as the Bizkaia Subdivision. On August 22nd they conditionally approved Parcel Map 6-17, which was filed by Gary Morfin on Lincoln Avenue. They approved Ordinance No. 819 establishing the new zoning district along 5th Street. They also approved the annexation of 10.49 acres off of Jennings Way. They adopted the Resolution, which was the rezone for the same property, to rezone that to R1. They also adopted a Resolution for the zone change from Commercial Transitional to General Commercial on Opal and 12th Street. They also adopted a change in zoning from Commercial to Industrial Commercial off of Ruby Vista.

Mr. Wilkinson wanted to note that the action on that Resolution was not unanimous. The Planning Commission has decided not to include that type of designation on the Land Use Map. So, you won't see staff support for that type of zoning going forward for subdivisions.

Chairman Martinez asked how they would legally say that they don't want that in the City.

Mr. Wilkinson said that we will conform to the Master Plan and the City Code going forward. He believed the Planning Commission made the right decision and we will continue to go down that path. The Council made their decision for whatever reason. It was not unanimous. He didn't believe it was precedent setting that we just start ignoring the Master Plan.

Chairman Martinez said it is an unfortunate situation. Sometimes those decisions fall outside the authority of this body. It is semi-precedent setting in the fact that no Planning Commission item that Mr. Martinez had ever been a part of had ever been denied by City Council.

Mr. Wilkinson said there had been a few and there had also been conditions that weren't accepted by the City Council. If you wanted to spend your time and read the minutes.

There was further discussion regarding the City Council's decision and the effects on the Planning Commission's decisions in the future.

- B. Summary of Redevelopment Agency Actions.
- C. Professional articles, publications, etc.
 - 1. Zoning Bulletin
- D. Preliminary agendas for Planning Commission meetings.
- E. Elko County Agendas and Minutes.
- F. Planning Commission evaluation. General discussion pertaining to motions, findings, and other items related to meeting procedures.
- G. Staff.


COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time

ADJOURNMENT

There being no further business, the meeting was adjourned.


Aaron Martinez, Chairman


Jeff Dalling, Secretary