



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, October 1, 2019 in the Council Chambers at Elko City Hall, 1751 College Avenue, Elko, Nevada, and beginning at 5:30 P.M., P.D.S.T.

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: September 25, 2019 2:10 p.m.

ELKO COUNTY LIBRARY – 720 Court Street, Elko, NV 89801
Date/Time Posted: September 25, 2019 2:05 p.m.

ELKO POLICE DEPARTMENT – 1448 Silver Street, Elko NV 89801
Date/Time Posted: September 25, 2019 2:15 p.m.

ELKO CITY HALL – 1751 College Avenue, Elko, NV 89801
Date/Time Posted: September 25, 2019 2:00 p.m.

Posted by: Shelby Archuleta, Planning Technician
Name Title

Shelby Archuleta
Signature

The public may contact Shelby Archuleta by phone at (775) 777-7160 or by email at sarchuleta@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.

Dated this 25th day of September, 2019.

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
Cathy Laughlin, City Planner

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING AGENDA
5:30 P.M., P.D.S.T., TUESDAY, OCTOBER 1, 2019
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

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

September 3, 2019 – Regular Meeting **FOR POSSIBLE ACTION**

I. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration and possible recommendation to City Council for Rezone No. 4-19, filed by Elko West Properties, LLC, for a change in zoning from PC (Planned Commercial) to C (General Commercial) Zoning District, approximately 60.75 acres of property, to allow for multi-family residential and commercial development, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is generally located on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway. (APN 001-770-004)

2. Review, consideration, and possible action of Conditional Use Permit No. 8-19, filed by Elko West Properties, LLC, which would allow for the development of an apartment complex within a C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway. (APN 001-770-004)

3. Review, consideration, and possible action of Conditional Use Permit No. 9-19, filed by KLB Enterprises, LLC, which would allow for a bar to be located within the Central Business District, specifically 548 Commercial Street, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast side of Commercial Street, approximately 160' southwest of 6th Street. (548 Commercial Street - APN 001-343-006)

4. Review, consideration, and possible action on Zoning Ordinance Amendment 2-19, Ordinance No. 845, specifically an amendment to Title 3, Chapter 4, Section 1 of the Elko City Code entitled "Planning Commission" and matters related thereto. **FOR POSSIBLE ACTION**

NRS 278.040 was revised in 1985 and Elko City Code needs to be revised to reflect those changes.

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration and possible approval of Final Map No. 9-19, filed by Bailey & Associates, LLC, for the development of a subdivision entitled Cambridge Estates involving the proposed division of approximately 8.02 acres of property into 35 lots and a remainder parcel for residential development within the R1 (Single-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northeast corner of the intersection of Celtic Way and El Armuth Drive. (APN 001-660-041)

2. Review, consideration, and possible recommendation to City Council for Vacation No. 4-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way, consisting of an area approximately 52 sq. ft. adjacent to APN 001-343-001, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the east corner of the intersection of Commercial Street and 5th Street. (500 Commercial Street- APN 001-343-001)

3. Review, consideration, and possible recommendation to City Council for Vacation No. 5-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way, consisting of an area approximately 101 sq. ft. adjacent to APN 001-343-002, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast side of Commercial Street, approximately 25' northeast of 5th Street. (512 Commercial Street- APN 001-343-002)

4. Review, consideration, and possible recommendation to City Council for Vacation No. 6-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way, consisting of an area approximately 50 sq. ft. adjacent to APN 001-343-003, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast side of Commercial Street, approximately 106' northeast of 5th Street. (524 Commercial Street- APN 001-343-003)

5. Review, consideration, and possible recommendation to City Council for Vacation No. 7-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way, consisting of an area approximately 50 sq. ft. adjacent to APN 001-343-004, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast side of Commercial Street, approximately 130' northeast of 5th Street. (536 Commercial Street- APN 001-343-004)

6. Review, consideration, and possible recommendation to City Council for Vacation No. 8-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way, consisting of an area approximately 50 sq. ft. adjacent to APN 001-343-005, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast side of Commercial Street, approximately 155' northeast of 5th Street. (542 Commercial Street- APN 001-343-005)

7. Review, consideration, and possible recommendation to City Council for Vacation No. 9-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way, consisting of an area approximately 53 sq. ft. adjacent to APN 001-343-006, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast side of Commercial Street, approximately 181' northeast of 5th Street. (548 Commercial Street- APN 001-343-006)

8. Review, consideration, and possible recommendation to City Council for Vacation No. 10-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way, consisting of an area approximately 147 sq. ft. adjacent to APN 001-343-007, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast side of Commercial Street, approximately 84' southwest of 6th Street. (570 Commercial Street- APN 001-343-007)

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**

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ADJOURNMENT

Respectfully submitted,


Cathy Laughlin
City Planner

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
5:30 P.M., P.D.S.T., TUESDAY, SEPTEMBER 3, 2019
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

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: Evi Buell
 Gratton Miller
 Ian Montgomery
 Jeff Dalling
 John Anderson
 Stefan Beck
 Tera Hooiman

City Staff Present: Cathy Laughlin, City Planner
 Bob Thibault, Civil Engineer
 Michele Rambo, Development Manager
 John Holmes, Fire Marshal
 Shelby Archuleta, Planning Technician

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

APPROVAL OF MINUTES

June 4, 2019 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the June 4, 2019 meeting minutes.**

Moved by Evi Buell, Seconded by Tera Hooiman.

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

July 2, 2019 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the July 2, 2019 meeting minutes.**

Moved by Evi Buell, Seconded by Tera Hooiman.

**Motion passed unanimously.*

August 6, 2019 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the August 6, 2019 minutes as presented.**

Moved by Tera Hooiman, Seconded by Evi Buell.

**Motion passed unanimously.*

I. UNFINISHED BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible action of Conditional Use Permit No. 7-19, filed by Petersen Holdings LLC, which would allow for the development of a facility that provides maintenance and repairs to automobiles within a C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the south corner of the intersection of 12th Street and Railroad Street. (285 12th Street & 1120 Railroad Street - APN 001-363-003 & 001-363-006)

Chuck Petersen, Big O Tires, 330 11th Street, explained that they have been working on this project, have gone back and forth with it for a couple of years, and have decided to press forward. They are wanting to build a new facility, an addition to their Big O Business for more bays, storage, and parking. The area that it's in is in the Redevelopment Area, which Mr. Petersen wasn't aware of. They needed to meet certain requirements. There was a Special RDA meeting last Friday, in which everyone voted in favor to approve the project.

Chairman Jeff Dalling asked Mr. Petersen to explain what he was planning to do with the empty lot.

A rendering was shown on the overhead.

Mr. Petersen explained that the Planning Department thought that they wanted them to spruce up the building a little bit more. Mr. Petersen said he had been reluctant. One of the reasons was cost. He knew that it wasn't a City issue, it is more of a business issue. To go to the bank and get financing for projects like this, you have to have a set of plans, they have to be appraised, and it all has to be paid for up front. Mr. Petersen said he had already paid for a Phase 1 and 2. A lot of upfront costs have gone into this project. Part of the problem is that it doesn't appraise for what it is going to cost to build it. It appraises for \$200,000 less than it is going to cost. He felt that it was going to be advantageous to his business. His family is from Elko and they have done a lot in the community. They love to do things in the community, but they have to make sense. The

other reason Mr. Petersen thought that this building was a good fit was Al Park, Napa Auto Parts, 11th St. Deli, a church, and the Oil Company are all older metal buildings. In this particular area, this is the last piece of dirt that is really developable, so they feel what they proposed really fits the location and what they are willing to do to enhance the area. They've already torn down an older building on this lot, and they are also planning to demo the building behind their main building. In the last 8 months they have spent \$200,000 on remodeling the original Big O Tires with new stucco, painting, interior, and repaving the parking lot. They are trying to enhance that area as much as possible within reason. There's another building behind the main building that is a service center, it has been repainted to match the main building, and the new building will match as well. They were hoping for the support of the Planning Commission, as they had the support of the RDA.

Chairman Dalling asked if they were going to be doing a zero scape for the landscaping.

Mr. Petersen said it would be more of a zero scape, and not the grass. It will be the same as the car wash; big rocks, nice rocks, shrubs, and trees with it all being irrigated.

Cathy Laughlin, City Planner, went through the City of Elko Staff Report dated July 25, 2019. She recommended if the Planning Commission were to approve the application that they include the condition and findings from the RDA's recommendation. (**Exhibit A**)

Michele Rambo, Development Manager, said as Ms. Laughlin mentioned, staff felt the application did not comply with the goals and objectives of the Redevelopment Plan. Staff still has concerns about that. Because the site is in the Redevelopment Area, which is aimed to lift the area up and make it better overtime. It is not an overnight process, it is a 25 to 30 year process. The metal buildings that are there, probably won't be there in 30 years. They will be replaced with something else. There are incentives within the Redevelopment Plan to promote that. Staff also has concerns with setting a precedent. If we aren't going to follow the Redevelopment Plan what does that do for future developers that come in and not want to follow the Redevelopment Plan? The Redevelopment Agency recommended approval for this application, but the Planning Commission can disagree if they decide to.

Bob Thibault, Civil Engineer, had no additional comments or concerns.

John Holmes, Fire Marshal, had no major concerns. They will need to follow the 2018 International Fire Code. He also mentioned that it would be nice to have the accessory building taken down because of violations in the past. It would be nice to see something new and looking better in that area.

Ms. Laughlin read the Assistant City Manager's and City Managers comments into the record from the Staff Flow Sheets that were included in the Agenda Packet.

Chairman Dalling explained that Mr. Petersen reached out to him and asked for his opinion. Mr. Dalling went out and walked the site with Mr. Petersen. Mr. Petersen showed him the project and that they would be getting rid of the blight of the abandoned lot and taking down the extra shop. Mr. Dalling looked at the project and thought it was a good fit for the downtown. He also went to the RDA meeting and voiced his support for the project, along with Lina Blohm. Technically, this property is right on the edge of the RDA. Mr. Dalling thought the development would make

the lot look that much nicer. It is a metal building that is not gussied up, but it will look nice and fit well with where it's at.

Commissioner Evi Buell asked if the concerns were entirely restricted to the type of business. She asked if the type of business could be modified to fit the Redevelopment Goals.

Ms. Rambo explained that the issue wasn't with the business. The issue is with the architecture of the building. Staff asked to see some small details, like an overhang or some awnings that pop out farther from the building. Staff doesn't have a problem with the metal building as a base. Metal buildings can be very attractive if details are added to them.

Ms. Laughlin explained that staff told Mr. Petersen if he had the car wash proposed here; there would be no conversation about any of this. The car wash is a great looking building, with great details, and it fits into the RDA Plan. If this building was being proposed in the Redevelopment Area outside of the Central Business District, then we wouldn't be having this conversation either. The key element is within the Redevelopment Plan the Central Business District is a defined area that has specific guidelines.

Commissioner Buell asked if this was a judgement call on what is meeting those architectural standards.

Ms. Laughlin said it is. Staff looked at the building itself and the first plan we received didn't have any details on the buildings colors. Staff asked for elevations as part of the application. They said they were changing the band at the bottom from white to grey. Staff looked at it as there is no overhang, there are two windows and a door, and it's just a four sided, single slope metal building.

Commissioner Stefan Beck understood that there was a need for an RDA. He asked if there was a way, without interfering with the rules and regulations of the RDA, to compromise.

Ms. Laughlin explained that the Redevelopment Agency gave Mr. Petersen a variance for meeting the Plan.

Mr. Petersen reiterated that the property was in a unique area of the downtown with it being on the edge of the Redevelopment. He stated that he was for redevelopment. If this lot was more in the downtown, he wouldn't be here asking to do what he was trying to do. As a businessperson you have to weigh the pros and cons. Most of the property is going to be paving. The RDA is giving Stockmen's \$100,000 to redo a parking lot. Mr. Petersen wasn't asking for that. Mr. Petersen said he wasn't going to do any more to the building than what he was proposing.

Chairman Dalling asked what was over the windows and doors on the rendering of the building.

Mr. Petersen said they were the eyebrows.

Chairman Dalling asked if Mr. Petersen was willing to put an awning on the front instead of the eyebrows.

There was further discussion regarding an awning versus the eyebrows.

Mr. Petersen stated that he didn't want it looking too much like a store front, because this won't be the storefront; the other Big O Building is the storefront.

Commissioner Tera Hooiman asked if the only reason for this was so that the building was more aesthetically pleasing.

Ms. Laughlin said it was because the building is in the Central Business District.

Commissioner Hooiman asked if the reason this application was in front of them was because they want the building to be more aesthetically pleasing.

Ms. Laughlin explained that it is required for any auto repair facility within the Commercial District to have a Conditional Use Permit. A Conditional Use Permit can have conditions added to it that are above and beyond what the code requires. That's why there is a condition about the landscaping.

Chairman Dalling said Mr. Petersen was already make a reasonable compromise on the landscaping, since he isn't required to put any in.

Ms. Laughlin told the Commissioners to keep in mind that this is a standalone building. Mr. Petersen doesn't plan on selling it, but you never know. Today we don't want it to be large storefront, but 10 years from now there may be a need for that.

Mr. Petersen pointed out that the Redevelopment Agency approved this unanimously. He thought that should carry a lot of weight.

*****Motion: Conditionally approve Conditional Use Permit No. 7-19 subject to the conditions in the City of Elko Staff Report dated July 25, 2019 and the condition from the Redevelopment Agency, listed as follows:**

- 1. The conditional use permit is granted to the property owner allowing for the development of a businesses with facilities for repairing or maintaining automobiles.**
- 2. The permit shall be personal to the property owner and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.**
- 3. The conditional use permit shall automatically lapse and be of no effect one year from the date of its issue unless the permit holder is actively engaged in developing the specific property in use for which the permit was issued.**
- 4. Landscaping is required along 12th Street and Railroad Street. The landscaping may include, but is not limited to, screen planting, lawns, trees, shrubs, fences and walls. Drought tolerant, low maintenance species, in conjunction with**

- decorative hard surface materials may also be used. All landscaping shall be maintained in a manner acceptable to the City of Elko at all times.
5. The Conditional Use Permit is to be recorded with the Elko County Recorder within 90 days after the commencement of construction.
 6. Access to the property from 12th Street shall be limited to right in, right out. Public Works would like to see the median curb extended to Silver for safety reasons or a pork chop style median installed at the driveway to only allow for the right in right out turn movements on 12th street.
 7. No outside storage of materials is allowed unless it is behind screen-wall or fencing. The screen fencing must have a 95% or better visibility blockage.
 8. On street storage of vehicles is prohibited.
 9. Applicant will be responsible to maintain cleanliness at all times.
 10. Parcel map 4-18 must be recorded prior to issuance of a building permit.

Redevelopment Agency Condition:

1. The building behind Big O Tires be torn down within 6 months after a Certificate of Occupancy is issued for the proposed building.

Commissioner Hooiman's findings to support the motion were the proposed development is in conformance with the Land Use Component of the Master Plan. The proposed development is in conformance with the existing transportation infrastructure and the Transportation Component of the Master Plan. The proposed conditional use permit is not in conformance with goals and objectives listed in the Redevelopment Plan. The site is suitable for the proposed use. The proposed development is in conformance with the City Wellhead Protection Program. The proposed use is consistent with surrounding land uses. The proposed use is in conformance with City Code 3-2-10(B) General Commercial with the approval of the Conditional Use Permit. The proposed development is in conformance with 3-2-3, 3-2-4, 3-2-17, 3-8, and 3-2-18 of the Elko City Code. The project will reduce blight in the immediate area, encourage investment, and would enhance the area. It is a better development than what is there. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area.

Moved by Tera Hooiman, Seconded by John Anderson.

**Motion passed (6-1, Commissioner Buell Voted No).*

II. NEW BUSINESS

A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration and possible action on a transfer of Conditional Use Permit No. 8-95 to a new permittee, filed by Elko Endodontics, PLLC, which would allow for a dental office within an R (Single-Family and Multi-Family) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The location of said property is generally on the east corner of the intersection of Elm Street and 6th Street. (1260 6th Street – APN 001-065-002).

Ms. Laughlin went over the City of Elko Staff Report dated August 15, 2019. Staff recommended conditional approval with the conditions and findings in the staff report.

Chairman Dalling asked about Condition No. 2. No exterior lighting signs permitted.

Ms. Laughlin explained that was a condition from the original Conditional Use Permit. Whenever you transfer a Conditional Use Permit the original conditions must continue.

Ms. Rambo had no comments.

Mr. Thibault recommended approval

Mr. Holmes had no comments.

Ms. Laughlin stated that the City Manager's office had no comments or concerns.

*****Motion: Approve the transfer of Conditional Use Permit No. 8-95 subject to the conditions in the City of Elko Staff Report dated August 15, 2019, listed as follows:**

Original CUP 8-95 Conditions:

1. Business hours to be approximately 7:00 a.m. to 6:00 p.m.
2. No exterior lighting signs permitted.
3. The development must meet fire department requirements.

Planning Department Conditions:

1. The permit is granted to the applicant, Elko Endodontics PLLC, for 1260 6th Street for the use of a dental office.
2. The transfer of CUP 8-95 shall be recorded with the Elko County Recorder's office within 60 days after approval.

Commissioner Buell's findings to support the motion were the existing conditional use permit is consistent with the Land Use Component of the Master Plan. The existing conditional use is consistent with the Transportation Component of the Master Plan. The proposed use, intensity of use, and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system. The transfer of Conditional Use Permit is in conformance with the Wellhead Protection Plan. The transfer of the existing conditional use permit is in conformance with Section 3-2-3 of City Code. The existing conditional use permit is not in conformance with Section 3-2-5(E)(3) of City Code. With the filing of the application for the transfer from permittee to new owner, the applicant is in conformance with Section 3-2-18 of City Code. The property as developed is in conformance with City Code Section 3-2-17 for off street parking requirements.

Moved by Evi Buell, Seconded by Tera Hooiman.

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

III. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported that City Council approved a Curb, Gutter, and Sidewalk waiver for Andrew Knudsen for the Sundance Mini Storage. They also approved and did the 2nd Reading for Ord. 842, which was the Public Way Ordinance. City Council approved a resolution for the Rezone of the Lambert property.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin reported that there was an RDA Meeting in August. They reappointed members of the RAC and approved an additional Storefront Grant Application. They also funded the Art Spot Reno for \$10,000 for a donation to the mural festival. They approved the 2020 budget. They also entered into a Public Private Partnership with Northern Nevada Asset Holdings, the owners of Stockmen's, for the completion of the parking lot. They approved \$99,999, which is about 1/3 of the total cost of the project, which will include lighting, landscaping, and infrastructure.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Miscellaneous Elko County

E. Training

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

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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 recommendation to City Council for Rezone No. 4-19, filed by Elko West Properties LLC, for a change in zoning from PC (Planned Commercial) to C (General Commercial), approximately 60.75 acres of property, to allow for multi-family residential and commercial development, and matters related thereto, FOR POSSIBLE ACTION**
2. Meeting Date: **October 1, 2019**
3. Agenda Category: **NEW BUSINESS PUBLIC HEARINGS**
4. Time Required: **15 Minutes**
5. Background Information: **Subject property is located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway. Developer is proposing an apartment development and remainder to be commercial development.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Memo**
8. Recommended Motion: **Forward a recommendation to City Council to adopt a resolution which approves Rezone No. 4-19 based on facts and findings as presented in Staff Report dated September 11, 2019**
9. Findings: **See Staff Report dated September 11, 2019**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **Elko West Properties LLC
c/o Jon Bailey
780 West Silver Street
Elko, NV 89801
jbaileype@gmail.com**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 10/1

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

Title: Rezone No. 4-19

Applicant(s): ELKO West Properties, LLC

Site Location: APN 001-770-004 - S side of Eyrecont Blvd, ≈ 545' W of Lamoille Hwy

Current Zoning: PC Date Received: 9/10 Date Public Notice: 9/17

COMMENT: This is to REZONE APN 001-770-004 from PC to
C to allow for multi-family residential and commercial
development.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 9/23/19
Recommend approval as presented by
staff

SAW

Initial

City Manager: Date: 9/23/19
No comments/concerns.

W

Initial



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

CITY OF ELKO STAFF REPORT

MEMO DATE:	September 11, 2019
PLANNING COMMISSION DATE:	October 1, 2019
APPLICATION NUMBER:	Rezone 4-19
APPLICANT:	Elko West Properties LLC
PROJECT DESCRIPTION:	Zone amendment from PC to C
ADDITIONAL APPLICATIONS:	CUP 8-19



STAFF RECOMMENDATION:

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

PROJECT INFORMATION

PARCEL NUMBER: 001-770-004

PARCEL SIZE: 60.75 acres

EXISTING ZONING: PC- Planned Commercial

MASTER PLAN DESIGNATION: (COMM-HWY) Commercial Highway

EXISTING LAND USE: Undeveloped

NEIGHBORHOOD CHARACTERISTICS:

- The property is surrounded by:
 - North: Planned Commercial (PC) / Partially developed
 - West: Residential (R) / Undeveloped
 - South: Elko County / Undeveloped
 - East: Agriculture (AG) / Undeveloped

PROPERTY CHARACTERISTICS:

- The area is currently undeveloped.
- The area has moderately sloping.
- The area is accessed from Errecart Blvd.

MASTER PLAN AND CITY CODE SECTIONS:

Applicable Master Plans and City Code Sections are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Elko Redevelopment Plan
- City of Wellhead Protection Plan
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Zoning – Section 3-2-10 Commercial Zoning Districts
- City of Elko Zoning – Section 3-2-21 Amendments
- City of Elko Zoning – Section 3-8 Flood Plain Management

BACKGROUND:

1. The property is owned by Elko West Properties LLC.
2. The rezone includes all of APN 001-770-004.
3. The area fronts Errecart Boulevard.
4. City utilities are located in the immediate vicinity.
5. Other non-city utilities are located in the immediate area.
6. The application for rezone is based on an application for a Conditional Use Permit for the development of apartments.

MASTER PLAN:

Land use:

1. Land Use is shown as Commercial Highway.
2. Supporting zone districts for Commercial Highway are Planned Commercial (PC), General Commercial (C), Convenience Commercial (CC) and Industrial Commercial (IC).
3. Objective 1: Promote a diverse mix of housing options to meet the needs of a variety of lifestyles, incomes, and age groups.
4. Objective 6: Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
5. Objective 8: Encourage new development that does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

The proposed zone district is in conformance with the Land Use Component of the Master Plan.

Transportation:

1. The area will be accessed from Errecart Boulevard.
2. Errecart Boulevard is classified in the Transportation Component as a minor arterial with it being a major arterial once roadway is connected.

The proposed zone district is compatible with the Transportation Component of the Master Plan and is consistent with the existing transportation infrastructure.

ELKO REDEVELOPMENT PLAN:

The property is not located within the Redevelopment Area.

ELKO WELLHEAD PROTECTION PLAN:

1. The property sits outside any capture zone for the City of Elko wells.

The proposed zone district is in conformance with wellhead protection plan.

SECTION 3-2-4 Establishment of Zoning Districts:

1. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, moved, or structurally altered, unless in conformity with all regulations specified in this subsection for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - a. To exceed the heights required by the current City Airport Master Plan;
 - b. To accommodate or house a greater number of families than as permitted in this chapter;
 - c. To occupy a greater percentage of lot area; or
 - d. To have narrower or smaller rear yards, front yards, side yards or other open spaces, than required in this title; or in any other manner contrary to the provisions of this chapter.

3. No part of a required yard, or other open space, or off street parking or loading space, provided in connection with any building or use, shall be included as part of a yard, open space, or off street parking or loading space similarly required for any other building.
4. No yard or lot existing on the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth in this title. The property meets the area requirements for the proposed zone district.

The proposed zone district is in conformance with Elko City Code Section 3-2-4(B).

SECTION 3-2-10 (B) – General Commercial District

1. As the property develops, it will be required to be in conformance with Section 3-2-10 (B).

The proposed zone district is in conformance with Elko City Code Section 3-2-10 (B).

SECTION 3-2-21:

The application is in conformance with Elko City Code 3-2-21 with the filing of this application.

SECTION 3-8:

The proposed zone district is partially located in a designated Special Flood Hazard Area (SFHA). As the property develops, conformance with Section 3-8 will be required.

FINDINGS:

1. The proposed zone district is in conformance with the Land Use Component of the Master Plan.
2. The proposed zone district is compatible with the Transportation Component of the Master Plan and is consistent with the existing transportation infrastructure.
3. The property is not located within the Redevelopment Area.
4. The proposed zone district and resultant land use is in conformance with City Wellhead Protection Plan.
5. The proposed zone district is in conformance with Elko City Code Section 3-2-4(B).
6. The proposed zone district is in conformance with Elko City Code Section 3-2-10(B).
7. The application is in conformance with Elko City Code 3-2-21.
8. The proposed zone district is partially located in a designated Special Flood Hazard Area (SFHA).
9. Development under the proposed zone district 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.

STAFF RECOMMENDATION:

Staff recommends this item be APPROVED with the following condition:

1. Modify the legal description and display map to include the land to the centerline of the adjacent rights-of-way.

Rezone 4-19 ELKO West Properties, LLC

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001929117	*ARNOLD BECK CONSTRUCTION INC	} 1 p.c.	247 GREENCREST DR	SPRING CREEK NV	89815-5447
001929114	*ARNOLD BECK CONSTRUCTION INC		247 GREENCREST DR	SPRING CREEK NV	89815-5447
001929113	*ARNOLD BECK CONSTRUCTION INC		247 GREENCREST DR	SPRING CREEK NV	89815-5447
001929123	*ARNOLD BECK CONSTRUCTION INC		247 GREENCREST DR	SPRING CREEK NV	89815-5447
001929122	*ARNOLD BECK CONSTRUCTION INC		247 GREENCREST DR	SPRING CREEK NV	89815-5447
001929120	*BARAJAS, IGNACIO		1660 STITZEL RD	ELKO NV	89801
001929125	*BDSA LLC		4518 N 32ND ST	PHOENIX AZ	85018-3303
001929116	*BLESSING, PERRY & JULIE		1644 STITZEL RD	ELKO NV	89801-4879
001929121	*CIAU, CARLOZ S & LINDSAY K		1664 STITZEL RD	ELKO NV	89801
00609E019	*ELKO CITY OF	} n.p.c.	1755 COLLEGE AVE	ELKO NV	89801
001770003	ELKO CITY OF		1755 COLLEGE AVE	ELKO NV	89801
006090009	ELKO COUNTY OF		571 IDAHO ST	ELKO NV	89801-3715
001770005	ELKO HOLDING GROUP LLC		C/O BACCARAT LADY, LLC 301 VILBERTI CT	LAS VEGAS NV	89144-4013
001770010	*ELKO MOUNTAIN VILLAGE LLC	} 1 p.c.	25 S MAIN ST STE 120	CENTERVILLE UT	84014-1846
001770011	*ELKO MOUNTAIN VILLAGE LLC		25 S MAIN ST STE 120	CENTERVILLE UT	84014-1846
001920063	*FAITH EVANGELICAL LUTHERAN CHUR	} 1 p.c.	1700 STITZEL RD	ELKO NV	89801-8842
001920066	*FAITH EVANGELICAL LUTHERAN CHUR		1700 STITZEL RD	ELKO NV	89801-8842
00609E015	*GERBER, LENORE C TR ET AL		237 JUNIPER ST	ELKO NV	89801-3159
001929119	*HEAPS, RYAN M & MICHELLE L		1656 STITZEL RD	ELKO NV	89801-4879
006090048	HEATON, JON C		4567 S COTTAGE CREEK LN	SALT LAKE CITY UT	84107-3872
001929118	*HEINBAUGH, ERIC & KATHY		1652 STITZEL RD	ELKO NV	89801
001929124	*JORDANELLE THIRD MORTGAGE LLC		4518 N 32ND ST	PHOENIX AZ	85018-3303
001740019	*MEMORIAL MEDICAL CENTER FOUNDAT		2801 ATLANTIC AVE	LONG BEACH CA	90806-1737
001920058	*ORMAZA SERIES(LAMOILLE HWY)LLC		PO BOX 339	ELKO NV	89803-0339
001770013	PBDK LLC	} 1 p.c.	PO BOX 339	ELKO NV	89803-0339
001770014	PBDK LLC		PO BOX 339	ELKO NV	89803-0339
001770012	PHC-ELKO INC		C/O PROPERTY VALUATIO 14400 METCALF AVE	OVERLAND PARK KS	66223-2989
001920056	*STITZEL, RITA		PO BOX 236	CARLIN NV	89822-0236
001730010	TIPTON, R THOMAS TR ET AL		231 E PINON WAY	GILBERT AZ	85234-4633
00609M003	*WOMACK, ROBERT R & JUNE C TR	} 1 p.c.	8395 HIDDEN CROSSING LN	LAS VEGAS NV	89129-4893
001770008	*WOMACK, ROBERT R & JUNE C TR		8395 HIDDEN CROSSING LN	LAS VEGAS NV	89129-4893

= Properties to also Receive
CUP 8-19 Public Hearing Notice.

* = Properties outside the original
300' radius to achieve 30 parcels

(21)
(15)

Post marked 9/20/19

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, October 1, 2019 beginning at 5:30 P.M. P.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on this matter under consideration in person, by writing, or by representative.

The specific items to be considered under public hearing format are:

- Rezone 4-19, filed by Elko West Properties, LLC for a change in zoning from PC (Planned Commercial) to C (General Commercial), approximately 60.75 acres of property, specifically APN 001-770-004, located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway, more particularly described as:

A parcel of land being the same as Parcel No. 3 of the Parcel Map for the City of Elko, Nevada, recorded April 7, 1999, File No. 443291, Records of Elko County, Nevada, situate within a portion of the Northwest Quarter of Section 24, Township 34 North, Range 55 East, MDM, Elko, Nevada, and being more particularly described as follows: Beginning at the West Quarter corner of said Section 24, also being the Southwest corner of said Parcel No. 3, from which the Northwest corner of said Section 24 bears North 00°07'27" West a distance of 2806.55 feet;

Thence along the West boundary of said Section 24 North 00°07'27" West a distance of 476.64 feet to the intersection of the Southerly right-of-way of Errecart Boulevard as shown on said Parcel Map 443291;

Thence departing said West boundary and along said Southerly right-of-way North 56°24'15" East a distance of 488.13;

Thence along a tangent circular curve to the right with a radius of 1425.00 feet and a central angle of 29°07'51" an arc length of 724.51 feet;

Thence North 85°32'06" East a distance of 490.73 feet;

Thence along a tangent circular curve to the left with a radius of 1075.00 feet and a central angle of 61°12'52" and arc length of 1148.52 feet;

Thence North 24°19'14" East a distance of 125.87 feet;

Thence along a tangent circular curve to the right with a radius of 925.00 feet and a central angle of 14°42'50" an arc length of 237.55 feet to a point of the East boundary of said Parcel No. 3;

Thence departing said Southerly right-of-way and along said East boundary with a non-tangent light South 00°23'58" West a distance of 1895.90 feet to the Southeast corner of said Parcel No. 3;

Thence departing said East boundary and along the South boundary of said Parcel No. 3 South 88°31'03" West a distance of 2632.17 feet to the Point of Beginning.

Said parcel contains an area of approximately 60.75 acres.

The intent of the zone change is to allow for multi-family residential and commercial development.

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

ELKO CITY PLANNING COMMISSION

COREY L. RICE, PLS, WRS
SENIOR PLANNER
CODE ENFORCEMENT
crice@elkocountynv.net

PEGGY PIERCE-FITZGERALD
PLANNING TECHNICIAN/
GIS OPERATOR
pfitzgerald@elkocountynv.net



Elko County Planning & Zoning Division

540 Court Street, Suite 104
Elko, Nevada 89801
775-738-6816 Ext. #3 (fax) 775-738-4581
www.elkocountynv.net

September 24, 2019

Shelby Archuleta
City of Elko Planning Department
1751 College Avenue
Elko, NV 89801

RE: Rezone No. 4-19 & Conditional Use Permit No. 8-19 / Elko West Properties, LLC

Ms. Archuleta,

After reviewing the above referenced Rezone and Conditional Use Permit, Elko County Planning and Zoning has no comments.

Please contact me if you have any questions or need more information.

Sincerely,

Corey L. Rice, PLS, WRS
Senior Planner
Elko County Planning and Zoning



CITY OF ELKO

Planning Department

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

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

September 18, 2019

Elko County Planning and Zoning
540 Court Street, Suite 104
Elko, NV 89801

Re: Conditional Use Permit No. 8-19 and Rezone No. 4-19/Elko West Properties, LLC

In accordance with the Communication Policy between the City of Elko and Elko County, the City of Elko hereby notices and advises the Board of County Commissioners of the County of Elko of the City's intention to consider Conditional Use Permit No. 8-19 and Rezone No. 4-19, filed by Elko West Properties, LLC. Please find enclosed a copy of the application and related site plans for your review and comment.

The subject property consists of approximately 60.75 acres and is located generally on the south side of Errecart Blvd, approximately 545' west of Lamoille Hwy, as shown in the attached site plan.

Review by the Elko City Planning Commission is tentatively scheduled for their October 1, 2019 regular meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

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

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR ZONE CHANGE

APPLICANT(s):	ELKO WEST PROPERTIES LLC		
MAILING ADDRESS:	780 W SILVER ST ELKO NV 89801		
PHONE NO (Home):	7753853659	(Business):	7757777773
NAME OF PROPERTY OWNER (If different):	SAME <i>(Property owner's consent in writing must be provided.)</i>		
MAILING ADDRESS:	SAME		
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
ASSESSOR'S PARCEL NO.:	001770004	Address:	ERRE CART ACROSS FROM HOSPITAL
Lot(s), Block(s), & Subdivision	SECTION 54, TOWNSHIP 34N, RANGE 55E		
Or Parcel(s) & File No.	PARCEL 3 FILE #443291		

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 filing fee.

Area Map: A map of the area proposed for this zone change must be provided.

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, distances between buildings, parking and loading areas, driveways and other pertinent information must be provided.

Legal Description: A complete legal description of the boundary of the proposed zone change must be provided as well as a map depicting the area to be changed stating the wording: area to be changed from "x" to "x"; (LI to R, for example).

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 Rezone Application.

RECEIVED

1. Identify the existing zoning classification of the property: PC

2. Identify the zoning Classification being proposed/requested: C

3. Explain in detail the type and nature of the use anticipated on the property: THE PROPOSED USE IS MULTI-FAMILY APARTMENT BUILDINGS A TOTAL OF 107 UNITS WITH A OFFICE/MAINT/REC UNIT (9) 12-PLEX BUILDINGS. SEE CUP PLANS FOR ADDITIONAL DETAIL.

4. Explain how the proposed zoning classification relates with other zoning classifications in the area: THE PROPERTY IS BOUNDED BY PLANNED COMMERCIAL ZONING TO THE NORTH, RESIDENTIAL ZONING TO THE WEST AND AGRICULTURE ZONING TO THE EAST. THE PROPERTY TO THE SOUTH IS VACANT OPEN LAND COUNTY PROPERTY. THE PROPERTY IS MASTER-PLANNED HIGHWAY COMMERCIAL AND THE PROPOSED ZONE CHANGE IS IN COMPLIANCE WITH THE MASTER PLAN.

5. Identify any unique physical features or characteristics associated with the property: THE PROPERTY HAS SOME TOPOGRAPHY AND NATURAL DRAINAGEWAYS THAT WILL BE PERPETUATED IN THE DEVELOPED CONDITION. THE PROPERTY IS ADJACENT TO THE REGIONAL HOSPITAL AND OTHER COMMERCIAL DEVELOPMENTS.

(Use additional pages if necessary to address questions 3 through 5)

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.

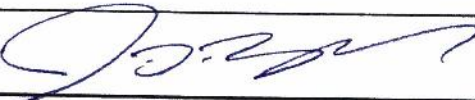
☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

☐ 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 have carefully read and completed all questions contained within this application to the best of my ability.

Applicant / Agent


ELKO WEST PROPERTIES

(Please print or type)

Mailing Address

780 W SILVER ST

Street Address or P.O. Box

ELKO NV 89801

City, State, Zip Code

Phone Number:

775 385-3659

Email address:

jbaitype@gmail.com

SIGNATURE:



FOR OFFICE USE ONLY

File No.: 4-19 Date Filed: 9/10/19 Fee Paid: \$500 CK# 324666

APN 001-770-004
& PORTION OF ERRECART BOULEVARD
LEGAL DESCRIPTION

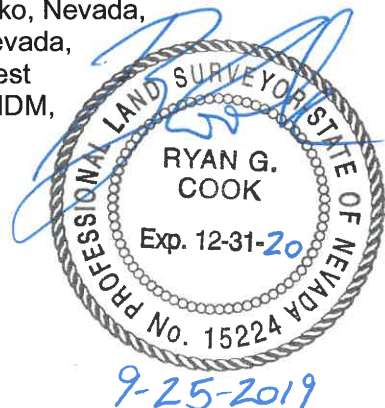
A parcel of land being the same as Parcel No. 3 and a portion of Errecart Boulevard as shown on the Parcel Map for the City of Elko, Nevada, recorded April 7, 1999, File No. 443291, Records of Elko County, Nevada, situate within a portion of the Northwest Quarter of Section 24, Township 34 North, Range 55 East, MDM, Elko, Nevada, and being more particularly described as follows:

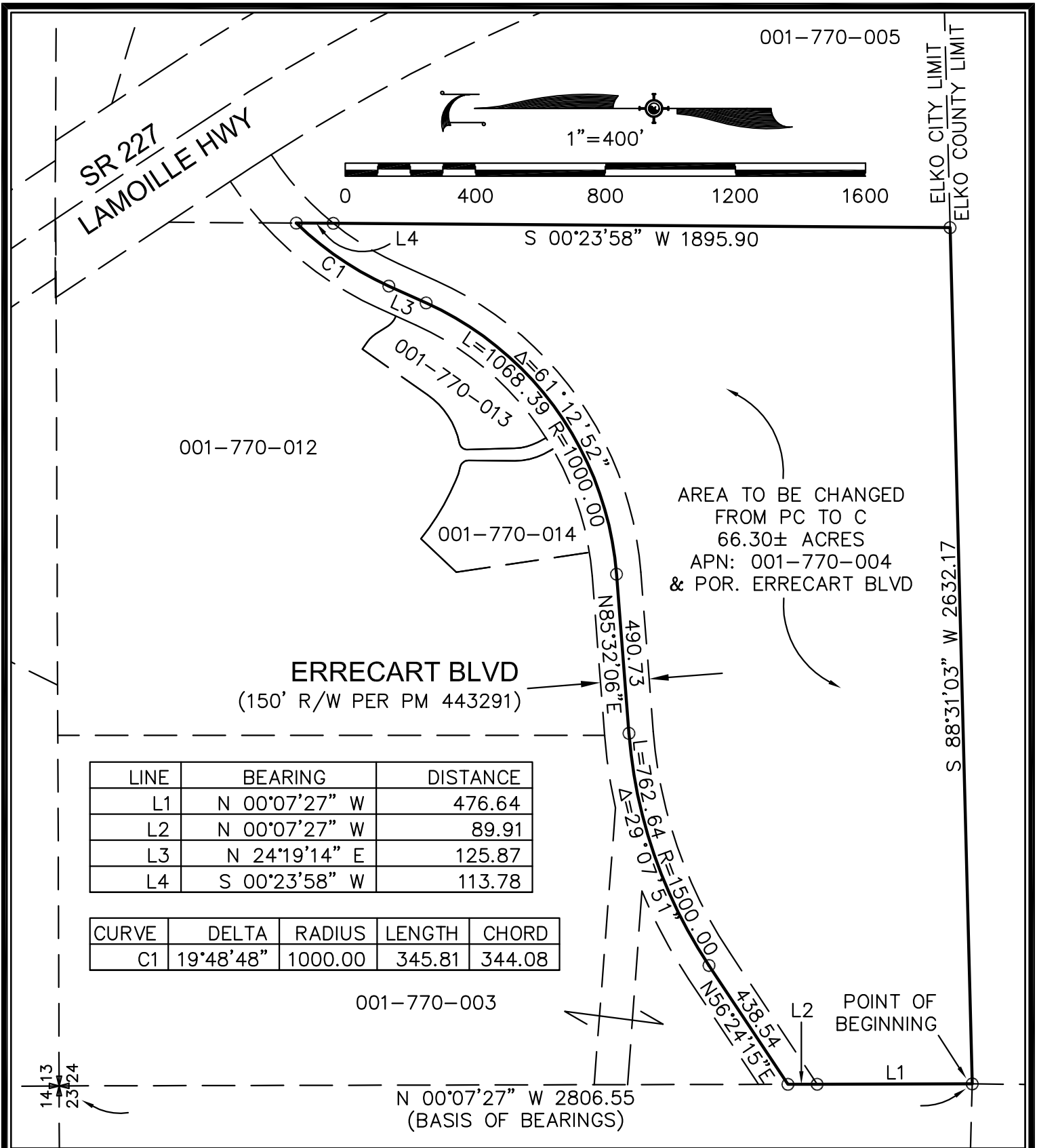
Beginning at the West Quarter corner of said Section 24, also being the Southwest corner of said Parcel No. 3, from which the Northwest corner of said Section 24 bears North 00°07'27" West a distance of 2806.55 feet;
thence along the West boundary of said Parcel No. 3 North 00°07'27" West a distance of 476.64 feet to the intersection of the Southerly right-of-way of Errecart Boulevard as shown on said Parcel Map 443291 to the Northeast corner of said Parcel No. 3;
thence departing said West boundary and along the West dedication limits of said Errecart Boulevard North 00°07'27" West a distance of 89.91 feet to the intersection of the centerline of said Errecart Boulevard;
thence departing said West dedication limits and along said centerline North 56°24'15" East a distance of 438.54 feet;
thence along a tangent circular curve to the right with a radius of 1500.00 feet and a central angle of 29°07'51" an arc length of 762.64 feet;
thence North 85°32'06" East a distance of 490.73 feet;
thence along a tangent circular curve to the left with a radius of 1000.00 feet and a central angle of 61°12'52" an arc length of 1068.39 feet;
thence North 24°19'14" East a distance of 125.87 feet;
thence along a tangent circular curve to the right with a radius of 1000.00 feet and a central angle of 19°48'48" an arc length of 345.81 feet to a point on the East dedication limits of said Errecart Boulevard;
thence departing said centerline and along said East dedication limits with a non-tangent line South 00°23'58" West a distance of 113.78 feet to the Northeast corner of said Parcel No. 3;
thence departing said East dedication limits and along the East boundary of said Parcel No. 3 South 00°23'58" West a distance of 1895.90 feet to the Southeast corner of said Parcel No. 3;
thence departing said East boundary and along the South boundary of said Parcel No. 3 South 88°31'03" West a distance of 2632.17 feet to the Point of Beginning.

Said parcel contains an area of approximately 66.30 acres.

BASIS OF BEARINGS: Identical to the Parcel Map for the City of Elko, Nevada, recorded April 7, 1999, File No. 443291, Records of Elko County, Nevada, being the line between the found Northwest corner and the found West Quarter Corner of Section 24, Township 34 North, Range 55 East, MDM, taken as S 00°07'27" E.

Descriptions Prepared By:
Ryan G. Cook, PLS 15224
Summit Engineering Corporation
5405 Mae Anne Ave.
Reno, NV 89523
775-747-8550





DISPLAY MAP FOR
ZONE CHANGE
APN 001-770-004

SCALE 1"=400'



SHEET
1

OF
1

**Elko City Planning Commission
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action on Conditional Use Permit No. 8-19, filed by Elko West Properties, LLC., which would allow for the development of an apartment complex within a C (General Commercial) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **October 1, 2019**
3. Agenda Category: **NEW BUSINESS, PUBLIC HEARINGS**
4. Time Required: **15 Minutes**
5. Background Information: **The subject property is located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report**
8. Recommended Motion: **Move to conditionally approve Conditional Use Permit 8-19 based on the facts, findings and conditions presented in Staff Report dated September 13, 2019.**
9. Findings: **See Staff Report dated September 13, 2019**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **Elko West Properties LLC
c/o Jon Bailey
780 West Silver Street
Elko, NV 89801
jbaileype@gmail.com**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 10/1

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

Title: Conditional Use Permit No. 8-19

Applicant(s): ELKO West Properties, LLC

Site Location: APN-001-770-004 - S side of Errecart Blvd, ≈ 545' W of Lamoille Hwy

Current Zoning: PC Date Received: 9/10 Date Public Notice: 9/17

COMMENT: This is to allow for the development of an
Apartment complex within a General Commercial Zoning
District.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 9/23/19
Recommend approval as presented by
Staff

SAW

Initial

City Manager: Date: 9/23/19

No comments/concerns.

cc
Initial



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

CITY OF ELKO STAFF REPORT

DATE:	September 13, 2019
PLANNING COMMISSION DATE:	October 1, 2019
AGENDA ITEM NUMBER:	I.A.2
APPLICATION NUMBER:	Conditional Use Permit 8-19
APPLICANT:	Elko West Properties, LLC
PROJECT DESCRIPTION:	Development of 107 Multi-Family Apartment Units and 1 clubhouse / office unit
RELATED APPLICATIONS:	REZ 4-19

A Conditional Use Permit for the development of 107 multi-family apartment units and 1 clubhouse / office unit within a C – General Commercial zoning district.



STAFF RECOMMENDATION:

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

PROJECT INFORMATION

PARCEL NUMBER:	A portion of 001-770-004
PROPERTY SIZE:	60.75 acres
EXISTING ZONING:	PC – Planned Commercial, Rezone 4-19 will be reviewed for possible approval at the October 1, 2019 Planning Commission meeting to amend this property zoning to C – General Commercial
MASTER PLAN DESIGNATION:	(COMM-HWY) Highway Commercial
EXISTING LAND USE:	Undeveloped

NEIGHBORHOOD CHARACTERISTICS:

- The property is surrounded by:
 - North: PC- Planned Commercial / Developed
 - East: AG, General Agriculture / Undeveloped
 - West: R- Residential / Undeveloped
 - South: County Single Family Residential / Undeveloped

PROPERTY CHARACTERISTICS:

- The area is currently undeveloped.
- The area is generally slopes from south to the north, with several topographic challenges
- Only a portion of the property is within the 5400 water zone and can be serviced with water at this time.
- The area is accessed from Errecart Boulevard.

APPLICABLE MASTER PLANS 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 Code 3-2-3 General Provisions
- City of Elko Code 3-2-4 Establishment of Zoning Districts
- City of Elko Code 3-2-10 General Commercial District (C)
- City of Elko Code 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Code 3-2-18 Conditional Use Permits
- City of Elko Code 3-8 Flood Plain Management

BACKGROUND INFORMATION

- APN 001-770-004 is owned by Elko West Properties, LLC
- The rezone applicant submitted with this application includes all of APN 001-770-004.
- The area fronts Errecart Boulevard.
- Only a portion of the property can currently be served by City of Elko water due to elevation of the properties. The property can be served by City of Elko sewer and other non-city utilities.
- The proposed development includes 107 apartment units in 9 buildings, 3 stories high, with one additional unit for the rental office, community center and maintenance room.

MASTER PLAN

Land Use

1. Land Use is shown as Highway Commercial.
2. Supporting zone districts for Highway Commercial include C, General Commercial.
3. The proposed use of the property is allowed with the approval of a Conditional Use Permit.
4. Objective 1: Promote a diverse mix of housing options to meet the needs of a variety of lifestyles, incomes, and age groups.
5. Objective 6: Encourage multiple scales of commercial development to serve the needs of the region, the community and individual neighborhoods.
6. Objective 8: Ensure that new development does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

The proposed conditional use permit is in conformance with the Land Use Component of the Master Plan

Transportation

1. The area will be accessed from Errecart Boulevard.
2. Errecart Boulevard is identified as a Minor Arterial, and a Major Arterial once the road is connected from east to west.

The proposed conditional use permit is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.

ELKO WELLHEAD PROTECTION PLAN

- The property is located outside the 30-year capture zone for several City wells.

ELKO REDEVELOPMENT PLAN:

1. The property is not located within the redevelopment area.

SECTION 3-2-3 GENERAL PROVISIONS

- Section 3-2-3 (C) 1 of City code specifies use restrictions. The following use restrictions shall apply.
 1. Principal Uses: Only those uses and groups of uses specifically designated as “principal uses permitted” in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited as principal uses
 2. Conditional Uses: Certain specified uses designated as “conditional uses permitted” may be permitted as principal uses subject to special conditions of location, design, construction, operation and maintenance hereinafter specified in this chapter or imposed by the planning commission or city council.
 3. Accessory Uses: Uses normally accessory and incidental to permitted principal or conditional uses may be permitted as hereinafter specified.

Other uses may apply under certain conditions with application to the City.

1. Section 3-2-3(C) states that certain specified uses designated as “conditional uses permitted” may be permitted as principal uses subject to special conditions of location, design, construction, operation and maintenance specified in Chapter 3 or imposed by the Planning Commission or City Council.
2. Section 3-2-3(D) states that “No land may be used or structure erected where the land is held by the planning commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety and general welfare of the community. The planning commission, in applying the provisions of this section, shall state in writing the particular facts upon which its conclusions are based. The applicant shall have the right to present evidence contesting such determination to the city council if he or she so desires, whereupon the city council may affirm, modify or withdraw the determination of unsuitability.”

The proposed development is required to have an approval as a conditional use to be in conformance with this section of code.

SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS

1. Section 3-2-4(B) Required Conformity To District Regulations: The regulations set forth in this chapter for each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as provided in this subsection.
2. Section 3-2-4(B)(4) stipulates that no yard or lot existing on the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth in this title.

The proposed development with the approval of Rezone 4-19 conforms to Section 3-2-4 of the City Code.

SECTION 3-2-10-B-GENERAL COMMERCIAL DISTRICT (C)

1. Section 3-2-10(B)(4)-Conditional Uses Permitted- Residential Uses. Multiple-family residential developments which contain five (5) or more units located on a single lot or parcel; townhouse or condominium or attached housing developments. Residential uses must meet the setback standards in subsection 3-2-5(G) and development standards applicable to multiple family residential developments set forth in 3-2-5(E)-6 of this chapter.
2. Section 3-2-5(G) The minimum setback standards for multi-family dwellings shall be the following.
 - Front Yard: 15 feet, 20 feet for a garage
 - Interior Side Yard: 7 feet
 - Exterior Side Yard: 15 feet
 - Rear Yard: 20 feet
3. Section 3-2-5(E)-6 The following development standards for multiple-family residential developments shall apply.
 - The minimum distance between the opposing exterior walls of detached buildings, or parts of attached or semi-attached building, on the same lot, shall be:
 - If both walls are front walls, or contain main entrances or living room windows: thirty feet (30')
 - If one wall is a front wall, or contains a main entrance or living room windows, and one wall is a side or rear wall containing no doors or windows, twenty four feet (24')
 - If both walls are side or rear walls containing windows or secondary entrances, twenty four feet (24')
 - If one wall is a side or rear wall containing windows or secondary entrances and one wall contains no doors or windows, eighteen feet (18')
 - If neither wall contains windows or doors, ten feet (10')
 - If the front of a building, or part thereof, faces on an interior side or rear lot line, the building, or that part thereof, shall be set back from such lot lines not less than twenty feet (20')
 - When, for the purposes of sale or separate ownership, a two-family or multi-family dwelling and the land in and upon which such dwellings are situated, is to be subdivide into separate lots having one dwelling unit per lot, such lots shall be exempt from all interior side yard requirements.

Dimensions showing the separation of the buildings have been provided, it does appear that the minimum separation between buildings on a single lot is met for the apartment buildings. The proposed development is required to conform to this section of city code. 3-2-10(B).

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

- It would appear that the multi-family apartment buildings exceed the required parking of one and one half (1 ½) parking spaces per dwelling unit. 162 stalls are required and 174 parking stalls are provided including the 21 enclosed garage parking stalls.
- Conformance with this section is required

SECTION 3-2-18 CONDITIONAL USE PERMITS

General Regulations:

1. Certain uses of land within designated zoning districts shall be permitted as principal uses only upon issuance of a conditional use permit. Subject to the requirements of this chapter, other applicable chapters, and where applicable to additional standards established by the Planning Commission, or the City Council, a conditional use permit for such uses may be issued.
2. Every conditional use permit issued, including a permit for a mobile home park, shall automatically lapse and be of no effect one (1) year from the date of its issue unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.
3. Every conditional use permit issued shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.
4. Conditional use permits shall be reviewed from time to time by City personnel. Conditional use permits may be formally reviewed by the Planning Commission. In the event that any or all of the conditions of the permit or this chapter are not adhered to, the conditional use permit will be subject to revocation.

3-8 FLOOD PLAIN MANAGEMENT

1. Approximately 15,880 sq. ft. of the parcel is located in a designated Special Flood Hazard Area (SFHA).
2. The applicant is not proposing any development in the area which is designated Special Flood Hazard Area (SFHA).
3. The proposed dedicated right-of-way will separate the designated Special Flood Hazard area from the parcel in which is proposed for the apartment development.

As the property develops, conformance with Section 3-8 will be required.

FINDINGS

- The proposed development is in conformance with the Land Use component of the Master Plan
- The proposed development is in conformance with the existing transportation infrastructure and the Transportation component of the Master Plan
- The site is suitable for the proposed use.
- The proposed development is in conformance with the City Wellhead Protection Program.
- The proposed use is consistent with surrounding land uses.
- The proposed use is in conformance with City Code 3-2-10 (B) General Commercial district, the proposed use meets the required separation of dwelling units as found in City Code 3-2-5-(E)-6.
- The proposed development is in conformance with 3-2-3, 3-2-4, 3-2-17, 3-2-18, and 3-8 of the Elko City Code.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of CUP 8-19 with the following conditions:

1. The CUP 8-19 shall be personal to the permittee and applicable only to the submitted application conforming to the exhibits as presented.
2. The Errecart Boulevard right-of-way is to be landscaped. A landscape plan will be required for submittal and approval. All landscaping shall include a combination of trees and shrubs. Landscaping shall be installed and not obstruct the view of oncoming traffic at the intersections. The landscape plan is to include features which create a “front” for the development adjacent to Errecart Boulevard and should be similar in nature to the landscaping along the north side of Errecart Boulevard. Owner or developer is to provide such maintenance and care as is required to obtain the effect intended by the original landscape plan for the development.
3. CUP 8-19 to be recorded with the Elko County Recorder within 90 days after commencement of work.
4. The permit shall be personal to the permittee, Elko West Properties, LLC. and applicable only to the specific use of multiple family residential and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.
5. Civil improvement plans are required for review and possible approval. Civil improvements are required on all frontages. No on-street parking will be allowed on Errecart Boulevard or the Unnamed right-of-way.
6. No RV storage allowed.
7. Building #1 which includes the clubhouse /office shall be completed prior to the issuance of any certificate of occupancy for any other buildings.
8. All parking lot lighting is to be shielded or cut-off design.

9. An illumination schedule is required to ensure lighting is adequate for safety with minimal impact to adjacent properties.
10. There shall not be any placement of any mail gang boxes or kiosks in association with this complex placed in the city's right of way and shall remain internal to the complex
11. The sidewalk adjacent to Errecart Boulevard shall be offset.
12. The exterior of the building shall be compatible with surrounding areas and shall be similar to what is presented in the application.
13. The common areas are to be maintained in an acceptable manner at all times.
14. The applicant shall file a parcel map for the proposed parcels shown in the application. Such parcel map shall be approved and recorded prior to certificate of occupancy on any building.

Development Department Conditions:

1. Provide 250 feet between the Golden Health Clinic driveway and this project's driveway on Errecart.
2. Full street improvements needed for both Errecart and unnamed new road.
3. Recommend moving the detention basin out of the flood plain and instead utilize landscaped areas and/or other capturing methods.
4. Provide a crosswalk across Errecart to facilitate pedestrian movement to the north along Lamoille Highway.
5. No traffic study required.

Engineering Department Conditions:

1. The northerly driveway must be a dedicated street to service adjacent parcels.
2. Grading onto adjacent parcels will not be permitted.
3. A culvert will be required under the southerly driveway
4. Per 3-2-17, 3.c.2, increase the spacing between the southerly driveway and the intersection across the street to a minimum of 250', measured centerline to centerline. Errecart Blvd. is a minor arterial.
5. Office building shall be constructed as part of the first phase of construction.
6. Extend curb and sidewalk along the northerly part of the frontage.
7. Provide curb and sidewalk on both sides of the dedicated street that will be the northerly driveway.
8. Provide site lighting information.

Utility Department Conditions:

1. Project will need to be water/sewer code compliant.
2. Water main will need to be extended on access easement/dedicated right-of-way as well.

Fire Department Conditions:

1. No Concerns

Conditional Use Permit 8-19 ELKO West Properties, LLC

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001770003	ELKO CITY OF No P.C.		1755 COLLEGE AVE	ELKO NV	89801
006090009	ELKO COUNTY OF		571 IDAHO ST	ELKO NV	89801-3715
001770005	ELKO HOLDING GROUP LLC	C/O BACCARAT LADY, LLC	301 VILBERTI CT	LAS VEGAS NV	89144-4013
006090048	HEATON, JON C		4567 S COTTAGE CREEK LN	SALT LAKE CITY UT	84107-3872
001770013	PBDK LLC		PO BOX 339	ELKO NV	89803-0339
001770014	PBDK LLC		PO BOX 339	ELKO NV	89803-0339
001770012	PHC-ELKO INC	C/O PROPERTY VALUATION SERVICE	14400 METCALF AVE	OVERLAND PARK KS	66223-2989
001730010	TIPTON, R THOMAS TR ET AL		231 E PINON WAY	GILBERT AZ	85234-4633

⑥

Postmarked 9/20/19

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, October 1, 2019 beginning at 5:30 P.M. P.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on this matter under consideration in person, by writing, or by representative.

The specific items to be considered under public hearing format are:

- Rezone 4-19, filed by Elko West Properties, LLC for a change in zoning from PC (Planned Commercial) to C (General Commercial), approximately 60.75 acres of property, specifically APN 001-770-004, located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway, more particularly described as:
A parcel of land being the same as Parcel No. 3 of the Parcel Map for the City of Elko, Nevada, recorded April 7, 1999, File No. 443291, Records of Elko County, Nevada, situate within a portion of the Northwest Quarter of Section 24, Township 34 North, Range 55 East, MDM, Elko, Nevada, and being more particularly described as follows:
Beginning at the West Quarter corner of said Section 24, also being the Southwest corner of said Parcel No. 3, from which the Northwest corner of said Section 24 bears North 00°07'27" West a distance of 2806.55 feet;
Thence along the West boundary of said Section 24 North 00°07'27" West a distance of 476.64 feet to the intersection of the Southerly right-of-way of Errecart Boulevard as shown on said Parcel Map 443291;
Thence departing said West boundary and along said Southerly right-of-way North 56°24'15" East a distance of 488.13;
Thence along a tangent circular curve to the right with a radius of 1425.00 feet and a central angle of 29°07'51" an arc length of 724.51 feet;
Thence North 85°32'06" East a distance of 490.73 feet;
Thence along a tangent circular curve to the left with a radius of 1075.00 feet and a central angle of 61°12'52" and arc length of 1148.52 feet;
Thence North 24°19'14" East a distance of 125.87 feet;
Thence along a tangent circular curve to the right with a radius of 925.00 feet and a central angle of 14°42'50" an arc length of 237.55 feet to a point of the East boundary of said Parcel No. 3;
Thence departing said Southerly right-of-way and along said East boundary with a non-tangent light South 00°23'58" West a distance of 1895.90 feet to the Southeast corner of said Parcel No. 3;
Thence departing said East boundary and along the South boundary of said Parcel No. 3 South 88°31'03" West a distance of 2632.17 feet to the Point of Beginning.
Said parcel contains an area of approximately 60.75 acres.
The intent of the zone change is to allow for multi-family residential and commercial development.
- Conditional Use Permit No. 8-19, filed by Elko West Properties, LLC, which would allow for the development of an apartment complex within a C (General Commercial)

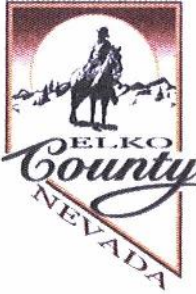
Zoning District, and matters related thereto. The subject property is located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway.
(APN 001-770-004)

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

ELKO CITY PLANNING COMMISSION

COREY L. RICE, PLS, WRS
SENIOR PLANNER
CODE ENFORCEMENT
crice@elkocountynv.net

PEGGY PIERCE-FITZGERALD
PLANNING TECHNICIAN/
GIS OPERATOR
pfitzgerald@elkocountynv.net



Elko County Planning & Zoning Division

540 Court Street, Suite 104
Elko, Nevada 89801
775-738-6816 Ext. #3 (fax) 775-738-4581
www.elkocountynv.net

September 24, 2019

Shelby Archuleta
City of Elko Planning Department
1751 College Avenue
Elko, NV 89801

RE: Rezone No. 4-19 & Conditional Use Permit No. 8-19 / Elko West Properties, LLC

Ms. Archuleta,

After reviewing the above referenced Rezone and Conditional Use Permit, Elko County Planning and Zoning has no comments.

Please contact me if you have any questions or need more information.

Sincerely,

Corey L. Rice, PLS, WRS
Senior Planner
Elko County Planning and Zoning



CITY OF ELKO

Planning Department

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

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

September 18, 2019

Elko County Planning and Zoning
540 Court Street, Suite 104
Elko, NV 89801

Re: Conditional Use Permit No. 8-19 and Rezone No. 4-19/Elko West Properties, LLC

In accordance with the Communication Policy between the City of Elko and Elko County, the City of Elko hereby notices and advises the Board of County Commissioners of the County of Elko of the City's intention to consider Conditional Use Permit No. 8-19 and Rezone No. 4-19, filed by Elko West Properties, LLC. Please find enclosed a copy of the application and related site plans for your review and comment.

The subject property consists of approximately 60.75 acres and is located generally on the south side of Errecart Blvd, approximately 545' west of Lamoille Hwy, as shown in the attached site plan.

Review by the Elko City Planning Commission is tentatively scheduled for their October 1, 2019 regular meeting.

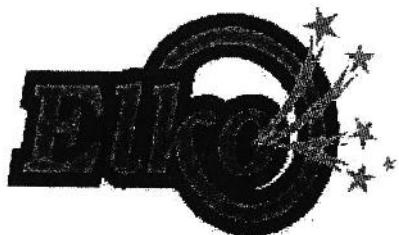
Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

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

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR CONDITIONAL USE PERMIT APPROVAL

APPLICANT(s):	ELKO WEST PROPERTIES LLC		
(Applicant must be the owner or lessee of the proposed structure or use.)			
MAILING ADDRESS:	780 W SILVER ST ELKO, NV 89801		
PHONE NO. (Home)	7753853659	(Business)	7757777773
NAME OF PROPERTY OWNER (If different):	SAME		
(Property owner's consent in writing must be provided.)			
MAILING ADDRESS:	SAME		
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
ASSESSOR'S PARCEL NO.:	001770004	Address	ERRECART ACROSS FROM HOSPITAL
Lot(s), Block(s), & Subdivision	SECTION 54, TOWNSHIP 34N, RANGE 55E		
Or Parcel(s) & File No.	PARCEL 3 FILE #443291		

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 \$750.00 non-refundable fee.

Plot Plan: A plot plan provided by a properly licensed surveyor depicting the proposed conditional use permit site drawn to scale showing property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other pertinent information that shows the use will be compliant with Elko City Code.

Elevation Plan: Elevation profiles including architectural finishes of all proposed structures or alterations in sufficient detail to explain the nature of the request.

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 ½" 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 conditional use permit application.

RECEIVED

SEP 10 2019

1. Current zoning of the property: PC PROPOSED ZONING IS C
2. Cite the provision of the Zoning Ordinance for which the Conditional Use Permit is required:
3-2-10
3. Explain in detail the type and nature of the use proposed on the property:
(9) 12-PLEX MULTI-FAMILY HOUSING WITH ONE UNIT AS THE OFFICE/REC/MAINTENANCE
4. Explain how the use relates with other properties and uses in the immediate area:
THE PARCEL IS SURROUNDED MOSTLY BY UNDEVELOPED LAND TO THE SOUTH, WEST, AND EAST. THE PROPERTY IMMEDIATELY NORTH IS THE REGIONAL HOSPITAL ZONED PLANNED COMMERCIAL.
5. Describe any unique features or characteristics, e.g. lot configuration, storm drainage, soil conditions, erosion susceptibility, or general topography, which may affect the use of the property:
THE PROPERTY GENERALLY SLOPES FROM SOUTHWEST TO NORTHEAST
THERE IS SEVERAL CULVERT CROSSINGS THAT CONVEY RUNOFF ACROSS ERRECART AND TO THE NORTH DRAINAGEWAYS. THE SOILS ARE TYPICAL OF THE AREA AS SANDY SILTS WITH SOME COBBLES WITH LOW EROSION POTENTIAL ONCE STABILIZED.
6. Describe the general suitability and adequacy of the property to accommodate the proposed use:
THE PROPERTY IS SERVED BY ERRECART BLVD. WATER AND SEWER ARE STUBBED TO THE PROPERTY FROM THE DEVELOPMENT (HOSPITAL) TO THE NORTH. THE PROPERTY IS WITHIN THE CURRENT WATER ZONE SERVICE AREA.

7. Describe in detail the proposed development in terms of grading, excavation, terracing, drainage, etc.: MODERATE GRADING IS REQUIRED TO DEVELOP THE PROPERTY AS SHOWN IN THE ATTACHED GRADING PLAN. THE HISTORIC DRAINAGE FOR THE PROPERTY WILL BE MAINTAINED WITH THE IMPROVEMENTS. SITE DRAINAGE DETENTION HAS BEEN ANTICIPATED WITH THE DESIGN.
8. Describe the amounts and type of traffic likely to be generated by the proposed use: ☐ TRAFFIC WILL BE GENERATED FOR THE PROJECT EXPECTED AT 6.65 TRIPS/UNIT AT 107 UNITS A TOTAL OF 712 TRIPS WHICH IS LESS THAN 1,000 DAILY TRIPS TO REQUIRE TRAFFIC STUDY AS PER TABLE 9 MASTER PLAN PAGE 31.
9. Describe the means and adequacy of off-street parking, loading and unloading provided on the property: ☐ PARKING IS PROVIDED 1.62/UNIT WITH A TOTAL OF 174 STALLS REFERENCE SHEET C3 OF THE CUP PLAN
10. Describe the type, dimensions and characteristics of any sign(s) being proposed: ☐ THE PROPOSED PROJECT SIGN WILL BE APPROXIMATELY 9'X9' AND WILL HAVE STONE PILLASTERS AND A STUCCO BACKING WITH BLOCK LETTERS
11. Identify any outside storage of goods, materials or equipment on the property: ☐ NO OUTDOOR STORAGE WILL BE ALLOWED. MAINTENANCE EQUIPMENT WILL BE KEPT IN THE MAINTENANCE ROOM IN ONE OF THE BUILDINGS
12. Identify any accessory buildings or structures associated with the proposed use on the property: ☐ NONE PROPOSED

(Use additional pages if necessary to address questions 3 through 12)

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 have carefully read and completed all questions contained within this application to the best of my ability.

Applicant / Agent

JON BAILEY

(Please print or type)

Mailing Address

780 W SILVER ST

Street Address or P.O. Box

ELKO, NV 89801

City, State, Zip Code

Phone Number:

7753853659

Email address:

JBAILEYPE@GMAIL.COM

SIGNATURE:



FOR OFFICE USE ONLY

File No.: 8-19 **Date Filed:** 9/10/19 **Fee Paid:** \$750 **CX#** 32465

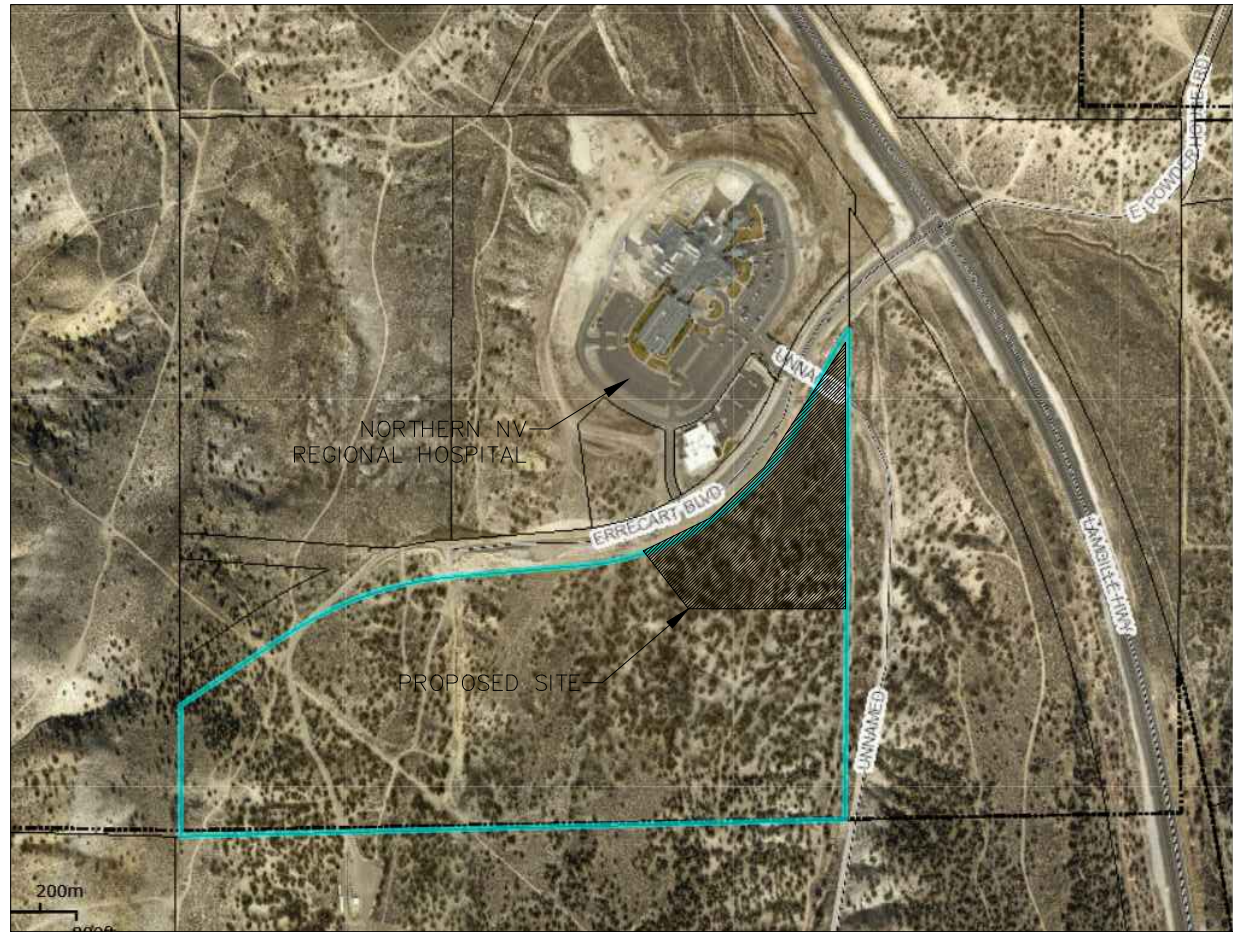
CONDITIONAL USE PERMIT

JUNIPER RIDGE APARTMENTS

ELKO ELKO COUNTY NEVADA

- a. ALL WORK IS TO BE PERFORMED BY A PROPERLY LICENSED CONTRACTOR.
- b. IN GENERAL HYDRANTS SHOULD BE LOCATED A MINIMUM DISTANCE OF SIX FEET FROM ABOVE GROUND UTILITIES.
- c. WATER TAPS ONTO THE WATER MAIN ARE TO BE IN ACCORDANCE WITH CITY DETAIL U-12.1
- d. WATER TAPS ONTO THE WATER MAIN ARE TO BE A MINIMUM OF SIX FEET FROM HYDRANT TAPS
- e. ABOVE GROUND UTILITIES ARE NOT PERMITTED WITHIN THE RIGHT-OF-WAY.
- f. THE OWNER 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.
- g. THE CONTRACTOR SHALL HAVE STAMPED, AGENCY APPROVED PLANS, SET OF PLANS AT THE WORK SITE SURING CONSTRUCTION. CONSTRUCTION SHALL NOT PROCEED UNTIL THIS SET OF PLANS IS ISSUED WITH INCLUDED REVISIONS AND COMMENTS MADE BY THE AGENCIES.
- h. 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.
- i. THE CONTRACTOR SHALL MAINTAIN AN ONGOING PROCESS FOR REMOVAL OF SPILLAGE OF EXCAVATED MATERIAL ON ALL PAVED STREETS.
- j. ALL CONSTRUCTION SHALL MEET THE REQUIREMENTS OF THE LATEST EDITION OF THE "STANDARD SPECIFICATIONS & DETAILS FOR PUBLIC WORKS CONSTRUCTION".
- k. ALL AREAS DISTURBED AND LEFT UNDEVELOPED FOR A PERIOD OF MORE THAN 30 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 HYRO-SEEDED WITH AN APPROVED SEED MIX AND TACKIFIER AND SHALL BE IRRIGATED UNTIL FIRMLY ESTABLISHED AS APPROVED BY THE CITY OF ELKO.
- l. 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.
- m. 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.
- n. 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.
- o. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE TO THE EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES FOR LOCATIONS PRIOR TO CONSTRUCTION. HORIZONTAL AND VERTICAL LOCATIONS OF EXISTING UTILITIES ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL CALL UNDERGROUND SERVICES ALERT AT 1.800.227.2600 AT LEAST 48 HOURS PRIOR TO EXCAVATION.
- p. ALL UTILITY TRENCHES SHALL CONFORM TO SIERRA PACIFIC POWER, ORANGE BROADBAND LLC, FRONTIER COMMUNICATIONS, AND SOUTHWEST GAS SPECIFICATIONS. CONTRACTOR TO COORDINATE INSTALLATION OF ALL UTILITY TRENCHES WITH LOCAL UTILITIES.
- q. CONTRACTOR TO OBTAIN AND PAY FOR PERMITS FROM THE CITY OF ELKO PRIOR TO EXCAVATING WITHIN THE CITY RIGHT OF WAY.
- r. AT ALL PLACES 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.

- s. 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.
- t. ALL WATER MAINS SHALL BE 10" DIAMETER, THICKNESS CLASS 50 OR PRESSURE CLASS 350 DUCTILE IRON PIPE, WITH POLYETHYLENE ENCASEMENT, OR DR 18 C900 PVC PIPE, UNLESS OTHERWISE SHOWN.
- u. ALL CONSTRUCTION TO BE AWWA C-600 OR AWWA C-605 COMPLIANT AS APPROPRIATE. REFERENCE AWWA M55
- v. MINIMUM COVER OVER THE WATER MAIN SHALL BE 42".
- w. THE CITY OF ELKO UTILITY DEPARTMENT SHALL BE CONTACTED TO PERFORM ALL TAPS ONTO CITY OF ELKO UTILITIES.
- x. ALL WATER MAINS SHALL BE INSTALLED WITH LOCATER WIRE AND MARKING TAPE.
- y. 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.
- z. ALL WATER SERVICE LINES SHALL BE 1" IRON PIPE SIZE (IPS) RATED 200 PSI POLYETHYLENE UNLESS OTHERWISE SHOWN.
- bb. 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".
- cc. 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 NAC445A.67145. REFERENCE AWWA M55.
- dd. 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
- ee. A TRAFFIC CONTROL PLAN SHALL BE PROVIDED BY THE CONTRACTOR AND APPROVED BY THE CITY OF ELKO PRIOR TO CONSTRUCTION.
- ff. GRADING AROUND BUILDINGS TO BE DONE IN A MANNER AS TO PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING IN ACCORDANCE WITH CITY OF ELKO REQUIREMENTS.
- gg. ALL CONCRETE SHALL BE COMPLIANT WITH SECTION 337.10 OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, 2012 EDITION AND SHALL BE A CITY APPROVED MIX DESIGN.
- hh. ALL WATER MAIN EXTENSIONS ARE TO BE TESTED IN ACCORDANCE WITH AWWA STANDARD C651 REQUIRING TWO SETS OF CONSECUTIVE SAMPLES AT LEAST 24 HOURS APART FROM THE END OF THE LINE AND EACH BRANCH. PLEASE COORDINATE WATER DISPOSAL WITH CLIFF LAWSON, PE clawson@ndep.nv.gov (NDEP-BWPC) 775-687-9414.
- hi. WATER SYSTEM INFRASTRUCTURE UNDER CONSTRUCTION SHALL BE SEALED AT DAYS END REFERENCE NAC 445A.67145 SUBSECTION 8.
- hj. 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 NESCESSARY 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 STANDARD SPECIFICATIONS FOR PUBLIC WORKS. ALL RIGHT-OF-WAY AND UTILITY IMPROVEMENTS ARE TO BE CERTIFIED BY THE ENGINEER OF RECORD FOR THE PROJECT. A CERTIFICATE OF OCCUPANCE WILL NOT BE ISSUED UNTIL THE CITY OF ELKO HAS RECEIVED THE REQUIRED AS-BUILT CERTIFICATION FROM THE ENGINEER OF RECORD FOR THE PROJECT.



VICINITY MAP

LEGEND		DESCRIPTION
EXISTING	PROPOSED	
		DRAIN MANHOLE
		SEWER MANHOLE
		DRAIN LINE AND SIZE
		DRAIN INLET
		SEWER LINE AND SIZE
		CLEAN OUT
		SEWER SERVICE
		WATER LINE AND SIZE
		RECLAIMED WATER LINE AND SIZE
		WATER LINE REDUCER
		WATER SERVICE
		WATER VALVE
		FIRE HYDRANT
		AIR RELEASE VALVE
		FLUSH VALVE ASSEMBLY
		GAS, TELEPHONE OR ELECTRIC
		STREET LIGHT
		30" R1 SIGN (STOP)
		TRAFFIC SIGN AS NOTED
		CHAIN LINK FENCE
		CHAIN LINK GATE
		DRIVEWAY
		SIDEWALK RAMP
		PROPERTY LINE
		MONUMENT
		TREE TO BE REMOVED/RELOCATED
		SPOT ELEVATION

ABBREVIATIONS

AB	AGGREGATE BASE
AC	ASPHALT CONCRETE PAVEMENT
AVRV	AIR VACUUM RELIEF VALVE
BC	BEGIN CURVE
BM	BENCH MARK
BVC	BEGIN VERTICAL CURVE
BOW	BACK OF WALK
BW	BOTTOM OF WALL
CL	CENTER LINE
CONST	CONSTRUCT
CR	CURB RETURN
CT	COURT
DI	DROP INLET
DIP	DUCTILE IRON PIPE
MH(D)	STORM DRAIN MANHOLE
DR	DRIVE
E	EAST
EC	END CURVE
ELEV.	ELEVATION
EP	EDGE OF PAVEMENT
EX	EXISTING
EXIST	EXISTING
EVC	END OF VERTICAL CURVE
FH	FIRE HYDRANT
FL	FLOW LINE
FVA	FLUSH VALVE ASSEMBLY
GR	GRATE
GB	GRADE BREAK
HP	HIGH POINT
HDPE	HIGH DENSITY POLYETHYLENE
HS	SEWER HOUSE SERVICE
INV.	INVERT
JP	JOINT POLE
LT.	LEFT
LF	LINEAR FEET
MAX.	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
N	NORTH
PCC	POINT OF COMPOUND CURVE
PI	POINT OF INTERSECTION
PIVC	POINT OF INTERSECTION VERTICAL CURVE
PL	PROPERTY LINE
PP	POWER POLE
R	RADIUS
RCP	REINFORCED CONCRETE PIPE
PRC	POINT OF REVERSE CURVATURE
PVC	POINT OF VERTICAL CURVE
PVI	POINT OF VERTICAL INTERSECTION
PVT	POINT OF VERTICAL TANGENT
RCW	RECLAIMED WATER
RT	RIGHT
R/W	RIGHT OF WAY
S	SOUTH
SE	SANITARY SEWER EASEMENT
SHT	SHEET
STA.	STATION
MH(S)	SANITARY SEWER MANHOLE
SW	SIDEWALK
T	TANGENT
TBC	TOP BACK OF CURB
TYP.	TYPICAL
TP	TELEPHONE POLE
TW	TOP OF WALL
W	WEST
WM	WATER MAIN

CONTRACTOR: CIVIL ENGINEER
BAILEY & ASSOCIATES LLC BAILEY ENGINEERING PLLC
780 W SILVER ST #104 NV P.E. LIC #17979
ELKO, NV 89801 (775) 385-3659
(775) 777-7773

OWNER: SURVEYOR
ELKO WEST PROPERTIES LLC SUMMIT ENGINEERING
780 W SILVER ST #104 1150 Lamoille Hwy
ELKO, NV 89801 Elko, NV 89801
(775) 777-7773 775-738-8058

GEOTECHNICAL ENGINEER
SUMMIT ENGINEERING
1150 Lamoille Hwy
Elko, NV 89801
775-738-8058

SHT No.	DRAWING DESCRIPTION
C1	TITLE SHEET
C2	GRADING PLAN
C3	SITE PLAN AND UTILITY PLAN
C4	LANDSCAPE PLAN AND BUILDING ELEVATION PLAN

BASIS OF BEARINGS

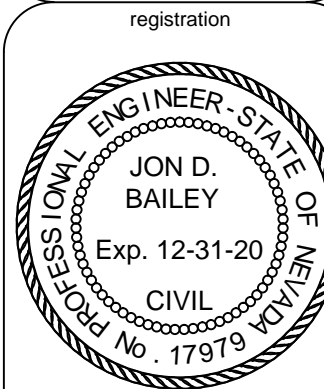
THE BASIS OF BEARINGS FOR THIS MAP IS THE NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 USING ELKO CITY ENGINEERING DEPARTMENT CONTROL POINTS "5029" AND "5027", WITH A BEARING OF SOUTH 87°37'53" EAST. THIS SURVEY WAS CONDUCTED IN GROUND COORDINATES, USING A GROUND SCALE FACTOR OF 1.000357

BASIS OF ELEVATION

PROJECT BENCHMARK:
PROJECT DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
CITY OF ELKO CONTROL POINT: 5000 "CP SUMMIT"
NAVD88 ELEVATION: 1551.80 METERS (5091.21 FEET)

BE
BAILEY ENGINEERING

PLLC
P.E. NV# 17979
780 W. Silver #104 Elko, NV
(775)385-3659



JON D. BAILEY

Revisions	
Number	Date & Description
1	
2	
3	
4	

JUNIPER RIDGE APARTMENTS
CONDITIONAL USE PERMIT

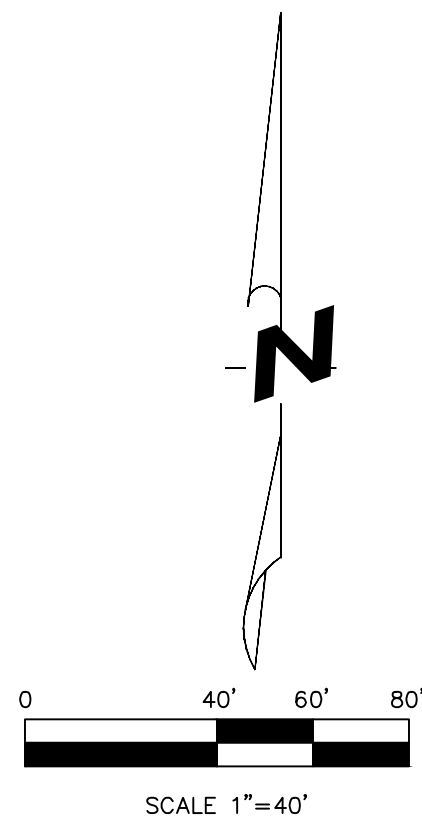
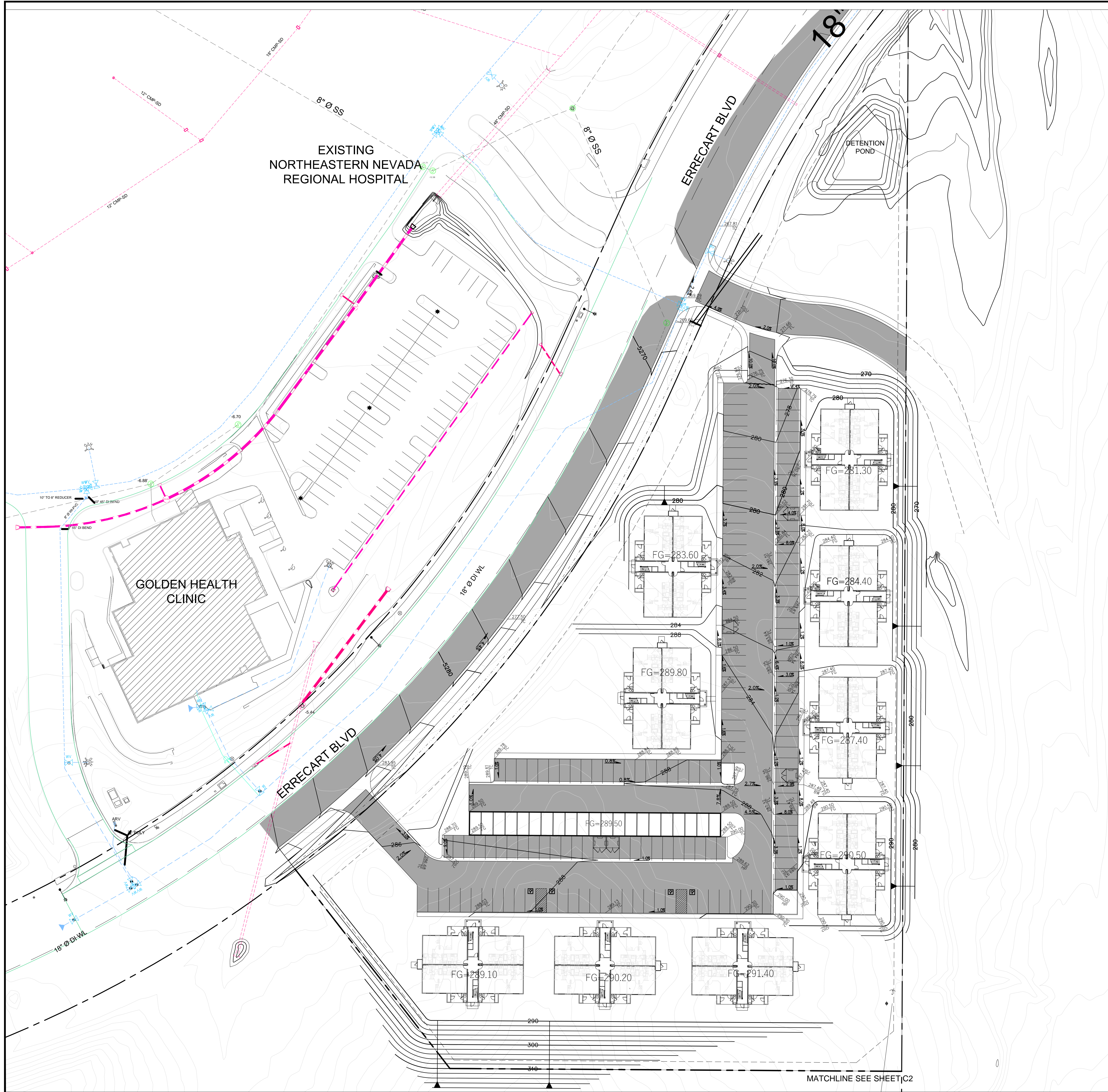
DESIGN BY:	JDB
DRAWN BY:	JDB
CHECKED BY:	-
DATE:	9-10-2019
JOB NO.:	-
SCALE:	AS NOTED

SHEET TITLE

TITLE SHEET

SHEET
C1

OF 4



GENERAL NOTES

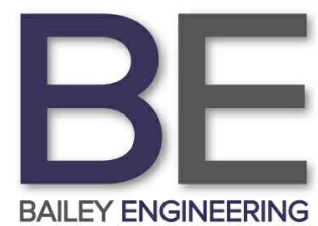
1. THE OWNER, SITE DEVELOPER, CONTRACTOR AND/OR THEIR AUTHORIZED AGENTS SHALL EACH DAY REMOVE ALL SEDIMENT, MUD, CONSTRUCTION DEBRIS, OR OTHER POTENTIAL POLLUTANTS THAT MAY HAVE BEEN DISCHARGED TO, OR ACCUMULATE IN, THE PUBLIC RIGHTS OF WAYS OF THE CITY OF RENO AS A RESULT OF CONSTRUCTION ACTIVITIES ASSOCIATED WITH THIS SITE DEVELOPMENT OR CONSTRUCTION PROJECT. SUCH MATERIALS SHALL BE PREVENTED FROM ENTERING THE STORM SEWER SYSTEM.
2. ADDITIONAL CONSTRUCTION SITE DISCHARGE BEST MANAGEMENT PRACTICES MAY BE REQUIRED OF THE OWNER AND HIS OR HER AGENTS DUE TO UNFORESEEN EROSION PROBLEMS OR IF THE SUBMITTED PLAN DOES NOT MEET THE PERFORMANCE STANDARDS SPECIFIED IN THE CITY OF ELKO STANDARDS
3. TEMPORARY OR PERMANENT STABILIZATION PRACTICES WILL BE INSTALLED ON DISTURBED AREAS AS SOON AS PRACTICABLE AND NO LATER THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED. SOME EXCEPTIONS MAY APPLY; REFER TO STORMWATER GENERAL PERMIT OF CITY OF ELKO
4. AT A MINIMUM, THE CONTRACTOR OR HIS AGENT SHALL INSPECT ALL DISTURBED AREAS, AREAS USED FOR STORAGE OF MATERIALS AND EQUIPMENT THAT ARE EXPOSED TO PRECIPITATION, VEHICLE ENTRANCE AND EXIT LOCATIONS AND ALL BMPs WEEKLY, PRIOR TO A FORECASTED RAIN EVENT AND WITHIN 24 HOURS AFTER ANY ACTUAL RAIN EVENT. THE CONTRACTOR OR HIS AGENT SHALL UPDATE OR MODIFY THE STORMWATER POLLUTION PREVENTION PLAN AS NECESSARY. SOME EXCEPTIONS TO WEEKLY INSPECTIONS MAY APPLY, SUCH AS FROZEN GROUND CONDITIONS OR SUSPENSION OF LAND DISTURBANCE ACTIVITIES. REFER TO STORMWATER GENERAL PERMIT OF CITY OF ELKO.
5. ACCUMULATED SEDIMENT IN BMPs SHALL BE REMOVED WITHIN SEVEN DAYS AFTER A STORMWATER RUNOFF EVENT OR PRIOR TO THE NEXT ANTICIPATED STORM EVENT WHICHEVER IS EARLIER. SEDIMENT MUST BE REMOVED WHEN BMP DESIGN CAPACITY HAS BEEN REDUCED BY 50 PERCENT OR MORE.
6. TOTAL DISTURBED AREA IS APPROXIMATELY 7.1 ACRES.
7. A COPY OF THE NOTICE OF INTENT (NOI), LETTER OF AUTHORIZATION FROM NDEP, AND SWPPP SHALL BE KEPT ON SITE AT ALL TIMES. CONTRACTOR SHALL FOLLOW REQUIREMENTS SET FORTH IN THE SWPPP AT ALL TIMES.
8. CONTRACTOR SHALL MODIFY PLAN AS NEEDED TO PROVIDE CONTINUOUS PROTECTION FROM STORM WATER RUNOFF.
9. CONTRACTOR SHALL CREATE A LOCATION FOR HANDLING AND DISPOSING OF CONCRETE AND CEMENT AND FOR VEHICLE MAINTENANCE.

MASS GRADING NOTES

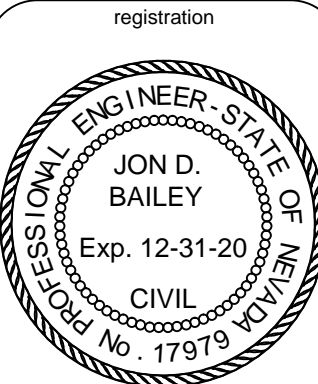
1. CONTRACTOR TO REFERENCE GEOTECHNICAL REPORT PREPARED BY SUMMIT ENGINEERING AND IS TO FOLLOW ALL RECOMMENDATIONS THEREIN FOR STRIPPING, FILL PLACEMENT, AND TESTING AND INSPECTION REQUIREMENTS
2. FOR MASS GRADING CONTRACTOR TO PREPARE SUBGRADE IN ALL PRIVATE DRIVEWAY AREAS TO FINISH GRADE $-1.5'$. ALL FG PAD GRADES TO BE LEFT TO PAD GRADE $-2'$. SUBGRADE TO BE PREPARED IN ACCORDANCE WITH RECOMMENDATION FROM GEOTECHNICAL REPORT.
3. WHERE CONSTRUCTION ACCESS DRIVEWAYS ARE SHOWN CONTRACTOR TO INSTALL MIN 36" HDPE SD CULVERTS.
4. TOTAL CUT 27,886 CY. TOTAL FILL 15,715 CY. NET 12,171 CY

LEGEND

- | | |
|--|--|
| | FIBER ROLL (SC-1) |
| | CONSTRUCTION SITE ENTRANCE (SC-8) |
| | STORM DRAIN INLET PROTECTION (DP-3)
(AT ALL CATCH BASINS) |
| | CHECK DAM (RC-3) |
| | SILT FENCE (SC-5) |
| | RIPRAP (EC-7) |
| | CONTRIBUTION AREA IN ACRES |



PLLC
P.E. NV# 17979
780 W. Silver #104 Elko, NV
(775)385-3659



JON D. BAILEY

Revisions

Date & Description

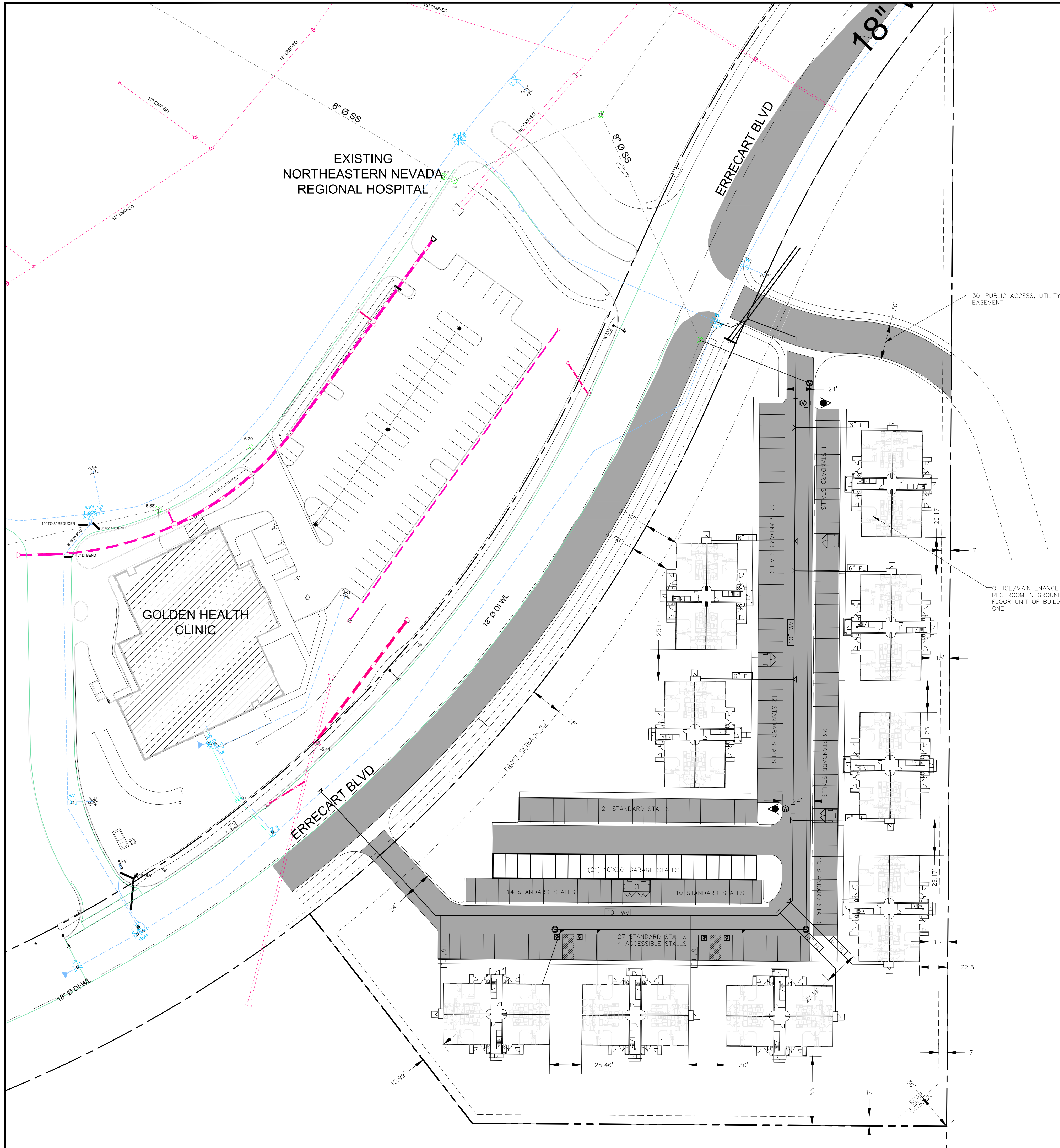
Number

JUNIPER RIDGE APARTMENTS
SITE GRADING PLAN

DESIGN BY:	JDB
DRAWN BY:	JDB
CHECKED BY:	
DATE:	9-10-2019
JOB NO.:	
SCALE:	AS NOTED

SHEET TITLE

GRADING PLAN
SHEET
C2
OF 4



CONDITIONAL USE PERMIT INFORMATION

SITE PLAN INFORMATION:
CURRENT ZONING: PC
PROPOSED ZONING: C

SITE AREA: 5.54 AC
TOTAL UNITS: (107) 2 BEDROOM 2 BATHROOM (1 OFFICE/COMMON SPACE)
TOTAL BUILDINGS: 9 - 12PLEX
OFFICE REC. ROOM LOCATED IN BUILDING ONE
DENSITY: 19 DU/AC

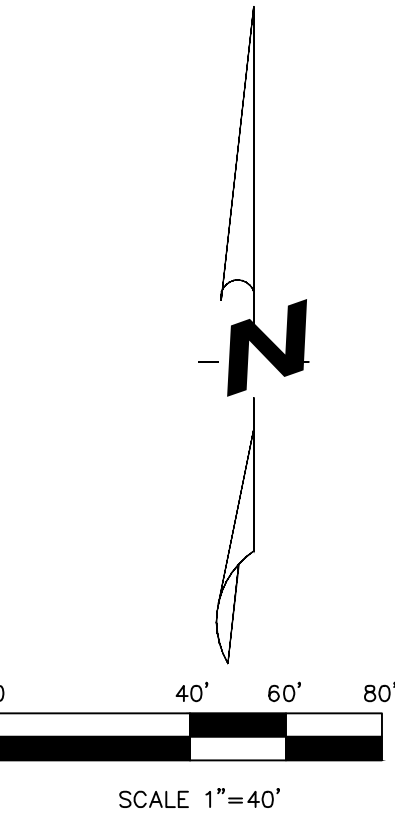
STANDARD PARKING STALLS: (149) 9'X20'
ACCESSIBLE PARKING STALLS: (4) 8'X20' WITH 8'X20' VAN SPACE
GARAGE PARKING STALLS: (21) 10'X20' ENCLOSED
TOTAL PARKING PROVIDED: (174) PARKING STALLS
PARKING REQUIRED: (107*1.5) 161 STALLS

UTILITY PLAN INFORMATION:

WATER:
ONSITE 10" WATER MAIN PVC DR 18 940 LF
18" DI MAIN X 10" SADDLE TAP (1)
6" FIRE LINES PVC AWWA DR 18 322 LF
6" FHA (3)
2" METERS (9)
1.5" LANDSCAPE METERS (1)

ONSITE 8" SEWER MAIN SDR 35 PVC 730 LF
48" SSMH (3)
6" SSLAT (9)

SURFACE IMPROVEMENTS:
ERRECART ASPHALT PAVING 22,755 SF
ERRECART C&G 650 LF
ERRECART 5' SW 650 LF
PARKING LOT PAVING 51,207SF



BE

BAILEY ENGINEERING

PLLC
P.E. NV# 17979
780 W. Silver #104 Elko, NV
(775)385-3659

registration

JON D. BAILEY

Exp. 12-31-20

CIVIL

Nb. 17979

PROFESSIONAL ENGINEER - STATE OF NEVADA

JON D. BAILEY

Revisions

Number	Date & Description
1	
2	
3	
4	

JUNIPER RIDGE APARTMENTS

SITE PLAN AND UTILITY PLAN

DESIGN BY:	JDB
DRAWN BY:	JDB
CHECKED BY:	-
DATE:	9-10-2019
JOB NO.:	-
SCALE:	AS NOTED

SITE & UTILITY PLAN

SHEET
C3
OF 4

LANDSCAPE PLAN



PLANTING LEGEND:

SYMBOL	BOTANICAL AND COMMON NAME	PLANTING SIZE
	PYRUS CALLERYANA 'CHANTICLEER' FLOWERING PEAR TREE	15 GALLON
	BERBERIS THUNBERGII 'HELMOND PILLAR' HELMOND PILLAR BARBERRY	5 GALLON
	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER' KARL FOERSTER FEATHER REED GRASS	5 GALLON
	LAVANDULA ANGUSTIFOLIA 'MUNSTEAD' MUNSTEAD LAVENDAR	5 GALLON
	HEMEROCALLIS 'STELLA ORO' DAYLILY	1 GALLON
	QUERCUS FRAINETTO/FOREST GREEN OAK	15 GALLON
	PRUNUS VIRGINIANA/ CANADA RED	15 GALLON
	CYPRESSES ARIZONICA/ ARIZONA CYPRESS	15 GALLON
	PICEA PUNGEA/ COLORADO BLUE SPRUCE	15 GALLON

MULCH DETAIL NOTES:

1. ANY AND ALL BOULDERS TO BE HARVESTED ON SITE AND INSTALLED AT LEAST 30% BELOW FINISH GRADE.
2. ALL PLANTER AREAS TO HAVE POLYSPUN WEED BARRIER FABRIC INSTALLED BENEATH MULCH.
3. 3"x8" RIVER COBBLE TO BE INSTALLED IN ALL PLANTER AREAS.
4. 3"x8" RIVER COBBLE TO BE INSTALLED AT LEAST 6" AWAY FROM ALL PLANT MATERIAL.
5. WESTERN CEDAR BARK MULCH (OR APPLICABLE) TO BE INSTALLED IN ALL TREE WELLS AND NEAR ALL PLANT MATERIAL.

TURF DETAIL NOTES:

1. APPROXIMATELY 1000 SQUARE FEET ON OASIS BLUE FESCUE TO BE INSTALLED.
2. 3" OF DOUBLE MIX TOP SOIL AND 9-9-9 PRE PLANT FERTILIZER TO BE INSTILLED FOR NEW SOD PREP.
3. CURBING TO BE INSTALLED FOR ALL TURF BORDERS.

ELEVATION PLAN

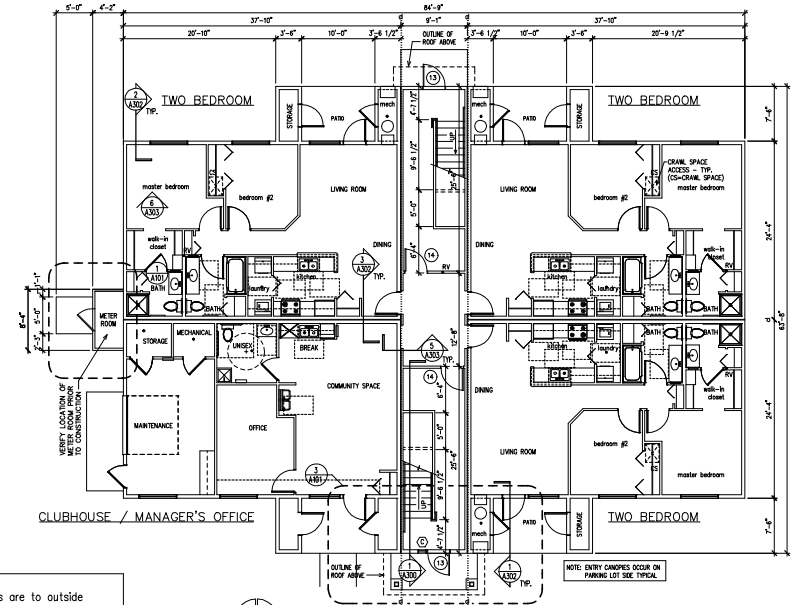
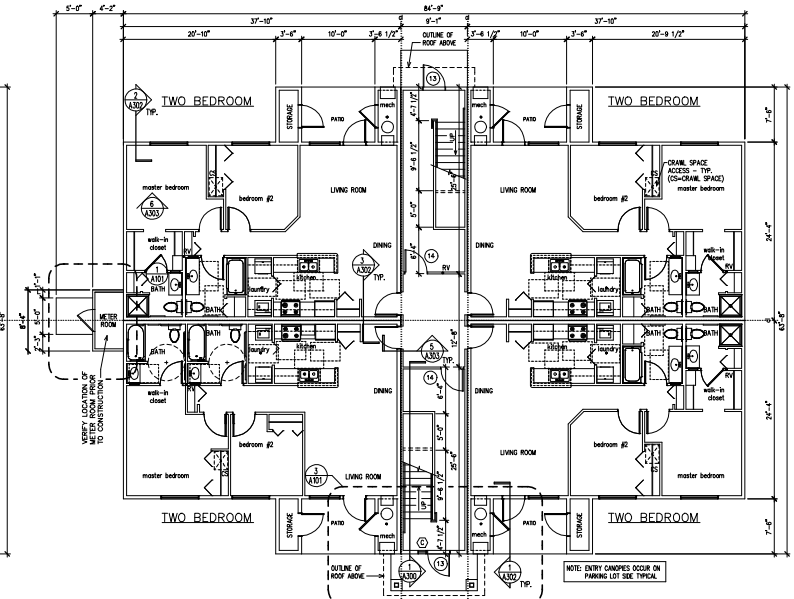
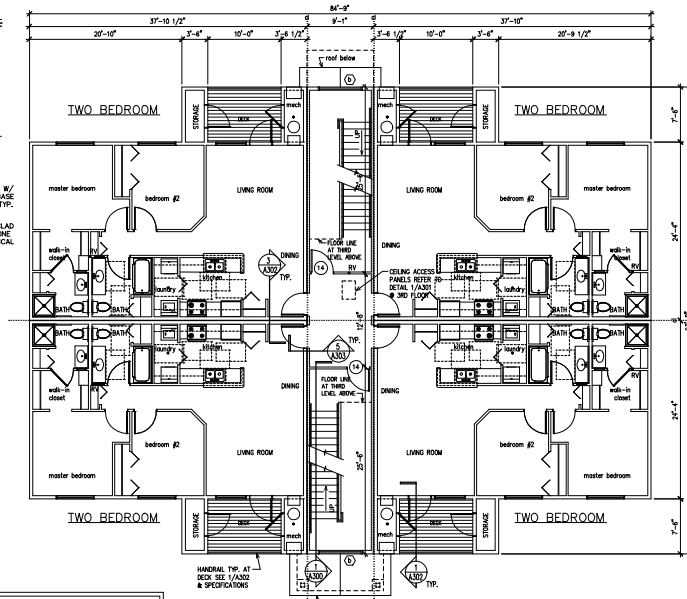
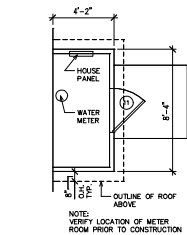
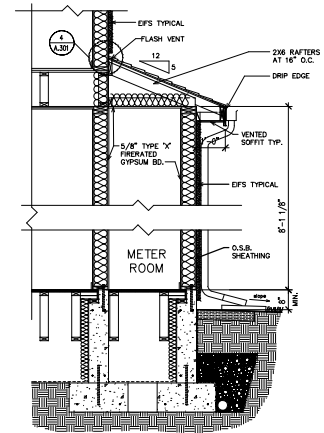
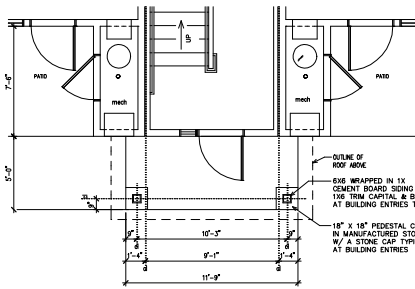


Revisions	Date & Description	Number
		1
		2
		3
		4

JUNIPER RIDGE APARTMENTS
LANDSCAPE AND ELEVATION PLAN

DESIGN BY:	JDB
DRAWN BY:	JDB
CHECKED BY:	
DATE:	9-10-2019
JOB NO.:	
SCALE:	AS NOTED

SHEET TITLE



note:
dimensions are to outside
of exterior sheathing or
unit separation center lines
unless noted otherwise

BOULDER CREEK APARTMENTS

Reno, NV

DIMITRIOS ECONOMIDES, ARCHITECT

912 COOLIDGE ROAD
EAST LANSING, MI 48823
PHONE: (313) 351-6720
FAX: (313) 351-4120

WE HAVE MANY NEW APARTMENTS AVAILABLE. CALL TODAY TO RESERVE YOURS.

WARNING

THIS DOCUMENT IS THE PROPERTY OF DIMITRIOS ECONOMIDES, ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DIMITRIOS ECONOMIDES, ARCHITECT.

REVISIONS

01-06-15

1501

A101

**Elko City Planning Commission
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action on Conditional Use Permit No. 9-19, filed by KLB Enterprises, LLC., which would allow for a bar to be located within the Central Business District, specifically 548 Commercial Street, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **October 1, 2019**
3. Agenda Category: **NEW BUSINESS, PUBLIC HEARINGS**
4. Time Required: **15 Minutes**
5. Background Information: **As required by Elko City Code 3-2-10(5)(C) any new business such as a bar within the Central Business District requires a Conditional Use Permit.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report**
8. Recommended Motion: **Move to conditionally approve Conditional Use Permit 9-19 based on the facts, findings and conditions presented in Staff Report dated September 16, 2019**
9. Findings: **See staff report dated September 16, 2019**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **KLB Enterprises, LLC
780 Aesop Drive
Spring Creek, NV 89815
alewis@frontiernet.net**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 10/1

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

Title: Conditional Use Permit No. 9-19
Applicant(s): KLB Enterprises, LLC
Site Location: 548 Commercial St - APN 001-343-006
Current Zoning: C Date Received: 9/10/19 Date Public Notice: 9/17
COMMENT: This is to allow for a bar/nightclub in
the Central Business District.

If additional space is needed please provide a separate memorandum

Police Chief: Date: _____ Police Department Conditions/
Concerns were addressed in the City of Elko Staff
Report dated 9/16/19.
SLA

Initial

Assistant City Manager: Date: 9/23/19 Recommend approval
as presented by staff

SAW

Initial

City Manager: Date: 9/23/19
No comments/concerns.

CC

Initial



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

CITY OF ELKO STAFF REPORT

DATE:	September 16, 2019
PLANNING COMMISSION DATE:	October 1, 2019
AGENDA ITEM NUMBER:	I.A.3
APPLICATION NUMBER:	Conditional Use Permit 9-19
APPLICANT:	KL B Enterprises, LLC.
PROJECT DESCRIPTION:	

Within the CBD, any new business involving activities which are reasonably likely to discourage other businesses through light, noise, odors, types and levels of activity, or the creation of a nuisance, such as (without limitation) auto and truck service and repair facilities; mobile home, recreational vehicle and truck sales lots; gas service stations; miniwarehousing facilities; veterinary clinics; bars; and other uses determined by the city to have similar impacts, shall be required to first obtain a conditional use permit.



STAFF RECOMMENDATION:

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

PROJECT INFORMATION

PARCEL NUMBER: 001-343-006

PROPERTY SIZE: 2,500 sq. ft.

EXISTING ZONING: C –General Commercial

MASTER PLAN DESIGNATION: MU-DWTN (Mixed Use Downtown)

EXISTING LAND USE: Developed as Commercial Land Use

NEIGHBORHOOD CHARACTERISTICS:

) The property is surrounded by Commercial zoned property, developed land to the south, east and west and Central Business District parking corridor to the north.

PROPERTY CHARACTERISTICS:

-) The property is currently developed.
-) The property is fairly flat.
-) The property is accessed from Commercial Street.
-) The property is not in a flood zone.

APPLICABLE MASTER PLANS 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 Code 3-2-3 General Provisions
-) City of Elko Code 3-2-4 Establishment of Zoning Districts
-) City of Elko Code 3-2-10 Commercial Zoning District
-) City of Elko Code 3-2-17 Traffic, Access, Parking and Loading Regulations
-) City of Elko Code 3-2-18 Conditional Use Permits
-) City of Elko Code 3-8 Flood Plain Management

BACKGROUND INFORMATION

-) The application for the Conditional Use Permit was filed as required under City Code 3-2-10(B)(5)(c).
-) There are no other conditional uses on the property.
-) The property is located in the Redevelopment Area, Central Business District.
-) The land is not owned by the applicant but the applicant has permission from the property owner to apply for the Conditional Use Permit.

MASTER PLAN

Land Use

1. The Master Plan Land Use Atlas designates the area as Mixed Use Downtown.

2. Objective 6: Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
3. Objective 8: Encourage new development that does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

The conditional use is in conformance with the Land Use Component of the Master Plan.

Transportation

1. The Master Plan identifies Commercial Street as a Commercial Industrial Collector.
2. The site has pedestrian access along Commercial Street.
3. Best Practice Objective 1; Provide a balanced transportation system that accommodates vehicle, bicycles, and pedestrians, while being sensitive to, and supporting the adjacent land uses.

The conditional use is in conformance with the Transportation Component of the Master Plan and existing transportation infrastructure.

CITY OF ELKO REDEVELOPMENT PLAN

1. The property is located within the Redevelopment Area and more specifically the Central Business District.
2. Redevelopment goals and objectives:
 -) To promote and insure public safety and welfare; to eliminate and prevent the spread of blight and deterioration, and the conservation, rehabilitation and redevelopment of the Redevelopment Area in accord with the Master Plan, the Redevelopment Plan and local codes and ordinances
 -) To promote and support a pedestrian oriented downtown; and, to achieve an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.
 -) To ensure adequate vehicular access and circulation; to retain and sustain existing businesses by means of redevelopment and rehabilitation activities, and encourage cooperation and participation of owners, businesses and public agencies in the revitalization of the Redevelopment Area.
 -) To promote historic and cultural interest in the Redevelopment Area; and, encourage investment by the private sector in the development and redevelopment of the Redevelopment Area by eliminating impediments to such development and redevelopment.
 -) To achieve Plan conformance and advancement through re-planning, redesign and the redevelopment of areas which are stagnant or improperly used.
3. The proposed development repurposes the existing vacant building.

The proposed Conditional Use Permit is in conformance with the Redevelopment Plan.

ELKO WELLHEAD PROTECTION PLAN

The property is located outside the 30-year capture zone for City wells.

The conditional use is in conformance with the Wellhead Protection Plan.

SECTION 3-2-3 GENERAL PROVISIONS

Section 3-2-3 (C) 1 of City code specifies use restrictions. The following use restrictions shall apply.

1. Principal Uses: Only those uses and groups of uses specifically designated as “principal uses permitted” in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited as principal uses
2. Conditional Uses: Certain specified uses designated as “conditional uses permitted” may be permitted as principal uses subject to special conditions of location, design, construction, operation and maintenance hereinafter specified in this chapter or imposed by the planning commission or city council.
3. Accessory Uses: Uses normally accessory and incidental to permitted principal or conditional uses may be permitted as hereinafter specified.

Other uses may apply under certain conditions with application to the City.

1. Section 3-2-3(D) states that “No land may be used or structure erected where the land is held by the planning commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety and general welfare of the community. The planning commission, in applying the provisions of this section, shall state in writing the particular facts upon which its conclusions are based. The applicant shall have the right to present evidence contesting such determination to the city council if he or she so desires, whereupon the city council may affirm, modify or withdraw the determination of unsuitability.”

The proposed use is required to have an approval as a conditional use to be in conformance with ECC 3-2-3 as required in ECC 3-2-10(B)(5).

SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS

1. Section 3-2-4(B) Required Conformity To District Regulations: The regulations set forth in this chapter for each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as provided in this subsection.
2. Section 3-2-4(B)(4) stipulates that no yard or lot existing on the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth in this title.

The proposed conditional use permit is in conformance with Elko City Code 3-2-4.

SECTION 3-2-10 COMMERCIAL DISTRICTS

1. Section 3-2-10(B)(5) Within the CBD, any new business involving activities which are reasonably likely to discourage other businesses through light, noise, odors, types and levels of activity, or the creation of a nuisance, such as (without limitation) auto and truck service and repair facilities; mobile home, recreational vehicle and truck sales lots; gas service stations; miniwarehousing facilities; veterinary clinics; bars; and other uses determined by the city to have similar impacts, shall be required to first obtain a conditional use permit
2. Height Restrictions: All structures within the C general commercial zoning district must

comply with the height and other requirements of the current city airport master plan, to the extent the plan applies to that location.

3. The property doesn't abut a residential zone so therefore is not required to comply with screen wall requirements set forth in subsection 3-2-3(J).
4. Development of the property is required to be in conformance with City code and conditions for the CUP.

The proposed use is in conformance with the development standards of this section of code.

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

1. All principal permitted uses occupying basement floor area, ground level or first story floor area or second story floor area, or any combination thereof, and which are situated on property located within four hundred feet (400') of the Central Business District (CBD) public parking corridor, are exempted from providing required off street parking.

The proposed use conforms to section 3-2-17 of Elko city code.

SECTION 3-2-18 CONDITIONAL USE PERMITS

General Regulations:

1. Certain uses of land within designated zoning districts shall be permitted as principal uses only upon issuance of a conditional use permit. Subject to the requirements of this chapter, other applicable chapters, and where applicable to additional standards established by the Planning Commission, or the City Council, a conditional use permit for such uses may be issued.
2. Every conditional use permit issued, including a permit for a mobile home park, shall automatically lapse and be of no effect one (1) year from the date of its issue unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.
3. Every conditional use permit issued shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.
4. Conditional use permits shall be reviewed from time to time by City personnel. Conditional use permits may be formally reviewed by the Planning Commission. In the event that any or all of the conditions of the permit or this chapter are not adhered to, the conditional use permit will be subject to revocation.

3-8 FLOOD PLAIN MANAGEMENT

The parcel is not located within a designated flood plain.

FINDINGS

1. The conditional use is in conformance with the Land Use Component of the Master Plan.

2. The conditional use is in conformance with the Transportation Component of the Master Plan and existing transportation infrastructure.
3. The conditional use is in conformance with the Wellhead Protection Plan.
4. Approval of the Conditional Use Permit is required for the proposed use to be in conformance to section 3-2-10 of the Elko city code.
5. Approval of the Conditional Use Permit is required for the proposed use to be in conformance with sections 3-2-3, 3-2-4, 3-2-17, and 3-2-18 of the Elko city code.
6. The proposed use conforms to section 3-8 of Elko city code.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of CUP 9-19 with the following conditions:

1. The permit is granted to the applicant KLB Enterprises, LLC. for a bar establishment subject to compliance with all conditions imposed by a conditional use permit.
2. The permit shall be personal to the permittee and applicable only to the specific use (bar establishment) and to the specific property (548 Commercial Street) for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.
3. CUP 9-19 to be recorded with the Elko County Recorder within 90 days after the business license is issued for the bar.
4. Signage will require review and comment by the Redevelopment Agency prior to approval by the City.
5. Applicant shall install and maintain exterior security lighting that illuminates both the Commercial Street frontage and the alleyway adjacent to and including the rear exit. The security lighting shall be sufficient to make easily discernible the appearance and conduct of all persons and patrons in the vicinity of the front and rear entrances, and shall be positioned so as not to cause excessive glare for persons located outside of the vicinity of the front and rear entrances, such as pedestrians, motorists, and owners and occupants of neighboring properties.
6. Business hours to be determined as appropriate by the Planning Commission. Elko Police Department recommends opening time on Friday and Saturday of 4:00 p.m. or later and close time of 2:00 a.m. (following day) and an opening time on all other days of the week of 4:00 p.m. or later and close time of 1:00 a.m.(following day).
7. Applicant shall remove all bottles, cans, trash, broken glass, debris, and bodily fluids from abutting properties upon closing on each day applicant's business is open.

8. Applicant shall maintain outdoor receptacles in the rear of the property for the collection of garbage, refuse and waste of adequate capacity and in sufficient number to hold all garbage, refuse and waste that accumulates between removal or disposal.

Police Department:

1. Communicate effectively and proactively with Elko Police Department regarding management and safety of the business, such as; provide notice as to management or supervision changes, problems with security, changes with lighting, camera systems, security, weapons policies, etc.
2. Professional trained security certified in the State of Nevada are required to be on staff during business hours.
3. Metal detectors at entrance are required.
4. Zero tolerance of employee consumption of alcohol while they are on shift.
5. Security cameras are required and a minimum of ten days stored video footage from the security system to be maintained at all times.

Conditional Use Permit 9-19 KLB Enterprises, LLC

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001343012	204 5TH SERIES LLC		565 W SILVER ST	ELKO NV	89801-3600
001266008	560 IDAHO ST LLC		560 IDAHO ST	ELKO NV	89801-3716
001351008	651 SILVER SERIES LLC		565 W SILVER ST	ELKO NV	89801-3691
001343004	ACE GLASS COMPANY		536 COMMERCIAL ST	ELKO NV	89801-3741
001343005	COWBOY ARTS AND GEAR MUSEUM		500 COMMERCIAL ST	ELKO NV	89801-3741
001351001	DALLING, JEFFERY C		3022 CALLIE CT	ELKO NV	89801-2478
001343002	ERRECART, JACQUES G ET AL		516 COMMERCIAL ST	ELKO NV	89801-3741
001343001	J M CAPRIOLA CO INC		500 COMMERCIAL ST	ELKO NV	89801-3741
001342013	J QUAID INVESTMENTS LLC SERIES4	} 1p.c.	PO BOX 1892	ELKO NV	89803-1892
001342006	J QUAID INVESTMENTS LLC SERIES4		PO BOX 1892	ELKO NV	89803-1892
001342008	J QUAID INVESTMENTS LLC SERIES4		PO BOX 1892	ELKO NV	89803-1892
001346001	LIVING STONES CHURCH	} 1p.c.	445 S VIRGINIA ST	RENO NV	89501-2108
001346002	LIVING STONES CHURCH		1910 IDAHO ST STE 102 PMB 617	ELKO NV	89801-2635
001343013	LOSTRA, MICHAEL & MARISSA ET AL		930 COLLEGE AVE	ELKO NV	89801-3420
001346003	MENDEZ, SAUL & VIRGINIA E SALAZ		1033 SEWELL DR	ELKO NV	89801-2961
001343008	MPLDP LLC	C/O MEENAKSHIL PATEL	223 GREENCREST DR	SPRING CREEK NV	89815-5447
001354001	NEVADA STATE OF	C/O UNEMPLOYMENT OF	500 E 3RD ST	CARSON CITY NV	89713-0001
001346004	NIX, COREY L		PO BOX 1041	MARIPOSA CA	95338-1041
001342012	NORTHERN NEVADA ASSET HOLDINGS	C/O DOROTHY,COMPTR	340 COMMERCIAL ST	ELKO NV	89801-3666
001343003	PATRAY ASSETS LLP		425 ROCKY RD	ELKO NV	89801-8496
001343007	SHIGAMO DEVELOPMENT INC		2002 IDAHO ST	ELKO NV	89801-2627
001351002	SPD PROPERTIES LLC		1945 JANIE LN	ELKO NV	89801-7968
001346005	TATOMER, SHERRILL EVE		580 SILVER ST	ELKO NV	89801-3722
001351009	URIBE-QUINTERO, SALVADOR TR ETA		570 JUNEAU ST	ELKO NV	89801-4134
001266006	WESTERN FOLKLIFE CENTER C/O S	} 1p.c.	501 RAILROAD ST	ELKO NV	89801-3752
001266009	WESTERN FOLKLIFE CENTER THE C		501 RAILROAD ST	ELKO NV	89801-3752
001266007	WESTERN FOLKLIFE CENTER THE C		501 RAILROAD ST	ELKO NV	89801-3752
001346006	WILLIAMS, VERA L ET AL		508 WILDMEADOW DR	EDMOND OK	73003-3029
001343011	WRIGHT, JOHN D & SUSAN E TR		500 COMMERCIAL ST	ELKO NV	89801-3741

24

Postmarked 9/20/19

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a series of public hearings on Tuesday, October 1, 2019 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, or by representative.

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

- **Conditional Use Permit No. 9-19, filed by KLB Enterprises, LLC, which would allow for a bar to be located within the Central Business District, specifically 548 Commercial Street, and matters related thereto. The subject property is located generally on the southeast side of Commercial Street, approximately 160' southwest of 6th Street. (548 Commercial Street - APN 001-343-006)**

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 phone * (775) 777-7219 fax

APPLICATION FOR CONDITIONAL USE PERMIT APPROVAL

APPLICANT(s): KLB ENTERPRISES, LLC

(Applicant must be the owner or lessee of the **proposed** structure or use.)

MAILING ADDRESS: 780 AESOP DRIVE, SPRING CREEK NV 89815

PHONE NO. (Home) (775) 385-0224

(Business) (775) 385-2200

NAME OF PROPERTY OWNER (If different): GREMEL & REUTNER PROPERTIES, INC.

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

MAILING ADDRESS: P.O. BOX 5216, ELKO NV 89803

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

ASSESSOR'S PARCEL NO.: 001-343-006 Address 548 Commercial Street, Elko NV

Lot(s), Block(s), & Subdivision Lot 6 in Block L in the City of Elko

Or Parcel(s) & File No.

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 \$750.00 non-refundable fee.

Plot Plan: A plot plan provided by a properly licensed surveyor depicting the proposed conditional use permit site drawn to scale showing property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other pertinent information that shows the use will be compliant with Elko City Code.

Elevation Plan: Elevation profiles including architectural finishes of all proposed structures or alterations in sufficient detail to explain the nature of the request.

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 conditional use permit application.

RECEIVED

1. Current zoning of the property: Commerical
2. Cite the provision of the Zoning Ordinance for which the Conditional Use Permit is required: 3210B5C
3. Explain in detail the type and nature of the use proposed on the property: The property will be used as an entertainment venue (nightclub/bar) that will operate Wed - Sat evenings. This nightclub will be distinguished from surrounding area bars by its upscale nature, professionally trained security, zero tolerance of employee consumption of alcohol, dress code (for patrons and staff), responsible pouring, metal detectors at the door, last call at 0300, and food (pretzel bites, nachos, gourmet hot dogs, etc) available until closing. Also, the nightclub will have lockers which patrons rent to secure their valuables and there will be Lyft drivers outside to ensure that patrons get home safely. The nightclub will play 80s, 90s, Y2K genres (music). The nightclub will appeal to patrons (target age group: women between the ages of 25 - 45) who want to have a safe and fun place to dance and socialize. Nightclub staff will be responsible for picking up all trash (cups, stirrers, broken bottles, litter) at the end of each evening in front of the bldg and the parking lot across the street. Dumpster will be emptied twice each week.
4. Explain how the use relates with other properties and uses in the immediate area: The nightclub is nestled between a museum and a video arcade and at the end of block is a wine bar (DLC) and a coffee shop (The Coffee Mug). The property has been a nightclub for over twenty years (Branding Iron, The G). It just recently became vacant, o/a February 11, 2017. The property is in a desired location since it is within walking distance of several other bars and nightclub. The location is what locals considered 'downtown' and is pedestrian traffic friendly with plenty of city parking across the street. The hours in which the nightclub will be open will not impede or impose on surrounding businesses since most businesses will be closed during the nightclub's business hours.
5. Describe any unique features or characteristics, e.g. lot configuration, storm drainage, soil conditions, erosion susceptibility, or general topography, which may affect the use of the property: There are no unique features or characteristics which may affect the use of the property.
6. Describe the general suitability and adequacy of the property to accommodate the proposed use: The suitability of the property to accommodate the use is fantastic. 548 Commercial Street has been a nightclub since the 1990s. The property (ie. dance floor, walk in coolers, bar top, etc.) is in pristine condition (with a few minor exceptions) and it would be challenging for any other type business (restaurant, retail shop, etc.) to occupy this property without undergoing major reconstruction.

7. Describe in detail the proposed development in terms of grading, excavation, terracing, drainage, etc.: There are no major developments in regards to grading, excavation, terracing, drainage, etc. The existing drainage pipe will be improved upon and a back-flow preventer will be installed by KAP Mechanical.

8. Describe the amounts and type of traffic likely to be generated by the proposed use: The type of traffic likely to be generated will be pedestrian and vehicular traffic. Estimated amount of patrons is 250 on Friday, Saturday night; 150 on Thursday night; 100 on Wednesday night.

9. Describe the means and adequacy of off-street parking, loading and unloading provided on the property: Across from the property is city parking (corridor) and there is 15 minute loading and unloading permitted directly in front of the property on Commercial Street.

10. Describe the type, dimensions and characteristics of any sign(s) being proposed: There will be a circular logo (UG) over the existing 'G' sign. The outside red and white striped canopy will be replaced with a black canopy with 'THE UNDERGROUND NIGHTCLUB' written in white across it. It is the LLC's intention to apply for the Redevelopment Agency's Storefront Improvement Program grant at the beginning of next year.

11. Identify any outside storage of goods, materials or equipment on the property: None

12. Identify any accessory buildings or structures associated with the proposed use on the property: None

(Use additional pages if necessary to address questions 3 through 12)

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 have carefully read and completed all questions contained within this application to the best of my ability.

Applicant / Agent Tony Lewis
(Please print or type)

Mailing Address 454 Cedar Street
Street Address or P.O. Box
Elko, NV 89801
City, State, Zip Code

Phone Number: (775) 934-3514

Email address: alewis@frontiernet.net

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 9-19 **Date Filed:** 9/10/19 **Fee Paid:** \$750 cx#1713

Shelby Archuleta

From: Clay Gremel <clay.gremel@gmail.com>
Sent: Tuesday, September 10, 2019 5:54 PM
To: DPS of Northern Nevada; Shelby Archuleta
Subject: Re: The Underground Nightclub - Application for Conditional Use Permit Approval

Hello Shelby,
Please allow KLB Enterprises to submit the conditional use permit at 548 Commercial Street.

Thank you,
Clay Gremel owner Gremel Properties. (Ruetner has been bought out years ago and changed.)

On Tue, Sep 10, 2019, 5:13 PM DPS of Northern Nevada <dbarnhart@dpsnnv.com> wrote:
Clay
Please see the email below from Shelby Archuleta.

Thank you very much!

Deborah Barnhart
Document Preparer
Lic # NVDP20161512291

DPS of Northern Nevada
531 Court Street
Elko, NV 89801
(775) 385-2200
<http://www.dpsnnv.com>

Deborah Barnhart is not an attorney to practice in the State of Nevada and she is prohibited from providing legal advice or legal representation to any person, pursuant to NRS 240A.



----- Forwarded message -----

From: **Shelby Archuleta** <sarchuleta@elkocitynv.gov>
Date: Tue, Sep 10, 2019 at 4:56 PM
Subject: RE: The Underground Nightclub - Application for Conditional Use Permit Approval
To: DPS of Northern Nevada <dbarnhart@dpsnnv.com>
Cc: (null) alewis <alewis@frontiernet.net>, Cathy Laughlin <claughlin@elkocitynv.gov>

Good Afternoon,

We are going to need a letter/email from the property owner (Gremel & Reutner Properties, Inc.) giving KLB Enterprises, LLC permission to submit for a Conditional Use Permit.

Please let me know if you have any questions.

Thank you!

Shelby Archuleta

Planning Technician

City of Elko

Planning Department

PH (775) 777-7160

FX (775) 777-7219

From: DPS of Northern Nevada <dbarnhart@dpsnnv.com>

Sent: Tuesday, September 10, 2019 4:30 PM

To: Cathy Laughlin <claughlin@elkocitynv.gov>

Cc: Shelby Archuleta <sarchuleta@elkocitynv.gov>; (null) alewis <alewis@frontiernet.net>; Deborah Barnhart <dbarnhart@dpsnnv.com>

Subject: The Underground Nightclub - Application for Conditional Use Permit Approval

Ms. Laughlin,

Please review our attached .pdf files.

- Application for Conditional Use Permit
- Main Floor Plan Layout (The attached Main Floor Plan does not show the rear jog of the property line (re. the restrooms). High Desert Engineering has emailed you a .pdf of the surveyed site, which was done on September 10, 2019, depicting the rear jog of the property.
- Exterior photos

- Lower Floor Plan
- Site Plan
- Coversheet

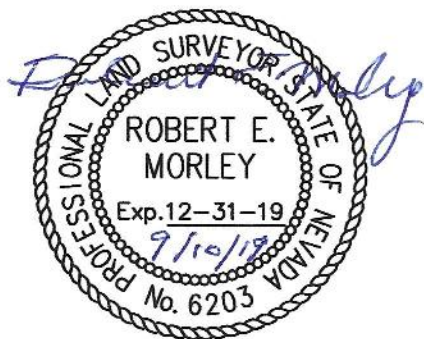
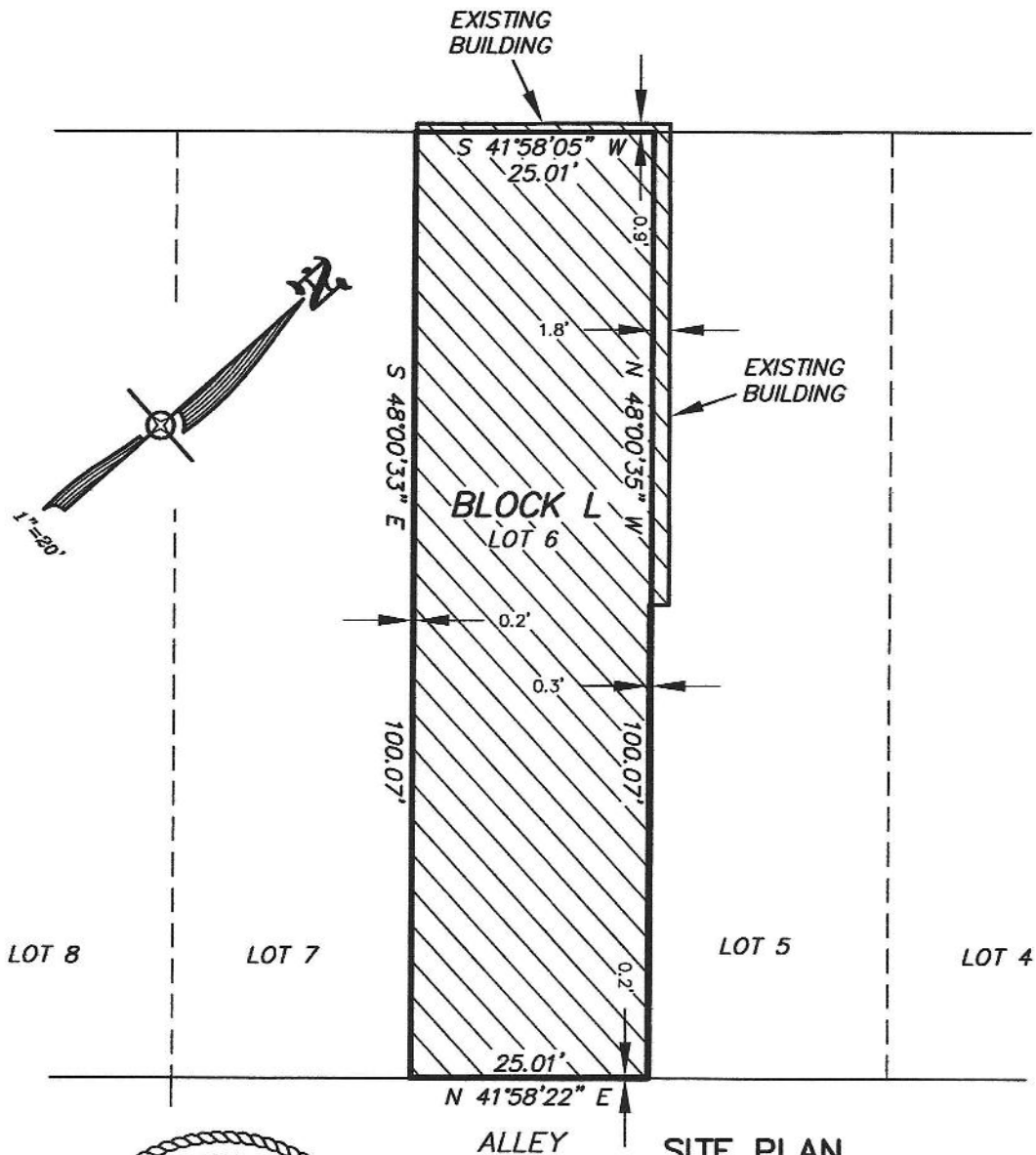
Hard copies (original Application for Conditional Use Permit) and a check in the amount of \$750.00 has been left at your office with Shelby on September 10, 2019.

Thank you very much for your patience and your consideration.

Deborah Barnhart

(775) 385-0224

COMMERCIAL STREET



SITE PLAN
FOR
THE UNDERGROUND NIGHT CLUB
LOT 6, BLOCK L
CITY OF ELKO



SCALE: 1"=20'

W:\Drawing Files\Commercial\Tony Lewis\G-Spot 2019\01 Underground G1.1 Cover Sheet 01.dwg, 8/20/2019 3:03:04 PM
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THE UNDERGROUND

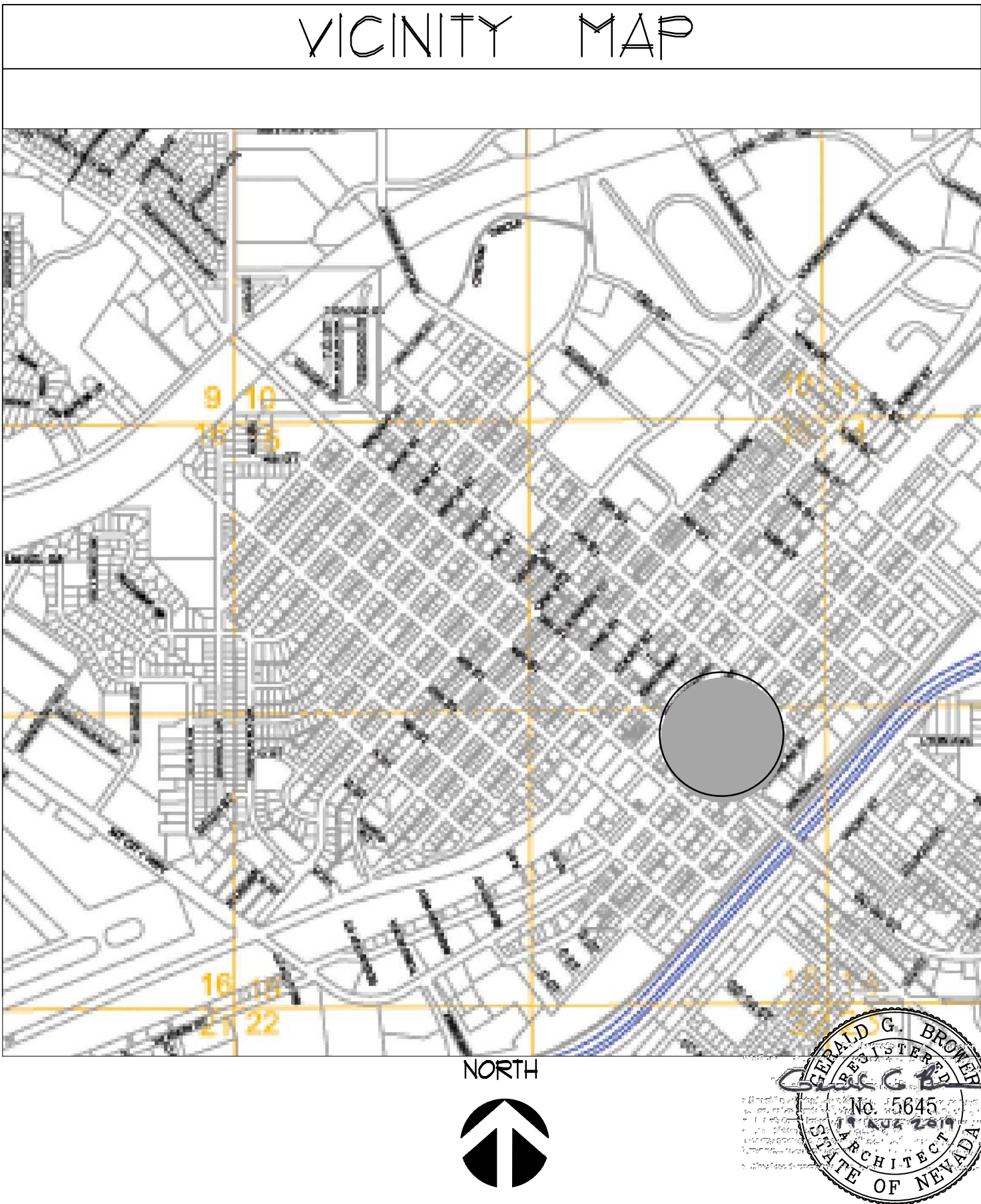
548 COMMERCIAL STREET

ELKO, NEVADA

ARCHITECTURAL
BROWER AND ASSOCIATES, ARCHITECT
1176 NORTH STATE STREET - SUITE 100
OREM, UTAH 84051 801-225-8851
FAX (801) 225-0138 EMAIL jerry@browerarchitects.com

ELECTRICAL
ELLISON ELECTRIC
420 SO. 5TH STREET
ELKO, NEVADA 89801 (775) 738-6284
EMAIL ellisonelectric@frontiernet.net

INDEX OF DRAWINGS	
SHEET	CONTENTS
GENERAL	
G 11	COVER SHEET & INDEX OF DRAWINGS
G 12	CODE ANALYSIS
CIVIL	
SD 11	SITE PLAN
ARCHITECTURAL	
A 11	MAIN FLOOR PLAN
A 12	LARGE SCALE FLOOR PLAN
A 21	EXTERIOR PHOTOS
A 5.1	DOOR, WINDOW, AND FINISH SCHEDULE & DETAILS
A 6.1	INTERIOR ELEVATIONS
PLUMBING	
MECHANICAL	
ELECTRICAL	



B: A

brower and associates

ARCHITECT

brower & associates
architects & planners
1176 north state street
suite 100
orem, utah 84051
(801) 225-8859

PLANNING

THE UNDERGROUND

548 COMMERCIAL STREET

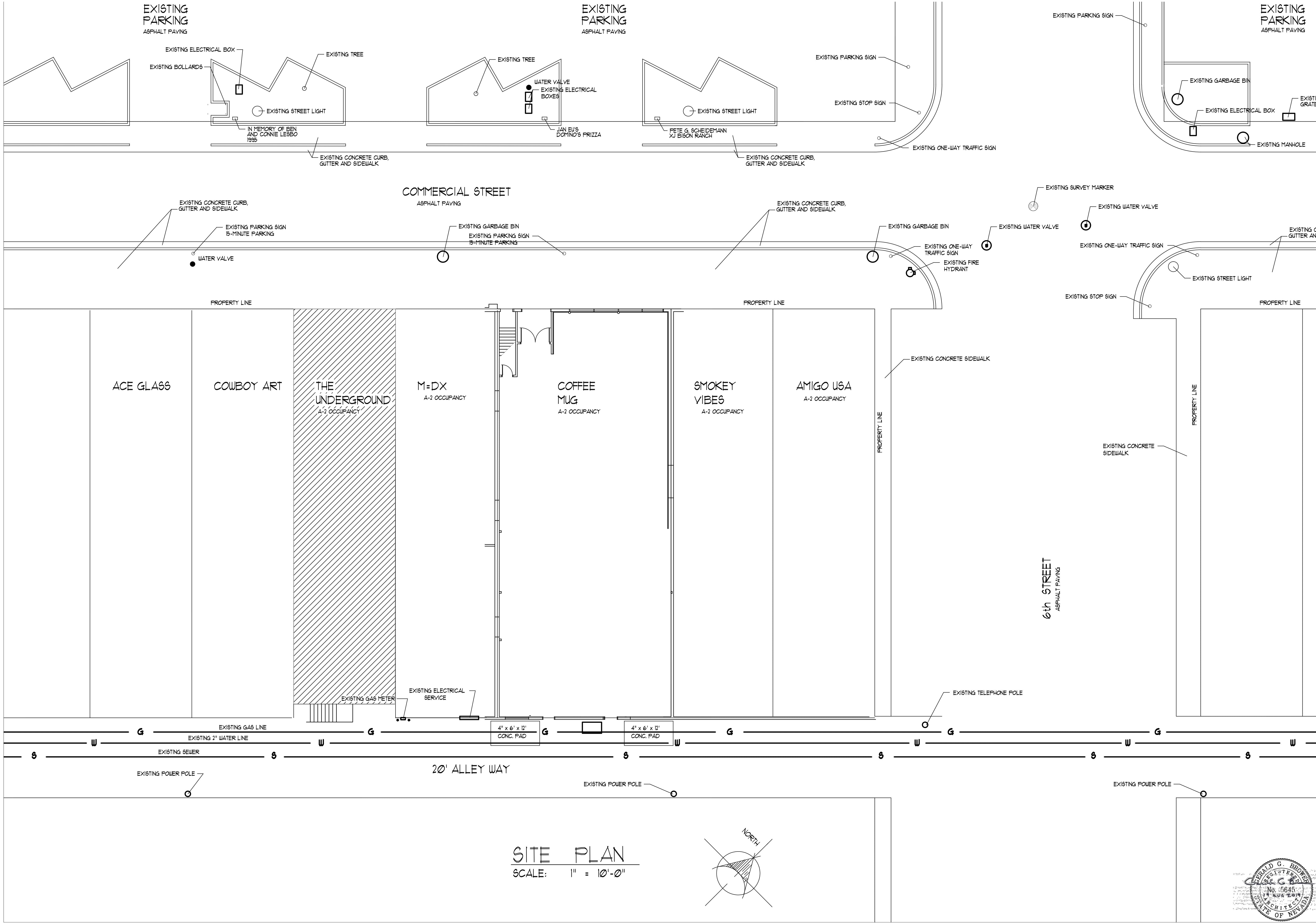
ELKO, NEVADA 89801

COVER SHEET & INDEX OF DRAWINGS

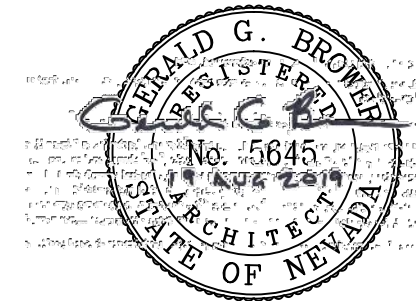
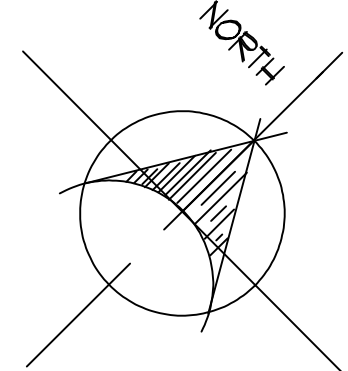
DRAWN BY: G. BROWER DATE: 18 AUGUST 2019 REVISION:

SHEET NUMBER

G 11



SITE PLAN
SCALE: 1" = 10'-0"



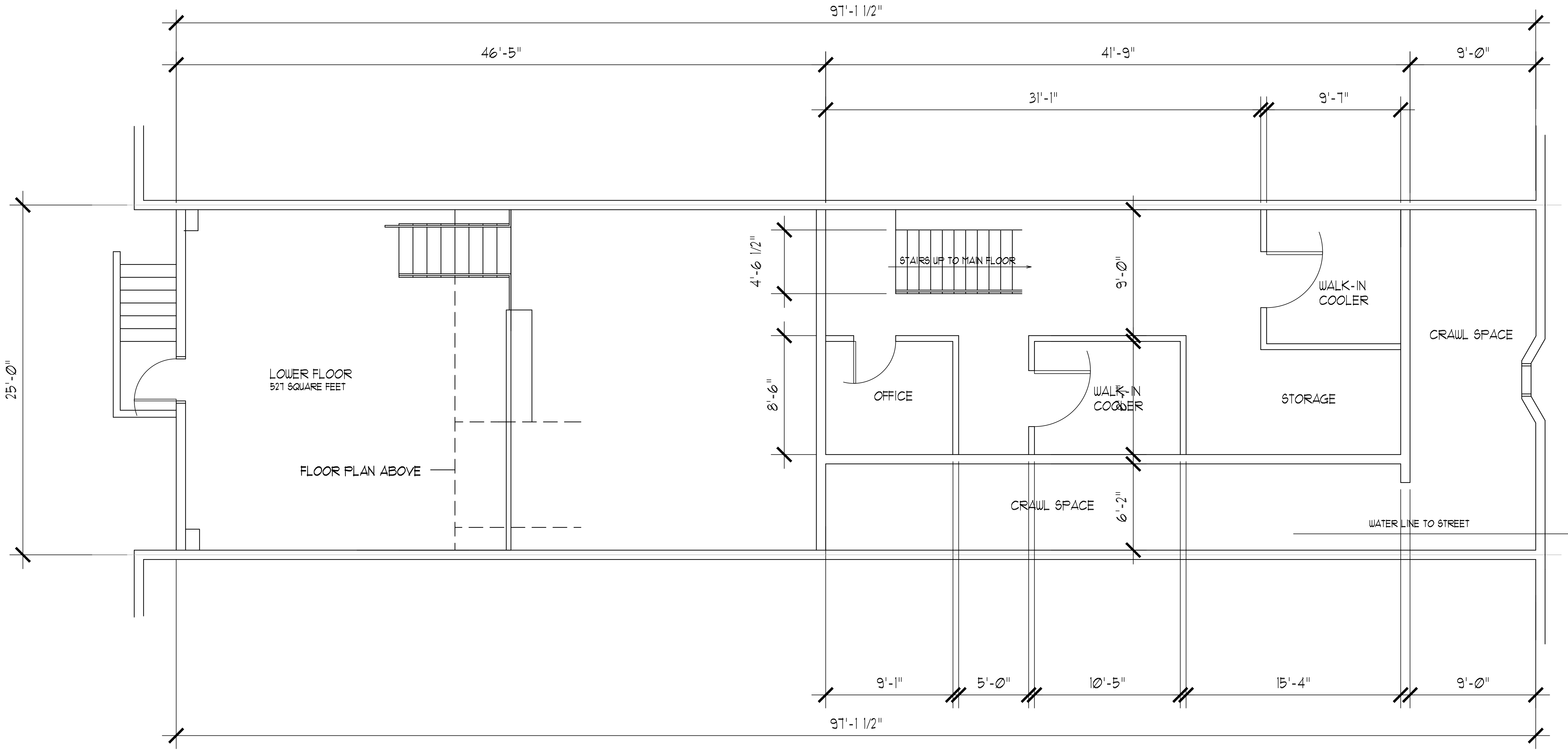
B&A
brower and associates
ARCHITECTURE PLANNING
brower & associates
architects & planners
1776 north state street
suite 100
oreem, utah 84057
(801) 225-8859

THE UNDERGROUND
548 COMMERCIAL STREET
ELKO, NEVADA 89801

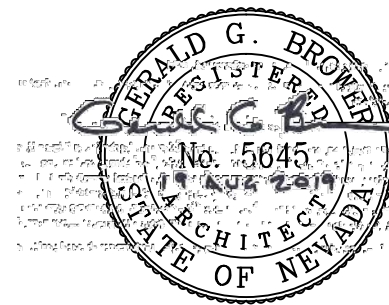
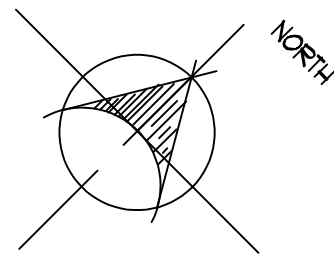
SITE PLAN

DRAWN BY: G. BROUER DATE: 19 AUGUST 2019 REVISION:

SHEET NUMBER
SD 1.1



LOWER FLOOR PLAN
SCALE = 1/4" = 1'-0"



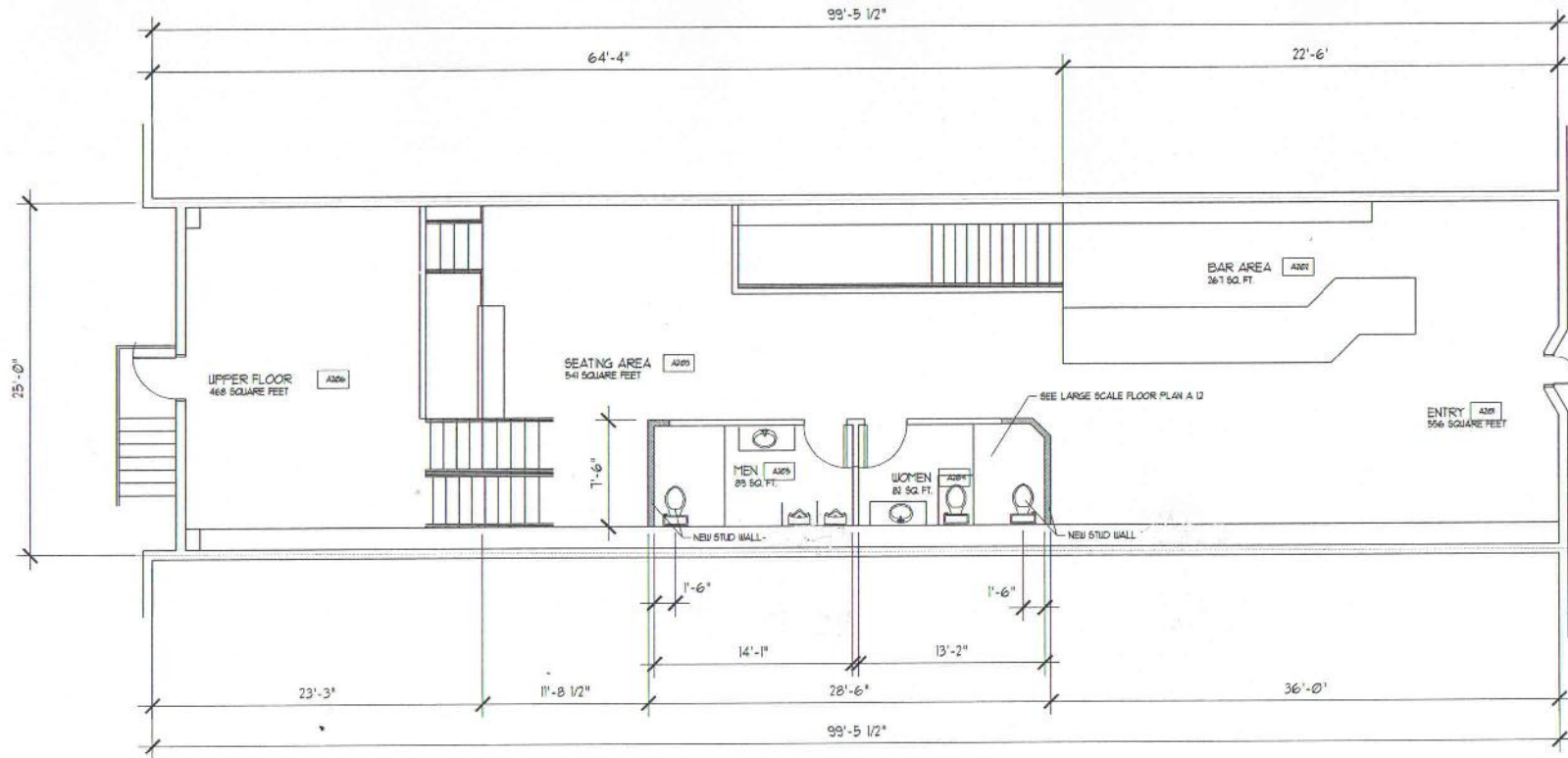
THE UNDERGROUND 548 COMMERCIAL STREET ELKO, NEVADA 89801	DRAWN BY: G. BROUER DATE: 19 AUGUST 2019 REVISION:	brouer & associates architects & planners 1776 north state street suite 100 orem, utah 84057 (801) 225-8859		ARCHITECTURE	PLANNING	ROOF CONSULTING

LOWER FLOOR PLAN

SHEET NUMBER

A 1.0

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MAIN FLOOR PLAN
SCALE = 1/4" = 1'-0"



MAIN FLOOR PLAN

SHEET NUMBER
A 11

DRAWN BY: G. BROOKER DATE: 8 AUGUST 2011

REVISION:

THE UNDERGROUND
548 COMMERCIAL STREET
ELKO, NEVADA 89801

B.A.
Brooker & Associates
ARCHITECTURE PLANNING INTERIOR DESIGN
brooker & associates
architects & planners
1776 South State Street
Elko, NV 89801
Phone: (775) 841-2727
Fax: (775) 841-2728
(800) 725-1859



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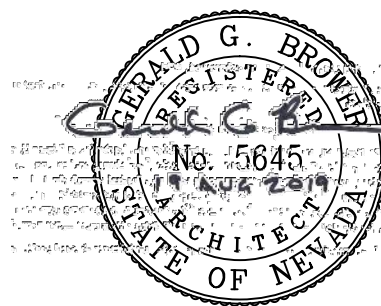
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**Elko City Planning Commission
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action on Zoning Ordinance Amendment 2-19, Ordinance No. 845, specifically an amendment to Title 3, Chapter 4, Section 1 of the Elko City Code entitled “Planning Commission” and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **October 1, 2019**
3. Agenda Category: **NEW BUSINESS, PUBLIC HEARINGS**
4. Time Required: **20 Minutes**
5. Background Information: **NRS 278.040 was revised in 1985 and Elko City Code needs to be revised to reflect those changes.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Ordinance 845**
8. Recommended Motion: **Forward a recommendation to City Council to adopt an ordinance which approves Zoning Ordinance Amendment No. 2-19 of the Elko City Code specifically Section 3-4-1**
9. Findings:
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution:

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 10/1

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

Title: Zoning Ordinance Amendment No. 2-19
Applicant(s): City of Elko
Site Location: N/A
Current Zoning: N/A Date Received: N/A Date Public Notice: 9/17
COMMENT: This is to update Section 3-4-1 with
revisions made to NRS 278.040 in 1985.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 9/23/19
Recommend approval as presented by
Staff

SAW

Initial

City Manager: Date: 9/23/19
No comments/concerns.

W

Initial

**CITY OF ELKO
ORDINANCE NO. 836**

**AN ORDINANCE AMENDING TITLE 3 (ZONING REGULATIONS), CHAPTER 4
(PLANNING COMMISSION), SECTION 1 (CREATED; APPOINTMENT; MEMBERS;
COMPENSATION; TERM; REMOVAL; VACANCIES) TO BE CONSISTENT WITH
NRS 278.040(1)**

WHEREAS, the City of Elko desires to amend the City Code to amend the Code to reflect statutory requirements for membership on the planning commission;

WHEREAS, the City of Elko Section 1 was consistent with the NRS 278.040 when enacted in 1973; and

WHEREAS, the requirements for membership on planning commission was subsequently amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELKO, NEVADA

For amendment purposes, words which are in blue, bold and underlined are additions to the Ordinance, and words which ~~are lined through~~ are deleted from the Ordinance.

Section 1: Title 3, Chapter 4, Section 1 is hereby added to read as follows:

**3-4-1: CREATED; APPOINTMENT; MEMBERS; COMPENSATION; TERM;
REMOVAL; VACANCIES:**

- A. Created; Membership; Appointment: There is hereby created a Planning Commission in and for the City, to be known as the Elko Planning Commission. This commission shall consist of seven (7) members. The members of the commission shall be appointed by the Mayor, with the approval of the City Council. ~~The members shall hold no other public office, except that one such member may be a member of the Zoning Board of Adjustment.~~ The members must not be members of the governing body of the city or county. Members shall be eligible for reappointment.
- B. Compensation: All members of the commission shall serve as such without compensation excepting reasonable traveling expenses made necessary in the fulfillment of their duties.
- C. Terms: The terms of the members first appointed shall be three (3) years for two (2) members, two (2) years for two (2) members and one year for two (2) members. The Mayor shall designate the terms of the respective members first appointed at the time of appointment. Thereafter, the term of each member shall be four (4) years or until his successor takes office.
- D. Removal: Members may be removed, after public hearing, by a majority vote of the City Council for inefficiency, neglect of duty or malfeasance of office.

E. Vacancies: Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term.

F. Absences ~~from~~ **from** Meetings: Absence of an appointed member for four (4) consecutive regular meetings without the formal consent of the Planning Commission shall be deemed to constitute a retirement of that appointed member, and the vacancy thus created shall be filled thereafter by the Mayor by the appointment of a successor to fill the unexpired term of office.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict

Section 3: If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, the invalidity, unenforceability or provision shall not affect any remaining provisions of this ordinance.

Section 4: Upon adoption, the City Clerk of the City of Elko is hereby directed to have this ordinance published by title only, together with the Councilman voting for or against its passage in a newspaper of general circulation within the time established by law, for at least one publication.

Section 5: This Ordinance shall be effective upon the publication mentioned in Section 4

PASSED AND ADOPTED this _____ day of _____, 2019 by the following vote of the Elko City Council.

AYES:

NAYS:

ABSENT:

ABSTAIN: None

APPROVED this _____ day of _____, 2019.

CITY OF ELKO

BY: _____
REECE KEENER, Mayor

ATTEST:

KELLY WOOLDRIDGE, City Clerk

**Elko City Planning Commission
Agenda Action Sheet**

1. Review, consideration and possible approval of Final Map No. 9-19, filed by Bailey & Associates, LLC, for the development of a subdivision entitled Cambridge Estates involving the proposed division of approximately 8.02 acres of property into 35 lots and 1 remainder parcel for residential development within the R1 (Single Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**
2. Meeting Date: **October 1, 2019**
3. Agenda Category: **MISC. ITEMS, PETITIONS, AND COMMUNICATIONS**
4. Time Required: **15 Minutes**
5. Background Information: **Subject property is located at the northeast corner of Celtic Way and El Armuth Drive. (APN 001-660-041)**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report, Final Map, Construction Plans**
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 this Chapter, and conditionally approve Final Map 9-19 with findings and conditions listed in the Staff Report dated September 13, 2019.**
9. Findings: **See Staff Report dated September 13, 2019**
10. Prepared By: **Michele Rambo, AICP, Development Manager**
11. Agenda Distribution: **Bailey & Associates, LLC
Jon Bailey
jbailevpe@gmail.com**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 10/1

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Title: Final map No. 9-19 Cambridge Estates
Applicant(s): Bailey + Associates, LLC
Site Location: NE Corner of Celtic + El Armuth - APN 001-6660-041
Current Zoning: R1 Date Received: 7/24 Date Public Notice: N/A
COMMENT: This is for the division of approx. 8.02 ac into
35 lots for residential development

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 9/23/19
Recommend approval as presented by
Staff

SPW

Initial

City Manager: Date: 9/23/19
No comments/concerns.

cc

Initial



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

CITY OF ELKO STAFF REPORT

REPORT DATE:	September 13, 2019
PLANNING COMMISSION DATE:	October 1, 2019
AGENDA ITEM NUMBER:	I.B.1.
APPLICATION NUMBER:	Final Map 9-19
APPLICANT:	Bailey & Associates, LLC
PROJECT DESCRIPTION:	Cambridge Estates

A Final Map for the division of approximately 8.02 acres into 35 lots for single family residential development within an R1 (Single Family Residential) zoning district and 1 remainder lot to be dedicated to the City of Elko for drainage and utility easements.



STAFF RECOMMENDATION:

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

PROJECT INFORMATION

PARCEL NUMBER: 001-660-041

PARCEL SIZE: 2.235 Acres

EXISTING ZONING: (R1) Single Family Residential.

MASTER PLAN DESIGNATION: (RES-MD) Residential Medium Density

EXISTING LAND USE: Vacant

BACKGROUND:

1. The Final Map for Cambridge Estates 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 Cambridge Estates Tentative Map.
3. The City Council conditionally approved the Cambridge Estates Tentative Map.
4. No phasing was shown on the Tentative Map.
5. Under the conditional approval of the Tentative Map, a modification of standards was granted for lot widths on Lots 7-10, 13, and 14 and for lot size on Lots 29 and 35.
6. The subdivision is located on APN 001-660-041.
7. The proposed subdivision consists of 35 residential lots with 1 remainder lot to be dedicated to the City of Elko for drainage and utility easements.
8. The total subdivided area is approximately 8.02 acres.
9. The proposed density is 4.36 units per acre.
10. Approximately 1.318 acres are offered for dedication for street development.
11. Approximately 0.492 acres are offered for dedication for drainage and utility easements.
12. The property is located on the northeast corner of Celtic Way and El Armuth Drive.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

-) North (County): Agricultural-Residential (AR) / Developed
-) South: Single and Multiple Residential (R) / Partially Developed
-) East: Single and Multiple Residential (R) / Developed
-) West (County): Agricultural-Residential (AR) / Developed

PROPERTY CHARACTERISTICS:

-) The property is an undeveloped residential parcel.
-) The area abuts previous residential development on all sides.
-) The parcel has some slope to it, which is incorporated into the design of the lots where possible.
-) The property will be accessed off of Celtic 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 outside of any capture zone for 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 zone requirements. A modification of standards for lot widths and areas was granted with the conditional approval of the Tentative Map.

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 location 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 located adjacent to a city boundary, which is shown on the Final Map.
 - 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. A Modification of Standards for lot widths and areas for individual lots was approved during that process.

Based on the Modification of Standards granted under the Tentative Map application, 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 paving and utilities within the Celtic Way and Newcastle Circle right-of-ways.

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. A Modification of Standards for lot widths and areas on individual lots was approved during that process.

Based on the Modification of Standards for lot widths and area granted under the Tentative Map application, 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 Cambridge Estates 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 Component of the Master Plan.
4. The proposed subdivision is in conformance with the Transportation Component of the Master Plan.
5. Based on the Modification of Standards for lot widths and areas granted under the Tentative Map application, the proposed development conforms with Sections 3-3-9 through 3-3-16 (inclusive).

6. The Subdivider shall be responsible for all required improvements in conformance with Section 3-3-17 of City code.
7. The Subdivider has submitted construction plans in conformance with Section 3-3-18 of City code.
8. 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.
9. 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.
10. The Subdivider will be required to enter into a Performance Agreement to conform to Section 3-3-21 of City code.
11. 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.
12. Based on the Modification of Standards for lot widths and areas for particular lots granted under the Tentative Map application, the proposed development conforms to Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G), and 3-2-17 of City code.
13. The proposed development is in conformance with Section 3-8 of City code.

STAFF RECOMMENDATION:

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

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 Cambridge Estates is approved for 35 single family residential lots and 1 remainder lot.
5. The Utility Department will issue a Will Serve Letter for the subdivision.
6. Grading shall not commence prior to approval of the construction plans by the Nevada Department of Environmental Protection.

7. 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.
8. Conformance with the conditions of approval of the Tentative Map is required.
9. 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. All right-of-way and utility improvements are to be certified by the Engineer of Record for the project.
10. Approval of the Tentative Map by the Nevada Department of Environmental Protection is required prior to scheduling the Final Map for City Council approval.



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

August 2, 2019

Summit Engineering
Attn: Nitin Bhakta
1150 Lamoille Highway
Elko, NV 89801

Re: Cambridge Estates (Final Map) – Complete Submittal

Dear Mr. Bhakta:

The City of Elko has reviewed your Final Map application materials for Cambridge Estates (submitted July 31, 2019) 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.

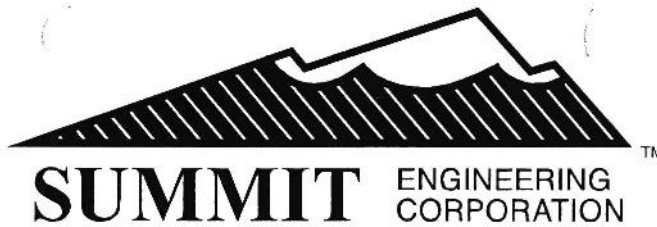
I will keep you updated on the status of your application, but please feel free to contact me at (775) 777-7217 if you have any questions.

Sincerely,

Michele Rambo, AICP
Development Manager
mrambo@elkocitynv.gov

CC: Bailey and Associates
Attn: Jon Bailey
780 W Silver Street
Elko, NV 89801

City of Elko – File



July 31, 2019

City of Elko
Michele Rambo
1751 College Avenue
Elko, NV 89801

Re: Cambridge Estates revisions for Final Map Submittal

Dear Michele:

Please see below for comments relating to the revisions addressing the City of Elko Development Department comments.

1. Complete set of construction plans. Per the subdivision ordinance, the construction plans must be approved by staff prior to the Final Map being heard by Planning Commission.
 - a. **Construction Plans have been completed and are attached with the revised submittal.**
2. The address and phone number of the subdivider (Bailey & Associates).
 - a. **Telephone number and address of the subdivider have been added to the plat map.**
3. City boundary lines that abut the property both on the north and west sides.
 - a. **City limits have been labeled on the plat map.**

Please contact me at our office (775) 787-4391 with any additional question you may have about this project.

Sincerely,

SUMMIT ENGINEERING CORPORATION

Nitin I. Bhakta, PE
VP of Engineering / Elko Area Manager

RECEIVED

JUL 31 2019



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

July 25, 2019

Summit Engineering
Attn: Nitin Bhakta
1150 Lamoille Highway
Elko, NV 89801

Re: Cambridge Estates Final Map – Incomplete Submittal

Dear Mr. Bhakta:

The City of Elko has reviewed your Final Map application materials for Cambridge Estates (submitted July 24, 2019) and has found it to be incomplete. Please revise the Final Map Application to include the information listed below.

1. Complete set of construction plans. Per the subdivision ordinance, the construction plans must be approved by staff prior to the Final Map being heard by Planning Commission.
2. The address and phone number of the subdivider (Bailey & Associates).
3. City boundary lines that abut the property both on the north and west sides.

A further departmental review will not be conducted and a Planning Commission date will not be set until these revisions are made. Please include in your resubmittal a new PDF copy of the revised Final Map. As outlined in Section 3-3-7(G)(1), these revisions must be received within 90-days of the original filing date (July 24, 2019), or the submittal will automatically expire.

Please contact me at (775) 777-7217 if you have any questions.

Sincerely,

Michele Rambo, AICP
Development Manager
mrambo@elkocitynv.gov

CC: Bailey & Associates LLC
Attn: Jon Bailey
780 W. Silver St. #104
Elko, NV 89801

City of Elko – File



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR FINAL PLAT APPROVAL

APPLICANT(s):	Bailey & Associates, LLC		
MAILING ADDRESS:	780 W. Silver #104, Elko, NV 89801		
PHONE NO (Home):	N/A	(Business):	775-385-3659
NAME OF PROPERTY OWNER (If different):			
(Property owner consent in writing must be provided)			
MAILING ADDRESS:			
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
ASSESSOR'S PARCEL NO.:	001-660-041	Address:	0 Celtic Way
Lot(s), Block(s), & Subdivision			
Or Parcel(s) & File No.	Parcel A of Parcel Map No. 279073 and Parcel 2 of Deed Document 750907		
PROJECT DESCRIPTION OR PURPOSE:	To divide the parcel into 35 residential lots, an open space parcel, and public right-of-way.		
APPLICANT'S REPRESENTATIVE OR ENGINEER:	Ryan Cook, PLS; Summit Engineering		

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.
 - ①d. 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 as per Elko City Code 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
None	Any exception within the plat boundaries
✓	The subdivision is to be tied to a section corner
None	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
None	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 (NDEP)
✓	State Engineer N/A Per 3-3-8
✓	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

Jon Bailey

(Please print or type)

Mailing Address

780 W. Silver #104

Street Address or P.O. Box

Elko, NV, 89801

City, State, Zip Code

Phone Number:

775-385-3659

Email address:

jbaileype@gmail.com

SIGNATURE:



FOR OFFICE USE ONLY

File No.:

9-18

Date Filed:

7/24/19

Fee Paid:

\$

1625

or

#32390

+

1625

\$25 x 35 Lots = 875

+ 750

stewart title

Real partners. Real possibilities.

Stewart Title Company
810 Idaho St
Elko, NV 89801
Phone: (775) 738-5181

Original
PRELIMINARY REPORT

RECEIVED

JUL 24 2019

Our Order No.: 330895
Proposed Buyer/Borrower: Bailey & Associates LLC
Seller: Elko County School District Board of Trustees

Sales Price: _____

Loan Amount: _____

Property Address: Celtic Way, District 11 - 8a /Clover Hills Property, - Celtic Way, Elko, NV 89801

Proposed Lender:

Today's Date: December 14, 2018

In response to the above referenced application for a policy of title insurance, Stewart Title Guaranty Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in Exhibit A attached. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments thereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.



Authorized Countersignature
Annette Scates, Title Officer

Dated as of December 14, 2018 at 8:00AM

When replying, please contact:

Trish Blaylock
(775) 738-5181 Fax: (866) 394-6996

PRELIMINARY REPORT

The form of Policy of Title Insurance contemplated by this report is:

- ☒ 2006 ALTA Owner's Policy - Standard
- ☐ 2006 ALTA Owner's Policy - Extended
- ☐ 1998 ALTA Homeowners Plus Insurance Policy
- ☐ ALTA Short Form Residential Loan Policy
- ☐ 2006 ALTA Loan Policy - Standard
- ☐ 2006 ALTA Loan Policy - Extended
- ☐ Preliminary Report Only
- ☐

SCHEDULE A

The estate or interest in the land hereinafter described or referred to covered by this report is:

FEE

Title to said estate or interest at the date hereof is vested in:

PARCEL 1:

Board of Trustees of the Elko County School District

PARCEL 2:

Elko County School District

JUL 24 2019

LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of Elko, described as follows:

PARCEL 1:

Parcel A as shown on that certain Parcel Map for CG Properties, Inc. filed in the office of the County Recorder of Elko County, State of Nevada, on July 19, 1989, as File No. 279073, being a portion of Section 17, Township 34 North, Range 55 East, M.D.B.&M..

PARCEL 2:

A parcel of land located in the NE1/4 of Section 17, Township 34 North, Range 55 East, M.D.B.&M., City of Elko, Elko County, State of Nevada, more particularly described as follows:

Commencing at the Northwest corner of Parcel "B" as shown on the parcel map for C.G. Properties, Inc. filed in the office of the Elko County Recorder as file number 279073, said corner being Corner Number 1, the point of beginning;

Thence North 89°43'58" East along the Northerly boundary of said Parcel "B" a distance of 2.04 feet to Corner Number 2, a point on the extended Westerly Boundary of Clover Hills Subdivision, Phase 4;

Thence South 0°32'55" East, along the Westerly boundary and the extended Westerly boundary of said subdivision, a distance of 603.22 feet to Corner Number 3, a point on the Southerly boundary of said Parcel "B";

Thence South 89°46'10" West, a distance of 1.17 feet to Corner Number 4, the Southwesterly corner of said Parcel "B";

Thence North 0°37'52" West, along the Westerly boundary of said Parcel "B", a distance of 603.22 feet to Corner Number 1, the point of beginning.

EXCEPTING FROM Parcels 1 and 2 one-half of all oil, gas, mineral and other hydrocarbon substances, reserved by Strathearn Cattle Co. in deed recorded November 19, 1957, in Book 73, Page 38, Deed Records of Elko County, Nevada.

FURTHER EXCEPTING FROM Parcels 1 and 2 one-half of all oil, gas, mineral and other hydrocarbon substances reserved by A. B. McKinley & Sons, Inc., in deed recorded June 14, 1960, in Book 4, Page 272, Official Records of Elko County, Nevada.

SCHEDULE B

At the date hereof, exceptions to coverage in addition to the printed exceptions and exclusions contained in said policy or policies would be as follows:

1. Taxes or assessments which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water; whether or not the matters excepted under (a), (b) or (c) are shown by the public records, (d) Indian tribal codes or regulations, Indian Treaty or Aboriginal Rights, including easements or equitable servitudes.
3. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
4. Taxes which may become a lien upon recordation of a deed to a taxable entity.

APN: 001-660-041

5. The lien, if any, of supplemental taxes, assessed pursuant to provisions adopted by the Nevada Legislature, and as disclosed by the Nevada Revised Statutes.
6. Rights incidental to the ownership and development of the mineral interests excepted from the land described herein.
7. Easements for utilities and roadways and incidental purposes as shown on Record of Survey filed in the office of the County Recorder of Elko County, Nevada on May 31, 1967, as File Number 30415, and created by covenants conditions and restrictions, recorded July 10, 1967, in Book 83, Page 463, Official Records of Elko County, Nevada.
8. Covenants, Conditions and Restrictions contained in Declaration
Recorded : July 10, 1967, Book 83, Page 463,
Official Records of Elko County, Nevada.

But omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.

9. An easement affecting a portion of said land for the purposes stated herein, together with incidental rights thereto,
Granted to : American Telephone and Telegraph Company
Purpose : communication systems
Recorded : August 10, 1988, Book 635, Page 55, Document No. 259442,
Official Records of Elko County, Nevada
10. Easements, dedications, reservations, provisions, relinquishments, recitals, building set back lines, certificates, and any other matters as provided for or delineated on the parcel map referenced in the legal description contained herein.

Reference is hereby made to said Plat for particulars. If one is not included herewith, one will be furnished upon request.

11. Any facts, matters or interests which would be disclosed by survey, physical inspection of the premises, and/or inquiry of the parties in possession.

END OF EXCEPTIONS

ATTN: JON BAILEY
775-385-3659
JBAILEYPE@GMAIL.COM

NEVADA

WWW.SUMMITNV.COM
NITIN@SUMMITNV.COM

IS THE NORTH PROPERTY LINE OF SAID PARCEL IN SECTION 17
T. 34 N., R. 55 E., M.D.B. & M. TAKEN AS N 89° 41' 39" E

U.S.C. & G.S. BENCHMARK #S141, DATED 1929
ELEVATION REPORTED AS
5183.54' ABOVE SEA LEVEL

TOTAL SUBDIVIDED AREA = 8.02 ACRES
TOTAL RIGHT-OF-WAY AREA = 1.32 ACRES (57,426.97 SF)
OFFERED FOR DEDICATION
NET AREA ~ (TOTAL AREA - RIGHT-OF-WAY AREA) = 6.70 ACRES
TOTAL UNITS = 35 LOTS
ESTIMATED WATER USAGE = 39.20 ACRE FEET PER YEAR
ESTIMATED SEWER CONTRIBUTIONS = 12,250 GALLONS PER DAY
THIS PROPOSED SUBDIVISION IS LOCATED IN SECTION 17, T 34 N, R 55 E, MDB&M.

THE REQUIRED FIRE FLOW FOR THIS DEVELOPMENT WILL BE A MINIMUM OF 1,500 GPM FOR 2 HOURS, FOR RESIDENTIAL TYPE V-B CONSTRUCTION.

A.C.	ASPHALT CONCRETE	M.D.D.	MAXIMUM DRY DENSITY
AGG.	AGGREGATE	LT.	LEFT
B.C.	BEGIN CURVE	L.P.	LOW POINT
B.F.	BOTTOM OF FOOTING	M.H.	MANHOLE
B.V.C.	BEGIN VERTICAL CURVE	P.	PAD ELEVATION
B.W.	BACK OF SIDEWALK	PCC	POINT OF COMPOUND CURV.
C.B.	CATCH BASIN	PI.	POINT OF INTERSECTION
℄	CENTERLINE	P.R.C.	POINT OF REVERSE CURVATURE
CONC.	CONCRETE	P.V.C.	POLYVINYL CHLORIDE PIPE
CONST.	CONSTRUCT	P.O.	PUSH
CLR	CLEARANCE	P.U.E.	PUBLIC UTILITY EASEMENT
C.P.	CONCRETE PIPE	℄	PROPERTY LINE
C.R.	CURB RETURN	Q10	10-YEAR STORM FLOW
D.L.	DROP INLET	Q100	100-YEAR STORM FLOW
DET.	DETAIL	(R)	RADIAL
E	ELECTRICAL	R	RADIUS
ELEV.	ELEVATION	REF.	REFERENCE
E.C.	END OF CURVE	R.C.P.	REINFORCED CONCRETE PIPE
E.V.C.	END OF VERTICAL CURVE	R.P.	RADIUS POINT
EXIST.	EXISTING	RT.	RIGHT
(e)	EXISTING	RAW	RIGHT OF WAY
E.G.	EXISTING GRADE	S	SLOPE
F.F.	FINISHED FLOOR	S.G.	SUBGRADE
F.F.C.	FRONT FACE OF CURB	S.S.	SANITARY SEWER
F.G.	FINISHED GRADE	S.W.	SIDEWALK
F.H.	FIRE HYDRANT	STD.	STANDARD
℄	FLOW LINE	SHT.	SHEET
FLG.	FLANGE	STA.	STATION
G.	GAS	S.D.	STORM DRAIN
G.B.	GRADE BREAK	T	TANGENT
GTV	GATE VALVE	TELE.	TELEPHONE
H.C.	HANDICAPPED	T.C.	TOP OF CURB
HORIZ.	HORIZONTAL	T.B.	THRUST BLOCK
H.P.	HIGH POINT	TOE	TOE OF SLOPE
INT.	INTERSECTION	TOP	TOP OF SLOPE
I.E.	INVERT ELEVATION	TYP.	TYPICAL
L	LENGTH	V.C.	VERTICAL CURVE
L.F.	LINEAL FEET	V.P.I.	VERT. POINT OF INTERSECTION
L.P.	LOW POINT	W	WATER
		Δ	CURVE DELTA



T-1	TITLE SHEET
1-2	FINAL PLAT SHT 1
2-2	FINAL PLAT SHT 2
N-1	GENERAL NOTES
G-1	GRADING PLAN
U-1	UTILITY PLAN
S-1	SIGNAGE & STRIPING PLAN
P-1	PLAN & PROFILE ~ NEWCASTLE CR.
P-2	PLAN & PROFILE ~ NEWCASTLE CR.
P-3	PLAN & PROFILE ~ SEWER CONNECTION
E-1	EROSION CONTROL PLAN
D-1	DETAIL SHEET
D-2	DETAIL SHEET
D-3	DETAIL SHEET
D-4	DETAIL SHEET

R1 (RESIDENTIAL SINGLE FAMILY)

EASEMENTS: ALL LOTS TO CONTAIN A 5.50' UTILITY AND DRAINAGE EASEMENT ALONG THE SIDES AND REAR LOT LINES AND A 7.50' DRAINAGE AND UTILITY EASEMENT ALONG CITY RIGHT-OF-WAY

FLOOD PLAIN: BASED ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF ELKO, 32007C5608E, DATED SEPTEMBER 4, 2013 THE ENTIRE SITE LIES OUTSIDE THE 100 YEAR FLOOD PLAIN

SITE INFO: BASED UPON THE CITY OF ELKO AND BLM HISTORIC DATA THE SUBJECT PROPERTY HAS BEEN EXCLUSIVELY USED AS OPEN RANGE.

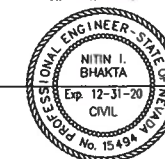
LOCATION: THIS SITE IS LOCATED WITHIN SECTION 17, TOWNSHIP 34 NORTH
RANGE 55 EAST IN ELKO, NEVADA

ELECTRIC ~ NV ENERGY
TELEVISION ~ SATVIEW BROADBAND LLC
TELEPHONE ~ FRONTIER COMMUNICATION
GAS ~ SOUTHWEST GAS CORPORATION

WATER ~ CITY OF ELKO
SANITARY SEWER ~ CITY OF ELKO
GARBAGE UTILITIES ~ ELKO SANITATION (CITY LANDFILL)

ALL CONSTRUCTION SHALL CONFORM TO THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (CURRENT EDITION AND ANY APPURTENANT SUPPLEMENTS) SPONSORED AND DISTRIBUTED BY RENO, SPARKS, WASHOE COUNTY, AND THE RECOMMENDATIONS ESTABLISHED BY THE SOILS INVESTIGATION FOR THIS SITE.

THESE PLANS (SHEETS T-1 OF 13 THROUGH D-4 OF 13) HAVE BEEN PREPARED IN ACCORDANCE WITH ACCEPTED ENGINEERING PROCEDURES AND GUIDELINES, AND ARE IN SUBSTANTIAL COMPLIANCE WITH APPLICABLE STATUTES, CITY ORDINANCES, AND CODES. IN THE EVENT OF CONFLICT BETWEEN ANY PORTION OF THESE PLANS AND CITY CODES, THE CITY CODES SHALL PREVAIL.



NITIN I. BHAKTA

P.E. #15494

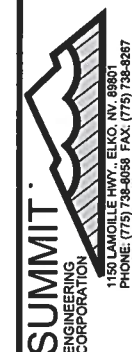
APPROVED
CITY OF ELKO DEVELOPMENT DEPT.
Michelle Rambo
09/19/2019

Utilities approved
09/19/2019 2:57:37 PM

Planning Department
Approved
09/19/2019

APPROVED
ENGINEERING DEPARTMENT
09/20/2019 *Black Ink*

SCALE	REV.	DATE	DESCRIPTION	BY	APPD
HORIZ: NONE	1	8-10-19	CITY REDUCES	NE	NIB
VERT: NONE					
JOB NO: 82416					

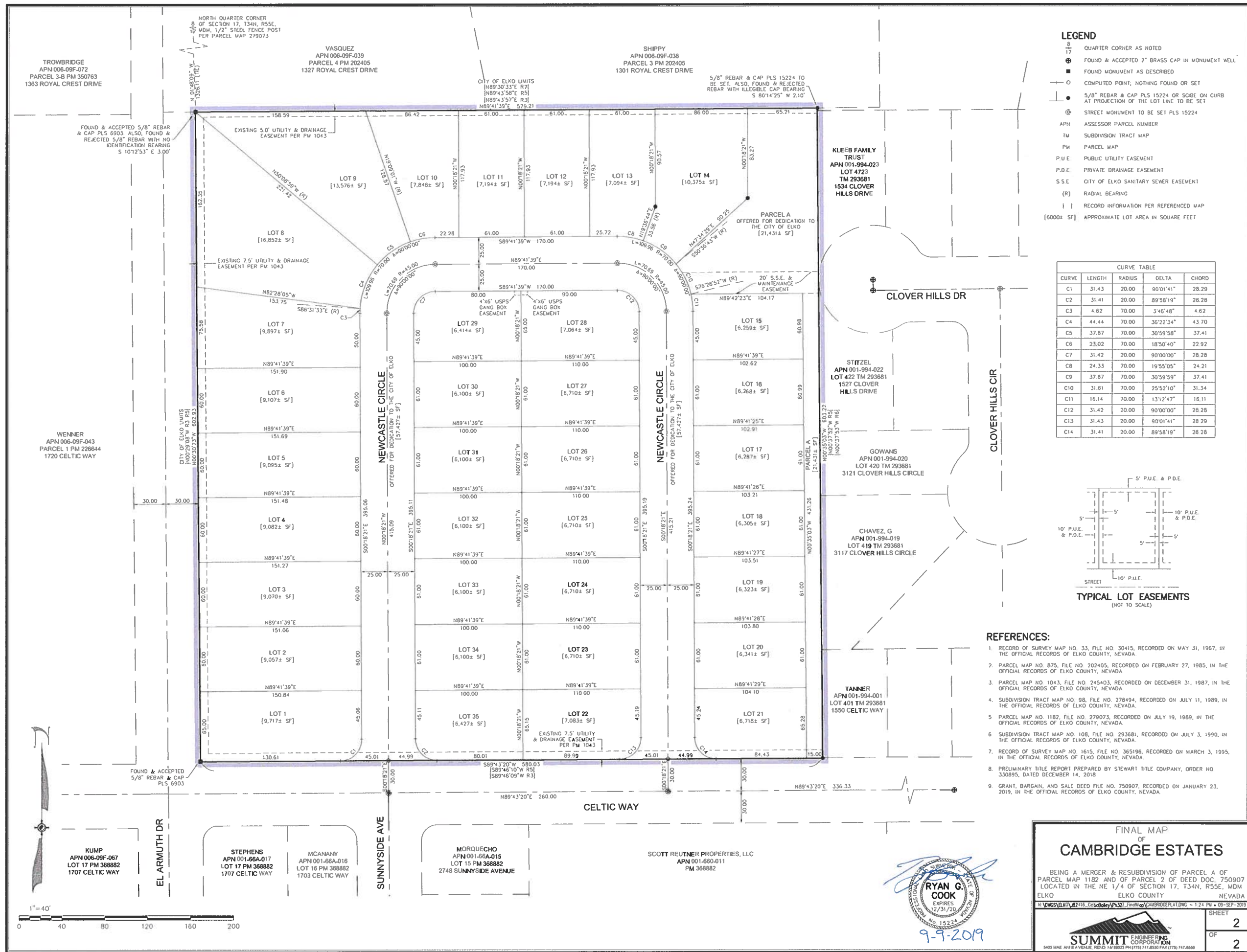


SHEET T-1 OF 13	DESIGNED BY: JB/NIB
	DRAWN BY: CAD 2018
	CHECKED BY: NIB
	August 28, 2019

**CIVIL IMPROVEMENT PLANS FOR
CAMBRIDGE ESTATE SUBDIVISION**

NEVADA
ELKO COUNTY

OK



LEGEND

- SD 12" PROPOSED STORM DRAIN / SANITARY SEWER W/SIZE & DIRECTION INDICATOR
- SD 12" EXISTING STORM DRAIN/SANITARY SEWER W/SIZE & DIRECTION INDICATOR
- SEWER LATERAL
- AC PAVEMENT AREA
- CONCRETE AREA (4000 PSI)
- TYPE 2 BASE GRAVEL AREA (95% MDO)
- EXISTING AC PAVEMENT
- GRADE BREAK
- PROPOSED ELEV. ● FRONT FACE TOP OF CURB
- PROPOSED ELEV. ● GRADE BREAK
- PROPOSED ELEV. ● HIGH PT.
- PROPOSED ELEV. ● FLOW LINE
- PROPOSED ELEV. ● FINISHED GRADE
- EXISTING CONTOUR LINE
- PROPOSED CONTOUR LINE
- ACCESSIBLE RAMP
- DRAINAGE SWALE FLOW LINE
- CUT OR FILL SLOPE
- SD EXISTING STORM DRAIN
- GAS EXISTING GAS
- PROPOSED FENCE
- TELE EXISTING TELEPHONE
- OE EXISTING ELECTRIC OVERHEAD LINE
- WTR EXISTING WATERLINE
- SS EXISTING SANITARY SEWER
- BACKFLOW PREVENTOR
- CHECK VALVE
- CHECK VALVE-DOUBLE
- FLUSH VALVE
- METER-DUAL
- METER-SINGLE
- REDUCER
- SERVICE-DUAL
- SERVICE-SINGLE
- TEE
- VALVE
- EX ELECTRIC VAULT/BOX
- EXISTING TELEPHONE PEDESTAL
- EXISTING LIGHT
- EXISTING SIGN
- PROPOSED SIGN
- PROPOSED SS CLEANOUT
- EXISTING FIRE HYDRANT
- CAP W/ THRUST BLOCK
- 11.25' ELBOW
- 22.5' ELBOW
- 45' ELBOW
- 90' ELBOW
- ELECTRIC PULL BOX
- PROPOSED FIRE HYDRANT
- PROPOSED WTR METER VAULT
- PARKING LOT LIGHT
- TYPE 7 STREET LIGHT
- PROPOSED MONUMENT
- WATER VALVE (HOLLOW IF EXISTING)
- EXISTING GAS VALVE
- EXISTING METER PIT
- SS & SD MANHOLE (HOLLOW IF EXISTING)
- CATCH BASIN (HOLLOW IF EXISTING)
- FIRE SERVICE
- GUY WIRE
- RIPRAP EROSION CONTROL

GENERAL NOTES

- 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.
- THE CONTRACTOR SHALL KEEP A REDLINE SET OF AS-BUILTS PLANS ON-SITE AND WORK WITH THE PROJECT ENGINEER AT COMPLETION TO ENSURE ACCURATE AS-BUILT DRAWINGS CAN BE GENERATED AND SUBMITTED TO THE CITY OF ELKO AND THE OWNER BY THE PROJECT ENGINEER.
- 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.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE TO THE EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES FOR LOCATIONS PRIOR TO CONSTRUCTION. HORIZONTAL AND VERTICAL LOCATIONS OF EXISTING UTILITIES ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL CALL UNDERGROUND SERVICES ALERT AT 1.800.227.2600 AT LEAST 48 HOURS PRIOR TO EXCAVATION.
- ALL UTILITY TRENCHES SHALL CONFORM TO SIERRA PACIFIC POWER, SATEW BROADBAND LLC, FRONTIER COMMUNICATIONS, AND SOUTHWEST GAS SPECIFICATIONS. CONTRACTOR TO COORDINATE INSTALLATION OF ALL UTILITY TRENCHES WITH LOCAL UTILITIES.
- CONTRACTOR TO OBTAIN AND PAY FOR PERMITS FROM THE CITY OF ELKO PRIOR TO EXCAVATING WITHIN THE CITY RIGHT-OF-WAY.
- 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 SANITARY SEWER MAINS SHALL BE A MIN. OF 8" SDR 35 PVC (GREEN) PIPE. ALL RESIDENTIAL SANITARY SEWER LATERALS SHALL BE A MIN. 4" SDR 35 PVC PIPE WITH A 2% SLOPE MINIMUM UNLESS OTHERWISE SHOWN.
- ALL WATER MAINS SHALL BE MIN. OF 8" THICK CLASS 50 OR PRESSURE CLASS 350 DUCTILE IRON PIPE WITH POLYETHYLENE ENCASEMENT WRAPPED IN (8 MIL VISQUEEN) OR DR 18 C900 PIPE UNLESS OTHERWISE SHOWN. ALL 4"/6" FIRE SPRINKLER LINES SHALL BE DIP OR DR 18 C900 PIPE.
- ALL CONSTRUCTION SHALL CONFORM TO AWWA C-600. MINIMUM COVER OVER THE WATER MAIN SHALL BE 42" WITH TRACE WIRE AND WARNING TAPE.
- THE CITY OF ELKO UTILITY DEPARTMENT SHALL BE CONTACTED TO PERFORM ALL TAPS ONTO CITY OF ELKO UTILITIES.
- 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.
- ALL WATER SERVICE LINES SHALL BE 2" IRON PIPE SIZE (IPS) RATED 200 PSI POLYETHYLENE DR11 UNLESS OTHERWISE SHOWN.
- 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 AWWA C-651, "DISINFECTING WATER MAINS".
- 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 NAC445A.67145.7 (a) AND (b) AND INSPECTED BY THE CITY OF ELKO.
- GRADING AROUND BUILDINGS TO BE DONE IN A MANNER AS TO PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING IN ACCORDANCE WITH CITY OF ELKO REQUIREMENTS.
- LAND GRADING SHALL BE DONE IN A METHOD TO PREVENT DUST FROM TRAVERSING THE PROPERTY LINE.
- WATER METERS SHALL BE INSTALLED DURING ANY DEVELOPMENT AND PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR THE PARCELS SHOWN OR SUBSEQUENT DIVISION OF THE PARCELS SHOWN. WATER AND SEWER THROUGHOUT THE DEVELOPMENT WILL BE DEDICATED TO THE CITY OF ELKO UP TO THE WATER METER LOCATIONS. A BLANKET UTILITY EASEMENT SHALL BE GRANTED THROUGHOUT THE PARKING CORRIDOR.
- ALL EXISTING UTILITY ADJUSTMENTS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- ALL EXISTING ASPHALT REMOVAL AND REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- ALL LOTS SHALL BE RESTRICTED TO ACCESS FROM NEWCASTLE CIRCLE.

STORMWATER POLLUTION PREVENTION NOTES

- THE CONTRACTOR AND/OR THEIR AUTHORIZED AGENTS SHALL EACH DAY REMOVE ALL SEDIMENT, MUD, CONSTRUCTION DEBRIS, OR OTHER POTENTIAL POLLUTANTS THAT MAY HAVE BEEN DISCHARGED TO, OR ACCUMULATE IN, THE PUBLIC RIGHTS OF WAYS OF THE CITY OF ELKO AS A RESULT OF CONSTRUCTION ACTIVITIES ASSOCIATED WITH THIS SITE DEVELOPMENT OR CONSTRUCTION PROJECT. SUCH MATERIALS SHALL BE PREVENTED FROM ENTERING THE STORM WATER SYSTEM.
- ADDITIONAL CONSTRUCTION SITE DISCHARGE BEST MANAGEMENT PRACTICES (BMP) MAY BE REQUIRED OF THE OWNER AND HIS OR HER AGENTS DUE TO UNFORESEEN EROSION PROBLEMS OR IF THE SUBMITTED PLAN DOES NOT MEET THE PERFORMANCE STANDARDS SPECIFIED IN THE CITY OF ELKO CONSTRUCTION SITE BEST MANAGEMENT PRACTICES HANDBOOK.
- TEMPORARY OR PERMANENT STABILIZATION PRACTICES WILL BE INSTALLED ON DISTURBED AREAS AS SOON AS PRACTICABLE AND NO LATER THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED. SOME EXCEPTIONS MAY APPLY; REFER TO STORM WATER GENERAL PERMIT MVS040000.
- AT A MINIMUM, THE CONTRACTOR OR HIS AGENT SHALL INSPECT ALL DISTURBED AREAS, AREAS USED FOR STORAGE OF MATERIALS AND EQUIPMENT THAT ARE EXPOSED TO PRECIPITATION, VEHICLE ENTRANCE AND EXIT LOCATIONS AND ALL BMP'S WEEKLY, PRIOR TO A FORECASTED RAIN EVENT AND WITHIN 24 HOURS AFTER ANY ACTUAL RAIN EVENT. THE CONTRACTOR OR HIS AGENT SHALL UPDATE OR MODIFY THE STORMWATER POLLUTION PLAN AS NECESSARY. SOME EXCEPTIONS TO WEEKLY INSPECTIONS MAY APPLY, SUCH AS FROZEN GROUND CONDITIONS OR SUSPENSION OF LAND DISTURBANCE ACTIVITIES. REFER TO STORMWATER GENERAL PERMIT MVS040000.
- ACCUMULATED SEDIMENT IN BMP'S SHALL BE REMOVED AT REGULAR INTERVALS, WITHIN SEVEN DAYS AFTER A STORMWATER RUNOFF EVENT, AND PRIOR TO THE NEXT ANTICIPATED STORM EVENT. SEDIMENT MUST BE REMOVED WHEN BMP DESIGN CAPACITY HAS BEEN REDUCED BY 50 PERCENT OR MORE.
- REFER TO CITY OF ELKO CONSTRUCTION SITE BEST MANAGEMENT PRACTICES HANDBOOK (PUBLISHED BY THE CITY OF ELKO, DATED DEC. 2015) FOR DETAILS OF ALL BMP'S SHOWN ON THIS PLAN.
- THE BMP'S SHOWN ON THIS PLAN ARE SCHEMATIC ONLY. FINAL BMP SELECTION AND LOCATION SHALL BE DETERMINED BY THE SITE OPERATOR OR THE OWNER'S REPRESENTATIVE.
- THE CONTRACTOR SHALL SUBMIT TO THE NEVADA DEPARTMENT OF ENVIRONMENTAL PROTECTION (NDEP) FOR STORM WATER DISCHARGE PERMIT. THE CONTRACTOR SHALL SIGN THE NOTICE OF INTENT FOR THE PROPOSED PROJECT.
- ALL EROSION CONTROL MEASURES SHALL CONFORM TO THE GUIDELINES OUTLINED IN THE CITY OF ELKO CONSTRUCTION SITE BEST MANAGEMENT PRACTICE HANDBOOK 2005 EDITION. A COPY OF THIS MANUAL TO BE ON-SITE AT ALL TIMES.
- ALL CONSTRUCTION SHALL CONFORM TO THE 2016 EDITION OF THE STANDARD SPECIFICATION FOR PUBLIC WORKS CONSTRUCTION. CONTRACTOR TO KEEP A COPY OF THE SPECIFICATION ON THE JOB SITE AT ALL TIMES.

EROSION CONTROL NOTES

- ALL PUBLIC RIGHT OF WAYS LOCATED ADJACENT TO THE SITE (E.G. STREETS AND SIDEWALKS) MUST BE CLEANED DAILY OF ALL SEDIMENT OR WASTES THAT ORIGINATE FROM THE SITE.
- BMP'S IN ADDITION TO THOSE INDICATED IN THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) MAY BE REQUIRED IF THEY DO NOT MEET THE CITY OF ELKO PERFORMANCE STANDARDS.
- TEMPORARY OR PERMANENT STABILIZATION MUST BE APPLIED NO LATER THAN 14 DAYS TO ALL DISTURBED SOILS, INCLUDING STOCKPILES, WHERE CONSTRUCTION ACTIVITY HAS CEASED.
- ALL BMP'S MUST BE INSPECTED WEEKLY, PRIOR TO FORECASTED RAIN EVENTS, AND WITHIN 24 HOURS AFTER ANY EVENT THAT CREATES RUNOFF AT THE SITE.
- ACCUMULATED SEDIMENT MUST BE REMOVED FROM BMP'S WHEN THE DESIGN CAPACITY HAS BEEN REDUCED BY 50 PERCENT OR MORE. SEDIMENT MUST ALSO BE REMOVED WITHIN SEVEN DAYS AFTER A RUNOFF EVENT OR PRIOR TO THE NEXT FORECASTED EVENT, WHICHEVER IS EARLIER.
- ALL BEST MANAGEMENT PRACTICES (BMP'S) SHALL BE IN ACCORDANCE WITH THE "CITY OF ELKO CONSTRUCTION SITE BEST MANAGEMENT PRACTICES HANDBOOK", DATED DECEMBER 2005, AND AVAILABLE THROUGH THE CITY OF ELKO.
- PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL HAVE IN PLACE ALL NECESSARY BEST MANAGEMENT PRACTICES THAT SHALL BE USED TO MINIMIZE DUST, PREVENT EROSION, AND PREVENT POLLUTION LADEN RUNOFF FROM ENTERING THE ADJACENT STORM DRAIN FACILITIES. THE CONTRACTOR SHALL MAINTAIN, REPAIR, REPLACE, SUBSTITUTE, OR SUPPLEMENT BMP'S AT THE CONSTRUCTION SITE AS CONDITIONS WARRANT DURING CONSTRUCTION. BMP'S MAY INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING BMP'S: (1) SILT FENCING OR STRAW WADDOLES AT THE DOWNHILL LIMITS OF GRADING, (2) STABILIZED CONSTRUCTION SITE ENTRY/EXIT, (3) PERMANENT SLOPE REVEGETATION ON ALL DISTURBED AREAS, (4) INLET PROTECTION AT EXISTING CATCH BASINS, (5) STOCKPILE MANAGEMENT BMP'S, (6) DUST CONTROL BMP'S, (7) A CONCRETE WASHOUT AREA, AND (8) MEASURES TO PROTECT EXISTING NATIVE VEGETATION.

SIGNAGE & STRIPING NOTES

- ALL SIGNAGE AND PAVEMENT MARKINGS SHALL COMPLY WITH STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, PROJECT SPECIFICATIONS, THESE PLANS, AND THE MOST CURRENT EDITION OF THE MANUAL FOR UNIFORM TRAFFIC CONTROL DEVICES (M.U.T.C.D.).
- PARKING LOT STRIPING AND PAVEMENT MARKINGS SHALL BE INSTALLED AFTER APPLICATION AND CURING OF SLURRY SEAL. ASPHALT SURFACE SHALL BE CLEAN AND DRY PRIOR TO APPLICATION OF ANY PARKING LOT STRIPING, SYMBOLS, AND OTHER PAVEMENT MARKINGS.
- CONTRACTOR SHALL VERIFY LOCATION OF EXISTING AND PROPOSED UTILITY LOCATIONS PRIOR TO INSTALLATION OF SIGNAGE.
- SIGNAGE SHOWN ON THIS PLAN DOES NOT INCLUDE TRAFFIC CONTROL THAT MAY BE REQUIRED PRIOR TO AND DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY TRAFFIC CONTROL THAT MAY BE REQUIRED DURING CONSTRUCTION.
- ANY ADDITIONAL SIGNAGE AND STRIPING NEEDED SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR

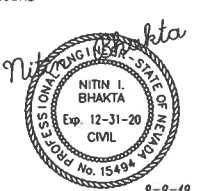
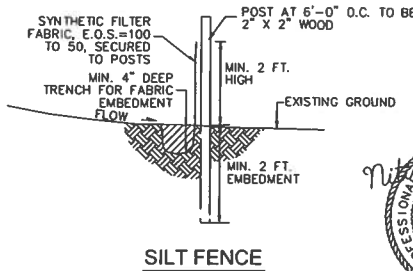
SLOPE STABILIZATION

- ALL DISTURBED SLOPES STEEPER THAN 3:1 SHALL BE RIPRAPPED. RIPRAP SHALL BE RUN OF MINE OR UNSCREENED.
- ALL SLOPES 3:1 OR LESS SHALL BE PLANTED AS FOLLOWS:
 - HAND SPREAD ENTIRE SEEDED AREA
 - IRRIGATION IS TO MATCH THE AVAILABLE WATER HOLDING CAPACITY OF THE SOIL (AWC) FOR EACH SLOPE TAKING INTO ACCOUNT THE PLANT CONSUMPTIVE USE PLUS A FACTOR FOR IRRIGATION SYSTEM EFFICIENCY.
 - PROVIDE TEMPORARY IRRIGATION UNTIL VEGETATION IS ESTABLISHED.
- PROTECT EXISTING AND PROPOSED DRAINAGE INLETS DURING CONSTRUCTION IN ACCORDANCE WITH THE FOLLOWING DETAILS:
 - STORMDRAIN INLET PROTECTION - (BMP DP-3)
 - CATCH BASIN FILTERS (BMP- DP-4)
- MAINTENANCE
 - EXCLUDE FOOT TRAFFIC AS MUCH AS POSSIBLE DURING PLANT ESTABLISHMENT.
 - AREAS THAT FAIL TO RESPOND OR BECOME DAMAGED SHOULD BE TREATED AGAIN USING SAME TREATMENT INITIALLY APPLIED
- RECLAMATION SEED MIX (TOTAL 60 BULK POUNDS PER ACRE):

SPECIES	BULK POUND PER ACRE
1. BIRD SCRUBBRUSH	4.0
2. RABBITBRUSH	4.0
3. BITTERBRUSH	4.0
4. INDIAN RICEGRASS	5.0
5. GREAT BASIN WILDRYE	5.0
6. COVER SHEEP FESCUE	10.0
7. SODAR STRAUBANK WHEATGRASS	9.0
8. ANNUAL RYEGRASS	15.0
9. PURPLE SAGE (SALVA DORII)	1.0
10. FOUR WING SALTBRUSH	1.0
- FERTILIZER
16-16-8 400/ACRE
- TOPSOIL AND VEGETATIVE STRIPPINGS SHALL BE STOCKPILED FOR REAPPLICATION TO ALL DISTURBED AREAS.
- PLANTING MIX (A MIXTURE OF THE FOLLOWING COMPONENTS MEASURED BY VOLUME):
 - 60% NATURAL SOIL
 - 30% SOIL CONDITIONER / COMPOST
 - 10% AXIS SOIL CONDITIONER

LEGEND

- AND STORM DRAIN INLET PROTECTION (DP-3 AND DP-4)
- GRAVEL OR SAND BAG BARRIERS (BMP SC-3)
- CWM HANDLING AND DISPOSAL OF CONCRETE AND CEMENT (BMP GW-9)
- SWM SOLID AND DEMOLITION WASTE MANAGEMENT (BMP GW-3)
- CONSTRUCTION SITE ENTRANCE & EXIT (BMP SC-8)
- RIPRAP MECHANICAL STABILIZATION (BMP EC-7)
- FIBER ROLLS (BMP SC-1), SILT FENCE (BMP SC-5), SYNTHETIC SEDIMENT CONTROL ROLLS (BMP SC-11)
- STREET SWEEPING (BMP GW-5)
- STORM DRAIN OUTLET PROTECTION (BMP DP-2)
- RVG REVEGETATION (BMP EC-8)
- AC PAVEMENT AREA
- TYPE 2 BASE GRAVE 95% MDO
- EXISTING CONTOUR LINE
- PROPOSED CONTOUR LINE
- (BMP SC-4) BMP'S OUTLINED IN THE CITY OF ELKO CONSTRUCTION SITE BEST MANAGEMENT PRACTICE (BMP) HANDBOOK 2005 EDITION



Avoid cutting underground utility lines. It's costly.

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UNDERGROUND SERVICE (USA)

CIVIL IMPROVEMENT PLANS FOR
CAMBRIDGE ESTATE SUBDIVISION
GENERAL NOTES SHEET

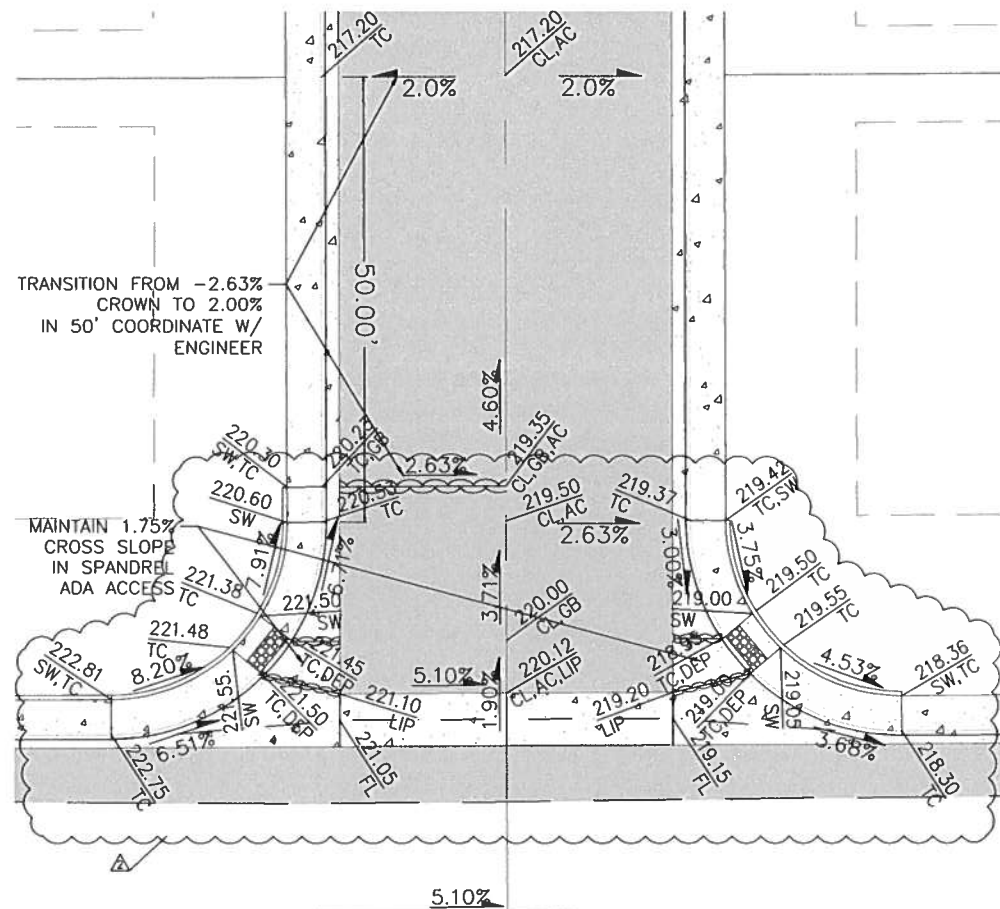
NEVADA
ELKO COUNTY
ELKO

BY	APPD	DESCRIPTION	REV.	DATE	SCALE	JOB NO.
NIB	NIB	CITY REDLINES	1	8-10-19	HORIZ: 1" = 40'	
NIB	NIB	CITY REDLINES	2	8-28-19	VERT: NONE	
NIB	NIB	CITY REDLINES	3	9-3-19		

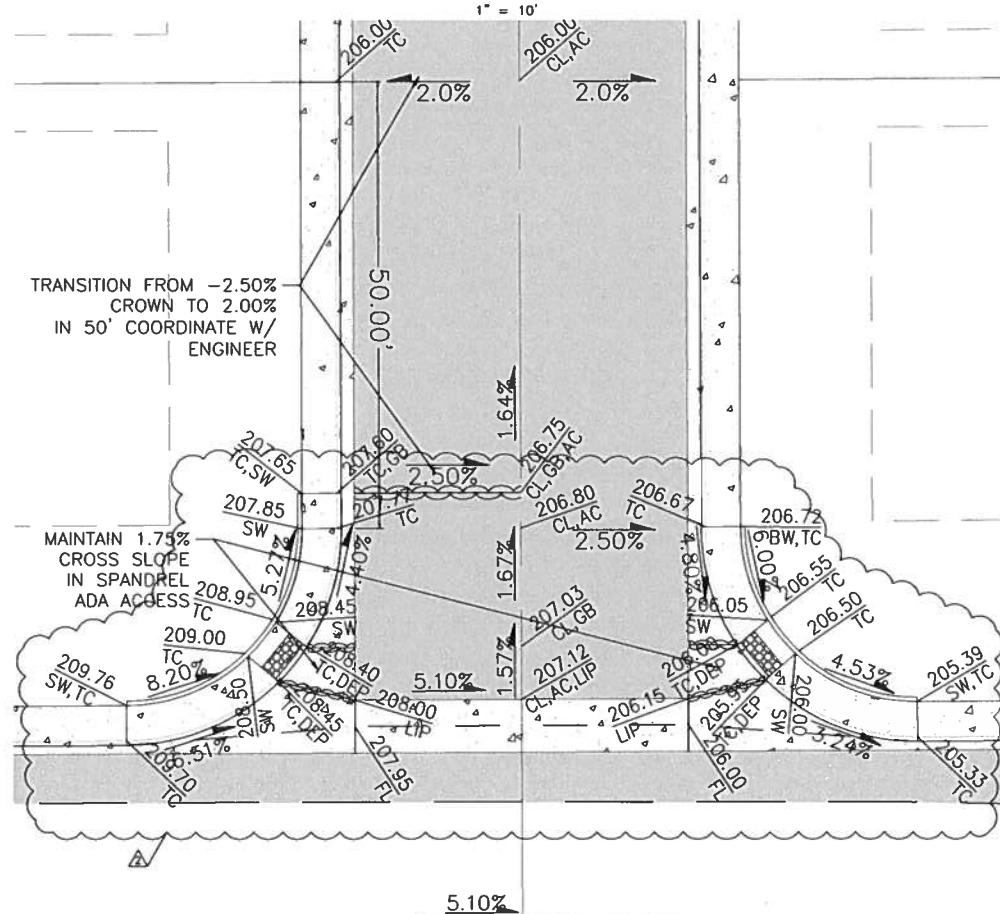
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ENGINEERING
CORPORATION

1150 LANOLLE HWY., ELKO, NV 89801
PHONE: (775) 738-8856 FAX: (775) 738-4267
email: Nitin@summitnv.com

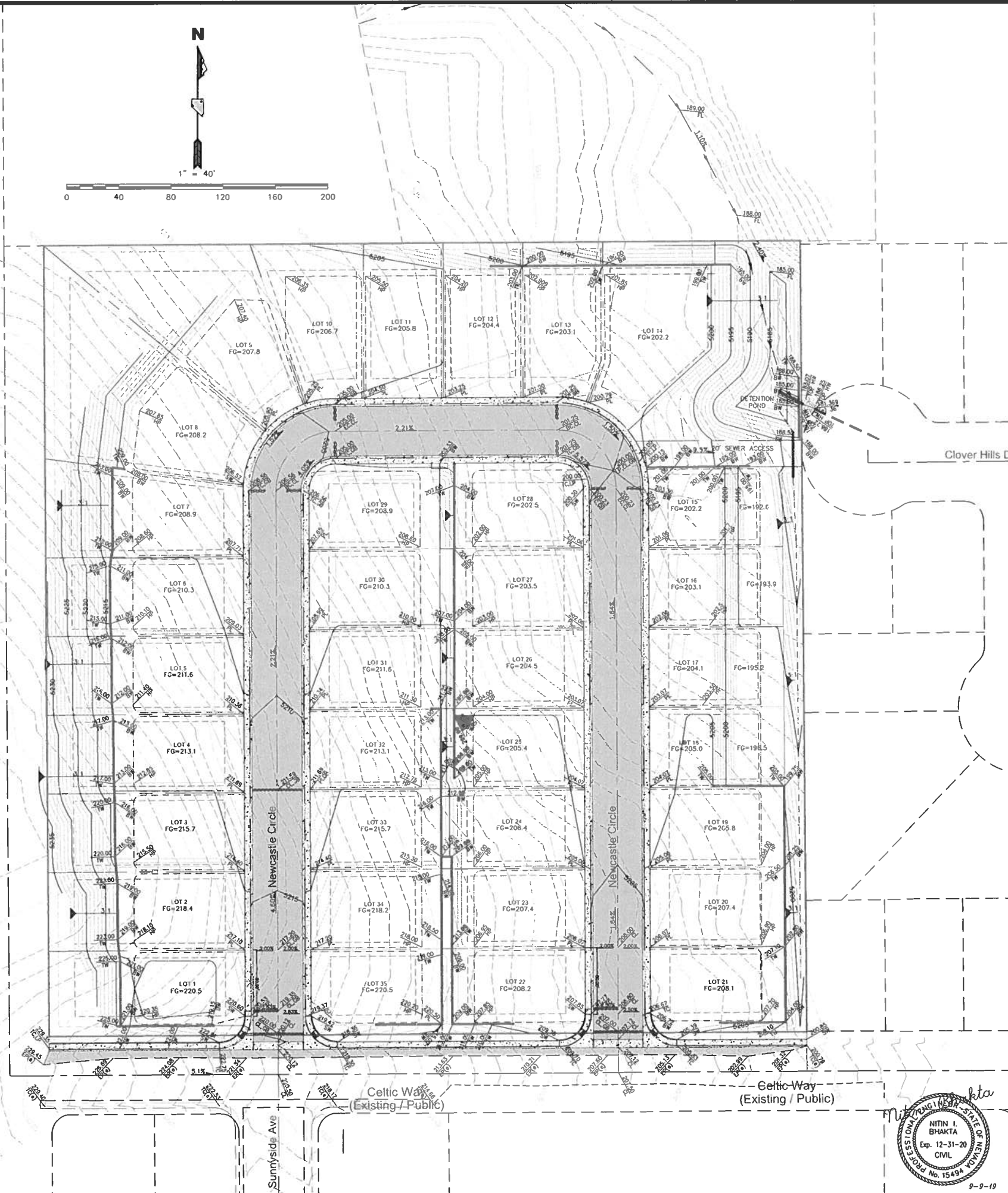
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OF	13



WEST RAMPS GRADING DETAIL



EAST RAMPS GRADING DETAIL



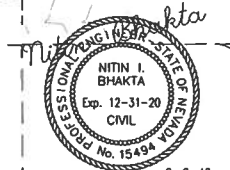
**CIVIL IMPROVEMENT PLANS FOR
CAMBRIDGE ESTATE SUBDIVISION
GRADING PLAN**

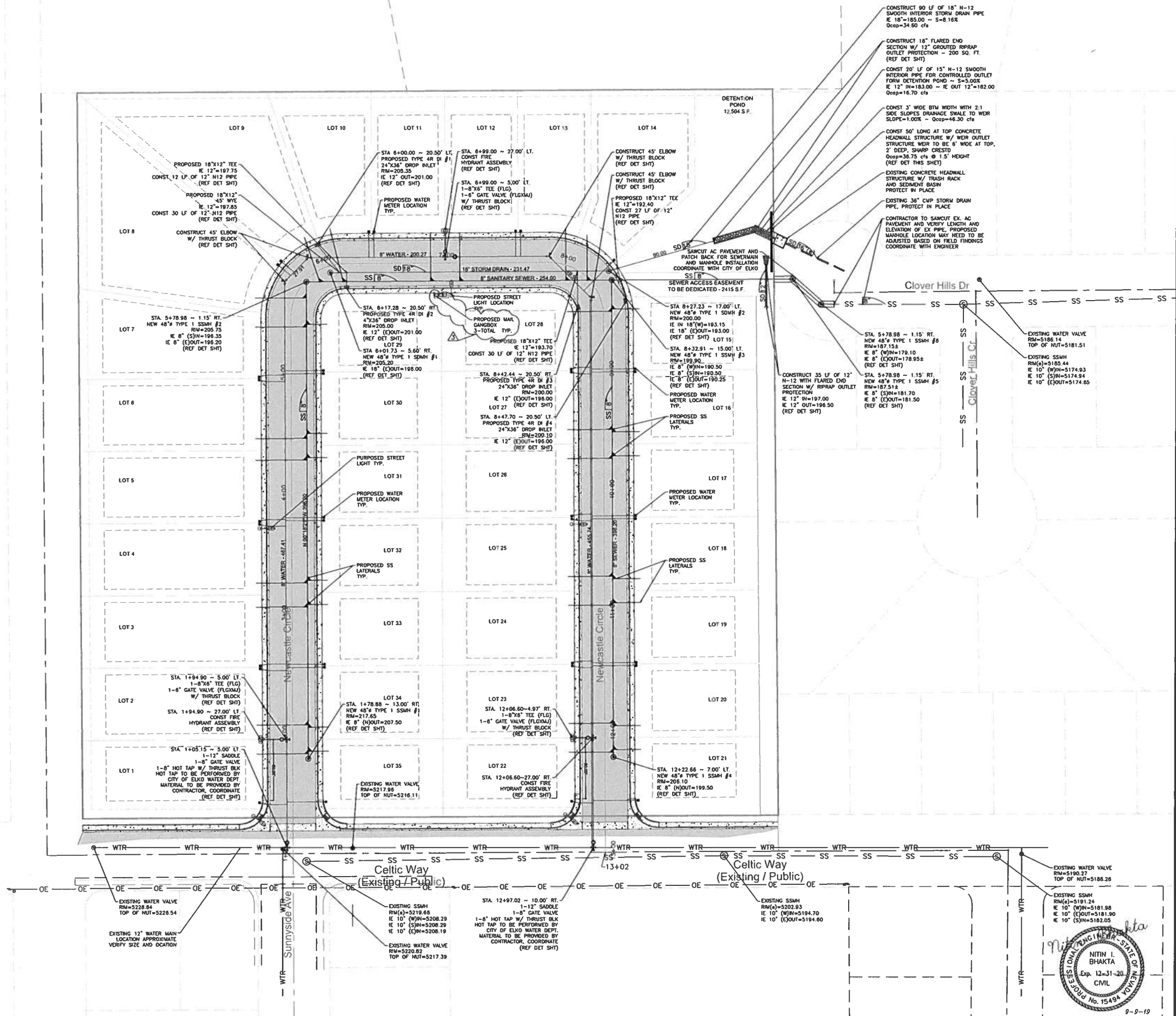
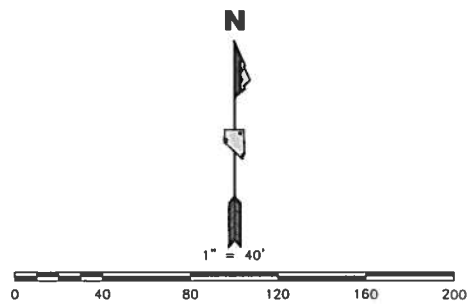
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1	8-10-19	CITY REDLINES	NIB	NIB
2	8-28-19	CITY REDLINES	NIB	NIB
3	8-3-19	CITY REDLINES	NIB	NIB

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11600 N. 15th Ave., Suite 100, Phoenix, AZ 85021
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OF	13

ELKO COUNTY
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NEVADA





CIVIL IMPROVEMENT PLANS FOR
CAMBRIDGE ESTATE SUBDIVISION
UTILITY PLAN

NEVADA

ELKO COUNTY

ELKO

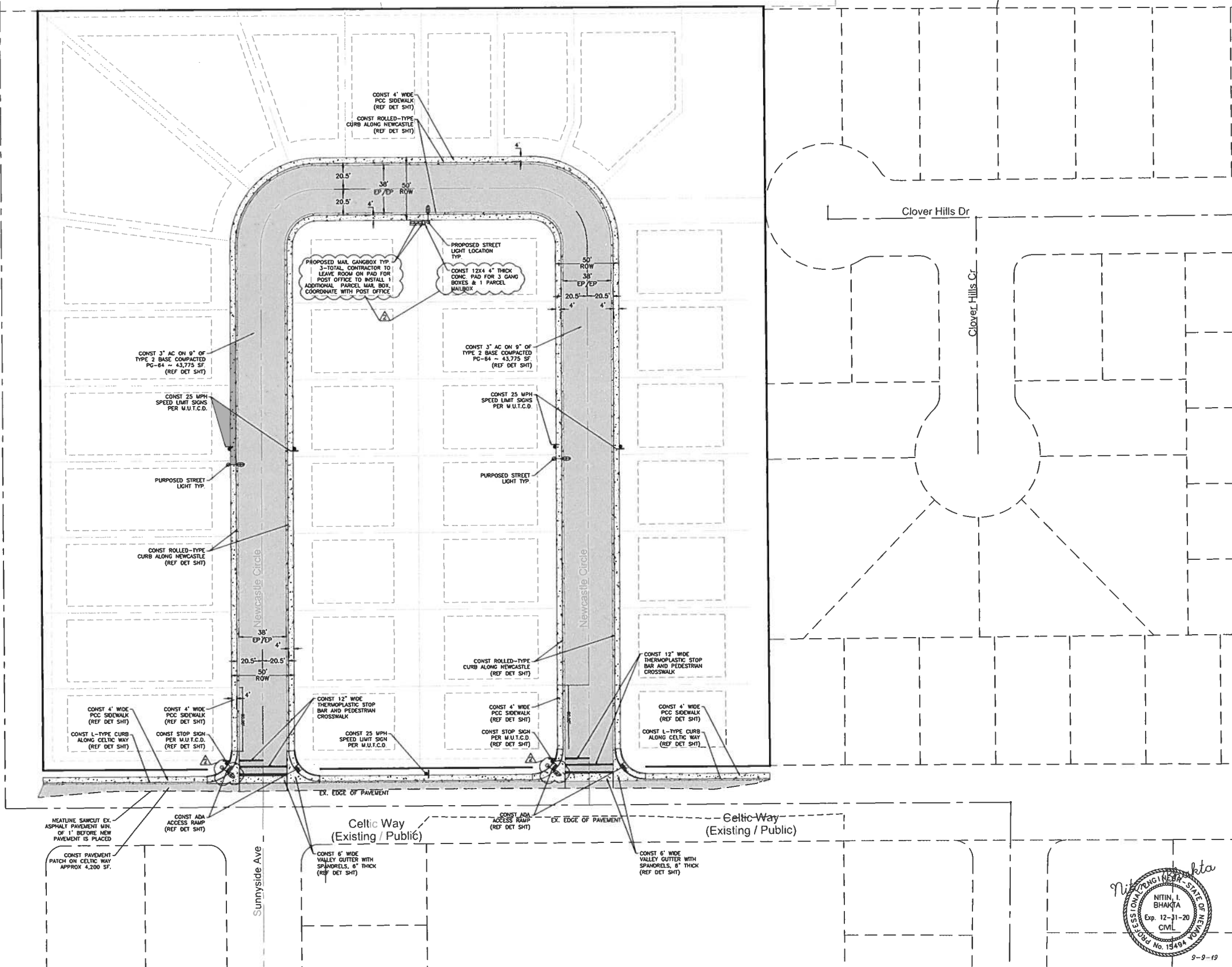
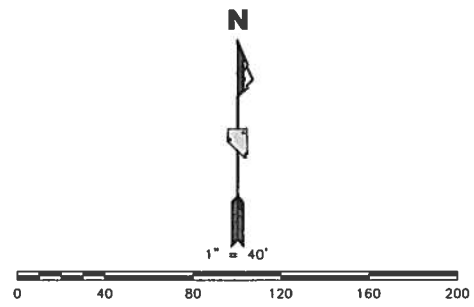
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1	8-10-19	CITY REDLINES	NIB	NIB
3	9-3-19	CITY REDLINES	NIB	NIB
SCALE				
HORIZ: 1" = 40'				
VERT: NONE				
JOB NO:				



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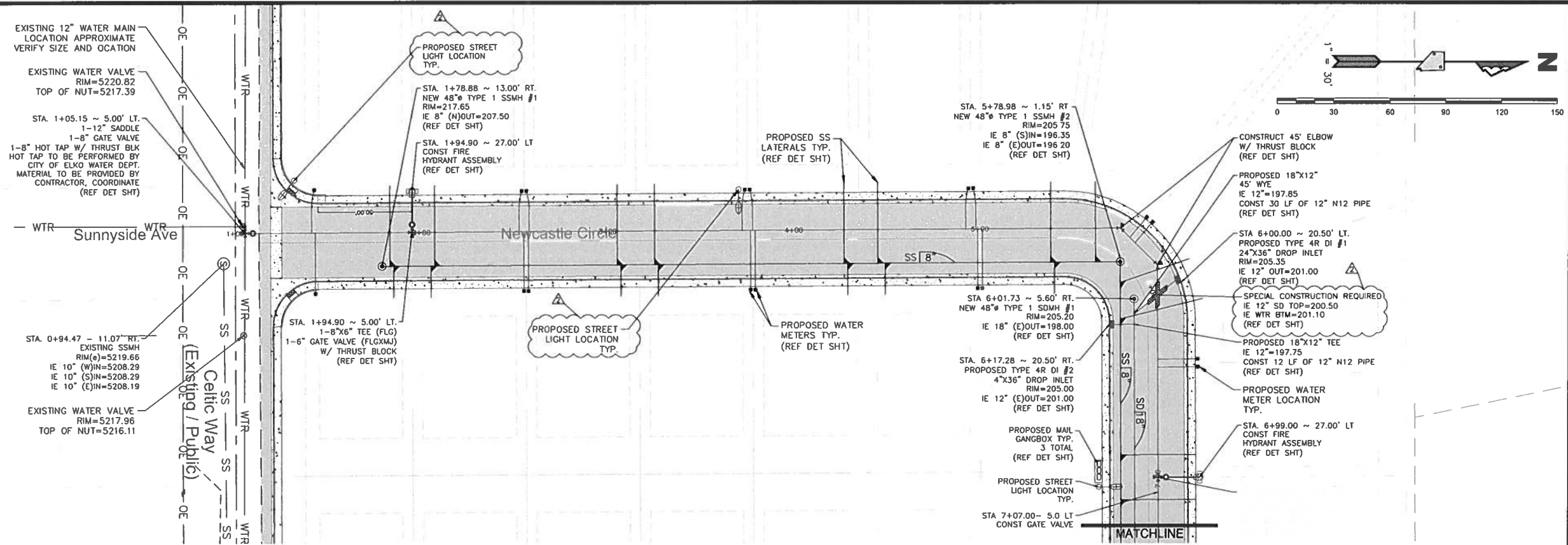
CIVIL IMPROVEMENT PLANS FOR
CAMBRIDGE ESTATE SUBDIVISION
SIGNAGE & STRIPING PLAN

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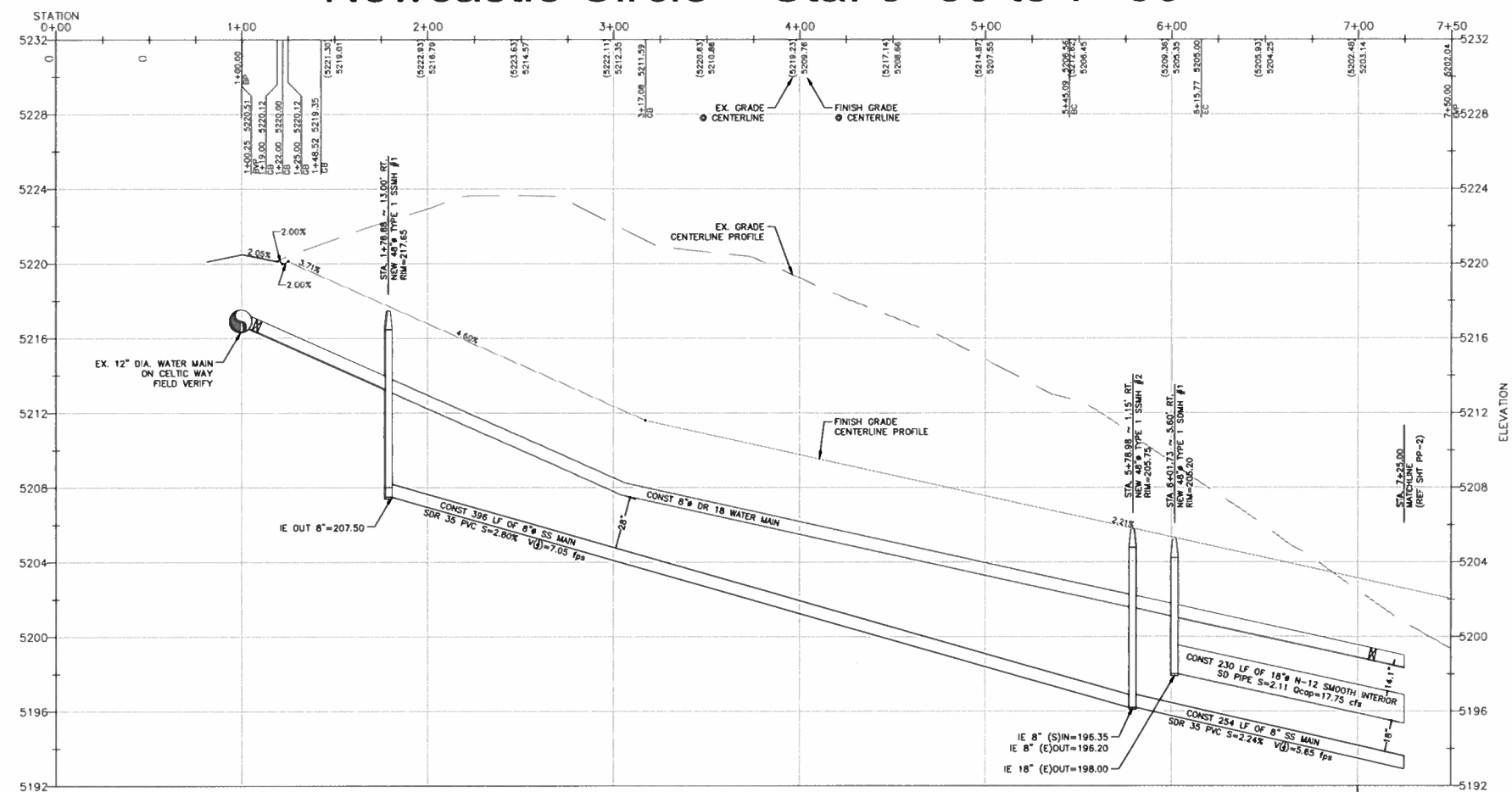
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email: Nib@summitnv.com

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OF	CHECKED BY:	
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CIVIL IMPROVEMENT PLANS FOR CAMBRIDGE ESTATE SUBDIVISION PLAN & PROFILE SHEET

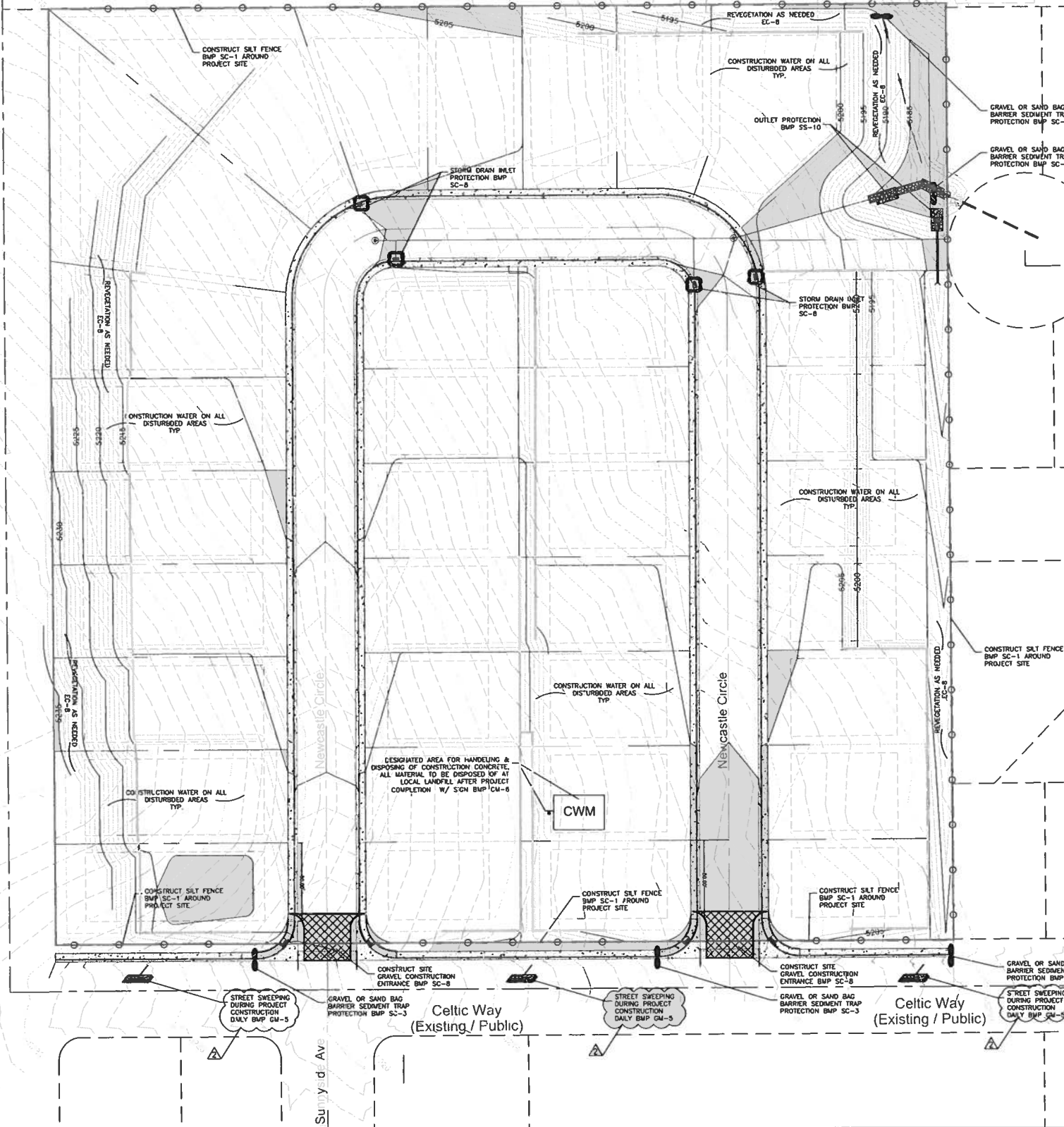
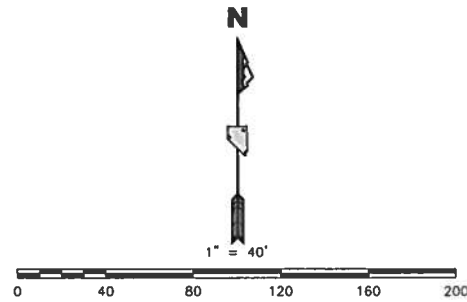
REV.	DATE	DESCRIPTION	BY	APP'D
2	8-28-19	CITY REDLINES	NIB	NIB



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SHEET	P-1
OF	13



ELKO COUNTY
ELKO
NEVADA



CIVIL IMPROVEMENT PLANS FOR
CAMBRIDGE ESTATE SUBDIVISION
EROSION CONTROL PLAN

REV.	DATE	DESCRIPTION	BY	APP'D
1	8-10-18	CITY REDLINES	NIB	NIB
2	8-28-18	CITY REDLINES	NIB	NIB

SCALE: 1" = 40'
HORIZ: NONE
VERT: NONE
JOB NO:

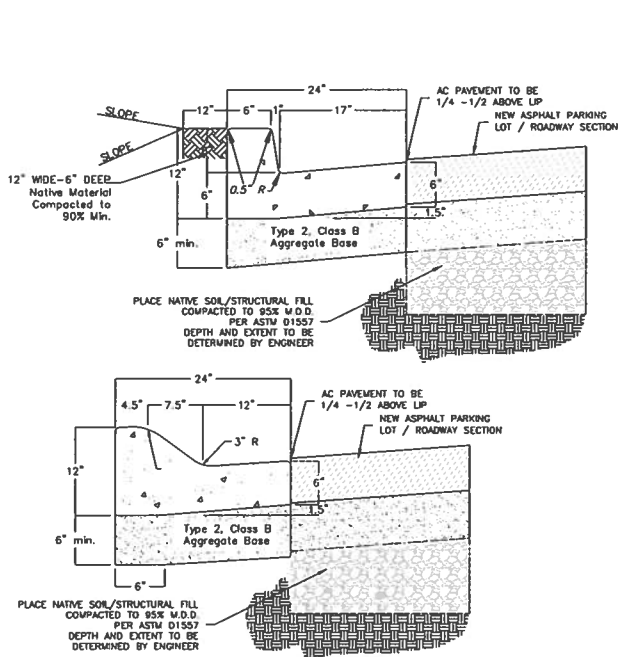
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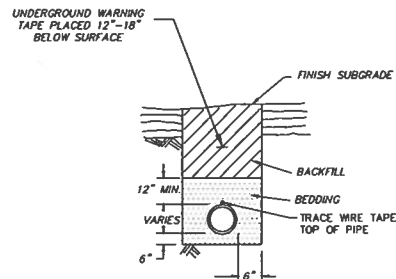
SHEET E-1 OF 13





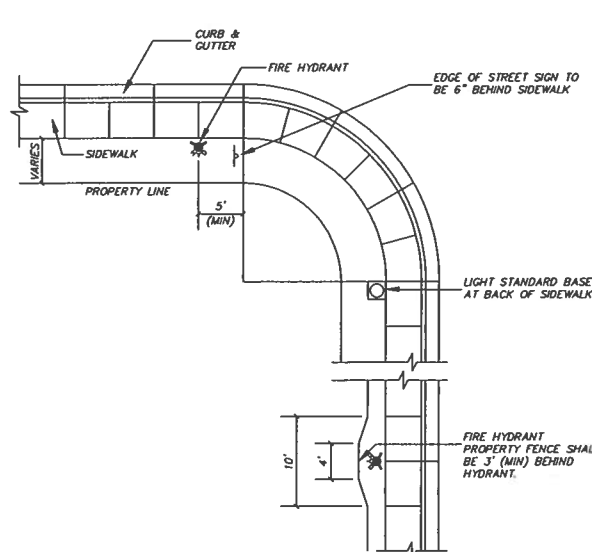
- NOTES:**
1. CONCRETE SHALL MEET THE REQUIREMENTS OF SECTION 337.10 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
 2. AGGREGATE BASE MATERIAL SHALL MEET THE REQUIREMENTS OF SECTIONS 302 & 308 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
 3. ALL CONCRETE CURB AND GUTTER SHALL HAVE 1\"/>

1 CURB & GUTTER DETAIL
NOT TO SCALE



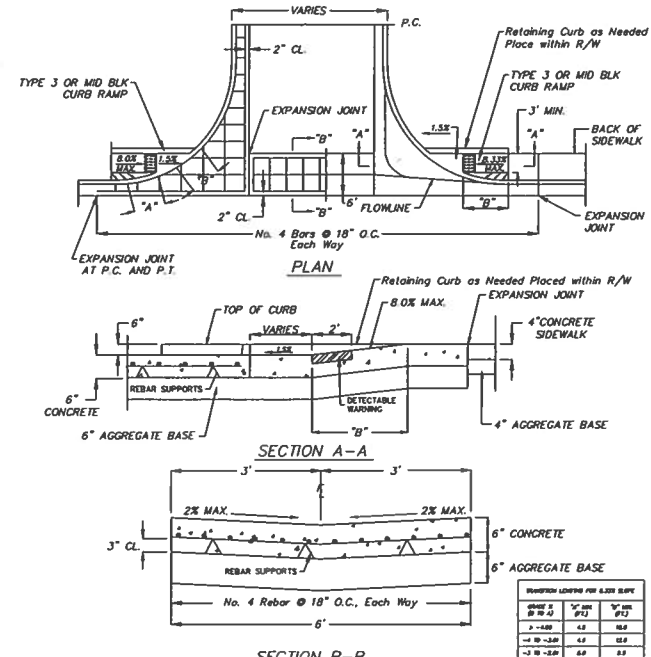
- NOTES:**
1. WATER DENSIFIED BACKFILL AND TUNNELING SHALL NOT BE ALLOWED.
 2. BACKFILL SHALL MEET THE REQUIREMENTS FOR CLASS \"E\" BACKFILL WITH NO ROCKS SIZED OVER 4\"/>

2 TYPE I CURB RAMP
NOT TO SCALE



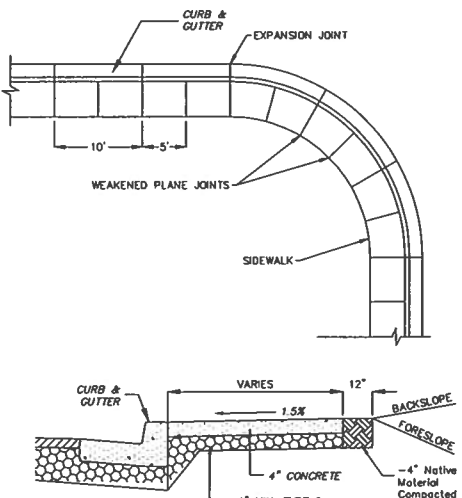
- NOTES:**
1. WHERE CONDITIONS DIFFER FROM THOSE SHOWN, UTILITIES MAY BE LOCATED WITHIN THE SIDEWALK SECTION WITH THE APPROVAL OF THE GOVERNING AGENCY.
 2. WHEN FIRE HYDRANTS AND LIGHT STANDARDS ARE IN THE SAME VICINITY, THEY SHALL BE SEPARATED BY AT LEAST 5 FEET.
 3. WHEN STOP SIGN IS LOCATED AT P.C., STREET SIGNS SHALL BE MOUNTED ON SAME POLE.
 4. STREET SIGNS AT MID-RETURN SHALL BE LOCATED ADJACENT TO A PEDESTRIAN CURB RAMP, IF APPLICABLE.
 5. WHERE CURB AND GUTTER DO NOT EXIST, EDGE OF STOP SIGN SHALL BE PLACED AT THE BEGINNING OF THE CURVE, 6 FEET FROM THE EDGE OF PAVEMENT.

3 STREET LIGHT, HYDRANT, & SIGN LOCATION
NOT TO SCALE



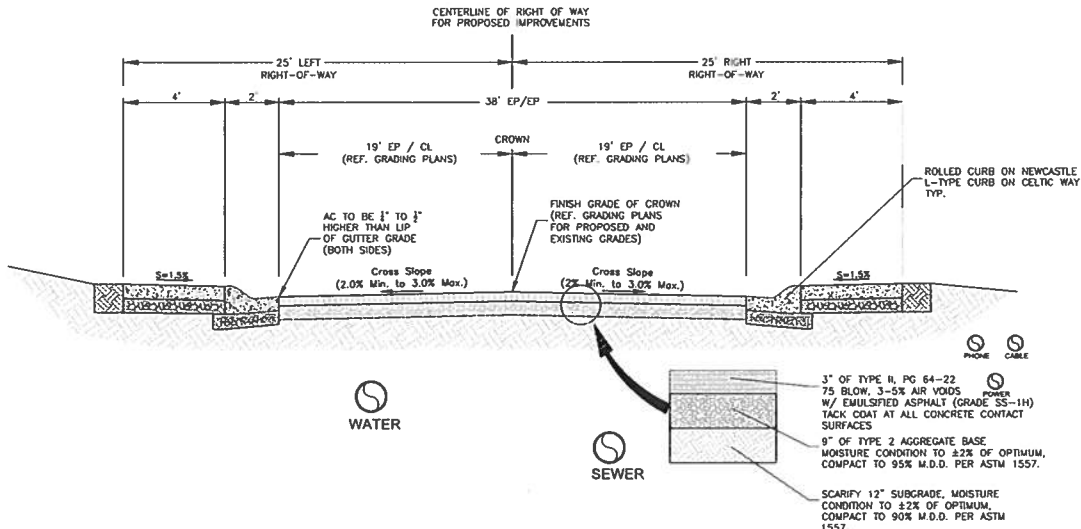
- NOTES:**
1. CONCRETE SHALL MEET THE REQUIREMENTS OF SECTION 337.10 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
 2. AGGREGATE BASE MATERIAL SHALL MEET THE REQUIREMENTS OF SECTIONS 302 & 308 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
 3. REINFORCING STEEL SHALL MEET THE REQUIREMENTS OF SECTION 326 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
 4. PLANTMIX BITUMINOUS SURFACE SHALL BE 1\"/>

4 VALLEY GUTTER W/ APRON DETAIL
NOT TO SCALE



- NOTES:**
1. WATER DENSIFIED BACKFILL AND TUNNELING SHALL NOT BE ALLOWED.
 2. BACKFILL SHALL MEET THE REQUIREMENTS FOR CLASS \"E\" BACKFILL WITH NO ROCKS SIZED OVER 4\"/>

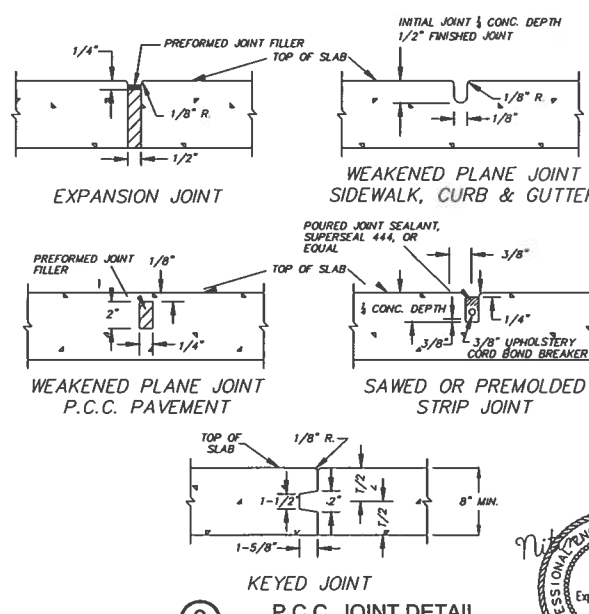
5 TRENCH DETAIL
NOT TO SCALE



6 NEWCASTLE CIRCLE TYPICAL STRUCTURAL SECTION

- NOTES:**
1. CONCRETE SHALL MEET THE REQUIREMENTS OF SECTION 337.10 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
 2. ALL CONCRETE SIDEWALK SHALL HAVE 1\"/>

7 P.C.C. SIDEWALK DETAIL
NOT TO SCALE

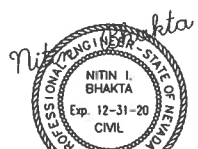


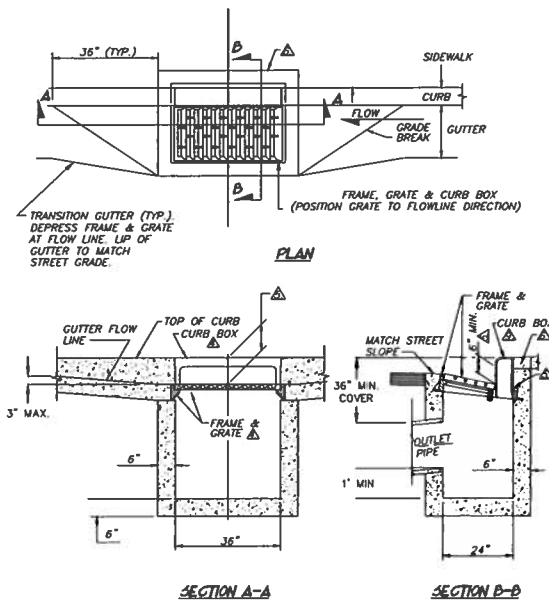
8 P.C.C. JOINT DETAIL

REV.	DATE	DESCRIPTION	BY	APPD.



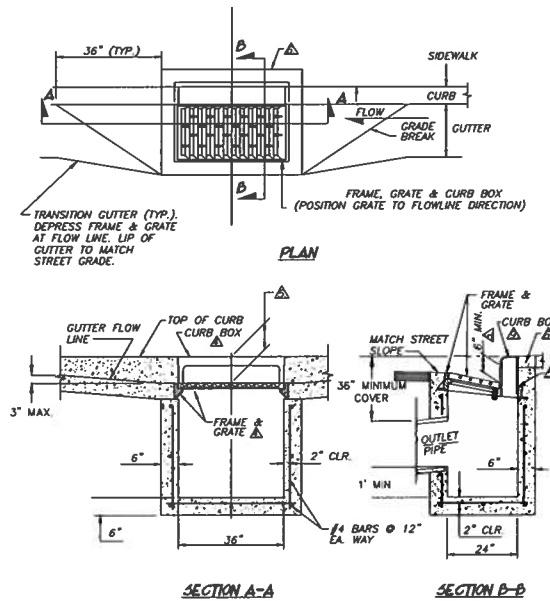
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SHEET D-1	13





NOTES:
1. FOR ADDITIONAL NOTES, SEE DETAIL SHEET "TYPE 4R DROP INLET - NOTES".

① TYPE 4R DROP INLET
PRE-CAST - NOT TO SCALE

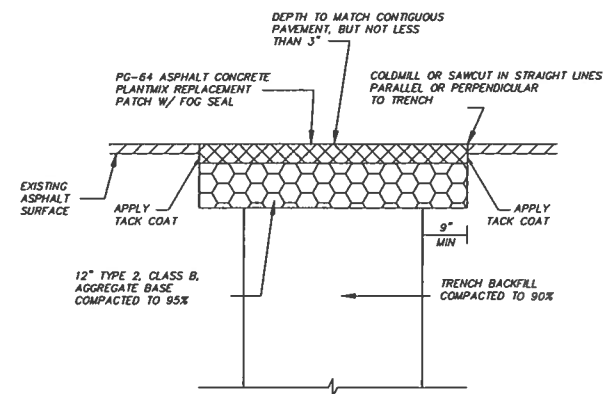


NOTES:
1. FOR ADDITIONAL NOTES, SEE DETAIL SHEET "TYPE 4R DROP INLET - NOTES".

② TYPE 4R DROP INLET
CAST IN PLACE - NOT TO SCALE

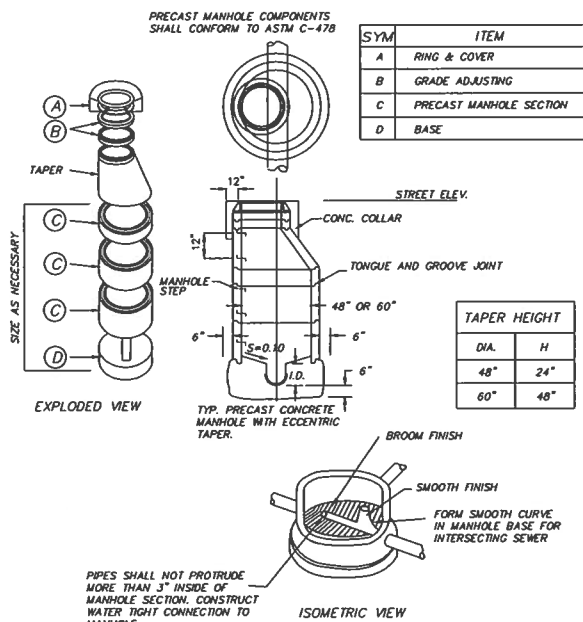
- NOTES:
- CONCRETE SHALL MEET THE REQUIREMENTS OF SECTION 337.10 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
 - AGGREGATE BASE MATERIAL SHALL MEET THE REQUIREMENTS OF SECTIONS 302, 304 & 308 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION. USE STRUCTURAL BACKFILL FOR BASE BENEATH DROP INLET FLOOR AND BACKFILLING OF DROP INLET AND SHALL BE COMPACTED TO A RELATIVE COMPACTION OF 95%.
 - REINFORCING STEEL SHALL MEET THE REQUIREMENTS OF SECTION 326 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION. REINFORCING STEEL TO HAVE A MINIMUM OF 2 INCH CLEARANCES.
 - FRAME SHALL BE NEEDHAM R-3294, R-3295 OR R-3087 SINGLE CURB UNIT WITH A TYPE L "VANE GRATE" FOR SINGLE FLOW AND CURB BOX, SOUTH BAY FOUNDRY VANE GRATE SBF 1947 OR APPROVED EQUAL, INSTALLED WITH PROPER FLOW DIRECTION OR A TYPE "DL" GRATE FOR DUAL FLOW.
 - IFY 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.
 - IF NO SIDEWALK IS PRESENT, POUR 6" CONCRETE CURB STRUCTURE BEHIND GRATE AND TIE BEAM INTO BOX.
 - DROP INLET MAY BE A CAST-IN-PLACE CONCRETE UNIT WITH PRIOR APPROVAL FROM THE CITY OF ELKO.
 - DROP INLET SHALL BE TRAFFIC-RATED & LOCATED AT THE LOW POINTS OR PER APPROVED PLANS.
 - A DECAL, SUPPLIED BY THE CITY OF ELKO, SHALL BE APPLIED TO THE TOP OF THE CURB ADJACENT TO THE DROP INLET WHICH READS "NO DUMPING DRAINS TO RIVER".
 - INFLOW PIPE INVERT ELEVATION SHALL BE 0.1 FEET ABOVE OUTFLOW PIPE INVERT ELEVATION.
 - FRAMES AND GRATES SHALL BE MATCHED TO ACHIEVE A CLOSE TOLERANCE FIT, WITH MINIMAL GAPS, AS APPROVED BY THE CITY OF ELKO.
 - 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 CITY OF ELKO. PIPE'S MINIMUM AND MAXIMUM COVER SHALL BE AS PER MANUFACTURER'S RECOMMENDATION.

③ TYPE 4R DROP INLET GEN. NOTES



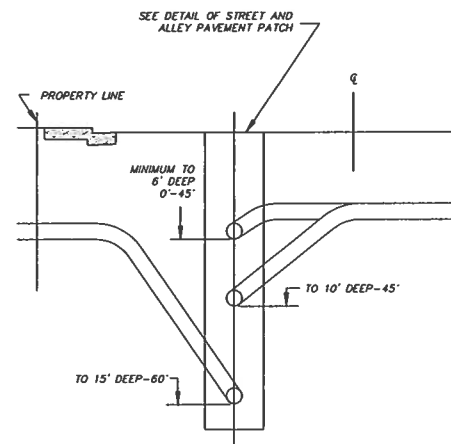
- NOTES:
- IF COLDMILL OR SAWCUT IS WITHIN 24" OF EDGE OF PLANT MIX PAVING, REMOVE EXISTING PAVEMENT TO THAT EDGE AND REPLACE ENTIRE SECTION.
 - USE PG-64 ASPHALT CEMENT IN ALL LIFTS OF TYPE 2 PLANT MIX BITUMINOUS SURFACES.
 - APPLY A SEAL COAT USING SS-1 EMULSIFIED ASPHALT (MIXED WITH AN EQUAL AMOUNT OF WATER). APPLY AT A RATE OF 0.10 GPSY AND APPLY SAND BLOTTER AS NECESSARY.
 - FOR MULTIPLE PLANT MIX BITUMINOUS COURSES, TACK COAT SHALL BE APPLIED BETWEEN EACH PLANT MIX BITUMINOUS COURSE.

④ PAVEMENT PATCH DETAIL
NOT TO SCALE



- NOTES:
- PIPE SECTION LENGTHS ARRANGED TO FIT DEPTH.
 - PRECAST BASE MAY BE USED IF APPROVED BY GOVERNING AGENCY.
 - MANHOLE STEPS SHALL BE POLYETHYLENE COATED.
 - REFER TO DETAIL SHEET (MANHOLE - GENERAL NOTES) FOR ADDITIONAL INFORMATION.

⑤ TYPE 1 48"Ø MANHOLE
NOT TO SCALE

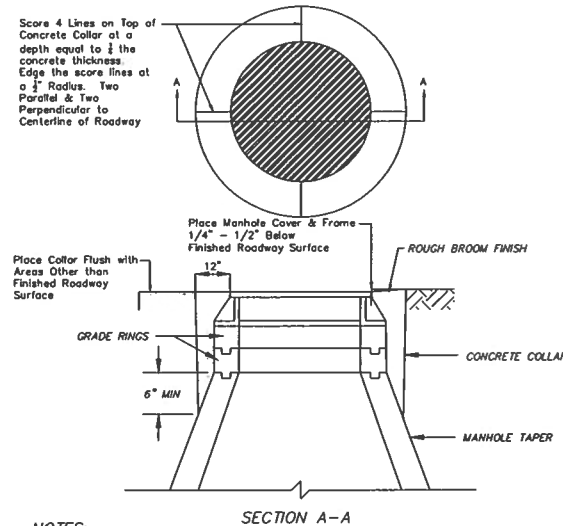


⑤ SEWER LATERAL CONNECTION ANGLE
NOT TO SCALE

MANHOLES - GENERAL NOTES:

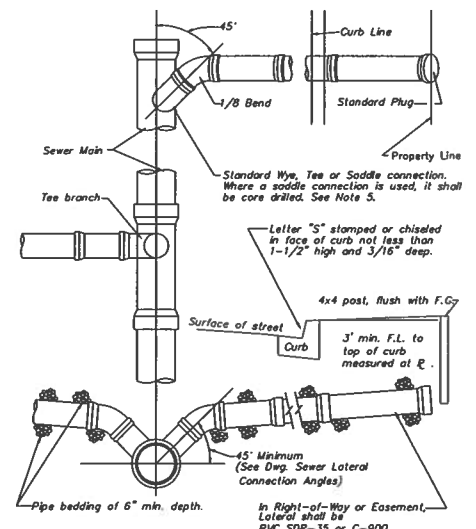
- ALL MANHOLES SHALL MEET THE REQUIREMENTS OF SECTION 204 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
- MANHOLE COVERS SHALL BE IDENTIFIED AS STORM DRAIN, WATER OR SEWER CLEARLY DISPLAYED ON THE COVER.
- ALL TRENCHES AND EXCAVATIONS SHALL CONFORM WITH THE LATEST 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.

⑥ MANHOLE GENERAL NOTES
NOT TO SCALE



- NOTES:
- CONCRETE SHALL MEET THE REQUIREMENTS OF SECTION 337.10 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
 - MANHOLE COVER & FRAME SHALL BE SET 1" TO 3" 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 DETAIL SHEET (MANHOLE - GENERAL NOTES) FOR ADDITIONAL INFORMATION.

⑦ MANHOLE COLLAR DETAIL
NOT TO SCALE



- NOTES:
- IN NO CASE SHALL A LATERAL CONNECT TO THE SEWER MAIN DIRECTLY ON TOP OR MATCH THE FLOWLINE OF THE PIPE.
 - SEWER LATERALS SHALL HAVE A MINIMUM SLOPE OF 2%.
 - 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.
 - SADDLE CONNECTION SHALL BE PVC SADDLE WITH STAINLESS STEEL STRAPS.
 - 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 THE CITY OF ELKO'S APPROVAL.
 - SEWER MAIN/LATERAL CONNECTIONS SHALL MEET THE REQUIREMENTS OF HAC 445A.

⑧ SEWER LATERAL CONNECTION
NOT TO SCALE



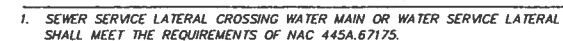
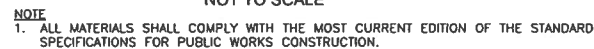
CIVIL IMPROVEMENT PLANS FOR CAMBRIDGE ESTATE SUBDIVISION DETAIL SHEET

ELKO COUNTY
ELKO

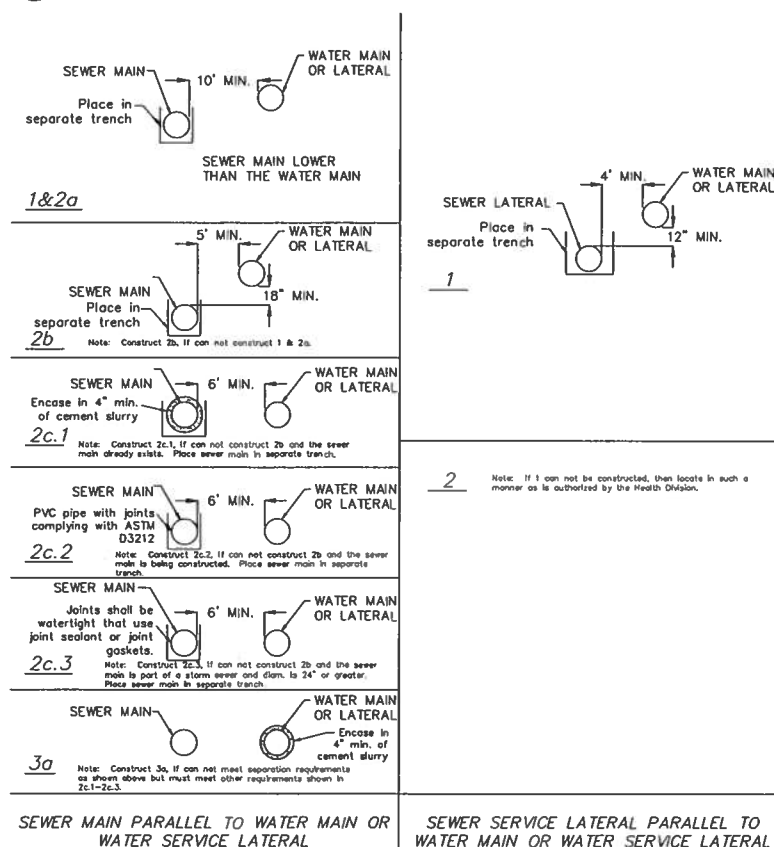
SCALE	REV.	DATE	DESCRIPTION	BY	APPD.
HORIZ: 1" = 40'					
VERT: NONE					
JOB NO:					



DESIGNED BY:	ACAD14
DRAWN BY:	
CHECKED BY:	
SHEET D-3	OF 13



1. SIGN MATERIALS AND INSTALLATION SHALL BE IN CONFORMANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
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 EDGE OF SIGN 6' MINIMUM FROM PAVEMENT EDGE.
4. EACH STREET SIGN SHALL CONSIST OF TWO PLATES RIVETED TOGETHER.



- NOTES:

1. SEWER MAIN/LATERAL PARALLEL TO WATER MAIN OR WATER SERVICE LATERAL SHALL MEET THE REQUIREMENTS OF NAC 445A.67155 & NAC 445A.6716.



1. FERROUS METAL OVER MONUMENT FOR RECOVERY BY DIP NEEDLE OR MAGNETIC INSERT IN CAP.
2. 2" MIN. NONFERROUS CAP WITH PROFESSIONAL LAND SURVEYOR NO. PERMANENTLY ATTACHED PRIOR TO PLACEMENT.
3. $\frac{3}{8}$ " METALLIC SHAFT (SMOOTH SHAFTS TO BE DEFORMED).
4. MONUMENT INSTALLATION SHALL MEET THE REQUIREMENTS OF SECTION 216 & 334 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
5. SCORE CONCRETE COLLAR AS PER MANHOLE COLLAR AS SHOWN ON DRAWING U-5.1.



NOTES:

1. SEWER MAIN CROSSING WATER MAIN OR WATER SERVICE LATERAL SHALL MEET THE REQUIREMENTS OF NAC 445A.67165 & NAC 445A.6717.



**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible recommendation to City Council for Vacation No. 4-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way adjacent to APN 001-343-001, consisting of an area approximately 52 sq. ft., and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **September 24, 2019**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **A recent survey has been submitted to the City of Elko showing an encroachment of their building into Commercial Street right-of-way. Further surveying has determined that most of the 600 block has encroachments into the Commercial Street right-of-way and therefore the City of Elko is the applicant for the vacation. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Application, display map**
9. Recommended Motion: **Forward a recommendation to City Council to adopt a resolution, which conditionally approves Vacation No. 4-19 based on facts, findings, and conditions as presented in the Staff Report dated September 23, 2019.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution:

**JM Capriola Co. Inc.
500 Commercial Street
Elko, NV 89801**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 10/1

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

Title: Vacation No. 4-19
Applicant(s): City of EKO
Site Location: 500 Commercial St. - APN 001-343-001
Current Zoning: C Date Received: 9/17/19 Date Public Notice: N/A
COMMENT: This is to vacate a portion of the Commercial
Street right-of-way adjacent to APN 001-343-001.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 9/23/19
Recommended approval

SAW

Initial

City Manager: Date: 9/23/19
No comments/concerns.

cc

Initial



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

CITY OF ELKO STAFF REPORT

MEMO DATE:	September 23, 2019
PLANNING COMMISSION DATE:	October 1, 2019
APPLICATION NUMBER:	Vacation 4-19 through 10-19
APPLICANT:	City of Elko
PROJECT DESCRIPTION:	APN 001-343-001, 001-343-002, 001-343-003, 001-343-004, 001-343-005, 001-343-006, & 001-343-007

**Vacation of the southeasterly portion of Commercial Street between 5th and 6th Street.
Each property varies in dimension of area to be vacated.**



STAFF RECOMMENDATION:

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

PROJECT INFORMATION

PARCEL NUMBER: 001-343-001, 001-343-002, 001-343-003, 001-343-004, 001-343-005, 001-343-006, & 001-343-007

EXISTING ZONING: C- General Commercial

MASTER PLAN DESIGNATION: Mixed Use Downtown

EXISTING LAND USE: Developed, Commercial

BACKGROUND:

1. The properties have been developed as commercial land use.
2. City Council made a motion to vacate the encroachments into Commercial Street at their meeting September 24, 2019 and referred the matter to Planning Commission for their review.
3. The area proposed to be vacated varies in square footage for each property as each building has different encroachments into the right-of-way.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

North: C- General Commercial / Developed

East: C- General Commercial / Developed

South: C- General Commercial / Developed

West: C- General Commercial / Developed

PROPERTY CHARACTERISTICS:

The properties are currently developed.

Commercial Street is currently a 60' right-of-way.

There are +/- 12' wide sidewalk along Commercial Street adjacent to the properties.

MASTER PLAN AND CITY CODES:

Applicable Master Plans and City Code Sections are:

NRS 278.479 to 278.480, inclusive

City of Elko Master Plan – Land Use Component

City of Elko Master Plan – Transportation Component

City of Elko Redevelopment Plan

City of Elko Code – Section 8-7 Street Vacation Procedures

NRS 278.479 to 278.480 inclusive

1. 278.480(4) If any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall, not less than 10 business days before the public hearing described in subsection 5.

2. NRS 278.480 (5) Except as otherwise provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.31895.
3. Per NRS 278.480(6) Public utility companies will be notified of the vacation on September 25, 2019 via first class mail.

MASTER PLAN – Land Use:

1. The Master Plan Land Use Atlas shows the area as Mixed Use Downtown.
2. C- General Commercial Zoning District is listed as a corresponding zoning district for Mixed Use Downtown.
3. Objective 6: Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.

The proposed vacation is in conformance with the Master Plan Land Use component.

MASTER PLAN - Transportation:

1. The area is accessed from Commercial Street.
2. Commercial Street is classified as an Industrial Commercial Collector.
3. Commercial Street has +/- 12' wide sidewalks.

The proposed vacation is in conformance with the Master Plan Transportation Component.

REDEVELOPMENT PLAN

-) The area is located within the Redevelopment Area.
-) The proposed vacation doesn't relate to parking or other elements which are part of the Redevelopment Plan.

The proposed vacation is in conformance with the Redevelopment Plan.

ELKO CITY CODE SECTION 8-7 STREET VACATION PROCEDURES

1. If it is determined by a majority vote of the city council that it is in the best interest of the city and that no person will be materially injured thereby, the city council, by motion, may propose the realignment, change, vacation, adjustment or abandonment of any street or any portion thereof. In addition, any abutting owner desiring the vacation of any street or easement or portion thereof shall file a petition in writing with the city council and the city council shall consider said petition as set forth above.
 -) The City Council made a motion at their meeting on September 24, 2019 and referred the matter to the Planning Commission for further consideration.

2. Except for a petition for the vacation or abandonment of an easement for a public utility owned or controlled by the city, the petition or motion shall be referred to the planning commission, which shall report its findings and recommendations thereon to the city council. The petitioner shall, prior to the consideration of the petition by the planning commission, pay a filing fee to the city in an amount established by resolution of the city council and included in the appendix to this code.

) The filing fee was paid by the applicant.

3. Whenever any street, easement or portion thereof is proposed to be vacated or abandoned, the city council shall notify by certified mail each owner of property abutting the proposed vacation or abandonment and cause a notice to be published at least once in a newspaper of general circulation in the city setting forth the extent of the proposed vacation or abandonment and setting a date for public hearing, which date may be not less than ten (10) days and not more than forty (40) days subsequent to the date the notice is first published.
4. Order of City Council: Except as provided in subsection E of this section, if, upon public hearing, the City Council is satisfied that the public will not be materially injured by the proposed vacation or abandonment, and that it is in the best interest of the city, it shall order the street vacated or abandoned. The city council may make the order conditional, and the order shall become effective only upon the fulfillment of the conditions prescribed.

The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City code.

FINDINGS

-) The proposed vacation is in conformance with the City of Elko Master Plan Land Use Component
-) The proposed vacation is in conformance with the City of Elko Master Plan Transportation component.
-) The property proposed for vacation is located within the Redevelopment Area.
-) The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive.
-) The proposed vacation with the recommended conditions is in conformance with Elko City Code 8-7.
-) The proposed vacation will not materially injure the public and is in the best interest of the City.

STAFF RECOMMENDATION:

Staff recommends forward a recommendation to City Council to adopt a resolution which conditionally APPROVES the proposed vacation with the following conditions:

1. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.



CITY OF ELKO

Planning Department

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

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

September 25, 2019

NV Energy
Mr. Jake Johnson
6100 Neil Road
Reno, NV 89511

SUBJECT: Proposed Vacation No. 4-19, 5-19, 6-19, 7-19, 8-19, 9-19, & 10-19

Dear Mr. Johnson:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Commercial Street right-of-way located generally along the northwest property lines of APNs 001-343-001 through 001-343-007. Please see enclosed maps.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on October 1, 2019. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

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

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

September 25, 2019

Southwest Gas Corporation
Engineering Department
PO Box 1190
Carson City, NV 89702-1190

SUBJECT: Proposed Vacation No. 4-19, 5-19, 6-19, 7-19, 8-19, 9-19, & 10-19

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Commercial Street right-of-way located generally along the northwest property lines of APNs 001-343-001 through 001-343-007. Please see enclosed maps.

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If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



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Email: planning@elkocitynv.gov

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

September 25, 2019

Satview Broadband
Mr. Tariq Ahmad
PO Box 18148
Reno, NV 89511

And VIA EMAIL: taroil@yahoo.com

SUBJECT: Proposed Vacation No. 4-19, 5-19, 6-19, 7-19, 8-19, 9-19, & 10-19

Dear Mr. Ahmad:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Commercial Street right-of-way located generally along the northwest property lines of APNs 001-343-001 through 001-343-007. Please see enclosed maps.

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Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

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Planning Department

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

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

September 25, 2019

Frontier Communication

Mr. John Poole

1520 Church Street

Gardnerville, NV 89410

SUBJECT: Proposed Vacation No. 4-19, 5-19, 6-19, 7-19, 8-19, 9-19, & 10-19

Dear Mr. Poole:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Commercial Street right-of-way located generally along the northwest property lines of APNs 001-343-001 through 001-343-007. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on October 1, 2019. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta

Planning Technician

sarchuleta@elkocitynv.gov

Enclosures



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Planning Department

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Email: planning@elkocitynv.gov

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

September 25, 2019

Beehive Broadband
2000 N. Sunset Road
Lake Point, UT 84074

SUBJECT: Proposed Vacation No. 4-19, 5-19, 6-19, 7-19, 8-19, 9-19, & 10-19

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Commercial Street right-of-way located generally along the northwest property lines of APNs 001-343-001 through 001-343-007. Please see enclosed maps.

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If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



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Planning Department

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

September 25, 2019

Elko Heat
P.O. Box 2347
Elko, NV 89803

SUBJECT: Proposed Vacation No. 4-19, 5-19, 6-19, 7-19, 8-19, 9-19, & 10-19

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by the City of Elko to vacate a portion of the Commercial Street right-of-way located generally along the northwest property lines of APNs 001-343-001 through 001-343-007. Please see enclosed maps.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

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If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

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

APPLICATION FOR VACATION OF CITY STREET, EASEMENT OR OTHER PUBLIC RIGHT-OF-WAY

APPLICANT(s): City of Elko

MAILING ADDRESS: 1751 College Avenue

PHONE NO (Home): 775-777-7160

(Business):

NAME OF PROPERTY OWNER (If different):

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

MAILING ADDRESS:

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

ASSESSOR'S PARCEL NO.: 001-343-001

Address: 500 Commercial Street

Lot(s), Block(s), & Subdivision: SE side of Commercial Street between 5th & 6th Streets

Or Parcel(s) & File No.:

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice.

Fee: A \$600.00 non-refundable fee.

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.

Legal Description: A complete legal description of the area proposed for vacation along with an exhibit depicting the area for vacation.

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 ½" 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 the request.

RECEIVED

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

--

(Name)

(Address)

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

--

(Name)

(Address)

1. Describe the nature of the request:

Buildings along the southeast side of Commercial Street are encroaching into the Commercial Street right-of-way. The proposal is to vacate the portions of Commercial Street that the buildings are occupying.
2. Describe any utilities currently located in the area proposed for vacation, and if any are present how they will be addressed:

There are no known utilities in the area proposed for vacation.

Use additional pages if necessary

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 inspection 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 effect 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.

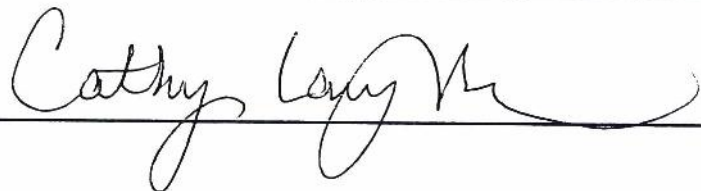
Applicant / Agent **City of Elko**
(Please print or type)

Mailing Address **1751 College Avenue**
Street Address or P.O. Box

Elko, NV 89801
City, State, Zip Code

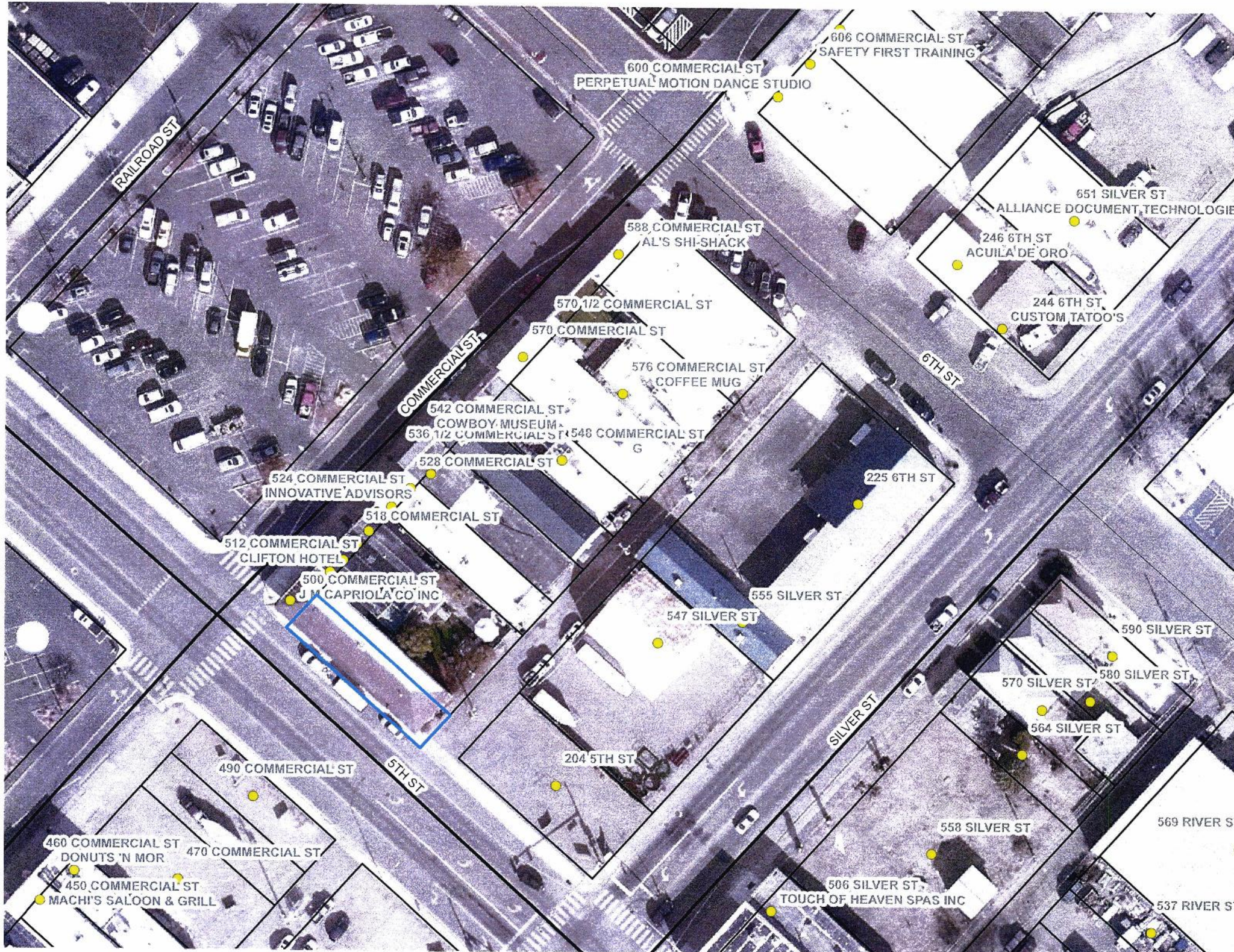
Phone Number: **775-777-7160**

Email address: **claughlin@elkocitynv.gov**

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 4-19 Date Filed: 9/17/19 Fee Paid: N/A



600 COMMERCIAL ST
PERPETUAL MOTION DANCE STUDIO

606 COMMERCIAL ST
SAFETY FIRST TRAINING

651 SILVER ST
ALLIANCE DOCUMENT TECHNOLOGIE

246 6TH ST
ACUILA DE ORO

244 6TH ST
CUSTOM TATOO'S

588 COMMERCIAL ST
AL'S SHI-SHACK

570 1/2 COMMERCIAL ST

570 COMMERCIAL ST

576 COMMERCIAL ST
COFFEE MUG

542 COMMERCIAL ST
COWBOY MUSEUM

536 1/2 COMMERCIAL ST
548 COMMERCIAL ST
G

528 COMMERCIAL ST

524 COMMERCIAL ST
INNOVATIVE ADVISORS

518 COMMERCIAL ST

512 COMMERCIAL ST
CLIFTON HOTEL

500 COMMERCIAL ST
J M CAPRIOLA CO INC

225 6TH ST

555 SILVER ST

547 SILVER ST

590 SILVER ST

580 SILVER ST

570 SILVER ST

564 SILVER ST

490 COMMERCIAL ST

204 5TH ST

5TH ST

460 COMMERCIAL ST
DONUTS 'N MOR

470 COMMERCIAL ST

450 COMMERCIAL ST
MACHI'S SALOON & GRILL

558 SILVER ST

506 SILVER ST
TOUCH OF HEAVEN SPAS INC

569 RIVER ST

537 RIVER ST

EXHIBIT A
COMMERCIAL STREET VACATION FOR
J. M. CAPRIOLA CO., INC.
September 24, 2019

A parcel of land located in Section 15, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, being a portion of Commercial Street more particularly described as follows:

Commencing at the monument at the centerline intersection of Sixth Street and Commercial Street, a point from which the monument at the centerline intersection of Fourth Street and Commercial Street bears S 41° 58' 05" W, 760.28 feet, thence S 41° 58' 05" W, 315.58 feet along the centerline of Commercial Street to a point, thence S 48° 01' 55" E, 48.00 feet to Corner No. 1, the True Point of Beginning;

Thence continuing S 48° 01' 55" E, 2.00 feet to Corner No. 2, a point being the most Northerly corner of a parcel of land conveyed to J. M. Capriola Co., Inc., by deed recorded in the office of the Elko County Recorder, Elko, Nevada in Book 340 at Page 54 of Elko County Official Records, a point also being on the Northwesternly Right of Way of Commercial Street;

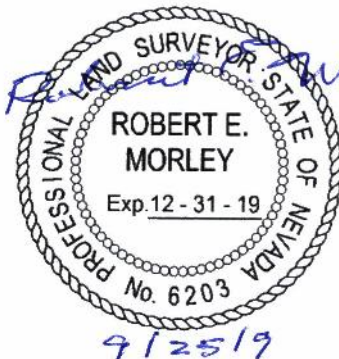
Thence S 41° 58' 05" W, 25.75 feet along the said Northwesternly Right of Way of Commercial Street to Corner No. 3, a point being the most Westerly corner of said J. M. Capriola Co., Inc. parcel;

Thence N 48° 00' 17" W, 2.00 feet to Corner No. 4;

Thence N 41° 58' 05" E, 25.75 feet to Corner No. 1, the point of beginning, containing 52 square feet, more or less.

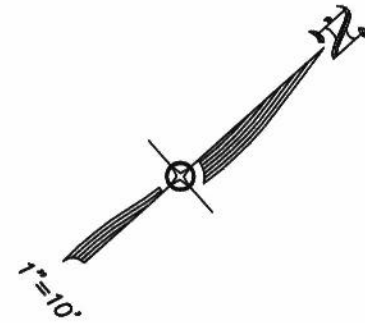
Reference is hereby made to Exhibit B, Map of Street Vacation for J. M. Capriola Co., Inc., attached hereto and made a part hereof.

Prepared by Robert E. Morley, PLS
640 Idaho Street

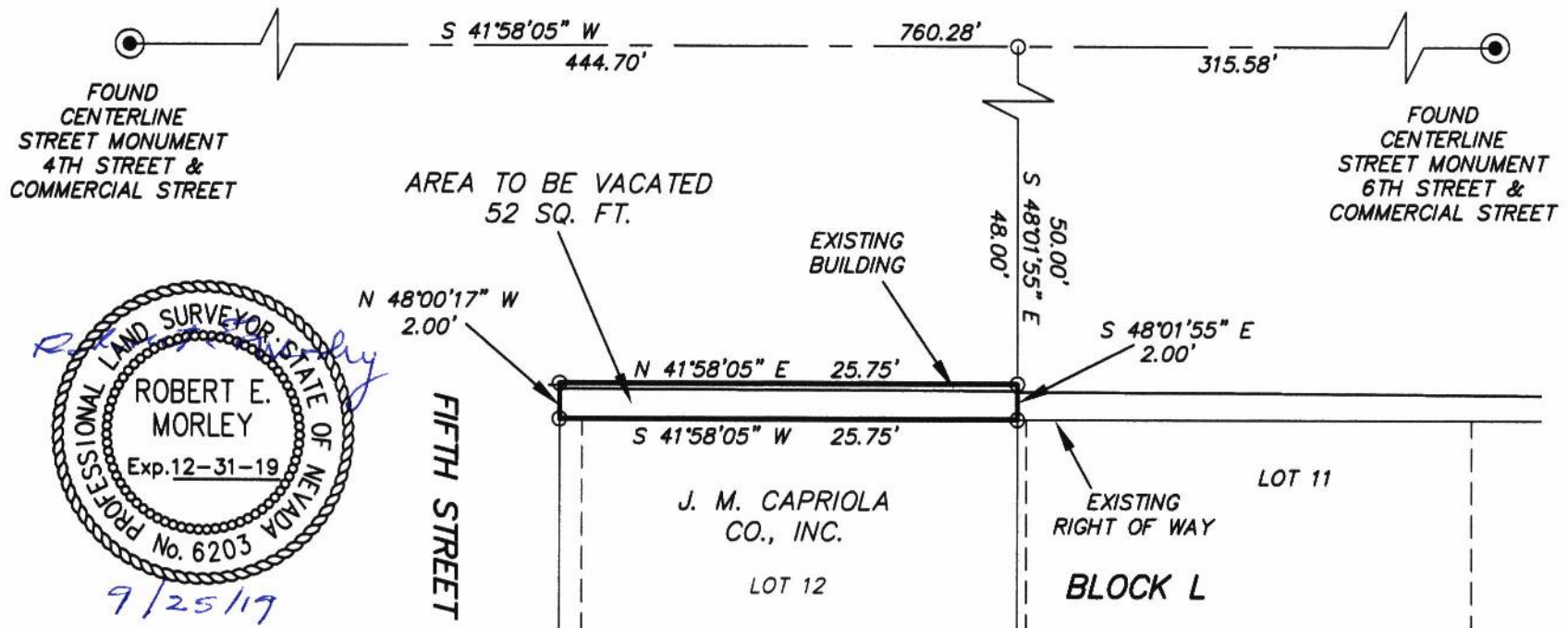


High Desert Engineering
Elko, NV 89801

EXHIBIT B
MAP OF STREET VACATION
FOR
J. M. CAPRIOLA CO., INC
CITY OF ELKO, NEVADA



COMMERCIAL STREET



**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible recommendation to City Council for Vacation No. 5-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way adjacent to APN 001-343-002, consisting of an area approximately 101 sq. ft., and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **October 1, 2019**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **A recent survey has been submitted to the City of Elko showing an encroachment of their building into Commercial Street right-of-way. Further surveying has determined that most of the 600 block has encroachments into the Commercial Street right-of-way and therefore the City of Elko is the applicant for the vacation. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Application, display map, Staff Memo**
9. Recommended Motion: **Forward a recommendation to City Council to adopt a resolution, which conditionally approves Vacation No. 5-19 based on facts, findings, and conditions as presented in the Staff Report dated September 23, 2019.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution:

**Jacques Errecart
516 Commercial Street
Elko, NV 89801**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 10/1

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

Title: Vacation No. 5-19
Applicant(s): City of EKO
Site Location: 512 Commercial Street - APN 001-343-002
Current Zoning: C Date Received: 9/17/19 Date Public Notice: N/A
COMMENT: This is to vacate a portion of the Commercial
Street right-of-way adjacent to APN 001-343-002.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 9/23/19
Recommend approval

SAW

Initial

City Manager: Date: 9/23/19

Same comment from Vac 4-19:
"No Comments/Concerns."

Initial



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

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

APPLICATION FOR VACATION OF CITY STREET, EASEMENT OR OTHER PUBLIC RIGHT-OF-WAY

APPLICANT(s): City of Elko

MAILING ADDRESS: 1751 College Avenue

PHONE NO (Home) 775-777-7160

(Business)

NAME OF PROPERTY OWNER (If different):

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

MAILING ADDRESS:

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

ASSESSOR'S PARCEL NO.: 001-343-002

Address 512 Commercial Street

Lot(s), Block(s), & Subdivision SE side of Commercial Street between 5th & 6th Streets

Or Parcel(s) & File No.

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice.

Fee: A \$600.00 non-refundable fee.

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.

Legal Description: A complete legal description of the area proposed for vacation along with an exhibit depicting the area for vacation.

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 the request.

RECEIVED

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

--

(Name)

(Address)

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

--

(Name)

(Address)

1. Describe the nature of the request: Buildings along the southeast side of Commercial Street are encroaching into the Commercial Street right-of-way. The proposal is to vacate the portions of Commercial Street that the buildings are occupying.

2. Describe any utilities currently located in the area proposed for vacation, and if any are present how they will be addressed: There are no known utilities in the area proposed for vacation.

Use additional pages if necessary

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 inspection 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 effect 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 **City of Elko**
(Please print or type)

Mailing Address **1751 College Avenue**
Street Address or P.O. Box

Elko, NV 89801
City, State, Zip Code

Phone Number: **775-777-7160**

Email address: **claughlin@elkocitynv.gov**

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 5-19 Date Filed: 9/17/19 Fee Paid: N/A



606 COMMERCIAL ST
SAFETY FIRST TRAINING

600 COMMERCIAL ST
PERPETUAL MOTION DANCE STUDIO

588 COMMERCIAL ST
AL'S SHI-SHACK

570 1/2 COMMERCIAL ST

570 COMMERCIAL ST

576 COMMERCIAL ST
COFFEE MUG

542 COMMERCIAL ST
COWBOY MUSEUM

536 1/2 COMMERCIAL ST
543 COMMERCIAL ST
G

528 COMMERCIAL ST

524 COMMERCIAL ST
INNOVATIVE ADVISORS

518 COMMERCIAL ST

512 COMMERCIAL ST
CLIFTON HOTEL

500 COMMERCIAL ST
J.M. CAPRIOLA CO INC

490 COMMERCIAL ST

460 COMMERCIAL ST
DONUTS 'N MOR

470 COMMERCIAL ST

450 COMMERCIAL ST
MACHI'S SALOON & GRILL

6TH ST

225 6TH ST

555 SILVER ST

547 SILVER ST

590 SILVER ST

580 SILVER ST

570 SILVER ST

564 SILVER ST

558 SILVER ST

506 SILVER ST
TOUCH OF HEAVEN SPAS INC

569 RIVER ST

537 RIVER ST

SILVER ST

5TH ST

EXHIBIT A
COMMERCIAL STREET VACATION FOR
JACQUES G. ERRECART, JENNIFER M. ANDERSON, & JOAN ANDERSON
September 25, 2019

A parcel of land located in Section 15, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, being a portion of Commercial Street more particularly described as follows:

Commencing at the monument at the centerline intersection of Sixth Street and Commercial Street, a point from which the monument at the centerline intersection of Fourth Street and Commercial Street bears S 41° 58' 05" W, 760.28 feet, thence S 41° 58' 05" W, 265.07 feet along the centerline of Commercial Street to a point, thence S 48° 01' 55" E, 48.00 feet to Corner No. 1, the True Point of Beginning;

Thence continuing S 48° 01' 55" E, 2.00 feet to Corner No. 2, a point being the most Northerly corner of a parcel of land conveyed to Jacque G. Errecart, Joan Anderson and Jennifer M. Anderson, by deed recorded in the office of the Elko County Recorder, Elko, Nevada as Document No. 653442 of Elko County Official Records, a point also being the most Northerly corner of Lot 10, Block L, of the Town now City of Elko and also being a point on the Northwesternly Right of Way of Commercial Street;

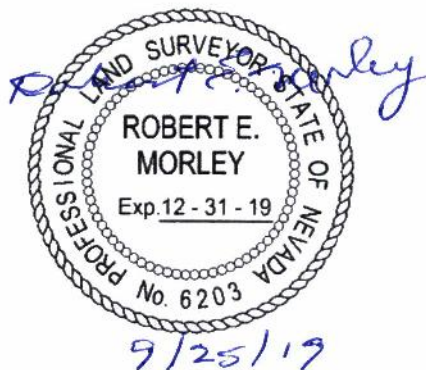
Thence S 41° 58' 05" W, 50.51 feet along the said Northwesternly Right of Way of Commercial Street to Corner No. 3, a point being the most Westerly corner of said Jacque G. Errecart, Joan Anderson and Jennifer M. Anderson parcel;

Thence N 48° 01' 55" W, 2.00 feet to Corner No. 4;

Thence N 41° 58' 05" E, 50.51 feet to Corner No. 1, the point of beginning, containing 101 square feet, more or less.

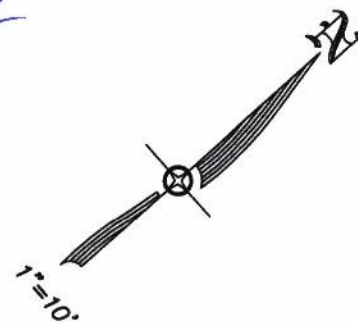
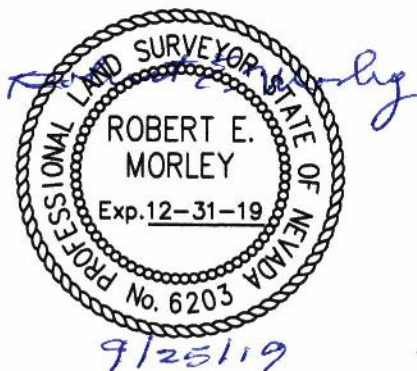
Reference is hereby made to Exhibit B, Map of Street Vacation for Jacque G. Errecart, Jennifer M. Anderson & Joan Anderson attached hereto and made a part hereof.

Prepared by Robert E. Morley, PLS
640 Idaho Street

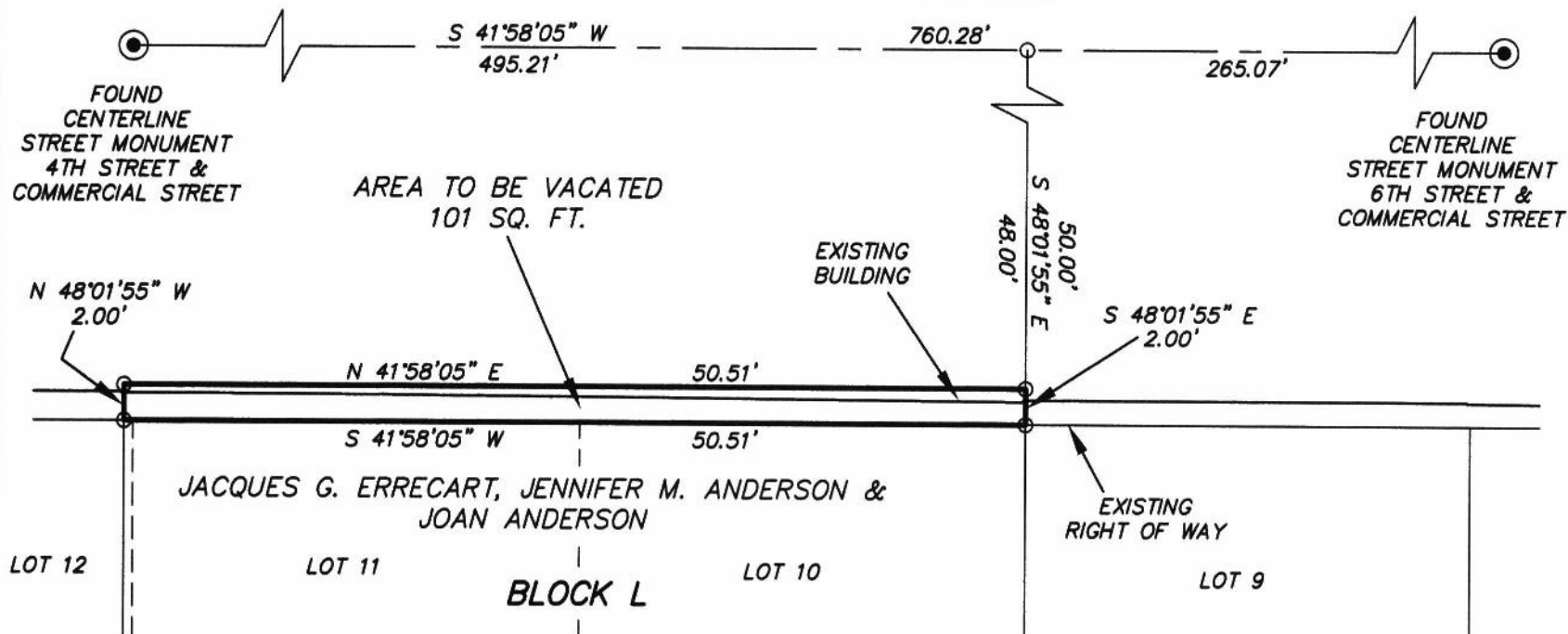


High Desert Engineering
Elko, NV 89801

EXHIBIT B
MAP OF STREET VACATION
FOR
JACQUES G. ERRECART,
JENNIFER M. ANDERSON &
JOAN ANDERSON
CITY OF ELKO, NEVADA



COMMERCIAL STREET



**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible recommendation to City Council for Vacation No. 6-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way adjacent to APN 001-343-003, consisting of an area approximately 50 sq. ft., and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **October 1, 2019**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **A recent survey has been submitted to the City of Elko showing an encroachment of their building into Commercial Street right-of-way. Further surveying has determined that most of the 600 block has encroachments into the Commercial Street right-of-way and therefore the City of Elko is the applicant for the vacation. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Application, display map, Staff Memo**
9. Recommended Motion: **Forward a recommendation to City Council to adopt a resolution, which conditionally approves Vacation No. 6-19 based on facts, findings, and conditions as presented in the Staff Report dated September 23, 2019.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution:

**Patray Assets LLP
425 Rocky Rd.
Elko, NV 89801**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 10/1

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

Title: Vacation No. 6-19

Applicant(s): City of Elko

Site Location: 524 Commercial Street - APN 001-343-003

Current Zoning: C Date Received: 9/17/19 Date Public Notice: N/A

COMMENT: This is to vacate a portion of the Commercial
Street right-of-way adjacent to APN 001-343-003.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 9/23/19

Recommend approval

SAW

Initial

City Manager: Date: 9/23/19

Same Comment from Vac 4-19

"No comments/concerns."

Initial



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

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

APPLICATION FOR VACATION OF CITY STREET, EASEMENT OR OTHER PUBLIC RIGHT-OF-WAY

APPLICANT(s): City of Elko

MAILING ADDRESS: 1751 College Avenue

PHONE NO (Home): 775-777-7160

(Business):

NAME OF PROPERTY OWNER (If different):

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

MAILING ADDRESS:

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

ASSESSOR'S PARCEL NO.: 001-343-003

Address: 524 Commercial Street

Lot(s), Block(s), & Subdivision: SE side of Commercial Street between 5th & 6th Streets

Or Parcel(s) & File No.:

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice.

Fee: A \$600.00 non-refundable fee.

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.

Legal Description: A complete legal description of the area proposed for vacation along with an exhibit depicting the area for vacation.

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 the request.

RECEIVED

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

--

(Name)

(Address)

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

--

(Name)

(Address)

1. Describe the nature of the request: Buildings along the southeast side of Commercial Street are encroaching into the Commercial Street right-of-way. The proposal is to vacate the portions of Commercial Street that the buildings are occupying.

2. Describe any utilities currently located in the area proposed for vacation, and if any are present how they will be addressed: There are no known utilities in the area proposed for vacation.

Use additional pages if necessary

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 inspection 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 effect 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

City of Elko

(Please print or type)

Mailing Address

1751 College Avenue

Street Address or P.O. Box

Elko, NV 89801

City, State, Zip Code

Phone Number:

775-777-7160

Email address:

claughlin@elkocitynv.gov

SIGNATURE:



FOR OFFICE USE ONLY

File No.: 6-19 Date Filed: 9/17/19 Fee Paid: N/A

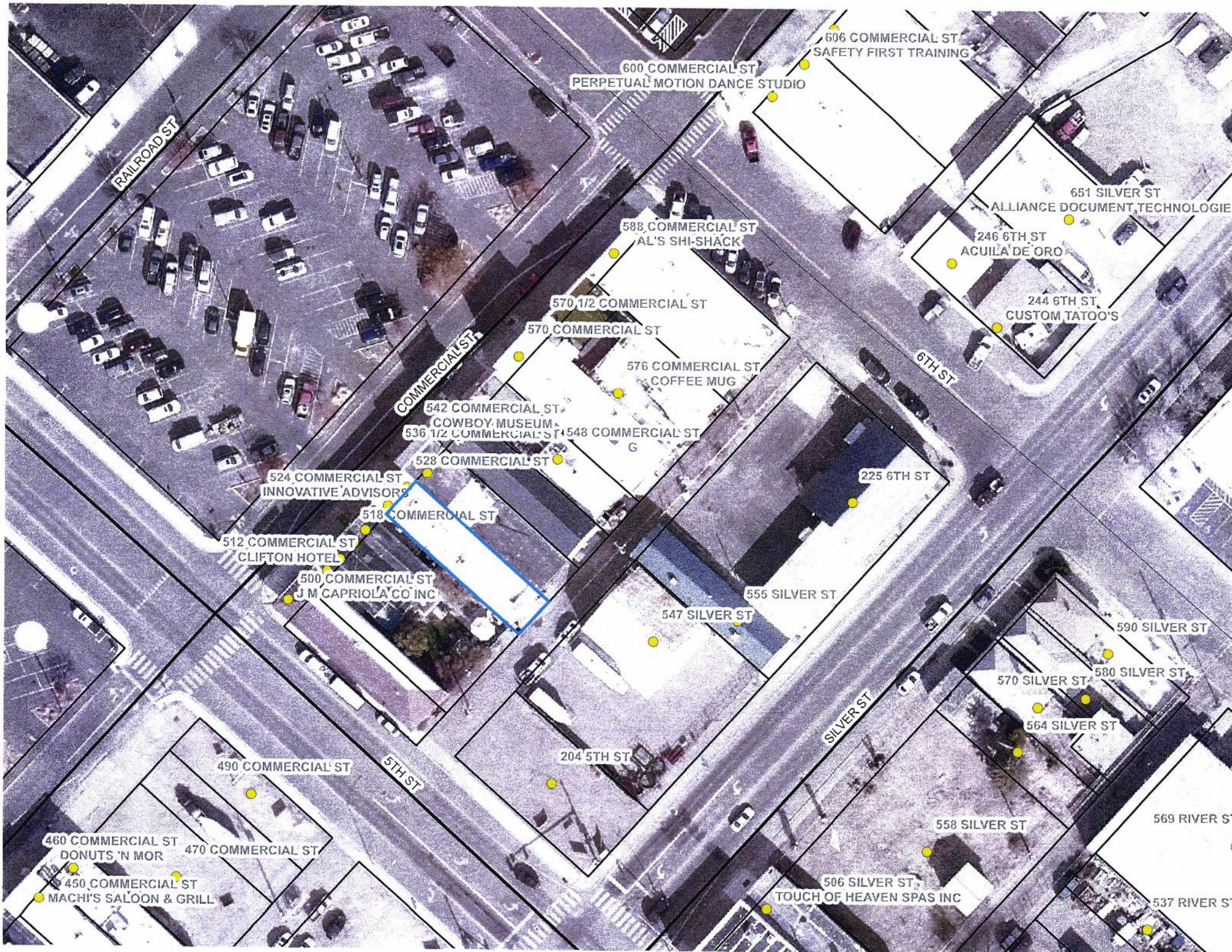


EXHIBIT A
COMMERCIAL STREET VACATION FOR
PATRAY ASSETS, LLP
September 25, 2019

A parcel of land located in Section 15, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, being a portion of Commercial Street more particularly described as follows:

Commencing at the monument at the centerline intersection of Sixth Street and Commercial Street, a point from which the monument at the centerline intersection of Fourth Street and Commercial Street bears S 41° 58' 05" W, 760.28 feet, thence S 41° 58' 05" W, 240.06 feet along the centerline of Commercial Street to a point, thence S 48° 01' 55" E, 48.00 feet to Corner No. 1, the True Point of Beginning;

Thence continuing S 48° 01' 55" E, 2.00 feet to Corner No. 2, a point being the most Northerly corner of a parcel of land conveyed to Patray Assets, LLP by deed recorded in the office of the Elko County Recorder, Elko, Nevada as Document No. 715644 of Elko County Official Records, a point also being the most Northerly corner of Lot 9, Block L, of the Town now City of Elko and also being a point on the Northwestern Right of Way of Commercial Street;

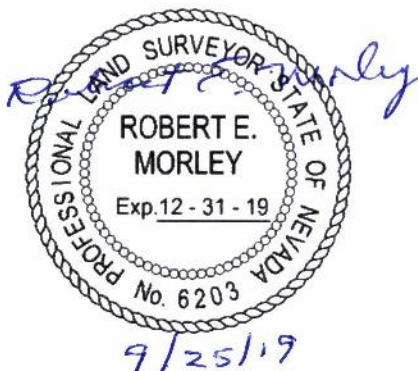
Thence S 41° 58' 05" W, 25.01 feet along the said Northwestern Right of Way of Commercial Street to Corner No. 3, a point being the most Westerly corner of said Patray Assets, LLP parcel and a point also being the most Westerly corner of said Lot 9, Block L;

Thence N 48° 01' 55" W, 2.00 feet to Corner No. 4;

Thence N 41° 58' 05" E, 25.01 feet to Corner No. 1, the point of beginning, containing 50 square feet, more or less.

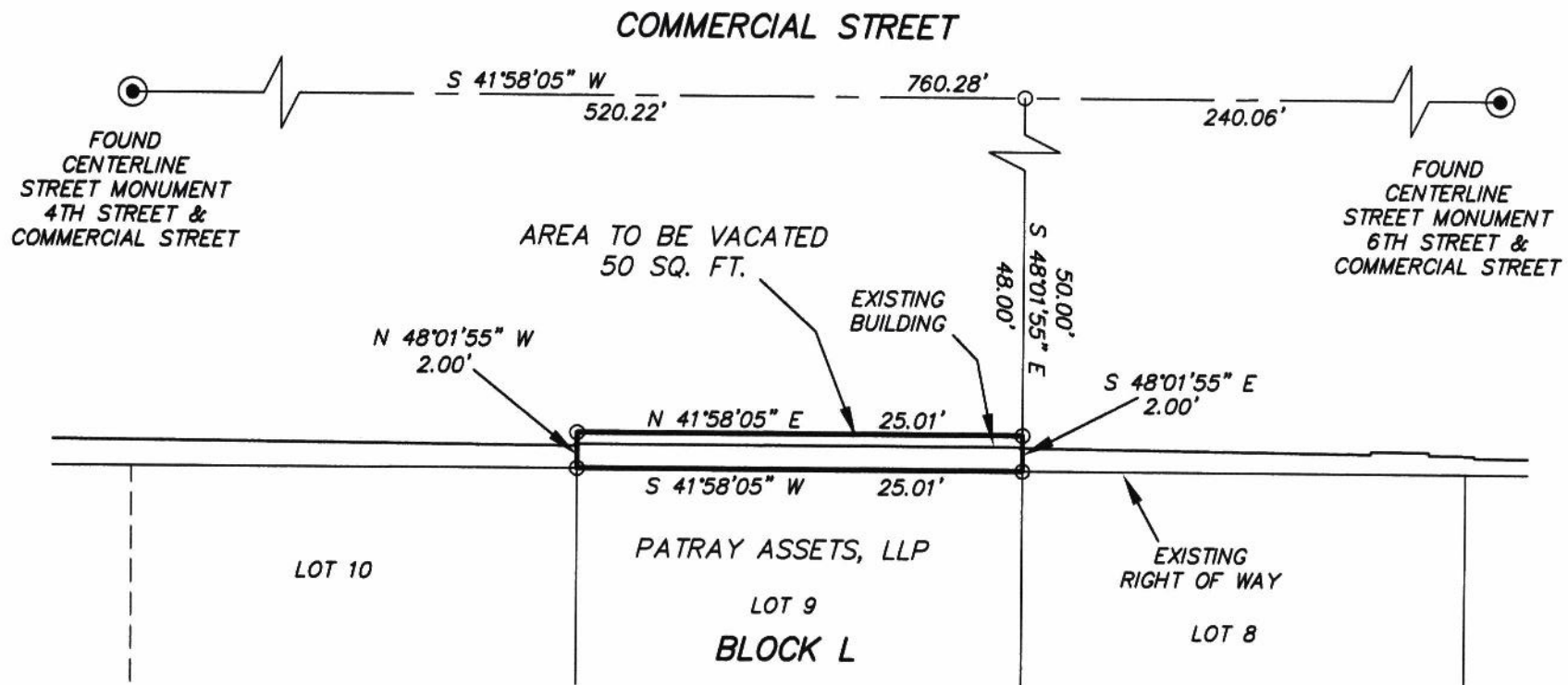
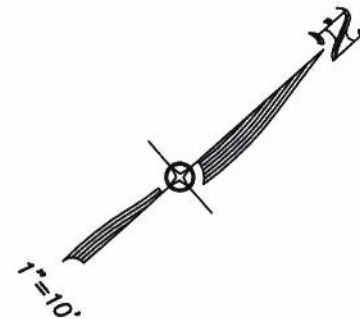
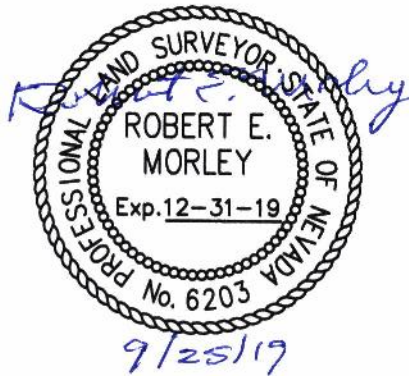
Reference is hereby made to Exhibit B, Map of Street Vacation for Patray Assets, LLP attached hereto and made a part hereof.

Prepared by Robert E. Morley, PLS
640 Idaho Street



High Desert Engineering
Elko, NV 89801

EXHIBIT B
MAP OF STREET VACATION
FOR
PATRAY ASSETS, LLP
CITY OF ELKO, NEVADA



**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible recommendation to City Council for Vacation No. 7-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way adjacent to APN 001-343-004, consisting of an area approximately 50 sq. ft., and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **October 1, 2019**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **A recent survey has been submitted to the City of Elko showing an encroachment of their building into Commercial Street right-of-way. Further surveying has determined that most of the 600 block has encroachments into the Commercial Street right-of-way and therefore the City of Elko is the applicant for the vacation. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Application, display map, Staff Memo**
9. Recommended Motion: **Forward a recommendation to City Council to adopt a resolution, which conditionally approves Vacation No. 7-19 based on facts, findings, and conditions as presented in the Staff Report dated September 23, 2019.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution:

**Ace Glass Company
536 Commercial Street
Elko, NV 89801**

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

****If additional space is needed please provide a separate memorandum****

SAW

Initial

Same comment from Vac 4-19:
"No comments/concerns."

Initial



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

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

APPLICATION FOR VACATION OF CITY STREET, EASEMENT OR OTHER PUBLIC RIGHT-OF-WAY

APPLICANT(s): City of Elko

MAILING ADDRESS: 1751 College Avenue

PHONE NO (Home) 775-777-7160

(Business)

NAME OF PROPERTY OWNER (If different):

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

MAILING ADDRESS:

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

ASSESSOR'S PARCEL NO.: 001-343-004

Address 536 Commercial Street

Lot(s), Block(s), & Subdivision SE side of Commercial Street between 5th & 6th Streets

Or Parcel(s) & File No.

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice.

Fee: A \$600.00 non-refundable fee.

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.

Legal Description: A complete legal description of the area proposed for vacation along with an exhibit depicting the area for vacation.

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 the request.

RECEIVED

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

--

(Name)

(Address)

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

--

(Name)

(Address)

1. Describe the nature of the request: Buildings along the southeast side of Commercial Street are encroaching into the Commercial Street right-of-way. The proposal is to vacate the portions of Commercial Street that the buildings are occupying.

2. Describe any utilities currently located in the area proposed for vacation, and if any are present how they will be addressed: There are no known utilities in the area proposed for vacation.

Use additional pages if necessary

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 inspection 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 effect 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 **City of Elko**

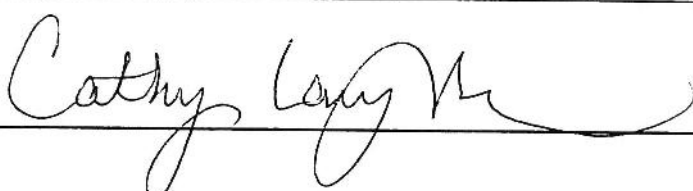
(Please print or type)

Mailing Address **1751 College Avenue**
Street Address or P.O. Box

Elko, NV 89801
City, State, Zip Code

Phone Number: **775-777-7160**

Email address: **claughlin@elkocitynv.gov**

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 7-19 Date Filed: 9/17/19 Fee Paid: N/A



600 COMMERCIAL ST
PERPETUAL MOTION DANCE STUDIO

606 COMMERCIAL ST
SAFETY FIRST TRAINING

588 COMMERCIAL ST
AL'S SHI-SHACK

570 1/2 COMMERCIAL ST
570 COMMERCIAL ST

576 COMMERCIAL ST
COFFEE MUG

542 COMMERCIAL ST
COWBOY MUSEUM
536 1/2 COMMERCIAL ST
548 COMMERCIAL ST

528 COMMERCIAL ST

524 COMMERCIAL ST
INNOVATIVE ADVISORS

518 COMMERCIAL ST

512 COMMERCIAL ST
CLIFTON HOTEL

500 COMMERCIAL ST
J M CAPRIOLA CO INC

490 COMMERCIAL ST

460 COMMERCIAL ST
DONUTS 'N MOR

470 COMMERCIAL ST

450 COMMERCIAL ST
MACHI'S SALOON & GRILL

204 5TH ST

547 SILVER ST

555 SILVER ST

SILVER ST

570 SILVER ST

580 SILVER ST

564 SILVER ST

558 SILVER ST

506 SILVER ST
TOUCH OF HEAVEN SPAS INC

569 RIVER ST

537 RIVER ST

651 SILVER ST
ALLIANCE DOCUMENT TECHNOLOGIES

246 6TH ST
ACUILA DE ORO

244 6TH ST
CUSTOM TATTOO'S

225 6TH ST

EXHIBIT A
COMMERCIAL STREET VACATION FOR
ACE GLASS CO.
September 25, 2019

A parcel of land located in Section 15, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, being a portion of Commercial Street more particularly described as follows:

Commencing at the monument at the centerline intersection of Sixth Street and Commercial Street, a point from which the monument at the centerline intersection of Fourth Street and Commercial Street bears S 41° 58' 05" W, 760.28 feet, thence S 41° 58' 05" W, 215.06 feet along the centerline of Commercial Street to a point, thence S 48° 01' 55" E, 48.00 feet to Corner No. 1, the True Point of Beginning;

Thence continuing S 48° 01' 55" E, 2.00 feet to Corner No. 2, a point being the most Northerly corner of a parcel of land conveyed to Ace Glass Co. by deed recorded in the office of the Elko County Recorder, Elko, Nevada in Book 167 at Page 529 of Elko County Official Records, a point also being the most Northerly corner of Lot 8, Block L, of the Town now City of Elko and also being a point on the Northwesternly Right of Way of Commercial Street;

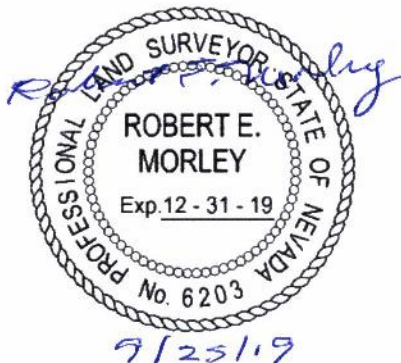
Thence S 41° 58' 05" W, 25.01 feet along the said Northwesternly Right of Way of Commercial Street to Corner No. 3, a point being the most Westerly corner of said Ace Glass Co. parcel and a point also being the most Westerly corner of said Lot 8, Block L;

Thence N 48° 01' 55" W, 2.00 feet to Corner No. 4;

Thence N 41° 58' 05" E, 25.01 feet to Corner No. 1, the point of beginning, containing 50 square feet, more or less.

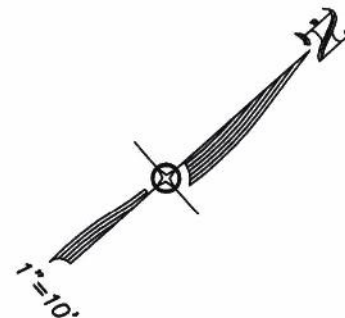
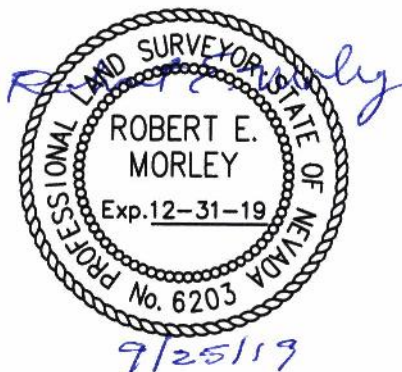
Reference is hereby made to Exhibit B, Map of Street Vacation for Ace Glass Co. attached hereto and made a part hereof.

Prepared by Robert E. Morley, PLS
640 Idaho Street

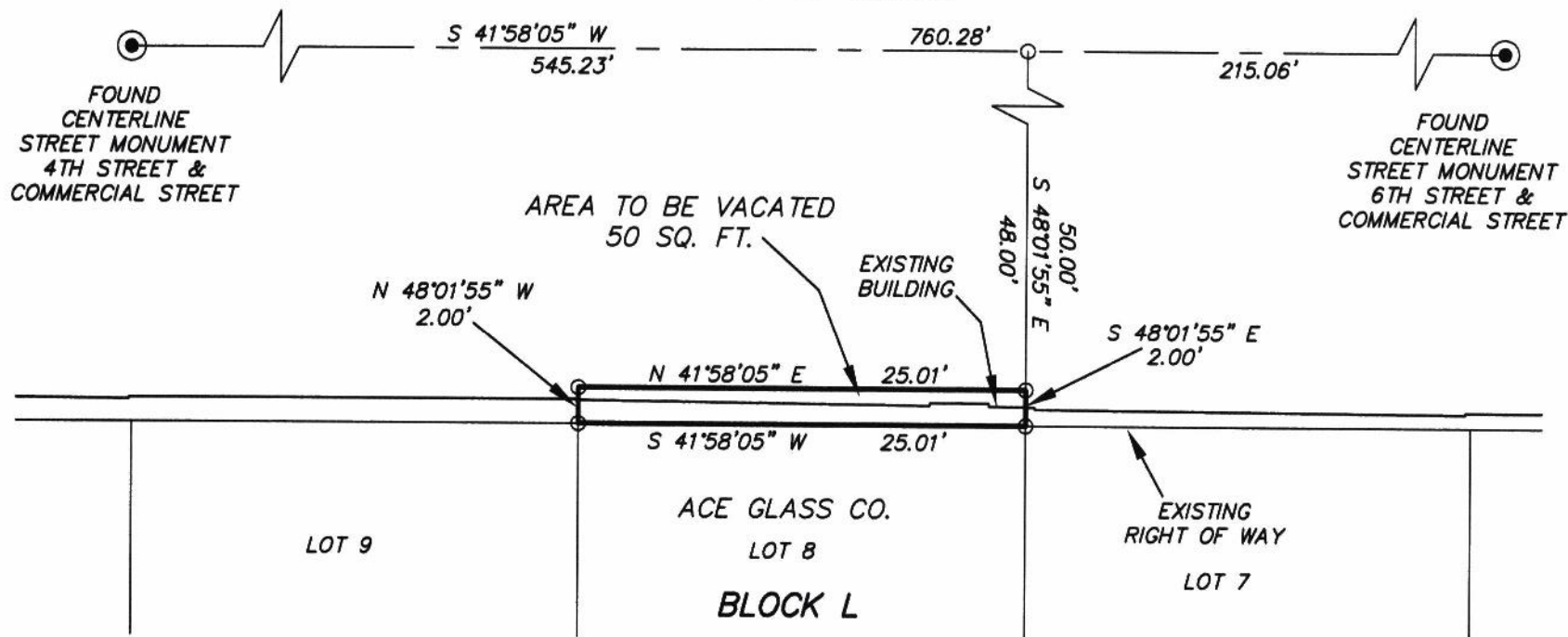


High Desert Engineering
Elko, NV 89801

EXHIBIT B
MAP OF STREET VACATION
FOR
ACE GLASS CO.
CITY OF ELKO, NEVADA



COMMERCIAL STREET



**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible recommendation to City Council for Vacation No. 8-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way adjacent to APN 001-343-005, consisting of an area approximately 50 sq. ft., and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **October 1, 2019**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **A recent survey has been submitted to the City of Elko showing an encroachment of their building into Commercial Street right-of-way. Further surveying has determined that most of the 600 block has encroachments into the Commercial Street right-of-way and therefore the City of Elko is the applicant for the vacation. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Application, display map, Staff Memo**
9. Recommended Motion: **Forward a recommendation to City Council to adopt a resolution, which conditionally approves Vacation No. 8-19 based on facts, findings, and conditions as presented in the Staff Report dated September 23, 2019.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution:

**Cowboy Arts and Gear Museum
500 Commercial Street
Elko, NV 89801**

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

****If additional space is needed please provide a separate memorandum****

SAW

Initial

Same Comment from Vac 4-19:
"No Comments/Concerns."

Initial



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

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

APPLICATION FOR VACATION OF CITY STREET, EASEMENT OR OTHER PUBLIC RIGHT-OF-WAY

APPLICANT(s):	City of Elko		
MAILING ADDRESS:	1751 College Avenue		
PHONE NO (Home)	775-777-7160	(Business)	
NAME OF PROPERTY OWNER (If different):			
(Property owner's consent in writing must be provided.)			
MAILING ADDRESS:			
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
ASSESSOR'S PARCEL NO.:	001-343-005	Address	542 Commercial Street
Lot(s), Block(s), & Subdivision	SE side of Commercial Street between 5th & 6th Streets		
Or Parcel(s) & File No.			

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice.

Fee: A \$600.00 non-refundable fee.

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.

Legal Description: A complete legal description of the area proposed for vacation along with an exhibit depicting the area for vacation.

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 the request.

RECEIVED

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

--

(Name)

(Address)

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

--

(Name)

(Address)

1. Describe the nature of the request: Buildings along the southeast side of Commercial Street are encroaching into the Commercial Street right-of-way. The proposal is to vacate the portions of Commercial Street that the buildings are occupying.

2. Describe any utilities currently located in the area proposed for vacation, and if any are present how they will be addressed: There are no known utilities in the area proposed for vacation.

Use additional pages if necessary

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 inspection 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 effect 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.

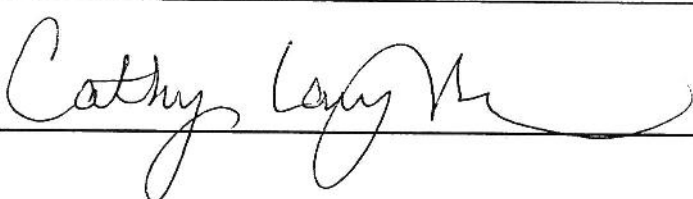
Applicant / Agent **City of Elko**
(Please print or type)

Mailing Address **1751 College Avenue**
Street Address or P.O. Box

Elko, NV 89801
City, State, Zip Code

Phone Number: **775-777-7160**

Email address: **claughlin@elkocitynv.gov**

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 8-19 Date Filed: 9/17/19 Fee Paid: N/A

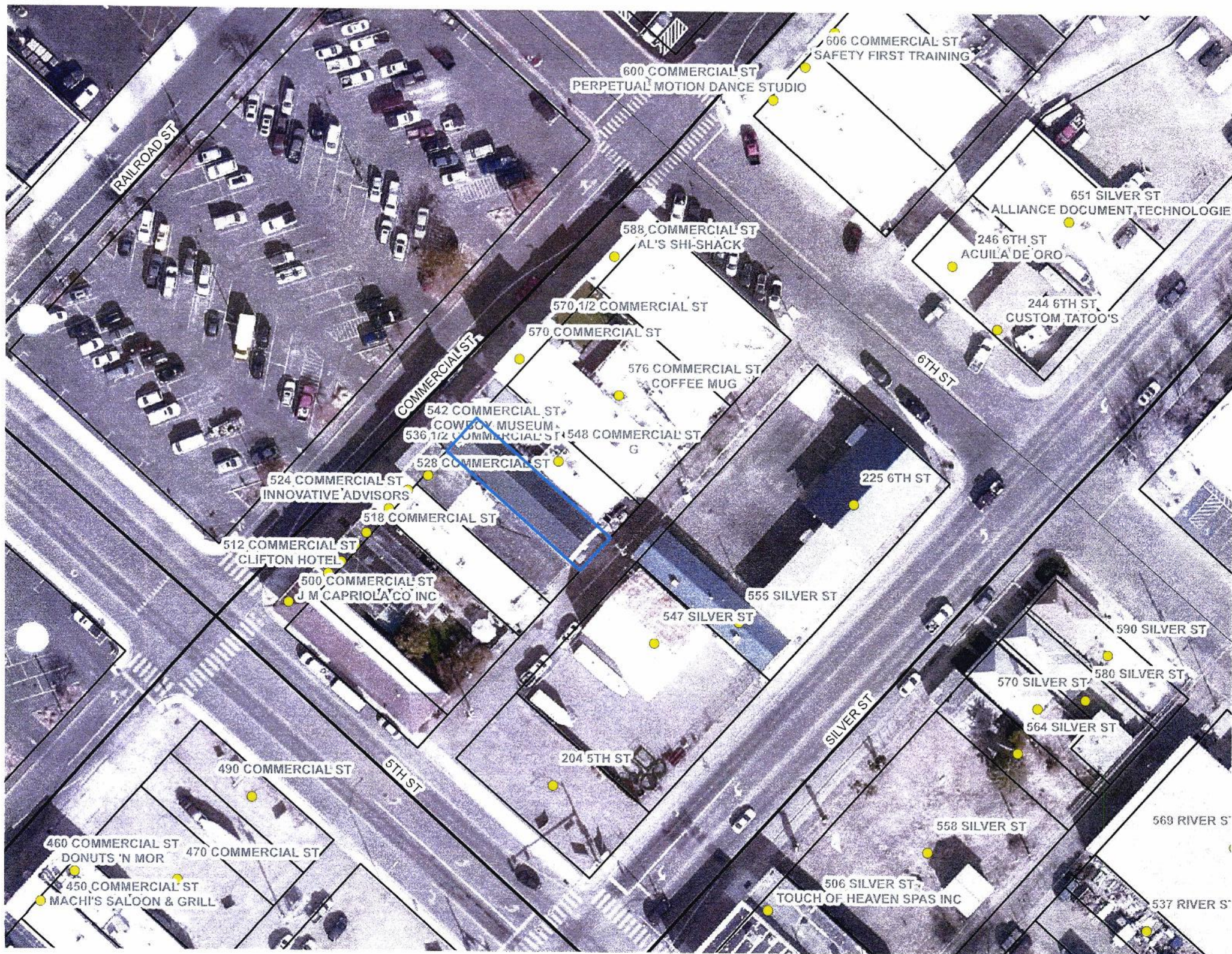


EXHIBIT A
COMMERCIAL STREET VACATION FOR
COWBOY ARTS AND GEAR MUSEUM
September 25, 2019

A parcel of land located in Section 15, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, being a portion of Commercial Street more particularly described as follows:

Commencing at the monument at the centerline intersection of Sixth Street and Commercial Street, a point from which the monument at the centerline intersection of Fourth Street and Commercial Street bears S 41° 58' 05" W, 760.28 feet, thence S 41° 58' 05" W, 190.05 feet along the centerline of Commercial Street to a point, thence S 48° 01' 55" E, 48.00 feet to Corner No. 1, the True Point of Beginning;

Thence continuing S 48° 01' 55" E, 2.00 feet to Corner No. 2, a point being the most Northerly corner of a parcel of land conveyed to Cowboy Arts and Gear Museum by deed recorded in the office of the Elko County Recorder, Elko, Nevada as Document No. 735182 of Elko County Official Records, a point also being the most Northerly corner of Lot 7, Block L, of the Town now City of Elko and also being a point on the Northwesternly Right of Way of Commercial Street;

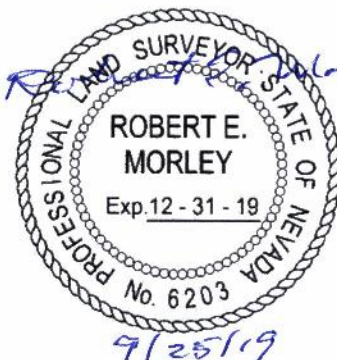
Thence S 41° 58' 05" W, 25.01 feet along the said Northwesternly Right of Way of Commercial Street to Corner No. 3, a point being the most Westerly corner of said Cowboy Arts and Gear parcel and a point also being the most Westerly corner of said Lot 7, Block L;

Thence N 48° 01' 55" W, 2.00 feet to Corner No. 4;

Thence N 41° 58' 05" E, 25.01 feet to Corner No. 1, the point of beginning, containing 50 square feet, more or less.

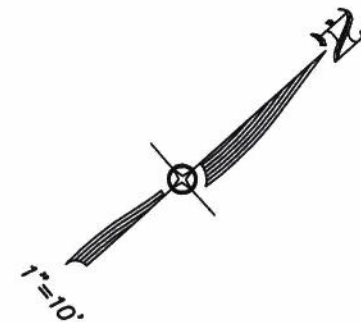
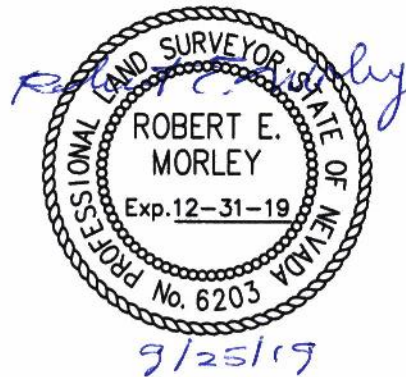
Reference is hereby made to Exhibit B, Map of Street Vacation for Cowboy Arts and Gear Museum attached hereto and made a part hereof.

Prepared by Robert E. Morley, PLS
640 Idaho Street

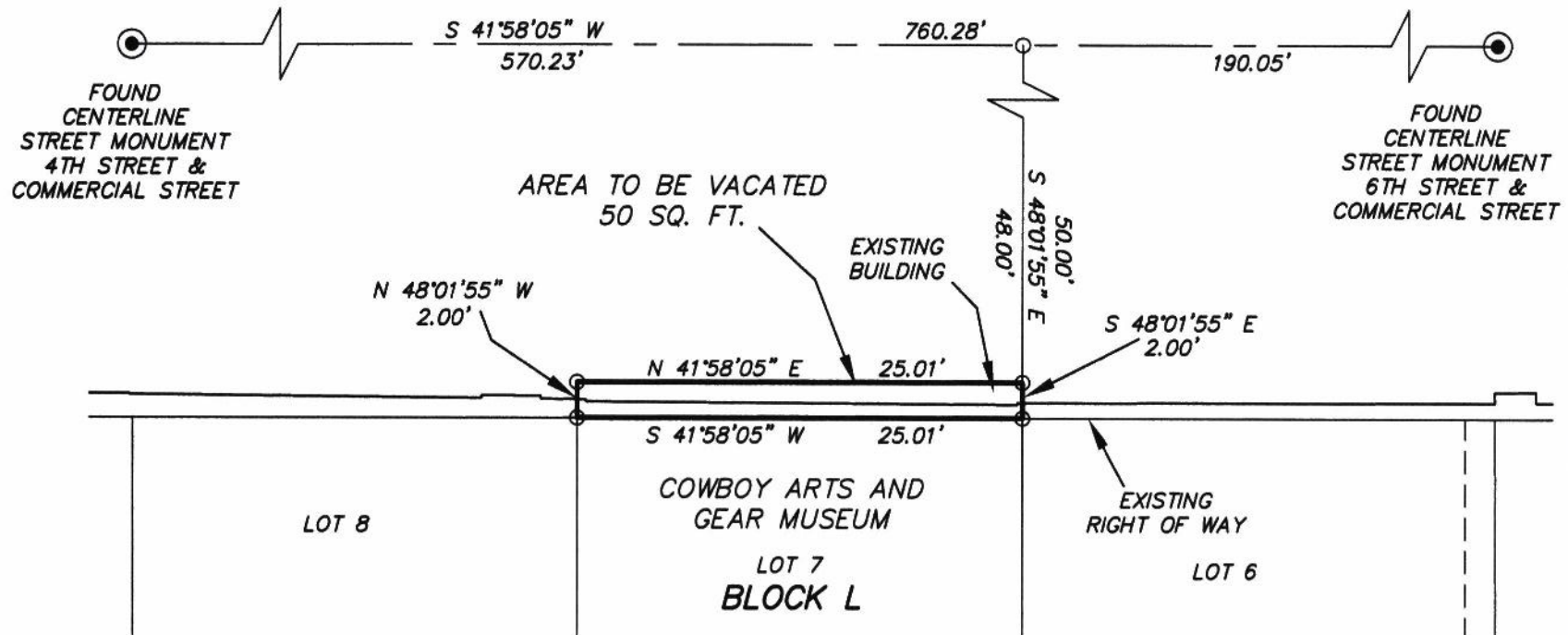


High Desert Engineering
Elko, NV 89801

EXHIBIT B
MAP OF STREET VACATION
FOR
COWBOY ARTS AND GEAR MUSEUM
CITY OF ELKO, NEVADA



COMMERCIAL STREET



**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible recommendation to City Council for Vacation No. 9-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way adjacent to APN 001-343-006, consisting of an area approximately 53 sq. ft., and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **October 1, 2019**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **A recent survey has been submitted to the City of Elko showing an encroachment of their building into Commercial Street right-of-way. Further surveying has determined that most of the 600 block has encroachments into the Commercial Street right-of-way and therefore the City of Elko is the applicant for the vacation. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Application, display map, Staff Memo**
9. Recommended Motion: **Forward a recommendation to City Council to adopt a resolution, which conditionally approves Vacation No. 9-19 based on facts, findings, and conditions as presented in the Staff Report dated September 23, 2019.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution:

**Gremel & Reutner Properties Inc.
P.O. Box 2594
Elko, NV 89803**

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

****If additional space is needed please provide a separate memorandum****

SPAW

Initial

Same comment from Vac 4-19:
"No comments/Concerns."

Initial



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

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

APPLICATION FOR VACATION OF CITY STREET, EASEMENT OR OTHER PUBLIC RIGHT-OF-WAY

APPLICANT(s): City of Elko

MAILING ADDRESS: 1751 College Avenue

PHONE NO (Home): 775-777-7160

(Business):

NAME OF PROPERTY OWNER (If different):

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

MAILING ADDRESS:

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

ASSESSOR'S PARCEL NO.: 001-343-006

Address: 548 Commercial Street

Lot(s), Block(s), & Subdivision: SE side of Commercial Street between 5th & 6th Streets

Or Parcel(s) & File No.:

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice.

Fee: A \$600.00 non-refundable fee.

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.

Legal Description: A complete legal description of the area proposed for vacation along with an exhibit depicting the area for vacation.

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 the request.

RECEIVED

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

--

(Name)

(Address)

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

--

(Name)

(Address)

1. Describe the nature of the request: Buildings along the southeast side of Commercial Street are encroaching into the Commercial Street right-of-way. The proposal is to vacate the portions of Commercial Street that the buildings are occupying.

2. Describe any utilities currently located in the area proposed for vacation, and if any are present how they will be addressed: There are no known utilities in the area proposed for vacation.

Use additional pages if necessary

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By My Signature below:

☒ I consent to having the City of Elko Staff enter on my property only for the sole purpose of inspection 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 effect 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

City of Elko

(Please print or type)

Mailing Address

1751 College Avenue

Street Address or P.O. Box

Elko, NV 89801

City, State, Zip Code

Phone Number:

775-777-7160

Email address:

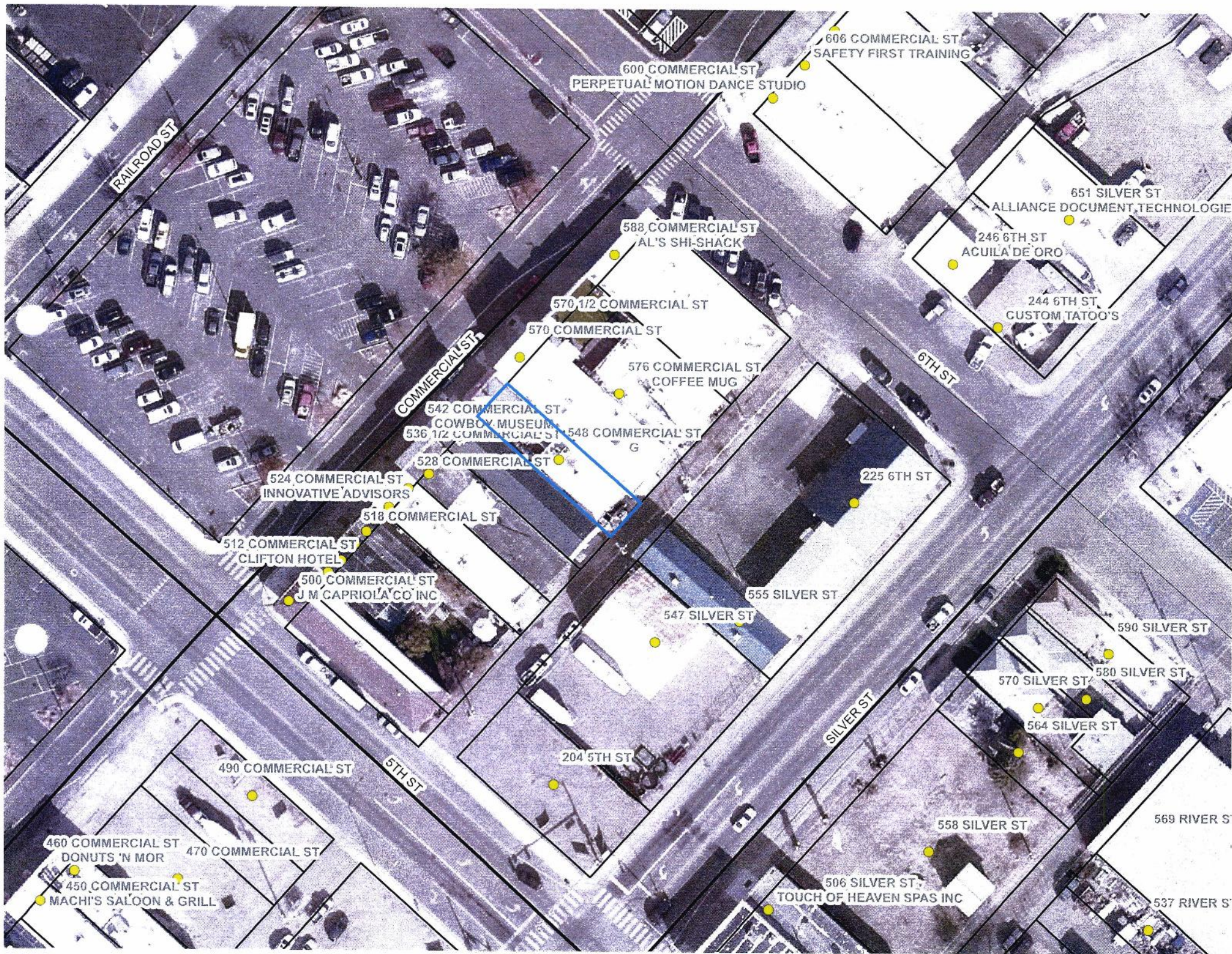
claughlin@elkocitynv.gov

SIGNATURE:



FOR OFFICE USE ONLY

File No.: 9-19 Date Filed: 9/17/19 Fee Paid: N/A



606 COMMERCIAL ST
SAFETY FIRST TRAINING

600 COMMERCIAL ST
PERPETUAL MOTION DANCE STUDIO

588 COMMERCIAL ST
AL'S SHI-SHACK

570 1/2 COMMERCIAL ST

570 COMMERCIAL ST

576 COMMERCIAL ST
COFFEE MUG

542 COMMERCIAL ST
COWBOY MUSEUM

536 1/2 COMMERCIAL ST 548 COMMERCIAL ST
G

528 COMMERCIAL ST

524 COMMERCIAL ST
INNOVATIVE ADVISORS

518 COMMERCIAL ST

512 COMMERCIAL ST
CLIFTON HOTEL

500 COMMERCIAL ST
J M CAPRIOLA CO INC

490 COMMERCIAL ST

460 COMMERCIAL ST
DONUTS 'N MOR

470 COMMERCIAL ST

450 COMMERCIAL ST
MACHI'S SALOON & GRILL

651 SILVER ST
ALLIANCE DOCUMENT TECHNOLOGIE

246 6TH ST
ACUILA DE ORO

244 6TH ST
CUSTOM TATOO'S

225 6TH ST

555 SILVER ST

547 SILVER ST

590 SILVER ST

570 SILVER ST 580 SILVER ST

564 SILVER ST

558 SILVER ST

506 SILVER ST
TOUCH OF HEAVEN SPAS INC

569 RIVER S

537 RIVER S

EXHIBIT A
COMMERCIAL STREET VACATION FOR
GREMEL PROPERTIES, INC.
September 25, 2019

A parcel of land located in Section 15, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, being a portion of Commercial Street more particularly described as follows:

Commencing at the monument at the centerline intersection of Sixth Street and Commercial Street, a point from which the monument at the centerline intersection of Fourth Street and Commercial Street bears S 41° 58' 05" W, 760.28 feet, thence S 41° 58' 05" W, 163.35 feet along the centerline of Commercial Street to a point, thence S 48° 01' 55" E, 48.00 feet to Corner No. 1, the True Point of Beginning;

Thence continuing S 48° 01' 55" E, 2.00 feet to Corner No. 2, a point being the most Northerly corner of a parcel of land conveyed to Gremel Properties, Inc. by boundary line adjustment deed recorded in the office of the Elko County Recorder, Elko, Nevada as Document No. _____ of Elko County Official Records, a point also being on the Northwesterly Right of Way of Commercial Street;

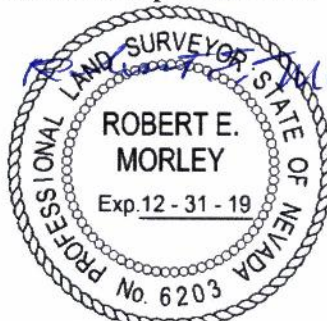
Thence S 41° 58' 05" W, 26.70 feet along the said Northwesterly Right of Way of Commercial Street to Corner No. 3, a point being the most Westerly corner of a parcel of land conveyed to Gremel & Reutner Properties, Inc. by deed recorded in the office of the Elko County Recorder, Elko, Nevada as Document No. 530402 of Elko County Official Records and a point also being the most Westerly corner of Lot 6, Block L, of the Town now City of Elko;

Thence N 48° 01' 55" W, 2.00 feet to Corner No. 4;

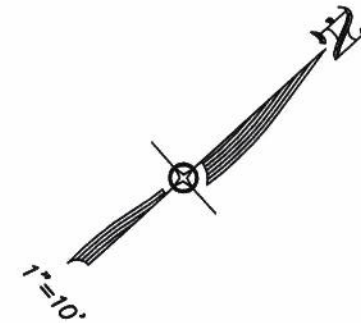
Thence N 41° 58' 05" E, 26.70 feet to Corner No. 1, the point of beginning, containing 53 square feet, more or less.

Reference is hereby made to Exhibit B, Map of Street Vacation for Gremel Properties, Inc. attached hereto and made a part hereof.

Prepared by Robert E. Morley, PLS
640 Idaho Street



High Desert Engineering
Elko, NV 89801



FOUND CENTERLINE STREET MONUMENT 4TH STREET & COMMERCIAL STREET

FOUND CENTERLINE STREET MONUMENT 6TH STREET & COMMERCIAL STREET

AREA TO BE VACATED 53 SQ. FT.

EXISTING BUILDING

EXISTING RIGHT OF WAY LOT 5

LOT 7

LOT 6 BLOCK L

GREMEL PROPERTIES, INC.

Dimensions and Bearings:

- Top boundary: S 41°58'05" W 596.93', 760.28', 163.35'
- Left boundary: N 48°01'55" W 2.00'
- Right boundary: S 48°01'55" E 2.00'
- Internal boundary (left): N 41°58'05" E 26.70'
- Internal boundary (right): S 41°58'05" W 26.70'
- Vertical boundary: S 48°01'55" E 48.00'

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible recommendation to City Council for Vacation No. 10-19, filed by the City of Elko, for the vacation of a portion of the Commercial Street right-of-way adjacent to APN 001-343-007, consisting of an area approximately 147 sq. ft., and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **October 1, 2019**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **A recent survey has been submitted to the City of Elko showing an encroachment of their building into Commercial Street right-of-way. Further surveying has determined that most of the 600 block has encroachments into the Commercial Street right-of-way and therefore the City of Elko is the applicant for the vacation. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Application, display map, Staff Memo**
9. Recommended Motion: **Forward a recommendation to City Council to adopt a resolution, which conditionally approves Vacation No. 10-19 based on facts, findings, and conditions as presented in the Staff Report dated September 23, 2019.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution:

**Shigamo Development Inc.
2002 Idaho Street
Elko, NV 89801**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 10/1

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

Title: Vacation No. 10-19
Applicant(s): City of Elko
Site Location: 570 Commercial Street - APN 001-343-007
Current Zoning: C Date Received: 9/17/19 Date Public Notice: N/A
COMMENT: This is to vacate a portion of the Commercial
Street right-of-way adjacent to APN 001-343-007.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 9/23/19
Recommend approval

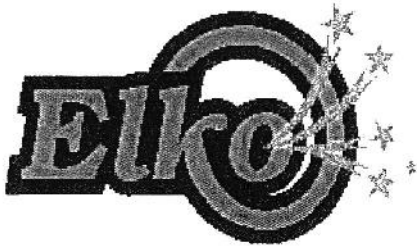
SAW

Initial

City Manager: Date: 9/23/19

Same comment from Vac 4-19:
"No Comments/Concerns."

Initial



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

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

APPLICATION FOR VACATION OF CITY STREET, EASEMENT OR OTHER PUBLIC RIGHT-OF-WAY

APPLICANT(s):	City of Elko		
MAILING ADDRESS:	1751 College Avenue		
PHONE NO (Home)	775-777-7160	(Business)	
NAME OF PROPERTY OWNER (If different):			
(Property owner's consent in writing must be provided.)			
MAILING ADDRESS:			
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
ASSESSOR'S PARCEL NO.:	001-343-007	Address	570 Commercial Street
Lot(s), Block(s), & Subdivision	SE side of Commercial Street between 5th & 6th Streets		
Or Parcel(s) & File No.			

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice.

Fee: A \$600.00 non-refundable fee.

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.

Legal Description: A complete legal description of the area proposed for vacation along with an exhibit depicting the area for vacation.

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 the request.

RECEIVED

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

--

(Name)

(Address)

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

--

(Name)

(Address)

1. Describe the nature of the request: Buildings along the southeast side of Commercial Street are encroaching into the Commercial Street right-of-way. The proposal is to vacate the portions of Commercial Street that the buildings are occupying.

2. Describe any utilities currently located in the area proposed for vacation, and if any are present how they will be addressed: There are no known utilities in the area proposed for vacation.

Use additional pages if necessary

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 inspection 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 effect 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.

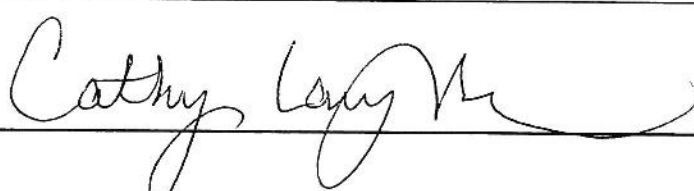
Applicant / Agent **City of Elko**
(Please print or type)

Mailing Address **1751 College Avenue**
Street Address or P.O. Box

Elko, NV 89801
City, State, Zip Code

Phone Number: **775-777-7160**

Email address: **claughlin@elkocitynv.gov**

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 10-19 Date Filed: 9/17/19 Fee Paid: N/A

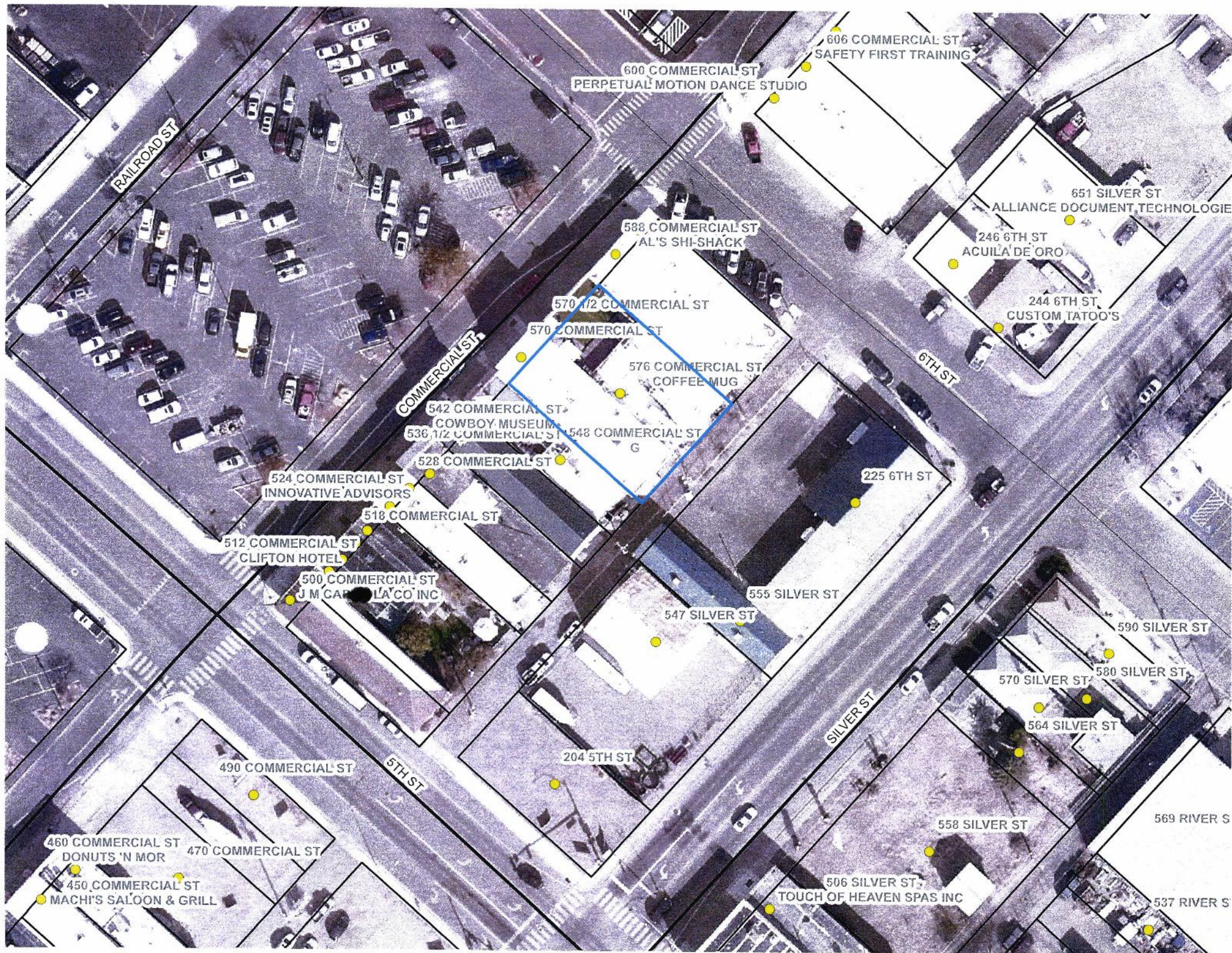


EXHIBIT A
COMMERCIAL STREET VACATION FOR
SHIGAMO DEVELOPMENT, INC.

September 25, 2019

A parcel of land located in Section 15, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, being a portion of Commercial Street more particularly described as follows:

Commencing at the monument at the centerline intersection of Sixth Street and Commercial Street, a point from which the monument at the centerline intersection of Fourth Street and Commercial Street bears S 41° 58' 05" W, 760.28 feet, thence S 41° 58' 05" W, 90.03 feet along the centerline of Commercial Street to a point, thence S 48° 01' 55" E, 48.00 feet to Corner No. 1, the True Point of Beginning;

Thence continuing S 48° 01' 55" E, 2.00 feet to Corner No. 2, a point being the most Northerly corner of a parcel of land conveyed to Shigamo Development, Inc. by deed recorded in the office of the Elko County Recorder, Elko, Nevada as Document No. 615949 of Elko County Official Records, a point being also being the most Northerly corner of Lot 3, Block L, of the Town now City of Elko and also being a point on the Northwesterly Right of Way of Commercial Street;

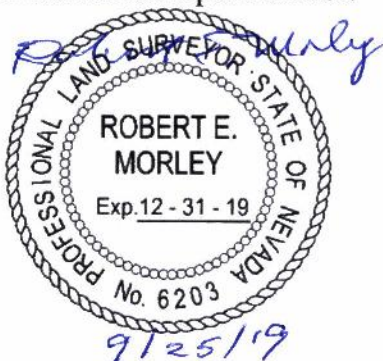
Thence S 41° 58' 05" W, 73.32 feet along the said Northwesterly Right of Way of Commercial Street to Corner No. 3, a point being the most Northerly corner of a parcel of land conveyed to Gremel Properties, Inc. by boundary line adjustment deed recorded in the office of the Elko County Recorder, Elko, Nevada as Document No. _____ of Elko County Official Records;

Thence N 48° 01' 55" W, 2.00 feet to Corner No. 4;

Thence N 41° 58' 05" E, 73.32 feet to Corner No. 1, the point of beginning, containing 147 square feet, more or less.

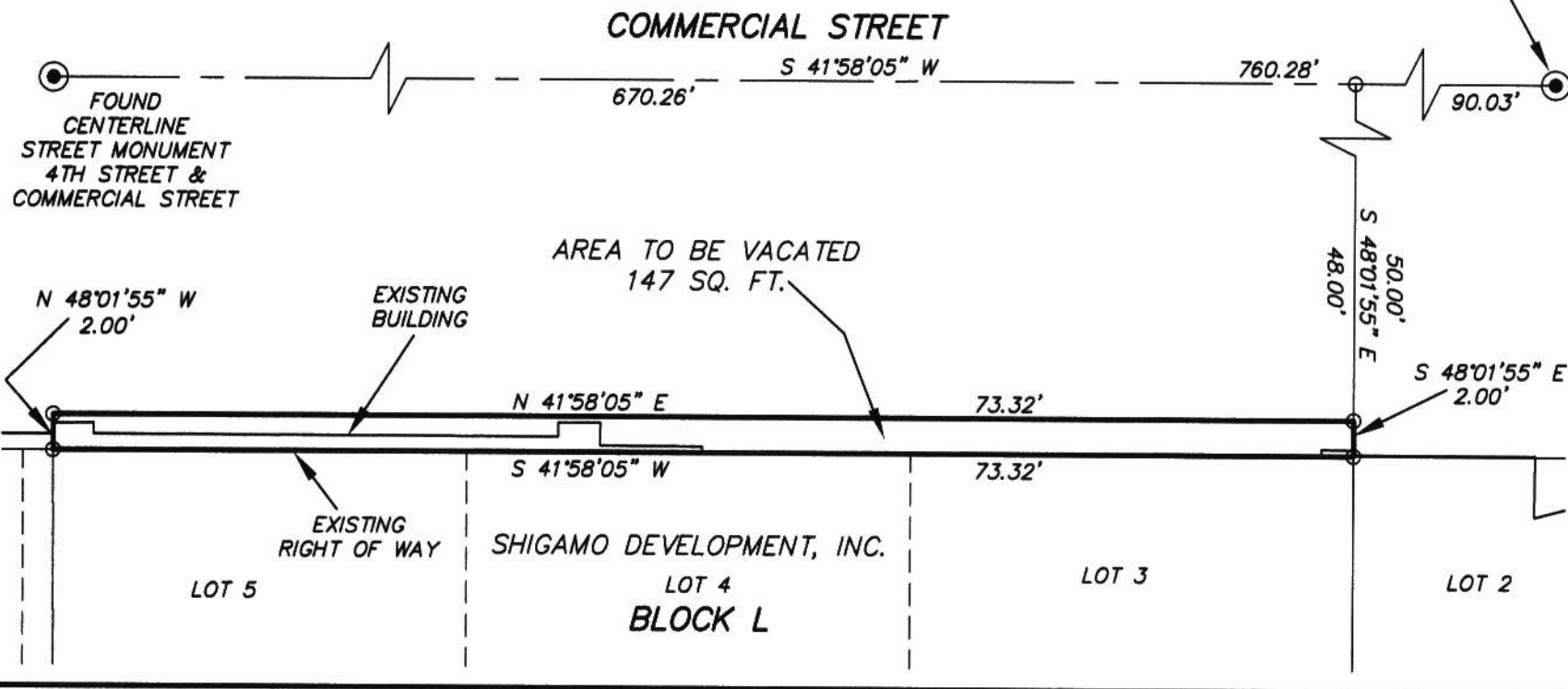
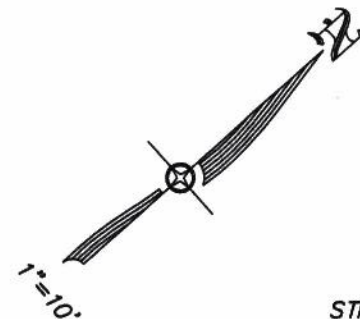
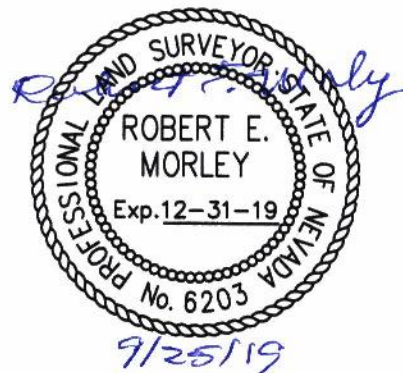
Reference is hereby made to Exhibit B, Map of Street Vacation for Shigamo Development, Inc. attached hereto and made a part hereof.

Prepared by Robert E. Morley, PLS
640 Idaho Street



High Desert Engineering
Elko, NV 89801

EXHIBIT B
MAP OF STREET VACATION
FOR
SHIGAMO DEVELOPMENT, INC.
CITY OF ELKO, NEVADA



Zoning Bulletin

in this issue:

Eminent Domain—Property owner brings action in federal court, arguing local ordinance effectively took her property for public use without just compensation

1

Preemption—Landowners challenge county zoning board's grant of a special exception and variance to a solar energy company

3

Permits—Interstate pipeline operator challenges conditional use permit insurance requirements

4

Validity of Zoning Ordinance/Notice—Citizen residents of county appeal zoning amendment, arguing it is void for failure to comply with public hearing notice requirements

6

Zoning News from Around the Nation

8

Eminent Domain—Property owner brings action in federal court, arguing local ordinance effectively took her property for public use without just compensation

Property owner challenges court decision that she cannot bring federal action until she first pursues an inverse condemnation action in state court

Citation: *Knick v. Township of Scott, Pennsylvania*, 139 S. Ct. 2162 (2019)

UNITED STATES (06/21/19)—This case addressed the issue as to when a property owner has an actionable Fifth Amendment takings claim. More specifically, it addressed whether a Fifth Amendment takings claim arises—and a property owner can bring a claim in federal court—at the time of a property taking without advance compensation (no matter the commitment of the government to provide just compensation) or not until after a property owner fails to secure just compensation in state court (such as through an inverse condemnation claim under state law).

The Background/Facts: In 2012, the Township of Scott, Pennsylvania (the “Township”) passed an ordinance (the “Ordinance”) that required all cemeteries be open to the public during daylight hours. In 2013, a Township officer found several grave markers on a property owned by Rose Mary Knick (“Knick”). The small graveyard was where the ancestors of Knick’s neighbors were allegedly buried. The Township officer notified Knick that she was violating the Ordinance by failing to open the cemetery to the public during the day.

Knick responded to the Ordinance violation notice by bringing an action in state court. Knick sought declaratory and injunctive relief, asking the state court to find that the Ordinance affected a taking of her property. Notably, Knick did not seek in state court compensation from the Township for the taking, as she did not bring an inverse condemnation action under state law.

In response to Knick’s legal action, the Township withdrew its violation notice and agreed to stay enforcement of the Ordinance during the state court proceedings. The state court then ruled that without an ongoing enforcement action, Knick could not show irreparable harm necessary for equitable relief. As such, the court declined to rule on Knick’s request for declaratory and injunctive relief.

Knick then filed an action in Federal District Court. In that action, she alleged that the Ordinance violated the Takings Clause of the Fifth Amendment. The Takings Clause of the Fifth Amendment provides that “private property [shall not] be taken for public use, without just compensation.”



The Federal District Court dismissed Knick's takings claim because she had not first pursued an inverse condemnation action in state court. In doing so, the District Court relied on the United States Supreme Court decision in *Williamson County Regional Planning Com'n v. Hamilton Bank of Johnson City*, 473 U.S. 172, 105 S. Ct. 3108, 87 L. Ed. 2d 126 (1985) (overruled by, *Knick v. Township of Scott, Pennsylvania*, 139 S. Ct. 2162 (2019)) ("*Williamson County*"). In that case, the Supreme Court of the United States held that "a property owner whose property has been taken by a local government has not suffered a violation of his Fifth Amendment rights—and thus cannot bring a federal takings claim in federal court—until a state court has denied his claim for just compensation under state law."

Knick appealed.

The United States Court of Appeals for the Third Circuit affirmed the District Court's decision in light of *Williamson County*.

Contributors

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Knick then appealed to the Supreme Court of the United States, which granted certiorari to reconsider the holding of *Williamson County*.

The Court's Decision: Judgment of United States Court of Appeals for the Third Circuit vacated, and matter remanded.

Overruling the holding in *Williamson County*, the Supreme Court of the United States held that a property owner has an actionable Fifth Amendment taking claim, "as soon as a government takes his [or her] property for public use without paying for it." In other words, the court concluded that a property owner whose property has been taken by a local government has suffered a violation of his or her Fifth Amendment rights at the time of taking if not paid at that time and thus can then bring a federal takings claim in federal court; the property owner need not first pursue a claim for just compensation under state law.

In so concluding, the court made clear its determination that the Fifth Amendment right to full compensation "arises at the time of the taking, regardless of post-taking remedies that may be available to the property owner." More pointedly, the court explained that "[t]he availability of any particular compensation remedy, such as an inverse condemnation claim under state law, cannot infringe or restrict the property owner's federal constitutional claim—just as the existence of a state action for battery does not bar a Fourth Amendment claim of excessive force." In other words, the court found that the existence of the Fifth Amendment right allows a property owner to proceed directly to federal court (under 42 U.S.C.A. § 1983).

The court found support for its holding in its finding that, in the *Williamson County* holding, it had failed to consider the "implications" and "unanticipated consequence" that a plaintiff bringing a compensation claim in state court "would—on proceeding to federal court after the unsuccessful state claim—have the federal claim barred because the full faith and credit statute required the federal court to give preclusive effect to the state court's decision."

Further, in its decision, the court seemingly sought to assuage concerns of local governments by emphasizing that "because the federal and nearly all state governments provide just compensation remedies to property owners who have suffered a taking, equitable relief is generally unavailable." The court said that "[a]s long as an adequate provision for obtaining just compensation exists, there is no basis to enjoin the government's action effecting a taking." Still, to square that with its holding here, the court explained "that is because . . . such a procedure is a remedy for a taking that violated the Constitution, not because the availability of the procedure somehow prevented the violation from occurring in the first place."

See also: *Jacobs v. U.S.*, 290 U.S. 13, 54 S. Ct. 26, 78 L. Ed. 142, 96 A.L.R. 1 (1933).

See also: *San Remo Hotel, L.P. v. City and County of San Francisco, Cal.*, 545 U.S. 323, 347, 125 S. Ct. 2491, 162 L. Ed. 2d 315 (2005).

Case Note:

Four of the five justices dissented in the case, contending that in overruling Williamson County, the court was overruling over 100 years of Fifth Amendment Takings Clause precedent. Moreover, the dissent warned that a consequence to the majority's holding here would be "to channel a mass of quintessentially local cases involving complex state-law issues into federal courts."

Preemption—Landowners challenge county zoning board's grant of a special exception and variance to a solar energy company

Solar energy company then argues that state statutory law preempts local zoning authority over solar energy generating systems

Citation: *Board of County Commissioners of Washington County v. Perennial Solar, LLC*, 2019 WL 3071755 (Md. 2019)

MARYLAND (07/15/19)—This case addressed the issue of whether Maryland statutory law—Maryland Code, § 7-207 of the Public Utilities Article—which grants the Maryland Public Service Commission general regulatory powers over generating stations, including Solar Energy Generating Systems, preempts local zoning authority with respect to the location and construction of Solar Energy Generating Systems.

The Background/Facts: Perennial Solar, LLC ("Perennial") sought to construct a Solar Generating System ("SEGS") on two contiguous farms totaling 86 acres in Washington County (the "County"). The proposed site for the SEGS was zoned Agricultural-Rural ("AR"). Under the County's Zoning Ordinance, SEGSs were allowed in the AR zoning district by special exception.

Perennial applied to the County's Board of Zoning Appeals (the "ZBA") for a special exception and a variance to construct the SEGS. The ZBA ultimately granted the request for a special exception and the variance.

Thereafter, a group of aggrieved landowners challenged the ZBA's decision in circuit court. The County intervened in the case. While the landowners' petition for judicial review was pending, Perennial filed a motion with the court, asking the court to find that it did not have subject matter jurisdiction to address the landowners' legal challenge on the ground of "state law preemption." Specifically, Perennial argued that Maryland Code, § 7-207 of the Public Utilities Article ("PU § 7-207"), which grants the Maryland Public Service Commission ("PSC") general regulatory powers over generating stations, including SEGSs, preempted local zoning authority—and thus the County Zoning Ordinance and the ZBA's authority—with respect to the location and construction of Perennial's proposed SEGS.

The circuit court granted Perennial's motion. The court concluded that PU § 7-207 preempted the County Zoning Ordinance, and that the PSC had "exclusive jurisdiction to approve the type of SEGS proposed by Perennial."

The County appealed.

The Court of Special Appeals affirmed the circuit court's judgment.

The County appealed to the Court of Appeals of Maryland. On appeal, the County maintained that "legislative intent reveal[ed] that local regulation of SEGS, and particularly their location, [was] not preempted by [PU § 7-207]." The County specifically argued that "the express power granted by the General Assembly to local and municipal zoning authorities to implement planning and zoning controls has not been expressly or impliedly preempted by state law with respect to the approval and location of SEGS." The County pointed to the fact that PU § 7-207 specifically "prescribed a role for local government . . . including the consideration of local planning and zoning" with respect to SEGSs that required a Certificate of Public Convenience and Necessity ("CPCN") issued by the PSC. Thus, the County argued that the General Assembly had not shown "an unequivocal intent to preempt the 'entire field' or to preclude local legislative bodies from enacting any ordinances and laws pertaining to the location of SEGS in their respective jurisdictions," and thus the County's zoning authority was not preempted with regard to SEGSs.

The Court's Decision: Judgment of Maryland Court of Special Appeals affirmed.

Agreeing with Perennial and the lower courts, the Court of Appeals of Maryland held that PU § 7-207 preempted local zoning authority with respect to SEGSs that require a CPCN issued by the PSC. Thus, the court concluded that state law preempted the County Zoning Ordinance and the ZBA's authority with respect to Perennial's proposed SEGS.

In so holding, the court first explained how Maryland state law may preempt local law: through (1) preemption by conflict; (2) express preemption; or (3) implied preemption. Regarding implied preemption—which was alleged here by Perennial—the court explained that "[s]tate law can preempt local ordinances by implication when 'the ordinance deals with an area in which the General Assembly has acted with such force that an intent to occupy the entire field must be implied.'"

To determine if implied preemption applied here, the court reviewed the statutory framework associated with PSC authority conferred by the Maryland General Assembly, and PSC's review and approval process for SEGSs, as well as the applicable provisions of the County Zoning Ordinance governing SEGSs and special exceptions. "Comparing the comprehensive provisions of PU § 7-207 against the applicable provisions of the [County] Zoning Ordinance," the court found that "both the statute enacted by the General Assembly and the local ordinance adopted by the County attempt to regulate the siting and location of SEGS." Specifically, the court found that under PU § 7-207, "the PSC is given the final authority to approve the location of SEGS, while under the Zoning Ordinance, the [ZBA] has the final authority to approve site-specific special exceptions and variances for the construction of SEGS." Noting that "only one of these bodies can have the final say on the matter," the

court concluded that “[u]ltimately, the final decision regarding whether to approve a generating station lies exclusively with the PSC.” The court found that was the clear intent of the General Assembly based on the “plain text of the statute, which specifically defines the role of local government, as well as planning and zoning considerations, in the PSC review and approval process.”

The court also found its conclusion “further bolstered” by its consideration of secondary factors in preemption analysis. The court found: (1) “state law . . . provide[s] for pervasive administrative regulation” with PU § 7-207 addressing “all regulatory matters associated with the approval and operation of [SEGSS], including siting and locational approvals”; (2) PU § 7-207 did not “expressly provide concurrent legislative authority to the local jurisdiction or require compliance with local planning and zoning ordinances,” but rather “expressly identif[i]d the local governing body’s role as a participant in a public hearing process, with the ability to make a ‘recommendation,’ which the PSC is required to give ‘due consideration’ before taking ‘final action’”; (3) comprehensive planning and local zoning regulations—“the particular aspect of the field sought to be regulated by the local government”—“ha[s] been addressed by the state legislation” in that the “statute gives the PSC the final approval authority over the siting and location of generating stations—the same authority sought to be exercised by the local government as part of its special exception and variance process”; and (4) “a two-tiered regulatory process as proposed by the County ‘would engender chaos and confusion’ if local zoning authority was not preempted.”

Further supporting its conclusion, the court found recent legislative attempts by the Maryland General Assembly clarified the role of local planning and zoning in SEGSSs. The court found that the General Assembly, in considering bills that were not enacted, and in considering a 2017 amendment, made clear that it “firmly intended that PU § 7-207 preempt by implication local zoning approval authority over SEGSS.” “‘If the General Assembly intended to change the existing law’ governing the siting of generating stations to require zoning approval by the local government in addition to PSC approval, ‘it certainly had the opportunity to do so,’ [and its] . . . failure to enact such measures ‘strongly suggests that there was no intent to allow local governments to enact different . . . requirements,’” said the court.

See also: *Howard County v. Potomac Elec. Power Co.*, 319 Md. 511, 573 A.2d 821 (1990).

Case Note:

In its decision, the court emphasized both that the PSC was the “ultimate decision-maker,” but also that “[a]lthough local zoning laws are preempted and therefore not directly enforceable by the local governments as applied to generating stations such as SEGSS, they are nevertheless a statutory factor requiring due consideration by the PSC in rendering its ultimate decision.”

Permits—Interstate pipeline operator challenges conditional use permit insurance requirements

Operator says state statutory law renders insurance conditions unenforceable

Citation: *Enbridge Energy Company, Inc. v. Dane County*, 2019 WI 78, 387 Wis. 2d 687, 929 N.W.2d 572 (2019)

WISCONSIN (06/27/19)—This case addressed the issue of whether Wisconsin statutory law—Wis. Stat. §§ 59.69(2)(bs) and 59.70(25)—which prohibits counties from requiring an interstate pipeline operation to obtain additional insurance when the pipeline operating company carries comprehensive general liability insurance with coverage for “sudden and accidental” pollution liability, rendered unenforceable two conditions in a conditional use permit issued to an energy company, where those two conditions required the company to carry environmental impairment liability insurance in addition to the comprehensive general liability insurance the company already carried.

The Background/Facts: Enbridge Energy Company (“Enbridge”) operates an interstate pipeline transporting liquid petroleum. In 2014, Enbridge applied for a zoning permit to expand a pumping station in the Town of Medina (the “Town”). The pumping station was part of an interstate pipeline that runs through Dane County (the “County”). The County Zoning Administrator determined that before a zoning permit could issue, the expansion and other improvements required a conditional use permit (“CUP”).

Enbridge applied for the CUP. The Town approved the CUP. The County’s Zoning and Land Regulation Committee (the “County Zoning Committee”) also approved the CUP with conditions. Among those CUP conditions were two that imposed insurance coverage requirements: Condition 7 required Enbridge to procure and maintain \$100,000,000 “General Liability Insurance with a timeline element exception to the pollution exclusion (currently in place,) and \$25,000,000 of Environmental Impairment insurance,” and to list the County “as an Additional Insured on the total of \$125,000,000 of combined liability insurance.” Condition 8 required the General Liability Insurance and Environmental Impairment Liability insurances meet explicit “technical insurance specifications.” The Town then re-approved the CUP with the County-approved conditions.

Thereafter, Enbridge appealed to the County Board of Supervisors (the “County Board”), challenging the two insurance requirements—conditions 7 and 8 of the CUP.

Before Enbridge’s appeal was heard, the Wisconsin Legislature passed 2015 Wisconsin Act 55 (“Act 55”), which prohibits counties from requiring an interstate pipeline operation to obtain additional insurance when the pipeline operating company carries comprehensive general liability insurance with coverage for “sudden and accidental” pollution liability. Specifically, § 1922am of Act

55 created Wis. Stat. § 59.69(2)(bs), which states that, “[a] part of its approval process for granting a [CUP] . . . , a county may not impose on a permit applicant a requirement that is expressly preempted by federal or state law.” And, § 1923e of Act 55 created Wis. Stat. § 59.70(25), which states that “[a] county may not require an operator of an interstate hazardous liquid pipeline to obtain insurance if the pipeline operating company carries comprehensive general liability insurance coverage that includes coverage for sudden and accidental pollution liability.”

The County ultimately recognized the Act 55 rendered the insurance conditions (i.e., conditions 7 and 8) of Enbridge’s CUP unenforceable. However, the County Board voted to deny Enbridge’s appeal and to keep the CUP with conditions 7 and 8.

Enbridge then appealed to the County Circuit Court. Enbridge argued that the insurance conditions of the CUP were unenforceable under Act 55. Meanwhile, owners of property (the “Landowners”) near Enbridge’s pumping station filed an action in circuit court, asking the court to “enforce and compel compliance with Condition 7 of the [CUP].” The circuit court consolidated the two actions. Then, agreeing with Enbridge, the circuit court concluded that Act 55 rendered the insurance conditions of the CUP “void and unenforceable,” striking the two conditions from the CUP. The circuit court also dismissed the Landowners’ injunction action “because the conditions the Landowners sought to enforce were unenforceable, and they ‘wouldn’t be enforcing anything.’”

The County and Landowners appealed. The court of appeals consolidated the appeals and reversed. The court held that Enbridge failed to show, “as required to trigger the Act 55 insurance limitation,” that it “‘carries’ insurance that ‘includes’ any particular coverage, and also failed to show that it carries coverage ‘for sudden and accidental pollution liability.’” In other words, “[t]he court of appeals construed Act 55 to mean ‘that the insurance limitation is triggered only after it is shown that an operator has the specified insurance, and it is not sufficient to show that the operator has carried this insurance in the past or might obtain it in the future.’” Here, the court of appeals found that Enbridge failed to show “that it would maintain the coverage delineated in Act 55, but instead pointed only to coverage that was, at best, lapsing.” The court of appeals also found that Enbridge “failed to demonstrate at any time that it carried sudden and accidental pollution liability insurance,” interpreting “sudden and accidental” to include “pollution that causes either ‘abrupt or immediate’ or ‘unexpected and unintended damages.’”

Enbridge appealed. Again, Enbridge maintained that because it carried the statutorily required insurance, Act 55 rendered the insurance conditions of the CUP unenforceable.

The Court’s Decision: Judgment of Court of Appeals reversed.

Agreeing with Enbridge, the Supreme Court of Wisconsin held that the insurance conditions imposed by the County in the CUP issued to Enbridge were “rendered unenforceable by Act 55.”

In so holding, the court looked at the text of Wis. Stat. §§ 59.70(25) and 59.69(2)(bs), finding the text to be “straightforward”: if an operator of an “interstate hazardous liquid pipeline” such as Enbridge carries Commercial General Liability (“CGL”) insurance that includes coverage for “sudden and accidental pollution liability,” “then a county may not require the operator to obtain additional insurance.” Thus, explained the court, if Enbridge carries CGL insurance for “sudden and accidental pollution liability,” then CUP conditions 7 and 8 requiring Enbridge to obtain additional insurance would be unenforceable.

Contrary to the findings of the court of appeals, the Supreme Court of Wisconsin found that Enbridge did carry CGL insurance for “sudden and accidental pollution liability.” The court concluded that the court of appeals wrongly interpreted the statutory requirement for “sudden and accidental” insurance to mean insurance for something “unexpected and unintended.” The court found that the court of appeals’ interpretation gave “sudden” and “accidental” the same, redundant meaning, when instead, “sudden” should have been interpreted “in a temporal sense.” In other words, the court determined that the “sudden and accidental” coverage referenced in Wis. Stat. § 59.70(25), did “not require coverage for all unexpected and unintended pollution regardless of when the pollution event is discovered or reported to the insurer,” but “requires only that the pipeline operator carry CGL insurance with coverage for ‘sudden and accidental’ pollution liability”—covering pollution events that “happen in certain timeframes.”

With that construction of the statute, the court concluded that Enbridge’s “time element” pollution insurance was “congruent with the ‘sudden and accidental’ coverage referenced in Wis. Stat. § 59.70(25).” More specifically, the court found that Enbridge’s CGL policy provided coverage for claims “arising from a pollution event that begins and is discovered within 30 days” after its occurrence “and is reported to the insurance company within 90 days.” Thus, the court concluded that Enbridge’s policy included “coverage broader than the statutorily-described insurance.” Since Enbridge carried CGL insurance coverage meeting, and in fact in excess of, that statutorily required, the court concluded that Wis. Stat. § 59.70(25) applied and precluded the County from requiring Enbridge to obtain additional insurance.

Finally, the court concluded that the proper remedy for the County’s imposition of the “unlawful insurance conditions” was to strike those conditions from the CUP.

See also: *Adams v. State Livestock Facilities Siting Review Bd.*, 2012 WI 85, 342 Wis. 2d 444, 820 N.W.2d 404 (2012).

See also: *Just v. Land Reclamation, Ltd.*, 155 Wis. 2d 737, 157 Wis. 2d 507, 456 N.W.2d 570, 20 Env’t. L. Rep. 21407 (1990) (rejected by *Upjohn Co. v. New Hampshire Ins. Co.*, 438 Mich. 197, 476 N.W.2d 392, 33 Env’t. Rep. Cas. (BNA) 1849 (1991)).

See also: *Lamar Cent. Outdoor, Inc. v. Board of Zoning Appeals of City of Milwaukee*, 2005 WI 117, 284 Wis. 2d 1, 700 N.W.2d 87 (2005).

Case Note:

On appeal to the Supreme Court of Wisconsin, the Landowners had asserted that Wis. Stat. § 59.70(25) not only required Enbridge to “carry” insurance but also required Enbridge to “maintain it in perpetuity in order to be exempt from [the] County’s imposition of additional insurance requirements.” The court rejected that argument, noting the statutory text did not require operators to “maintain” the specified insurance coverage. The text of the statute plainly precluded a county from requiring additional insurance provided the operator “carries” CGL coverage for sudden and accidental pollution, found the court. Thus, the court concluded that “[n]othing more is required of the operator in order to avail itself of the statutory exemption from additional, county-imposed insurance requirements.”

Case Note:

With regard to remedy, the court acknowledged that in Connecticut, the District of Columbia, and Hawaii, when a court holds permit conditions invalid and the conditions were integral to approval of the permit, the remedy applied is to reverse the permit approval and not to sever the invalid conditions (as the court did here). The court noted that there may be “circumstances in which reversing a CUP and remanding to allow the municipal authority to reconsider its decision would be appropriate,” such as when the law changes and the zoning board should have an opportunity to reevaluate the facts under the new legal standard. However, the court concluded that in this case “would be inappropriate given that [the] County knew when it approved the CUP that Act 55 rendered the insurance conditions invalid.”

Validity of Zoning Ordinance/Notice—Citizen residents of county appeal zoning amendment, arguing it is void for failure to comply with public hearing notice requirements

Although county noticed public hearings, its discussion on the zoning amendment was repeatedly continued to future meeting dates

Citation: *Abata v. Pennington County Board of Commissioners*, 2019 SD 39, 2019 WL 3022361 (S.D. 2019)

SOUTH DAKOTA (07/10/19)—This case addressed the issue of whether a county’s notice for a county board of commissioner’s meeting to consider a proposed zoning ordinance amendment was sufficient to satisfy due process.

The Background/Facts: Pennington County (the “County”) proposed an amendment (the “Amendment”) to the provisions of the Pennington County Zoning Ordinance (“PCZO”) that regulated mining permits. Notice of public hearings on the Amendment were published in three legal newspapers of the County. The notice stated that the County Planning Commission’s public hearing on the Amendment would be on December 18, 2017, and the County Board of Commissioners’ public hearing on the Amendments would be on January 2, 2018.

In December 2017, the County Planning Commission (the “Commission”) held the public hearing on the proposed Amendment. After hearing concerns on the Amendment, the Commission then voted to send the Amendment back to committee and continue discussion on the Amendment at the Commission’s January 8, 2018. Discussion was then continued to the Commission’s January 17 meeting, and then to its January 22 meeting. The Commission voted to approve the Amendment at the January 22 meeting.

Since the Commission discussion on the Amendment continued until late January, at the January 2 meeting of the County Board of Commissioners (the “Board”), which was the originally noticed public Board hearing on the Amendment, no discussion took place on the Amendment and the matter was placed on the consent agenda indicating a continuance until the Board’s January 16 meeting. As Commission debate on the Amendment continued, the Board’s consent agenda for its January 16 meeting noted that the Amendment hearing was again delayed until February 6. With a Commission recommendation to approve the Amendment, the Amendment was before the Board at its February 6 meeting for its first reading. Discussion on the Amendment was then continued to a February 13 special meeting. On February 13, the first reading was continued until February 20 and a special meeting was scheduled for February 23. On February 20, the Board approved the first reading of the Amendment, and scheduled an additional special meeting for February 27. On February 23, the Board held a work session for the Amendment and made changes to the Amendment. A second reading of the Amendment was then held on February 27, and at that meeting, the Board voted to adopt the Amendment.

Notably, each time the discussion on the Amendment was continued to the next Commission or Board meeting, hearing agendas for the Commission or Board meetings were posted on the County website and bulletin boards 24 hours before the meetings.

In March 2018, Duane Abata, Donald Burger, and Barrett Wendt (collectively, the “Citizens”) filed a complaint for declaratory relief. Among other things, the Citizens asked the circuit court to find that the Amendment was void for “failure to comply with the statutory notice provisions for the public hearings before the Planning Commission and the County[]” pursuant to South Dakota statutory law—SDCL 11-2-18 and -19.

SDCL 11-2-18 required the Commission to notice public “hearings” on zoning ordinances “at least ten days in advance by publication in a legal newspaper of the county.” SDCL 11-2-19 required the Board notice public “hearings” on zoning ordinances “at least ten days in advance by publication in a legal newspaper of the county.”

Finding there were no material issues of fact in dispute,

and deciding the matter on the law alone, the circuit court issued summary judgment in favor of the Citizens. The court agreed with the Citizens that the Amendment was void because “the County failed to comply with notice and hearing requirements by not providing legal notice of each of the continued hearings.”

The Board appealed. On appeal, the Board argued, among other things, that statutes specifically governing notice procedures for zoning ordinance amendments—SDCL 11-2-29 and -30—“require[d] only a single hearing before the Commission and Board on any proposed amendment and at least ten days’ notice of the hearing published in a legal newspaper of the county.”

SDCL 11-2-29 required the Commission to notice a “hearing” on zoning amendments “at least ten days in advance by publication in a legal newspaper of the county.” SDCL 11-2-30 required the Board to notice a “hearing” on zoning amendments “at least ten days in advance in a legal newspaper of the county.”

In response to the Board’s argument, the Citizens cited SDCL 11-2-28, which provided that any zoning ordinance modification be “presented to the board for adoption in the same manner and upon the same notice required for the adoption of the original resolution or ordinance.”

The Court’s Decision: Judgment of circuit court affirmed.

The Supreme Court of South Dakota held that legal notice was proper as to the Commission’s hearing on the Amendment but insufficient as to the Board’s hearing on the Amendment. Accordingly, the court held that the Amendment was therefore void.

Interpreting all of the statutes—SDCL 11-2-18, 11-2-19, 11-2-28, 11-2-29, and 11-2-30—to “give full effect to their provisions,” the court found explanation for the “differing uses of the word ‘hearing’ and ‘hearings’ present in the cited statutes.” The court found that SDCL 11-2-29 and -30 governed notice procedures for zoning ordinance amendments, and required notice for one hearing before the planning commission and notice for one hearing before the county board. SDCL 11-2-18 and -19 (referring to “hearings”) required one hearing on each of the respective three types of matters addressed by the statutes: comprehensive plan, zoning ordinance, or subdivision ordinance. The statutes did not, concluded the court, require a legal notice before continued hearings, but only a notice before a hearing in each of the matters considered in SDCL 11-2-18, -19, -29 and -30. In fact, noted the court, “[a]llowing the Commission and the Board flexibility to continue hearings without the burden of providing legal notice for each continued hearing allows for greater public debate over contentious issues such as [the Amendment],” while “[r]equiring legal notice for each continued hearing would significantly extend the amount of time to resolve controversial issues to ensure legal notice is provided at least ten days before each hearing,” which might discourage the continuation of hearings by public officials and thus “have the effect of suppressing the time allotted to the expression of public opinion.”

The court concluded that notice for the Board hearing on the Amendment was inadequate because the notice adver-

tised the Board discussion on the Amendment for January 2, 2018, while the Board did not consider the Amendment until February 6. The court said that consent agenda items indicating that discussion on the Amendment would be delayed did “not fulfill the notice requirements of SD requirements of SDCL 11-2-30 because the date of the hearing where the matter was formally considered and given full opportunity for public comment—February 6—was never advertised in a legal newspaper.” In other words, the court explained that, in addition to failing to comply with the plain language of SDCL 11-2-30, “advertising a date for a hearing and then delaying discussion does not fulfill the requirements of due process as it becomes increasingly difficult for those interested in the matter to determine the date of the hearing at which discussion will occur.”

Having concluded that the County failed to provide the legally required notice of the Board’s February 6, 2018 hearing on the Amendment, the court concluded that failure rendered the Amendment void.

Case Note:

On appeal, the Board had also argued that the Citizens did not have standing (i.e., the legal right) to challenge the Amendment. The Supreme Court of South Dakota disagreed. It explained that to establish standing in a declaratory judgment action—such as the action brought by the Citizens here—the plaintiff must have “personally . . . suffered some actual or threatened injury as the result of the putatively illegal conduct of the defendant.” Here, the court found that the Citizens demonstrated an actual or threatened injury affecting their property if the Amendment was enacted in violation of their due process rights because the Citizens resided near an existing mining operation whose operations would be affected by the Amendment and could adversely affect the Citizens by causing “traffic problems, health issues, environmental concerns, [and] reduced property values[.]”

Case Note:

On appeal, the Board had also argued that the Citizens had waived their objection to the notice requirements by attending the hearings on the Amendment. The court also rejected this argument. The court emphasized that “statutes setting forth procedural notice requirements for enacting zoning ordinances must be strictly complied with . . .” Thus, the court explained, “[i]n the face of noncompliance with procedures for enacting zoning ordinances, [the court has] rejected defenses such as estoppel and public acquiescence.” Accordingly, the court concluded that the fact that the Citizens were present and heard at the Commission and Board hearings on the Amendment did “not inherently validate” the Amendment. Rather, the court found it was the Board’s burden to comply with statutory notice requirements in order “to provide notice to all citizens potentially impacted by the enactment, not just those who later bring legal challenges.” Thus, the court concluded that the Citizens had “not waived their objections to alleged violations of due process.”

Zoning News from Around the Nation

MASSACHUSETTS

Several bills recently introduced in the state Legislature seek to limit the ability of nonprofits to bypass local zoning rules under the Dover Amendment. Specifically, S. 219 seeks to establish a special commission on the Dover Amendment. H. 1766 seeks to exempt “very small communities from certain applications of the so-called Dover Amendment.” H. 1765 seeks “to prevent nonprofit institutions from avoiding wetlands or natural resource protections under the so-called Dover Amendment.” H. 1791 aims “to prevent over saturation of clinical or educational programs in low income neighborhoods under the Dover [A]mendment without local approval.”

Source: *The Boston Globe*; www.bostonglobe.com

Source: *General Court of the Commonwealth of Massachusetts*; <https://malegislature.gov/>

The state Housing Appeals Committee has ruled that the Town of Braintree fails to meet a “safe harbor” provision of Chapter 40B. “Chapter 40B promotes responsible housing growth, by creating a streamlined permitting process for eligible projects that utilize subsidized financing, and that meaningfully accommodate lower-income residents.” The Town had argued that 1.5% of its general land area was used for low or moderate income housing—thus meeting a safe harbor provision under the law. But the Housing Appeals Committee found that “just under 1.4 percent of [the Town’s] general land area [was] used for low- or moderate-income housing.” This ruling could open the door for comprehensive permitting in the Town since, under Chapter 40B, “a developer can seek a comprehensive permit from the appeals board which allows a developer to by-pass local zoning and approvals for developments which include affordable housing.”

Source: *The Patriot Ledger*; www.patriotledger.com

Source: *Mass Housing*; www.masshousing.com

MISSOURI

The Farmington City Council recently approved zoning regulations relating to medical marijuana facilities. The new zoning regulation sets a buffer zone of 1,000 feet between medical marijuana facilities and schools, churches, and other dispensaries. The zoning regulations also restrict cultivation operations to an industrial park, sets the hours of dispensary operations, and prohibits onsite usage of marijuana products in any medical marijuana facility.

Source: *Daily Journal Online*; <https://dailyjournalonline.com>

NEW YORK

The Town of Bedford has been sued by a “consortium of gas station owners and operators” over local zoning laws that restrict to one zoning district the location where vaping products—or “electronic nicotine delivery services”—may be sold. Reportedly, the plaintiffs in the lawsuit argue that the town’s zoning law is invalid and unenforceable because it exceeds the town’s zoning authority since it is not regulating the use of land but instead is regulating the “perceived social evil of ‘youth vaping.’” A court has placed a temporary restraining order on the town’s enforcement of the zoning law pending the outcome of the litigation, finding that the plaintiffs “had demonstrated a likelihood or probability of success on the merits.”

Similarly, the Town of Islip is being sued for restricting “vape shops” to one zoning district. That town justifies the zoning restrictions based on the “secondary effects” of vape shops, including their contribution to “the blighting or downgrading of the surrounding neighborhoods or land uses.”

Source: *JDSupra*; www.jdsupra.com

NORTH CAROLINA

Governor Cooper has signed into law Senate Bill 483, which clarifies the Vacation Rental Act. Reportedly, “[t]he new state law . . . prohibits . . . local government . . . from enforcing ‘any ordinance that would require any owner or manager of rental property to obtain any permit or permission . . . to lease or rent residential real property’ and forbids any ‘special fee or tax on residential rental property that is not also levied against other commercial and residential properties.’”

Source: *INDY Week*; <https://indyweek.com>

RHODE ISLAND

In mid-July 2019, Governor Gina Raimondo signed “new legislation that allows homeowners to build accessory dwellings for family members.” Specifically, the new law “expands the definition of ‘family member’ to include child, parent, spouse, mother-in-law, father-in-law, grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household.” Previously, the law only permitted accessory housing units for family members who were elderly or disabled. Proponents of the new law say the expanded definition of “family member” allows for the accommodation of “other conditions beyond disabilities, particularly financial conditions.”

Source: *WPRI*; www.wpri.com

Zoning Bulletin

in this issue:

Signs/First Amendment/Fourteenth Amendment—City ordinance regulates “murals” and “signs” under different permit schemes	1
Conditional Use—Property owner contends zoning board’s “mere[] recitations of the relevant statutory language” in conditional use permit denial were “insufficient”	3
Vested Rights—Developer files land application years before zoning ordinance amendment, and files related zoning application years after zoning ordinance amendment	4
Exemption from Zoning/Electrical-Energy-Production Use—Local agency claims its proposed solar farm is exempt from city zoning regulations pursuant to state statutory law	5
Standing—Trial court finds neighboring property owners are not “aggrieved parties” and thus cannot challenge zoning decision	6
Zoning News from Around the Nation	7

Signs/First Amendment/Fourteenth Amendment—City ordinance regulates “murals” and “signs” under different permit schemes

Mural owner contends ordinance violates the First and Fourteenth Amendments

Citation: *Morris v. City of New Orleans*, 2019 WL 2995898 (E.D. La. 2019)

LOUISIANA (07/09/19)—This case addressed the issue of whether a zoning ordinance that distinguished murals from signs was an unconstitutional prior restraint and content-based regulation of expression in violation of the First Amendment and/or was void for vagueness under the Fourteenth Amendment.

The Background/Facts: In November 2017, Neal Morris (“Morris”) commissioned a local artist to paint a mural on commercial property that Morris owned in a residentially zoned historic district in the City of New Orleans (the “City”). The mural quoted a controversial statement made by President Donald Trump (“Trump”) in a 2005 “Access Hollywood” segment, replacing with pictograms two vulgar words used by Trump. Morris subsequently received a letter from the City’s Department of Safety and Permits, which advised Morris that his mural violated a section of the City’s Comprehensive Zoning Ordinance (the “Ordinance”). The letter advised that murals were not allowed on property in residentially zoned historic districts. Morris was instructed to remove the mural or face fines and jail time.

Morris responded by pointing out that the section of the Ordinance cited in the letter to him did not exist. He also contended that the Ordinance did not contain a blanket prohibition on murals in residentially zoned historic districts. The City did not respond.

Apparently fearing prosecution, Morris sued the City. He alleged that the Ordinance’s murals-permit scheme violated his First and Fourteenth Amendment rights. The First Amendment to the United States Constitution prohibits government laws that abridge the freedom of speech, including signs and murals, which are respectively “a form of expression” and “works of art.” The Due Process Clause of the Fourteenth Amendment to the United States Constitution provides that “[n]o person shall . . . be deprived of life, liberty or property without due process of law”—including through an “enactment [that] is void for vagueness [because] its prohibitions are not clearly defined.”

While Morris’ lawsuit against the City was pending, the City amended the Ordinance. The new Ordinance defined “murals” as “a work of art painted or otherwise applied to or affixed to an exterior surface that does not include any

on- or off- premise commercial advertising or does not otherwise meet the definition of a sign” The Ordinance defined “sign” as including “[a]ny structure . . . which proposes a commercial or economic transaction through advertisement.” The Ordinance required those proposing a mural to submit a mural permit application “to allow the City to determine whether the proposal is more properly permitted as a sign.”

Morris continued to challenge the newly amended Ordinance as unconstitutional in violation of the First and Fourteenth Amendments. He argued it violated the First Amendment because it “equat[ed] to a prior restraint and a content-based restriction of speech.” More specifically, Morris argued that the Ordinance violated the First Amendment as an unconstitutional content-based regulation of speech in three ways: (1) it regulated “murals” differently from “signs” based on their content; (2) it explicitly subjected murals to content review; and (3) “the City

improperly selectively enforce[d] the permit requirement, citing only those murals about which it ha[d] received complaints.” Morris explained that “[i]f a display affixed to an exterior surface contains a non-commercial message in the form of artwork, it is categorized as a ‘mural’ and subject to [certain] regulations [in the Ordinance], but if the display conveys a commercial message, it is considered a ‘sign’ and regulated under [a different Article of the Ordinance].” Morris contended that because the Ordinance required a zoning official to review the content of a wall display to determine whether it constituted artwork or contained commercial speech, “the murals-permit scheme [was] a content-based regulation that must satisfy strict scrutiny to survive”—justifiable only if the City could prove it was “narrowly tailored to satisfy compelling state interests.” Morris also argued that the Ordinance violated the Fourteenth Amendment because it “offer[ed] little guidance as to the distinction between a ‘sign’ and a ‘mural,’ which [were] treated separately in the [O]rdinance.”

Morris moved for summary judgment, asking the court to find there were no material issues of fact in dispute, and to decide the matter in his favor on the law alone.

DECISION: Motion for Summary Judgment granted to Morris.

Agreeing with Morris, the United States District Court, E.D. Louisiana, concluded that the Ordinance violated both the First and Fourteenth Amendments.

With regard to the First Amendment challenge, the court agreed that the Ordinance was subject to a “strict scrutiny” standard because it was “undeniably” a content-based regulation since it “separate[d] out commercial and non-commercial speech.” Specifically, the court found that the Ordinance indirectly regulated commercial speech in that it banned commercial messages in murals. The court pointed to the fact that, under the Ordinance: a proposed installation of a non-commercial work of art would require a mural permit, obtained through payment of a fee, a description of any commercial elements, and a sketch of the proposed mural to confirm that it does not contain commercial speech; and, in comparison, a proposed “work of art [that] conveys a commercial message” must obtain a sign permit, obtained through payment of a fee, submittal of a written description of the proposed work, and the proposed text of the sign. Unlike murals, the Ordinance restricted the size of signs, noted the court.

The court explained that under a “strict scrutiny” of review to determine the Ordinance’s constitutionality, the Ordinance would only be deemed constitutional if the City could show: (1) there was a substantial government interest in the regulation; (2) the regulation directly advanced that government interest; and (3) the regulation was “not more extensive than necessary to serve the interest.”

Here, the court found that the City failed to offer what governmental interest, if any, the different regulation of commercial and non-commercial artwork advanced—“such as traffic safety or community aesthetics.” Thus, the court concluded that “[b]ecause the City of necessity must determine whether a mural contains commercial speech, and, therefore, should be regulated as a sign, the ordinance

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is a prohibited free speech enemy and does not pass strict scrutiny, or even a more relaxed scrutiny test.” Thus, the court found the murals-permit scheme was unconstitutional insofar as it distinguished between commercial and non-commercial artwork.

Moreover, the court also agreed with Morris that the murals-permit scheme of the Ordinance was “impermissibly vague in violation of the Due Process Clause of the Fourteenth Amendment.” Again, the Ordinance defined “murals” as “a work of art painted or otherwise applied to or affixed to an exterior surface that does not include any on- or off- premise commercial advertising or does not otherwise meet the definition of a sign” Specifically, the court found the Ordinance’s “use of the indistinct, shapeless, and obscure phrases ‘work of art’ and ‘exterior surface’ fail[ed] to provide ‘sufficient guidance such that a [person] of ordinary intelligence would understand’ when a mural permit [was] required.”

In concluding that the Ordinance was facially invalid (i.e., invalid on its face), the court ordered the City enjoined from enforcing it.

See also: *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015).

See also: *Central Hudson Gas & Elec. Corp. v. Public Service Commission of New York*, 447 U.S. 557, 100 S. Ct. 2343, 65 L. Ed. 2d 341, 6 Media L. Rep. (BNA) 1497, 34 Pub. Util. Rep. 4th (PUR) 178 (1980).

See also: *Reagan National Advertising of Austin, Inc. v. City of Austin*, 377 F. Supp. 3d 670 (W.D. Tex. 2019).

Conditional Use—Property owner contends zoning board’s “mere[] recitations of the relevant statutory language” in conditional use permit denial were “insufficient”

Property owner thus argues the conditional use denial was unreasonable

Citation: *Utica Township Fire Department Incorporated v. Floyd County Board of Zoning Appeals*, 126 N.E.3d 912 (Ind. Ct. App. 2019)

INDIANA (06/07/19)—This case addressed the issue of whether a board of zoning appeal’s denial of a conditional use permit was a mere recitation of relevant statutory language such that it was insufficient and the denial was thus unreasonable.

The Background/Facts: In June 2017, the Utica Township Fire Department Incorporated (the “Fire Department”) bought property (the “Property”) in Floyd County (the

“County”) for use as an emergency medical services sub-station. The Property included a house and a two-stall garage, and was located in an area zoned for residential use.

After the Fire Department started using the Property as a sub-station, a complaint was filed with the County Planning Commission. That complaint asserted that the Fire Department’s operation of the sub-station in a residential zone was in violation of the County’s zoning ordinance. Thereafter, the Fire Department filed a Conditional Use Application with the County’s Board of Zoning Appeals (the “BZA”).

The County’s Zoning Ordinance required BZA approval of a conditional use application if: (1) the conditional use would “not be injurious to the public health, safety, moral, and general welfare of the community”; (2) “[t]he use and value of area adjacent to the [P]roperty [would] not be adversely affected”; (3) “[t]he need for the conditional use [did] not result from any conditions, unusual or peculiar to the subject property”; (4) “[t]he strict application of the terms of the . . . County Zoning Ordinance would result in an unnecessary hardship in the use of the property”; and (5) “[t]he approval of the conditional use [would] not contradict the goals and objectives of the . . . County Comprehensive Plan.”

Here, the BZA found that the Fire Department’s conditional use application met the first, second, third, and fifth requirements, but not the fourth. With regard to the fourth requirement, the BZA found that “[s]trict application of the terms of the . . . County Zoning Ordinance [would] not result in an unnecessary hardship in the use of the property because: it is a home [and] can be occupied [and] utilized as one in the future[.]” The BZA denied the Fire Department’s conditional use application because all five requirements of the County Zoning Ordinance were not satisfied.

The Fire Department appealed. The Fire Department contended that the BZA’s “mere[] recitations of the relevant statutory language” in its findings and denial were “insufficient.” As such, the Fire Department contended that the conditional use denial was unreasonable.

The trial court disagreed with the Fire Department, and affirmed the BZA’s decision.

The Fire Department appealed.

DECISION: Judgment of circuit court affirmed.

The Court of Appeals of Indiana held that the BZA had an “eminently reasonable rationale for denying the conditional use application.”

In so holding, the court found that the Fire Department’s claim that the BZA’s findings were “merely recitations” of the controlling ordinance was “simply inaccurate.” Rather, the court found that “the BZA included case-specific reasoning in each of its five findings.” With regard to the fourth conditional use requirement, the court noted that the BZA had found that strict application of the County Zoning Ordinance would “not result in hardship in the use of the property because: *it is a home [and] can be occupied [and] utilized as one in the future[.]*” (Emphasis added.) In other words, the court found that strict application of the County Zoning Ordinance—and denial of the Fire Depart-

ment's conditional use application for use of the Property as an emergency medical services sub-station—was reasonably found to not cause an unnecessary hardship since the Fire Department's purchased dwelling could be used as a dwelling in the future.

See also: *Riverside Meadows I, LLC v. City of Jeffersonville, Indiana Board of Zoning Appeals*, 72 N.E.3d 534 (Ind. Ct. App. 2017).

Vested Rights—Developer files land application years before zoning ordinance amendment, and files related zoning application years after zoning ordinance amendment

Developer contends prior zoning ordinance applies to proposed development, but township argues new zoning ordinance applies

Citation: *In re Board of Commissioners of Cheltenham Township*, 2019 WL 3219255 (Pa. 2019)

PENNSYLVANIA (07/17/19)—This case addressed the issue of whether Subsection 508(4)(i) of the Pennsylvania Municipalities Planning Code (53 P.S. § 10508(4)(i))—which precludes a municipality from changing its “zoning, subdivision or other governing ordinance or plan” subsequent to the filing of a land development application and then applying the new version of any of those municipal enactments to the then-pending application—extends to zoning applications submitted to a municipality's zoning hearing board that are related to the land development application and filed with the zoning hearing board during the pendency of the land development application and after an adverse zoning change.

The Background/Facts: Hansen-Llyod, L.P. (“Developer”) owned land in an age-restricted overlay zoning district in Cheltenham Township (the “Township”). Developer sought to construct on that land an age-restricted housing development. In December 2008, in accordance with the Township's Subdivision Code, Developer submitted to the Township Board of Commissioners (the “Commissioners”) for approval a tentative sketch plan (the “2008 Sketch Plan”) of the proposed development. The Township's Zoning Ordinance in effect at that time (the “2008 Zoning Ordinance”) permitted age-restricted housing by special exception. Accordingly, Developer needed to obtain a special exception for its proposed age-restricted housing use.

Following Developer's December 2008 Sketch Plan

submission to the Commissioners, Developer and the Commissioners entered into negotiations regarding development of Developer's property. Those negotiations spanned years, and the 2008 Sketch Plan remained pending with the Commissioners into 2019.

In July 2010, the Commissioners amended the Township's Zoning Code to repeal the age-restricted overlay district created by the 2008 Zoning Ordinance in its entirety. In February 2012, the Commissioners enacted an ordinance that created a new-age restricted overlay district in the Township (the “2012 Zoning Ordinance”). While the 2012 Zoning Ordinance also permitted age-restricted housing by special exception, it contained more stringent dimensional criteria than the 2008 Zoning Ordinance.

When the negotiations between Developer and the Commissioners failed, Developer sought to move forward on its originally proposed age-restricted housing development as depicted in the 2008 Sketch Plan that remained pending before the Commissioners. In May 2015, Developer filed a zoning application (the “2015 Zoning Application”) with the Township's Zoning Hearing Board (the “ZHB”). The 2015 Zoning Application sought the special exception required for it to construct its proposed age-restricted development. Developer's zoning requests would not satisfy the more stringent special exception criteria under the 2012 Zoning Ordinance, and Developer sought special exceptions to permit the development under the 2008 Zoning Ordinance that was in effect at the time it filed its 2008 Sketch Plan.

As the ZHB considered Developer's 2015 Zoning Application, the Commissioners argued that the 2012 Zoning Ordinance applied because it was in effect at the time Developer filed its 2015 Zoning Application. More specifically, the Commissioners pointed to Section 917 of the Pennsylvania Municipalities Planning Code (“MPC”), which “prevents zoning changes from adversely affecting the decision on a pending zoning application and entitles the applicant to a decision based on the ordinances in effect at the time the zoning application is filed.” Developer maintained that the 2008 Zoning Ordinance controlled pursuant to Subsection 508(4)(i) of the MPC, which “precludes a municipality from changing its ‘zoning, subdivision or other governing ordinance or plan’ subsequent to the filing of a land development application and then applying the new version of any of those municipal enactments to the then-pending application.”

Ultimately, the ZHB concluded that the 2008 Zoning Ordinance governed its review of the 2015 Zoning Application. The ZHB granted the 2015 Zoning Application.

The Commissioners appealed to the trial court. The trial court affirmed the ZHB's decision. The trial court found “that the law clearly permitted a developer to obtain ‘vesting rights’ by filing either a land development application or a zoning application, and that because Developer chose to file its 2008 Sketch Plan first, it obtained vesting rights . . . in the 2008 Zoning Ordinance.”

The Commissioners again appealed, and the Commonwealth Court affirmed. The Commonwealth Court

concluded that the 2008 Zoning Ordinance governed Developer's 2015 Zoning Application. The court concluded that Subsection 508(4)(i)'s "protection naturally extends to decisions regarding zoning relief where such relief is a necessary part of the land development plan."

The Commissioners again appealed.

DECISION: Judgment of Commonwealth Court affirmed.

The Supreme Court of Pennsylvania held that Subsection 508(4)(i)'s protection of pending land development applications does extend to zoning applications filed with a municipality's zoning hearing board that are related to the land development application and filed with the zoning hearing board during the pendency of the land development application and after an adverse zoning change.

In so holding, the court analyzed the language of Subsection 508(4)(i) and Section 917, finding they both "clearly provide[] the same type of protection for a proposed development project" in that "both provisions protect pending applications (land development applications under Subsection 508(4)(i) and zoning applications under Section 917) that are filed in relation to a development project from zoning changes that are made during the pendency of the respective application and would adversely affect the decision on the respective application." The court found it important that "neither Subsection 508(4)(i) nor Section 917 require[d] submission of one application before the other." Thus, the court concluded that Developer "was free to begin the development process with the filing of either a land development application under Section 508 of the MPC, or a zoning application under Section 917 of the MPC." Since, here, Developer filed its land application first (i.e., the 2008 Sketch Plan), and the 2008 Zoning Ordinance was in effect at that time, the court concluded that Developer was "entitled to a decision on the 2008 Sketch Plan in accordance with the 2008 Zoning Ordinance as long as the 2008 Sketch Plan remain[ed] pending."

The court further concluded that where "zoning relief is a necessary part of the land development plan"—such as here where the Subdivision Code required Developer's 2008 Sketch Plan comply with the Zoning Code unless granted special exceptions by the ZHB—Section 508(4)(i)'s protection of pending land development plans extends to the decisions on the requested zoning relief needed for purposes of land development plan approval. The court explained that, "to hold otherwise would enable a municipality to disapprove a pending land development plan based on a zoning change adverse to the land development plan in contravention of the protection offered by Subsection 508(4)(i)." Accordingly, here, the court concluded that Subsection 508(4)(i)'s protection of pending land development plans from adverse zoning changes extended to Developer's 2015 Zoning Application, and thus the 2008 Zoning Ordinance governed Developer's 2015 Zoning Application.

Exemption from Zoning/ Electrical-Energy- Production Use—Local agency claims its proposed solar farm is exempt from city zoning regulations pursuant to state statutory law

City contends exemptions do not apply
since solar farm will transmit electrical
energy and could be located elsewhere

Citation: *City of Hesperia v. Lake Arrowhead Community Services District*, 2019 WL 3242974 (Cal. App. 4th Dist. 2019)

CALIFORNIA (07/19/19)—This case addressed the issue of whether a solar energy project proposed by a local agency was exempt from the zoning ordinances of the city in which the project was to be developed under either: (a) California Government Code § 53091(e), which provides an absolute exemption for the "location or construction of facilities . . . for the projection or generation of electrical energy"—unless the facilities are "for the storage or transmission of electrical energy;" or (b) California Government Code § 53096(a), which provides a qualified exemption for an agency's proposed use upon (1) a showing that the development is for facilities "related to storage or transmission of water or electrical energy" and (2) a resolution by four-fifths of the agency's members that "there is no feasible alternative to [the agency's] proposal."

The Background/Facts: The Lake Arrowhead Community Services District (the "District") is a community services district. It was established in 1978 and authorized to "provide water and wastewater treatment services within its boundaries." The District proposed a solar energy project (the "Project") on portions of a 350-acre parcel of land that it owned (the "Project Site").

The Project Site was located within a "Rural Residential" zoning district in the City of Hesperia (the "City"). The District's Project qualified as a "solar farm" under the City's Municipal Code (the "Code"), and the Code only allowed solar farms on "nonresidential and nonagricultural designated properties with approval of a conditional use permit by the planning commission."

In May 2015, the City provided the District with comments regarding the proposed Project. The City commented that the Project would "require[] a general plan amendment and zone change to be [filed] with the City" and would be in violation of a Code section precluding solar farms from within 660 feet of agriculturally designated property.

Eventually, the District adopted a resolution (the “Resolution”), determining that the Project was exempt from the City’s zoning ordinances pursuant to state statutory law. Specifically, the District concluded that the Project constituted a “facilit[y] for the generation of electrical energy” and therefore met the criteria for exemption from the City’s zoning ordinances pursuant to California Government Code § 53091(e). Government Code § 53091(e) provides an absolute exemption for the “location or construction of facilities . . . for the projection or generation of electrical energy”—unless the facilities are “for the storage or transmission of electrical energy.” The District also concluded that it was “not feasible to install the [Project] at any other locations other than the [Project Site],” and that therefore the Project was also exempt from the City’s zoning ordinances pursuant to Government Code § 53096(a). Government Code § 53096(a) provides a qualified exemption for an agency’s proposed use upon (1) a showing that the development is for facilities “related to storage or transmission of water or electrical energy” and (2) a resolution by four-fifths of the agency’s members that “there is no feasible alternative to [the agency’s] proposal.”

The City brought a legal action against the District (among others). Among other things, the City alleged that the District was not exempt from the City’s zoning ordinances. The City asked the trial court to declare such.

The trial court agreed with the City and concluded that the exceptions found at Government Code sections 53091(e) and 53096(a) did “not apply to the [District’s] Project.”

The District appealed.

DECISION: Judgment of Superior Court affirmed.

The Court of Appeal, Fourth District, Division 1, California, held that the District’s Project was not exempt from the City’s zoning ordinances under Government Code sections 53091(e) and 53096(a).

Looking at the language of section 53091, the court found that it required local agencies—such as the District here—to comply with all applicable zoning ordinances unless the City’s zoning ordinances do not apply “to the location or construction of facilities . . . for the projection or generation of electrical energy” (§ 53091(e)). The court further found that the statute provided an exception to that exemption—thus resulting in application of the applicable zoning ordinances—when the proposed facilities are “for the storage or transmission of electrical energy by a local agency, if the [municipality’s] zoning ordinances make provision for those facilities” (§ 53091(e)). In other words, for the Project to be exempt from the City’s zoning ordinances, the District had to establish that “the location or construction of facilities” for its Project “both involved ‘the production or generation of electrical energy’ and did not involve ‘the storage or transmission of electrical energy.’”

Here, the court found that the District’s Project involved the “location or construction of facilities . . . for the production or generation of electrical energy”—thus invoking § 53091(e)’s exemption to zoning ordinance application. However, the court also found that the exception to that

exemption applied in that the District’s Project included the “transmission of electrical energy” (as the District had contracted for its energy to flow through an existing distribution system) and the City’s zoning ordinances provided for such facilities. Thus, the court concluded that § 53091(e)’s exemption from municipal zoning ordinances did not apply to the District’s Project.

The court acknowledged that “[e]ven where proposed facilities, like the District’s Solar Project, ‘relate[] to’ the transmission of electrical energy, section 53096(a) allows an exemption from local land use regulation upon a specified showing—which includes a resolution (by a vote of four-fifths of the local agency’s members) ‘that there is no feasible alternative to [the agency’s] proposal’ in light of the four feasibility factors set forth in section 53096, subdivision (c).” Here, the court further concluded that § 53096(a)’s qualifying exemption from municipal zoning ordinances also did not apply to the District’s Project because the court found that there was no substantial evidence to support the District’s finding that there was no feasible alternative to installing the Project at a location other than the Project Site. The court found that, at best, the evidence presented supported a finding that the Project Site was a good location for the Project. However, the court found the evidence cited by the District failed to “mention, let alone ‘tak[e] into account’ the feasibility factors associated with any alternative location, as required by section 53096(c).”

Standing—Trial court finds neighboring property owners are not “aggrieved parties” and thus cannot challenge zoning decision

Trial court also finds neighbors “ineligible for equitable relief based on the doctrine of unclean hands” because they were violating a zoning approval while simultaneously challenging a zoning decision

Citation: *Plaxton v. Zoning Board of Adjustment*, 2019 WL 2931703 (Pa. Commw. Ct. 2019)

PENNSYLVANIA (07/09/19)—This case addressed the issue of whether neighboring property owners who objected to a zoning decision to grant a use variance had standing (i.e., the right to bring legal action) as aggrieved parties. The case also addressed whether the “doctrine of unclean hands” applied to prohibit the objectors’ challenge to the zoning decision.

The Background/Facts: 1903 Spring Garden Associates, LP (“Applicant”) sought a use variance to park four

vehicles in the rear yard of its property (the "Property") in the City of Philadelphia (the "City"). Arthur Plaxton and Eleke Plaxton (the "Plaxtons") owned property adjacent to the Applicant's Property. The Plaxtons opposed the Applicant's application for a use variance. The Plaxtons acknowledged that there was a "lack of parking in the neighborhood" and that it was "usual and customary for property owners to use rear yards for parking." The Plaxtons further acknowledged that they had obtained zoning approval to alter the rear of their own property, which they had been using for parking vehicles. However, the Plaxtons expressed concerns with the Applicant's proposed rear-property parking because of: the close proximity to their property; visual impacts; the fact that cars would have to trespass over their property to exit the rear of the Applicant's Property; and the potential damage to the Plaxtons' building.

In April 2017, the City's Zoning Board of Adjustment (the "ZBA") approved Applicant's use variance, allowing the Property's rear yard to be used for four parking spaces.

The Plaxtons appealed.

The trial court found that the Plaxtons lacked standing (i.e., the right to bring the legal action) because they failed to show they were "aggrieved." Specifically, the trial court found that the Plaxtons "failed to prove that the granting of the variances would have some discernible effect on some interest of the [Plaxtons] in a way that is greater than that of any other citizens." Furthermore, the trial court concluded that the Plaxtons were "ineligible for equitable relief based on the doctrine of unclean hands." The unclean hands doctrine provides that "[a] court may deprive a party of equitable relief where, to the detriment of the other party, the party applying for such relief is guilty of bad conduct relating to the matter at issue." Here, the court found that the unclean hands doctrine barred the Plaxtons from zoning relief because the Plaxtons used their rear yard for parking vehicles in violation of the terms of their zoning approval "while at the same time objecting to and appealing from the [ZBA's] granting of a variance allowing accessory parking in the rear of Applicant's Property . . ."

The Plaxtons appealed. They argued they had standing in that they were aggrieved as evidenced by the "close proximity [of Applicant's Property] to their property," as well as the alleged consequences of granting the use variance to Applicant, including visual impacts, trespass onto the Plaxtons' property, and potential damage to their building.

DECISION: Judgment of Court of Common Pleas reversed, and matter remanded.

The Commonwealth Court of Pennsylvania held that the Plaxtons had standing as aggrieved parties given their property's close proximity to the Applicant's Property. The court also held that the doctrine of unclean hands was inapplicable here since the Plaxtons were pursuing a statutory remedy and not an equity action.

The court explained that an owner of property "that is adjacent to or abuts the property at issue is 'aggrieved' and has standing to appeal a [zoning] board decision." The court said that when, as here with the Plaxtons' property, a

property is located in close proximity to the property that is the subject of the zoning decision, "the zoning decision is presumed to have an effect on the property owner's property" and the "property owner need not establish pecuniary or financial loss. . . ."

The court also explained that when there is a statutory remedy, "equity has no place." Thus, where the applicable zoning law provides an adequate remedy—allowing for a statutory appeal such as that brought by the Plaxtons here—the "equitable unclean hands doctrine cannot be used to bar [o]bjectors from challenging the [zoning decision]." Accordingly, the court found that the trial court had erred in dismissing the Plaxtons' appeal on that basis.

Having concluded that the Plaxtons had standing to appeal the ZBA's decision to grant the variance to the Applicant, the appellate court remanded the matter to the trial court to address the merits of the Plaxtons' appeal.

See also: *Laughman v. Zoning Hearing Bd. of Newberry Tp.*, 964 A.2d 19 (Pa. Commw. Ct. 2009).

See also: *Borough of Trappe, Montgomery County v. Longaker*, 120 Pa. Commw. 180, 547 A.2d 1311 (1988).

Zoning News from Around the Nation

CALIFORNIA

The state Legislature is considering Assembly Bill 1482, which would "bar property owners in California from increasing rent more than 7 percent, plus the cost of inflation, in one year." The bill would also require landlords have "just cause" to terminate a lease.

Source: *Curbed Los Angeles*; <https://la.curbed.com>

The San Diego City Council recently approved new zoning policies. Among other things, the new policies streamline development approval and create new mixed-use zoning districts. City officials tout the policies as intending to "help solve the city's housing crisis and help San Diego meet the goals of its climate action plan by encouraging more housing construction near job sites to reduce commutes." The policies reportedly encourage more affordable housing units "by calculating project densities in a new way called 'floor area ratio,' " under which the city allows a certain amount of square feet of housing per acre (instead of units per acre). Further, the new policies "broaden the types of businesses that can legally occupy the ground floor of mixed-use projects and even allow housing in some cases."

Source: *The Los Angeles Times*; www.latimes.com

HAWAII

The City of Honolulu is reportedly facing multiple lawsuits related to its new laws (passed in June 2019) regulating vacation rentals. The new laws permit up to 1,715 owner-occupied bed-and-breakfast rentals, and set fines for illegal rentals of \$1,000 for the first offense and up to \$10,000 for repeated violations. The new laws also ban all vacation rentals outside of resort areas. A lawsuit

brought by the Hawaii Vacation Rental Owners Association reportedly argues that the new law “is unconstitutional and violates laws governing zoning and administrative procedures.” A second lawsuit brought by the owners at the Waikiki Banyan condos reportedly seeks a temporary injunction to prohibit the city from enforcing the new law.

Source: *Hawaii News Now*; www.hawaiinewsnow.com

MISSOURI

The Sikeston City Council has adopted zoning regulations covering medical marijuana dispensaries. Under the new regulations, such dispensaries: must be 1,000 feet from schools, churches and day cares; are limited to operating between the hours of 7:00 a.m. until 7:00 p.m.; and restricted to specified zoning districts.

Source: *Standard Democrat*; <https://standard-democrat.com>

PENNSYLVANIA

The state Legislature is considering House Bill 1400, which would streamline the process for installing wireless 5G infrastructure. Proponents of the bill say it will “spur jobs, economic growth, and new investment” by enabling “new and innovative applications, such as telemedicine,

autonomous vehicles, and increased educational and training opportunities,” attracting “an infusion of private capital investment,” and serving as “the foundation for smart cities.” Critics of the bill contend that the “proposed legislation doesn’t solve the lack of rural broadband access,” but instead will “render local zoning control useless, as [under the proposed bill,] municipalities are not permitted to review applications for compliance with zoning regulations or deny proposed facilities for not meeting zoning requirements.”

Source: *The Philadelphia Inquirer*; www.inquirer.com

TEXAS

In late May, Governor Greg Abbott signed into law House Bill 2439, which prohibits municipalities from adopting or enforcing regulations that limit the use or installation of a building product or material that is approved for use by a national model code. Critics note that once the law goes into effect in September 1, 2019, “planned development and special use permits dealing with building materials will also become void” and “zoning cases cannot consider building materials as part of the case assessment process.”

Source: *Carrollton Leader*; <https://starlocalmedia.com>



Elko County Planning Commission

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GIS/CADD OPERATOR
Peggy Pierce-Fitzgerald, CFM

PUBLIC MEETING NOTICE

The Elko County Planning Commission, County of Elko, State of Nevada, will meet on Thursday, September 19, 2019, in the Nannini Administration Building, Suite 102, 540 Court Street, Elko, Nevada 89801 at 5:15 PM. Pacific Time Zone

Attached with this Notice is the Agenda for said meeting of the Board.

This Notice is posted pursuant to NRS 241 as amended by the 2017 Legislature and is to be posted at the following places no later than three full working days before the meeting:

ELKO COUNTY MANAGER'S OFFICE

ELKO COUNTY COURTHOUSE

ELKO COUNTY LIBRARY

ELKO CITY HALL

ELKO COUNTY WEBSITE: www.elkocountynv.net

ROBERT K. STOKES
Elko County Manager

WELCOME TO AN ELKO COUNTY BOARD OR COMMISSION MEETING!

We are pleased you are interested in a meeting of one of Elko County's Boards or Commissions. Below is some basic information about our meetings and procedures for you to participate in your government.

AGENDAS

The agenda is available on the Elko County website at www.elkocountynv.net. Hard copies are made available at the meeting, upon request at the County Manager's Office or posted as per NRS 241. Meetings are broadcast live from our website, under the Meetings tab on the home page of the website and then under Agendas, Videos, etc. You can also click the Watch Our Meetings tab on the right side of the home page. Videos of the meeting are available within 24 hours of the end of the meeting. Minutes, when finalized and approved by the Board/Commission, are also posted to that page.

PUBLIC COMMENT

The public's participation in our meetings is valued and appreciated. The Board/Commission can only take action on items that are listed on an agenda properly posted prior to the meeting. During Comments by the General Public, speakers may address matters not listed on the agenda. The Open Meeting Law does not expressly prohibit responses to public comment by the Commissioners, but no deliberation on a matter can be considered without notice to the public. Public comment will be called for on all agenda items marked For Possible Action.

If you are planning to speak during the meeting, please sign the sign-in-sheet at the back of the meeting room. This helps our recording clerk get the correct spelling of your name. When comments are called for, please approach the podium and state your name and who you represent.

If submitting comments or information on an agenda item, please submit to the County Manager's Office as soon as possible in order to provide opportunity for Board/Commission members to review and to avoid possible delays in a decision if not all information is presented previous to the start of a meeting. If information is presented at the meeting, you need to provide at least 10 copies, making sure to submit a copy to the recording secretary for the official public record. All information submitted becomes part of the public record and is added to the backup information for that agenda item on our website with 24 hours of the adjournment of the meeting.

Another avenue for making comments on agenda items, especially if you can't make a meeting, is called e-Comment. If you open the agenda under the process described above, you will find a link by the agenda called e-Comment. Click on the link and follow the directions to register to comment and you are set to comment on specific agenda items. Please note that the e-comment period for a specific agenda closes 24 hours before the start of the meeting to allow those comments to be transmitted to our Board/Commission members and recording staff. Those reports are also uploaded to our agenda on the website.

CONSENT AGENDA

Items listed under the Consent Agenda are considered to be routine in nature and are normally approved by one motion without extensive discussion. If a Board/Commission member wishes to comment or discuss a particular item, that item can be removed from the consent agenda and considered as a separate action during the meeting.



**ELKO COUNTY PLANNING COMMISSION
COUNTY OF ELKO, STATE OF NEVADA MEETING
THE NANNINI ADMINISTRATION BUILDING, SUITE 102,
540 COURT STREET, ELKO, NEVADA 89801.**

5:15 PM Pacific Time Zone

Thursday, September 19, 2019

IN ACCORDANCE WITH NRS 241, THE COMMISSION MAY: (I) CHANGE THE ORDER OF THE AGENDA, (II) COMBINE TWO OR MORE AGENDA ITEMS FOR CONSIDERATION, (III) REMOVE AN ITEM FROM THE AGENDA OR DELAY DISCUSSION RELATING TO AN ITEM ON THE AGENDA AT ANY TIME, (IV) AND IF THE AGENDA IS NOT COMPLETED, RECESS THE MEETING AND CONTINUE ON ANOTHER SPECIFIED DATE AND TIME. THE PUBLIC CAN COMMENT ON ANY AGENDA ITEM BY BEING ACKNOWLEDGED BY THE CHAIR WHILE THE COMMISSION CONSIDERS THAT AGENDA ITEM.

POSTING

This agenda is posted pursuant to NRS 241 as amended by the 2017 Legislature and was posted at the following locations no later than 9:00 a.m. (Pacific Time Zone), on September 16, 2019: ELKO COUNTY COMMUNITY DEVELOPMENT, ELKO COUNTY MANAGER'S OFFICE, ELKO COUNTY COURTHOUSE, ELKO COUNTY LIBRARY, ELKO CITY HALL, ELKO COUNTY WEBSITE (www.elkocountynv.net), STATE OF NEVADA'S PUBLIC NOTICE WEBSITE (<https://notice.nv.gov>).

REQUEST FOR AGENDA INFORMATION

The public may acquire this agenda and supporting materials, pursuant to NRS 241 by contacting Corey Rice at (775) 748-0214 or via email to crice@elkocountynv.net or, Peggy Pierce Fitzgerald at (775) 748-0215 or via email to pfitzgerald@elkocountynv.net. Materials are available from the Elko County Planning and Zoning Office, Nannini Administration Building, located at 540 Court Street, Suite 104, Elko, Nevada 89801 or on the Elko County website at www.elkocountynv.net.

NOTICE OF THE APPEAL PROCESS

Anyone aggrieved by an action of this Planning Commission may appeal such decision to the Elko County Board of County Commissioners within 10 calendar days of said action. An appeal form may be obtained from the Division of Planning and Zoning located at 540 Court Street, Suite 104, in Elko. When completed, return the appeal form with the required \$250.00 filing fee to the Division of Planning and Zoning within the 10 calendar day period.

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 Elko County Planning Commission in writing at 540 Court Street, Suite 104, Elko, Nevada 89801, email pfitzgerald@elkocountynv.net or crice@elkocountynv.net or by calling (775) 738-6816.

PROCEDURES

The public will be given the opportunity to comment on any agenda item by being acknowledged by the chair prior to action being taken by the Planning Commission.

Breaks and recess actions shall be called for at the pleasure of the Commission rather than by agenda schedule. Please place your cell phones on manner mode.

"FOR POSSIBLE ACTION" identifies an action item subject to a vote of the Commission.

A. CALL TO ORDER AT 5:15 P.M.

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF MINUTES

C.1. APPROVAL OF MINUTES

Discussion and consideration of approval of minutes from July 18, 2019.

FOR POSSIBLE ACTION

[ECPC July 18, 2019 Minutes Draft.pdf](#)

D. COMMENTS BY THE GENERAL PUBLIC

Pursuant to NRS 241 this time is devoted to comments by the general 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 to be an action item.

NON-ACTION

E. PUBLIC HEARINGS

- E.1. Discussion and consideration of Application 19-6000-0004, Douglas C. & Penny L. Peifer requesting a front yard reduction from fifty feet (50') to sixteen feet (16') in a Agricultural Residential (AR) zoning district for a detached garage/shop.

APPLICATION: An application submitted by Douglas C. and Penny L. Peifer requesting a variance request for a front yard reduction from fifty feet (50') to sixteen feet (16') in a Agricultural Residential (AR) zoning district for a detached garage/shop per ECC 4-9-5.

LOCATION: APN 023-020-005. Located in the Pleasant Valley Estates Subdivision, Block T, Lot 5, as recorded in the Office of the Elko County Recorder as File No. 5976. Located in the N½ of Section 26, Township 33 North, Range 57 East, M.D.B. & M.

Physical address: 344 Diamond Lady Lane, Spring Creek, NV.

APPLICANT/OWNER: Douglas C. & Penny L. Peifer

FOR POSSIBLE ACTION

[19-6000-0004, Douglas Peifer Staff Report.pdf](#)

F. OTHER BUSINESS

NON-ACTION

G. STAFF UPDATE AND COMMISSIONERS COMMENTS

This time is devoted to comments by Elko County Planning Commissioners and/or County Staff for general information or update purposes. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item.

NON-ACTION

H. COMMENTS BY THE GENERAL PUBLIC

Pursuant to NRS 241 this time is devoted to comments by the general 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 to be an action item.

NON-ACTION

I. ADJOURNMENT

E-COMMENT

POSTING CERTIFICATE

ELKO COUNTY IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER.